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WATER LEGAL JUJITSU IN FLINT AND DETROIT STOPPING ACCOUNTABILITY AND ACTION

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By Robert Weiner and Olivia Ardito

Ten years later, it's clear that water has become subject to legal jujitsu in Flint and Detroit.

What Flint and Detroit have in common is that authorities' legal gymnastics abound with bureaucrats protecting each other — and left the clear decision-making to deny good water unresolved, legal responsibility abandoned. Detroit and Flint should Fight the Water Bureaucrats, and get the state and city officials to atone. Authorities have circled the wagons and left the crises unresolved. The Detroit and Flint officials, as well as state leaders, who made the decisions should be prosecuted and disciplined more forcefully.

Flint went from being a relatively small city in Michigan known for its strong labor ethic to dominating the headlines of national news overnight in 2014. Shocking images surfaced that showed filthy, putrid brown water coming out of the sinks of homes all over the city. Studies revealed that the water was full of lead and bacteria that caused a variety of medical ailments, notably lead poisoning, to plague the population. At least 115 people died. This was the Flint Water Crisis, and it has mysteriously disappeared from the media.

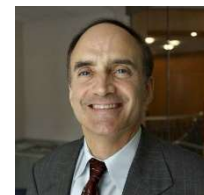
A group of Flint residents understandably decided to sue Michigan state officials for the damage, deaths, and illnesses that the tainted water caused. The governor and his team chose to change from the clean source of Detroit's system to the Flint River, known as a dirty waste disposal site.

Yet, ten years later, some prominent public officials who were allegedly involved in the international lead water scandal walked away free. That includes former Republican Gov. Rick Snyder who was charged with willful neglect of duty, as well as former Michigan Director of Health and Human Services Nick Lyon, and then Michigan's Chief Medical Executive Dr. Eden Wells, who were both charged with involuntary manslaughter.

Additionally, the residents of Flint still do not have safe, clean drinking water. The case should be open and shut: the authorities chose to go the cheaper route and knowingly gave the people dirty water. Why has Flint still not received justice? Simply put, it's because state officials decided to prioritize each other over Michigan citizens by using legal gymnastics.

Here's what happened with Flint and what could happen in Detroit if nothing changes.

When residents of Flint joined together in 2015, led by Melissa Mays, to sue Governor Snyder and the state officials of Michigan, they were met with red tape from all angles. First, Michigan state laws require that lawsuits against the state must be submitted "in a timely manner" to be considered. Considering the crisis lasted an extended period of time and cannot be pinned down to a singular moment, this phrasing blocked the case from even beginning. Mays v. Snyder had to be reviewed by the Michigan Supreme Court



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before proceedings could begin. After this delay, the court ruled in Mays' favor and then, five years later, the case started.

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Unfortunately, Mays and other Flint residents' case was doomed from the start. It is particularly remarkable how Michigan Attorney General Dana Nessel decided to implement the unusual legal technique of a one-person grand jury.

Unique to Michigan, a one-person grand jury consists of a single judge reviewing evidence and deciding charges in private. The choice had various implications. First, Flint residents did not receive the right of a jury of their peers ruling in their favor. Another state official would decide their fate after years of state officials failing them. Second, it takes a highly public issue and forces it to be private. The small, majority Black city of Flint only got noticed because of how the public news paid attention to them when the government failed them. Keeping the trial behind closed doors does not benefit the citizens at all.

Finally, a one-person grand jury shields governor Snyder from any warranted public criticism. In short, a one-person grand jury arguably helps the state avoid accountability at the expense of justice for Flint residents.

Eventually, the case ended because the Michigan Supreme Court [ruled](#) the process to be improper. All charges were dropped, legal teams admitted defeat by claiming they could not take the case further, and not a single public official has been charged or served any jail time for what was done to Flint residents.

In an ironic twist of fate, Gov. Snyder attempting to save money by switching water sources ended up costing the state \$60 million in legal fees and a \$626 million settlement according to estimates. While residents were given some financial compensation, they will not have justice until state officials are made to answer in a court of competent jurisdiction for their alleged role in making Flint families sick and breaking their trust in the government.

Flint serves as a warning for Detroit residents because Detroit has been suffering for at least ten years from constant water shutoffs. City officials chose to turn off running water for countless residents to save money and address the debt that they created. It is incomprehensible how officials could choose to sacrifice access to water, a basic human right, to fix their issues at the direct expense of their citizens.

Currently, the ACLU of Michigan is still attempting to take the state of Michigan to court to appeal decisions to shut off water and defend Detroiters' rights, but the warning signs of the Flint court failures are ominous. Unless big changes happen, Michigan residents will continue to suffer.

It's time for news outlets to come to the aid of Flint residents yet again. We cannot let Flint disappear from the public eye and, in turn, permit government officials to avoid accountability. Such action would also benefit Detroit residents because, as former Michigan Rep John Conyers stated in 2014, "Detroit's water crisis did not happen in a vacuum." Michiganders deserve clean water and government officials who have the people's best interest at heart once and for all.

Robert Weiner was a spokesman in the Clinton and George W. Bush White Houses. He was communications director of the House Government Operations and Judiciary Committees and senior aide to Congressmen John Conyers and Charles Rangel, Reps. Claude Pepper and Ed Koch, Sen. Ted Kennedy, and Four-Star General/drug czar Barry McCaffrey. Weiner is a member of the Pulse Institute National Advisory Board.

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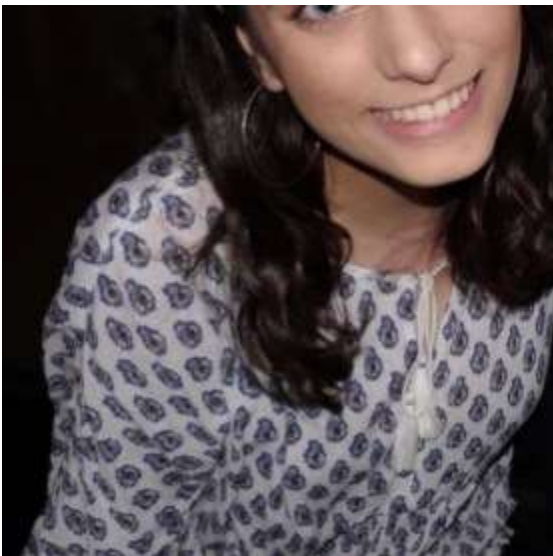
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Bankole Thompson

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-Mahatma Gandhi

Like slavery and apartheid, poverty is not natural. It is man-made.

-Nelson Mandela

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