EXPOSING THE **FLINT** WATER CRISIS

COVER-UP

AND THE POISONING OF 100,000 AMERICANS

WE THE POISONED

JORDAN CHARITON

FOREWORD BY **ERIN BROCKOVICH**

We the Poisoned

DEDICATION

To Anat, whose sacrifice and support have allowed me to pursue my purpose and fight for the forgotten and discarded.
And to Lily, who I hope will one day read this and understand why her dad never gave up on Flint.

We the Poisoned

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Foreword

It’s hard for me to comprehend that thirty years have passed since I first began my work in a small desert town in California. Back then a giant utility was covering up massive water contamination that was harming and killing good, innocent people. It was this that ultimately led to the film *Erin Brockovich*. It’s unimaginable—and inexcusable—that the same man-made corruption, greed, and recklessness still exist decades later. Far from an isolated dilemma affecting one town, the crisis of poisonous water has spread to thousands of towns in every state across the United States.

Unfortunately, so has poisonous government.

Over the past thirty years, I have seen where the failures are: from a lack of government oversight, to a failure and recklessness of our elected leaders, to a futile and compromised EPA, to bureaucratic mismanagement of funds, to failing infrastructures, to deception, cover-ups, and a blatant disregard for the health of our environment and communities.

Nearly half of the tap water in the United States is contaminated with cancer-causing “forever chemicals,” according to a 2021 US geological survey.[1] Over ten million lead pipes are still beneath us; many are nearly a century old, delivering drinking water to our taps (and that’s likely an undercount).[2] In an increasingly, loosely regulated country, corporate giants continue to dump their waste into our rivers, lakes, and waterways and taint our water, air, animals, and ecosystems. Sadly, this is only the tip of the iceberg when it comes to the threat of contaminants wreaking havoc on our health and families.

Being a fighter is baked into my DNA, but I would be lying if I didn’t acknowledge that it sometimes seems so bleak—so dark and daunting—I just want to bury my head in the sand.

But I can't . . . we can't. We simply don't have the time to waste thinking that someone else is going to fix this for us, that rescue choppers are close.

At this moment, I am beginning to see some bright spots. Communities are rising together, taking action, and speaking up. The people fighting back have been led by the moms of the world who are fed up with profit-obsessed, corporate sociopaths—and government officials who are supposed to be protecting their families—making them sacrificial guinea pigs. For thirty years, I have witnessed these everyday heroes living through the pain and suffering of their families being poisoned by water . . . and lies.

Despite the carnage, there has been a positive shift; I see it, I feel it, and wherever I go investigating the poisoning of yet another community, I see that something is different. Change and action are coming from the grassroots level—and deep within ourselves.

Maybe we got comfortable, maybe we became complacent, or maybe we bought into the illusion that some superman was about to fly in and save us all. But now we are seeing that there is no wizard or superman coming to the rescue. In reality, it's up to us to find our courage, to use our hearts, and to think for ourselves. We are beginning to show up, speak up, and come together to expose the truth of the recklessness and corruption happening in our own backyards. I have seen over and over again, in countless communities, that when *we* activate, *we* become the force that can create the change.

One of the best examples of this is Flint, Michigan, where a massive, *ongoing* cover-up, and crime against humanity, has been perpetrated against innocent people . . . for a decade. These unconscionable crimes have been buried by a state whose leaders *knowingly* sent poisoned water straight to the taps of its citizens. It was the moms, the dads, the neighbors, the doctors, and many more who reached out, spoke out, and pushed to expose the truth. In the face of government lies and threats, these everyday heroes trusted their inner voices that something was very wrong. To this day many of them have still not given up the fight for justice for Flint.

Before any journalist began to dig, it was the people of Flint who helped expose the cover-up, the lies, and the gross failures of their leaders. It was Flint residents who began to peel back the thick onion layers of crimes—and an unfathomable cover-up—that began with the theft of their democracy by unelected emergency managers seizing their government. It was Flint residents who screamed for eighteen months, often into an empty

cave of government disregard, that their state and city leaders were knowingly poisoning them.

It was Flint residents who stood up and said, “Enough is enough.” I can’t believe it, but it’s been ten years since Flint, Michigan, was attacked by its own government. It’s been ten years and—regardless of the government spin and the cherry-picked and manipulated data—the people of Flint are *still being poisoned* by their water. Nauseatingly, it’s been ten years and *still* no government officials have been held accountable. In fact many have managed to bury their crimes from the public . . . until now.

While trying to help the people of Flint, I came across an independent journalist named Jordan Chariton, who made it his professional and personal mission to expose who really poisoned Flint . . . and *why*. Through Chariton’s unparalleled, investigative reporting on the Flint water crisis—which included twenty trips to the embattled city since the crisis sparked international headlines in 2016—we find another example of the courage needed to combat the government corruption and cover-ups poisoning our nation.

I am happy to say in this book Chariton exposes it all—the raw, real, dirty, painful, corrupt, and unconscionable. Through on-the-ground journalism and relationships established with dozens of residents, Chariton embarked on a quest for justice, and accountability, on behalf of the poisoned people of Flint. More than any journalist, Chariton has lived and breathed this story, fighting against a growing tide of media distractions and sensationalism to keep the Flint water crisis in the minds and hearts of Americans. Through deep reporting, and even deeper sources, Chariton has unraveled what could be called the biggest government cover-up of the twenty-first century. He has done this by dedicating hundreds of hours to interviews with the residents of Flint, many of whom credit him with keeping the story alive long after the national news media moved on.

Perhaps most impressively, Chariton has shown why this story is not merely about one city, or one immoral cover-up, but really about the unholy merger of our government and corporate America—and the resulting toxicity that has infected our representative democracy.

Contrary to many journalists who allow major disasters to fade with time, Jordan has been hell-bent on making sure the American people know the Flint water crisis is *not over*—and is still raging. His ability to expose a toxic government, and those responsible for poisoning one hundred

thousand people, comes from from a tenaciousness and passion for justice that is steadfast and admirable.

The following story is born from Chariton's relentless reporting and dedication to exposing the truth. For those readers who think they have an idea about government corruption, be prepared to be shocked to the core by the end of *We the Poisoned*. Just when it seems the layers of this cover-up have been revealed, *Chariton peels back even more*. He stops at nothing to expose the ugly and jaw-dropping information that we the people must know. Without it, these tragedies, these lies, this rot and corruption will continue to play out across America.

The time is here and, thanks to Chariton, so is the truth. It's now on us to act.

Erin Brockovich

Introduction

When she approached me in her “Flint Lives Matter” shirt in 2016, I was pretty much like everyone else. I had seen reports about the Flint water crisis and sincerely hoped the people were getting the help they deserved immediately.

Months earlier, the country looked on in horror as long rows of cars appeared on their television screens. Inside those cars, desperate Flint residents inched up ever so slowly, waiting for their pittance of two cases of bottled water. The images of young children ravaged by body rashes were heart wrenching. Seeing residents hoisting up plastic bags filled with their hair that had fallen out was shocking.

But like so many half-forgotten stories, it had been out of the headlines for months. At this point, I was knee-deep covering the 2016 presidential campaign across the country for the online media network The Young Turks (TYT). Flint was not on my radar at the time.

“Can you talk for a minute?” Melanie (pseudonym) asked me. I had been making my way around the People’s Summit, a multiday, progressive political conference held in Chicago. I had spent much of my time speaking with activists who pitched me stories or just wanted to talk. It was gratifying that so many people appreciated my on-the-ground reporting.

For months, I had been zigzagging the country covering the out-of-nowhere Bernie Sanders presidential campaign and Donald Trump’s carnival-like quest for the White House. Covering both, I preferred interviewing voters, and community members, rather than the typical political pundits, TV news blowhards, and campaign operatives. Although Melanie’s issue wasn’t on topic, I was curious to hear about a potential story others were ignoring. So I told her I had a few minutes to talk.

“It’s still a disaster and the media has left,” she said about Flint. Her hometown was suffering through a crisis in which their water was poisoned with dangerous levels of lead and bacteria after the state and city switched their water source to the Flint River years earlier. Residents had died, and many more were sick. Even worse, she bemoaned that local media might as well be in league with its governor, Rick Snyder. Journalists weren’t digging into what was really going on; some were even painting activists as being too confrontational. Newspapers and TV news stations were basically regurgitating the Snyder administration’s official line that things were improving in Flint.

But it was a lie. Residents were growing sicker, she told me. Water was still coming out of their taps brown. Water was still stinking up homes. More residents were losing hair and developing rashes. And now some residents’ teeth were falling out.

“We need an actual journalist to come and get the truth out,” she insisted.

I was floored by what she told me. “Let’s interview her,” I told my cameraman. “This has to get out.”

With the camera now turned on, Melanie painted a really disturbing picture of a city obviously abandoned by the governor presiding over their poisoning. Seven months after the water crisis erupted into national headlines, only three dozen of the pipes destroyed by toxic Flint River water had been replaced. Yet they were still delivering water to residents through those severely corroded pipes. Three dozen . . . out of ten thousand. *Disgusting*, I thought. To add insult to injury, the still very volatile crisis in Flint had become an afterthought to the chaos and carnival of the 2016 presidential campaign.

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I was supposed to be laser-focused on the presidential campaign, but the wheels in my mind began quickly churning. The federal government would have *immediately* marched the Army Corps of Engineers into town if this happened an hour south of Flint in wealthier—and whiter—Ann Arbor. Every damn pipe would have been dug up within a few months. While the pipes were being replaced, the feds probably would make other upgrades to the city’s infrastructure to boot.

As Melanie and I spoke, it became clear that politicians, and the media, had merely checked off their respective boxes when it came to Flint.

Politicians showed up at the free water distribution sites for an hour or so to score their photo ops. National media figures like Rachel Maddow descended on Flint, holding televised town halls with residents. However, within a week—they were gone. In their absence residents were left to plead for help from the state government . . . the very entity that poisoned them.

How could the national media apparatus do little more than quickly parachute in and out of a major American city where one hundred thousand people had been poisoned by their own government?

TV news and legacy newspapers had all the resources in the world to keep reporters, producers, and researchers in Flint to dig in on who caused this—and why. They had all the tools to report on the *ongoing* crisis indefinitely. A year before the 2014 Flint River switch, the three major broadcast news networks, ABC, NBC, and CBS, pocketed roughly $2 billion in advertising revenue from their nightly news programs.[1] In 2016, when the Flint water crisis became an international scandal, Fox News, MSNBC, and CNN scored a combined $2.3 billion in profit.[2]

Yet, here was a twenty-something Flint resident relegated to pleading with an independent reporter to come to her city and give a damn. Meanwhile, the billion-dollar news media was chasing Trump's tweets. Where were the big-time national news anchors and investigative reporters now? Too busy doing minute-to-minute coverage of Trump's empty podium (literally) on live television forty-five minutes before he arrived to his next rally.

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The craven, for-profit journalistic system infuriated me. Melanie was desperate for someone to truly hear her, to truly see the dire circumstances she and her neighbors were experiencing. In that moment I decided, one way or another, I was going to Flint.

By the time we wrapped our interview, my instincts told me that this was a massive story. It seemed to connect every dot of wrong: greed, fraud, corruption, racism, and human rights abuses. The calamity in Flint was a textbook example of why so many revered journalists had supposedly gotten into the industry: to hold the powerful accountable by exposing corruption and injustice. Maybe that wasn't the moral compass for the cosmopolitan journalist racket, but it sure as hell was what motivated me to get into this.

My gut told me the gaping void left by journalistic abandonment was where the real story would be. When I flew home from the conference, I lobbied my boss to send me to Flint. To his credit, he agreed.

On the flight to Detroit, the last eight years of my career played back through my mind. As one of the lucky losers who graduated college during the economic crash of 2008, I ended up at Fox News. After two years of booking guests and producing segments for right-wing media, I crossed New York City's Sixth Avenue to MSNBC. For over a year, I booked guests for mind-numbing Democratic Party boosterism.

"I appreciate the intention but that won't rate," the MSNBC producer told me when I pitched a series on interviewing the homeless people everyone at the network casually stepped around on their way into the studio. And like most other times I've pitched doing a story of substance, I was met with a stop sign. It's one of the main reasons I left. In the years that followed, I wrote for several well-known digital outlets but knew I was just a cog in the mass-media distraction machine. What was the point if I was just helping to stoke endless conflict, stupidity, and sensationalism masquerading as news?

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The minute I stepped foot in Flint that all changed. What came next has consumed me professionally, and personally, for eight years. I found that what I was investigating was tormenting and damaging the lives of good people. I've flown and driven to Flint twenty times since 2016. I built relationships and sources with residents, activists, and those with knowledge of the Flint criminal investigation. I've spent hundreds of hours interviewing residents on and off camera. I've chased down, and kept in touch with, key sources. My eyes have gone blurry combing through thousands of pages of information.

I obtained thousands of confidential documents from the Flint criminal investigation, the majority of which were unknown to the public. Through these documents, and sources familiar with the criminal investigation, I discovered a staggering web of corruption. This included politicians and bureaucrats on the ground level in Genesee County and Flint, all the way to the state capitol in Lansing and Michigan governor Rick Snyder. Not to be excluded, the cover-up stretched out to the EPA in Washington, DC.

As I began reporting, it became clear this was not a straight line. Multiple agencies and departments were in on a massive cover-up—the governor's

office and state health, environmental, and treasury departments to name a few. Major Wall Street banks also had their hands in the cookie jar, catapulting the story well beyond a tale of local corruption.

I've broken significant Flint investigative stories in the *Guardian*, VICE News, The Intercept, and *Detroit Metro Times*. Based on what I uncovered, and what I will lay out in the following chapters, I firmly believe Flint is by far the *biggest, most sinister government cover-up of the twenty-first century*.

The following chapters will reveal the dark underbelly of the Flint water crisis. The backroom deals cut years before the city of Flint switched to the Flint River, where powerful figures hijacked democracy from the people of Flint. The whistleblowers in Flint—and also within Governor Snyder's high command—who were ignored and threatened while residents drank and bathed in poison. Snyder's henchman attempting to pay off sick Flint residents. The governor's top officials destroying potential evidence right before—and during—the Flint criminal investigation. Activists being surveilled and attacked. Snyder's administration cheating on water testing in order to give a false all-clear sign that Flint's water was safe again. A sinister financial scheme that triggered the water crisis, turning Flint residents into for-profit guinea pigs. Governor Snyder's apparent direct involvement in covering up a deadly waterborne disease spreading throughout Flint—a full sixteen months earlier than he notified residents. And Michigan's top justice officials sabotaging justice for Flint.

The following pages tell the story of a cover-up so deep, it led criminal investigators to conclude, as one source familiar with the investigation put it, that the Snyder administration had, "committed conspiracies of ongoing crimes—like an organized crime unit."

I will introduce some of the victims of these crimes; the children, parents, and grandparents who have experienced unfathomable suffering through no fault of their own. I've met children whose entire life trajectories were altered due to being permanently damaged, physically and mentally. Once healthy and active adults, many of whom have since become my friends, getting sicker as the years go on—deteriorating due to heavy metal poisoning and dangerous bacterial exposure. You'll learn why the true number of people who have died as a result of Flint's poisonous water is truly unknowable.

When I decided to write a book revealing the Flint water cover-up, I didn't quite know where to start. Every trip I took . . . every interview I did . . . presented several more layers of what seemed like an endless onion of corruption. How do I tell a story that doesn't have a traditional beginning, middle, and end? When the corruption is so deep, spanning two decades? When it's not just the politicians—but even the media—seemingly in on the cover-up?

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The chapters that follow are my best attempt at doing just that. The information comes from high-level sources inside and outside of Flint. From hundreds of interviews and conversations with Flint residents. The atrocity of human suffering, exploitation, and disregard for the people of Flint is the most important takeaway of the Flint water crisis. The following story will reveal the menacing forces who *intentionally* caused that suffering—and the corrupt, unconscionable reasons why.

What the politicians, and the media, fed the public isn't even close to what really happened in Flint. This wasn't just some tragic mistake made by government officials trying to cut corners and save money. And most importantly, a decade later, Flint *is still* engulfed in a water crisis.

Ultimately, if the people who poisoned the citizens of Flint get away with it, what's to say the corruption won't flow through your tap next?

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Chapter 1

The Governor's Henchman Comes to Town

The governor's top adviser stood in the Murphys' living room. Richard Baird was flanked by a muscular, former colonel in the Army National Guard to his left, and a Michigan state trooper to his right.

Adam and Christina Murphy were expecting Baird's visit to be friendly, but that hope quickly devolved to unease as Christina stared at the military-level of security circling her coffee table. It was surreal; her gut instinct made her secretly record the meeting on her phone.

When the colonel spoke, it didn't shake her discomfort. He described himself as a former Black Ops soldier who would do anything for Baird. *Anything*, he explained, from gofering as Baird's coffee boy to scooping up his dog's poop. Christina found his tone to be bizarre; his particular emphasis on the word "anything" felt like a subtle threat. Why did the governor's right-hand man enter the Murphys' home with such a show of force?

Richard Baird introduced himself as Governor Snyder's "best friend," framing his presence as "representing" the governor. To others, he referred to himself as the governor's "fixer." He was there on a mission.

It was February of 2017 and Adam Murphy, like so many in Flint, was extremely ill from drinking Flint's toxic lead and bacteria-poisoned water. As Snyder's soldiers stood in the Murphys' living room, Flint had sunk to its lowest point in the city's history.

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During my investigative reporting on the ground in Flint, I'd sat around that same coffee table talking to Christina. When she re-created the meeting between her, Adam, and the governor's self-described "fixer," I could see that I had stumbled into something much bigger than I was anticipating.

A half century prior, Flint was the envy of much of America. It was a booming, middle-class utopia, the birthplace of General Motors (GM) and the United Auto Workers union. Fitting for a town that had been coined "Vehicle City" in the nineteenth century. With a dozen assembly and components plants scattered throughout the area, GM employed half of the nearly two hundred thousand residents during Flint's heyday in the 1960s and 1970s. Middle-class workers made good wages and could even save for retirement. It was a draw for everyone, including Black families. A significant share of GM employees were African American, most of whom had left the South for Northern cities like Flint as part of the Great Migration. Flint also made civil rights history as the first city in America to pass a Fair Housing ordinance.

Flint was more than just blue-collar men and women building things in factories. Arts and cultural centers sprung up across the city. Neighborhoods bustled with kids playing. Parks were full. New, exciting hit radio singles and Motown blasted out of car speakers. With GM as the city's economic heartbeat, residents lived their version of the American dream.

But even as the city flourished in the 1950s through the 1970s, cracks in that dream began to appear. Like many other cities, Flint also experienced white flight. As Flint's African American population increased, white residents fled for the suburbs. As whites dispersed, so did GM. The hometown company began closing plants in the city, moving them to the suburbs. This left many Black residents without substantial options. Foreign competition from Japanese automakers led GM to start laying off workers. Federally, multinational trade deals, heavily influenced by corporate America, gave corporate giants like GM the green light to offshore jobs and shutter plants across the city. Flint workers were dealt pink slips as GM tapped into cheaper workforces abroad.

GM wasn't alone. In a climate of loosening financial regulations and the "greed is good," trickle-down economics zeitgeist, the days of companies taking pride in employing the community were gone. Profit was now king. As GM downsized in the United States, and tens of thousands of workers were laid off, Flint's taxpayer base cratered. The bustling neighborhoods of yesteryear morphed into endless rows of vacant lots. Once busy, proud auto plants became skeletons, encircled by towering fields of grass. Crime

spiraled out of control while corruption took up permanent residence in city hall.

Lifelong Flint residents, lovingly called Flintstones, mourned their city's deterioration from a symbol of the American dream to a deindustrialized carcass.

Despite the onslaught of offshoring, GM remained in Flint in a reduced capacity in the 1990s and 2000s. Fearing the economic domino effect if the auto giant completely abandoned the community, city officials showered GM with tax breaks and other goodies. Flint's decades-long reputation as an attractive place for working people kept the city afloat**.**

In 2013 Adam and Christina Murphy moved to Flint with four children under the age of ten. They arrived in the city as a happy family. People were still recovering from the Great Recession of 2008, the Wall Street–induced economic disaster inflicted on tens of millions of Americans. Fortunately the Murphys were mostly unscathed from the downturn. Adam, a thirty-three-year-old millwright welder, felt pride in his work and took home a paycheck hovering around six figures. The job afforded his family a modest home and a stable suburban life, and the kids liked Flint. Christina, an active thirty-two-year-old woman, volunteered at the kids' school and had previously worked for the youth program Camp Fire USA.

Two years later the Murphys got joyous news. In June of 2015, Christina learned she was pregnant with a baby boy.

Soon after she began her routine doctor appointments, she noticed something wrong with her "other kiddos." Duke, one of their beloved young dogs, stopped gaining weight. Feeding him four or five times a day —eggs, cottage cheese, and meat—it didn't matter, the pup wouldn't budge. While focused on Duke, red flags started waving elsewhere. The Murphys' other dog gave birth to a stillborn puppy. Adam and Christina were now suspicious. *Was something poisoning their pups?* They took Duke to the vet.

Duke's blood test results came back. His blood was awash in lead.

Adam could only think of one logical explanation. "Don't drink the water! Don't drink the water!" he screamed to his kids. He darted to the local hardware store and got a water testing kit.

The results came back with high lead levels. But how accurate can results be using a flimsy test from a consumer hardware store, he wondered. Unsure, he went to Flint's city hall building and got a water test kit.

Unbeknownst to the Murphys—and the rest of Flint residents—the state and city had already known for months about surging lead levels in the city's drinking water.

Christina circled her hands around her stomach. She couldn't shake the thought that she may have been poisoning her unborn child. Worry about the baby inside her shifted to fright about her four living children. They all drank water from the tap. Hell, they'd been downing water all summer under the sweltering Midwest heat. The worry made her physically ill.

Adam insisted that their house wasn't some one-off. The water had to be toxic citywide.

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Governor Rick Snyder stood at the podium with what looked like a blank stare. It was early October 2015. For the previous eighteen months, his administration and Flint city officials had fielded complaints from residents worried about the brown and smelly water coming out of their taps.

The governor and his top officials had responded to residents' concerns with grade-A government gaslighting. "Don't believe your eyes" was the basic message from Snyder and company. Disregard the brown water, the foul smell, your skin breaking out in rashes, or hair rapidly falling out of your scalp. "Your water is safe to drink," residents were repeatedly assured since April of 2014.

To be more exact, it was April 25, 2014—that is when city officials flipped the switch to the Flint River.

That event diverted Flint away from Detroit's water pipeline, from which Flint had been getting its drinking water for fifty years, over to the heavily polluted Flint River. Most residents weren't even aware the changeover occurred. It was supposed to be a temporary move, while a new regional water system Flint had signed on to was built. The problems were immediate, and it didn't take long for angry residents to show up at city hall hoisting jugs of brown water.

The mayor and city council members initially told residents the water was safe. According to the powers that be, the discoloration and smell were just kinks being worked out at the city water plant. But the people of Flint weren't buying it. At first there were a few groups showing up at city hall. Small crowds grew to large protests. Some residents even contacted the US Environmental Protection Agency (EPA).

Yet government officials remained steadfast in the “official” story. They upheld a united front across federal, state, and local levels: Flint’s drinking water is meeting federal requirements and that’s the story we’re sticking to. The officials cited citywide testing as proof of their assurances.

The residents knew they were lying, but they had little recourse.

A local pediatrician didn’t buy what the government was selling, either. Dr. Mona Hanna-Attisha, a children’s doctor at Flint’s Hurley Hospital, had been tipped off to potential problems with the city’s water. Her friend, a drinking water expert, shared concerns that the Flint River, from which the city was getting its drinking water, wasn’t being treated properly.

To investigate, Dr. Mona combed through data on the blood lead levels of children in Flint. She looked at the period before the April 2014 water switch and afterward. Very quickly, the spike was clear. When she contacted Michigan state health officials, they angrily accused Dr. Mona of cherry-picking the data. They even insisted her numbers were wrong. The cognitive dissonance was alarming—considering there is no safe level of lead for children to consume. Even small amounts of lead can damage physical and mental development. It dawned on Dr. Mona that she might not be dealing with good-faith government officials who were prioritizing the health of Flint children.

Most doctors wouldn’t directly challenge the state, much less the governor. After all, top donors and foundations that generously fund hospitals like hers also shower politicians with cash. But Hanna-Attisha felt there was no time to waste digging through the muck of state-level bureaucracy and politics. So in September of 2015, she held a press conference.

“These results are concerning,” she warned. She also advised that Flint switch off the Flint River and go back to Detroit’s water system. The response from the Snyder administration was swift, accusing Dr. Mona of “causing near hysteria” and “slicing and dicing” data.

But weeks later, the governor was forced to admit Dr. Mona was right.

Standing at the lectern in Flint at a crisis-level press conference, the governor admitted what his administration had been denying for a year and a half. Flint’s water was toxic. Snyder laid out the frightening facts: the water was teeming with lead levels well over the “allowable” federal safe drinking water level. Simply put, tap water was a danger to Flint residents.

Although residents had already been living through the crisis for eighteen months, the governor's announcement officially sparked the Flint water crisis in the eyes of local and national media. In Flint, tainted water became the top story and the game of who-knew-what-when began in earnest.

Two months after Duke's blood showed high lead levels, officials from the Michigan Department of Environmental Quality (MDEQ) finally got around to testing the water in the Murphys' home.

The results were alarming. Water coming from the basement tested at 7,324 parts per billion (ppb), a stunning 488 times the EPA's "allowable" limit of 15 ppb. After running the water, the number improved but was still at 22 ppb. Test results for the water coming into the house tested at 125 ppb, over eight times more than the limit. The results freaked out Christina. She was six months pregnant. Beyond the physical and mental strain of pregnancy, she felt a sense of impending doom that her son would be born with physical defects because she unknowingly drank toxic water. Meanwhile, the Snyder administration was entrenched in damage-control mode. Top officials prioritized putting out political fires. They also tried to kill news stories that might expose the magnitude of danger coming from Flint's water. As Snyder waged a game of political survival in the fall of 2015, President Obama and the federal government had not offered help to Flint.

With the Murphys' home inundated with dangerous water, the state replaced the severely corroded pipes inside their home. They also replaced the lead service line that delivered water from the city into the house. Even with brand-new pipes, tests still showed elevated lead levels.

Despite the state addressing their home's pipe issues, the Murphys' family life was falling apart. Lily, a jovial and playful child, started exhibiting volatile mood swings. Skye, their other daughter, shrieked with inexplicable pain in her abdomen. In February of 2016, Christina gave birth to a baby boy. She named him Declan. Sadly her fears were confirmed; Declan was born with high levels of lead and other heavy metals in his blood.

Making matters worse, Adam's health began to deteriorate. Debilitating fatigue took over his body. Muscles and other body parts became so weak that he inexplicably began dropping things. The physical symptoms were compounded by brain fog and memory loss. There were incidents while he drove. Not far from home, Adam would pull over . . . lost. Confused, he would call Christina, frustrated he couldn't remember the way home despite

being just a few blocks away. Then the seizures began. At thirty-six years old, Adam's failing health left him unable to work or care for the kids. With five kids and an ailing husband, Christina was sinking in a sea of unpaid bills. They were behind on the mortgage. Calls from debt collectors wouldn't stop.

Compounding the stress, performing daily chores in a Flint home became much harder. Christina was using a staggering amount of bottled water to cook, wash dishes, clean clothes, brush teeth, bathe, and care for five children. She knew this was an alien lifestyle to Americans who took clean water for granted. If you don't live it, you don't understand how many times a day you use water—or what it's like to not be able to just turn on the tap.

At this point not nearly enough had been done to expedite relief for the Murphys and the residents of Flint. Water filters had been provided along with free bottled water stations. In spite of the inconvenience, residents were lined up for water around the city. Flint residents were smart; it was obvious to them that their water was still not safe. Pamphlets were mailed to residents by the government depicting a supposedly improving situation. The reality: it was just "blue skies" public relations.

As the ball dropped in 2017, the Murphys were in crisis. In the second week of the New Year, local Flint officials and members of the Snyder administration held a town hall in Flint. The event was billed as an update on the water crisis and what action the government was supposedly taking. As ill as he felt, Adam wasn't going to miss the meeting. Christina knew how sick her husband was and how frustrated he could get. She sent their oldest son with him in hopes of keeping Adam somewhat in check.

The plan failed.

"People have died from this damn water and all you guys can [do is] sit up there and just pretend that it's no big deal!" he yelled. Other residents broke out in applause.

"Shame on you guys!" Murphy screamed at government officials. Other equally enraged and sick residents clapped and yelled along with him. Adam also condemned the fact that only 150 homes in the city had their water tested for lead despite the EPA granting hundreds of thousands of dollars for testing. "You're wasting our time and we're dying!" Politicians stood lifeless in front of furious residents, seeming indifferent to their verbal lashings.

As Adam grew louder, a police officer pulled him by the arm and removed him from the crowd.

The officer calmed him down. She claimed she knew someone high up in the governor's office who might be able to help him. Murphy didn't believe the officer and thought he was being muzzled. But he had said his piece, so he left the town hall.

His passionate outburst spread beyond the room. Local media in Detroit and Flint covered the town hall and featured video of Murphy's shout fest on the evening news.

Red alert! Flares went up among Snyder's political generals. They had to prepare a response. Throughout the water crisis, the administration had swiftly reacted to neutralize activists and residents who broke through in the media and threatened their version of events. Controlling the narrative and minimizing the damage were imperative for Governor Snyder. This meant Adam Murphy had to be dealt with.

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Back in the living room of Adam and Christina Murphy weeks later, the governor's top adviser and his escorts were seated. Richard Baird, known as Governor Snyder's "fixer" inside the sewers of Michigan politics, was here to personally address their grievances.

"I think Baird began to see himself as the consiglieri [to Snyder]," a source familiar with Baird's style and service to the governor told me.

There Baird stood in front of the Murphys.

"If we're in a position to help you, we should help you," Baird boisterously proclaimed. He told Adam: "You're going to be our lead poster child."

The Murphys were floored.

Baird was offering for the state to pay for expensive medical treatments for Adam. The Murphys listened intently as Baird presented what felt like a miracle at the lowest point in their lives.

The state budget director, Baird explained, had previously worked at the powerful Michigan-based Blue Cross Blue Shield health-care company. Baird boasted that he was owed a few favors. "Maybe I can use one of them to help you," he told an excited Adam and Christina.

As Baird spoke, he came off as both a government bureaucrat and a used-car salesman. The couple didn't mind. They were desperate for help. What

they asked for—what they needed—was for Adam to undergo chelation therapy, a treatment for heavy metal poisoning. During the therapy, chelation drugs are injected into the body and bind to heavy metals in the bloodstream. Toxins then pass out of the body through the urine. The process isn't pleasant, resulting in intense fatigue, nausea, and other side effects. But to Adam, it was worth every bit of the potential pain.

Baird vowed that if the treatment helped Adam, the state would make it available to Christina when she was no longer breastfeeding her newborn. The kids would receive it too, Baird assured the Murphys.

But there was a catch. The governor's right-hand man instructed the Murphys that they were not allowed to tell anyone that the state was paying for Adam's treatment. Baird framed the secrecy as necessary. It would take a lot of behind-the-scenes work to expand the treatment to all of Flint, he said. He cautioned that they should see if it helps Adam before getting other residents excited that the state would pay for their treatment. Hiding that the state was paying for his treatment didn't smell right to Adam and Christina, but given their desperate situation, they weren't going to raise a stink.

There wasn't any doubt for the Murphys that Baird had claimed the state would make the treatment available to the rest of Flint if the Murphys' treatment showed promise. On his way out, Baird said he was going to run this "pilot program" by the governor when he got back to the state capital. *Wow, even the governor is being looped in*, Christina thought.

Baird's promise to fill in the governor didn't surprise Karen Weaver, the mayor of Flint during the early years of the water crisis from 2015 through 2019. The mayor had extensive dealings with Baird, interactions she told me made it clear who was in control.

"Rich Baird, he didn't make moves that I'm aware of without Snyder knowing. I never got the impression that he went rogue and did things on his own, I just never saw that. What he did he ran past the governor. The governor was in the driver's seat."

Other Flint residents who had dealings with Baird came away with the same sentiment. After meeting with the governor's top adviser, Bruce Stiers, a resident who had expertise in infrastructure through his years of working in construction, remembered thinking the meeting was the equivalent of meeting with the governor himself.

"I've been told by several colleagues and friends of mine that if you were talking to him [Baird] you were talking to Snyder," Stiers told me about

their meeting.[1] “There was nobody closer or higher up the ladder or chain than Richard Baird.”

While Baird told the Murphys the state would pay for Adam’s treatment, the governor’s wingman fed a different story to Stiers. During their meeting, Baird brought up Murphy’s treatment, claiming he was personally paying for it “out of his own pocket trying to help them out,” Stiers recounted Baird telling him. But text messages I saw between Christina and a state health official showed, unsurprisingly, Baird was no kind-hearted philanthropist—the state was indeed paying for Adam’s treatment.

When I asked Baird about Stiers’s account, he responded, “As usual, your hypotheses and conclusions are faulty,” . . . but then declined to give a straight answer as to whether he told Stiers he was personally paying for Murphy’s treatment. “What I said or didn’t say to Mr. Stiers is not relevant.” The governor’s right hand man insisted he had always had “the proof of how Adam’s treatments were funded.”

In the dark about his true motivations, or the phony baloney he was selling around town to other residents, Baird’s offer sparked hope in Adam and Christina for the first time in a hellish few years. Adam’s parents, who took part in the meeting, were also feeling optimistic.

The Murphys weren’t the only family Baird tried to “help” with strings attached.

The family of Flint resident Keri Webber was severely harmed due to drinking and bathing in Flint’s tainted water. One of her daughters contracted, and survived, a potentially deadly case of Legionnaires’ disease, a severe waterborne bacteria that spread through Flint’s water. Webber’s other daughter had alarming lead levels found in her blood; her husband had a stroke that left him partially blind. Her family’s health disaster led Webber to publicly speak out loudly, criticizing the Snyder administration to the media and lobbying state officials to expand Medicaid for Flint residents.

Before she knew it, Baird approached her offering to carve out a special Medicaid expansion for her and her family—but not all of Flint.

“I told Baird to fuck off,” Webber told me about Baird’s offer.[2] She added that she spoke with Flint water criminal prosecutors as part of their investigation that was launched in 2016.

During a 2017 confidential criminal investigation interview, Todd Flood, the Flint criminal investigation special prosecutor, asked Baird if he knew

anything about Webber receiving “cash from the state.”

“I guess I have to answer that,” Baird responded. Flood and Baird’s interview was then moved off the record for three minutes, according to the transcript.

The governor relied on Baird to get things done . . . and boy did Baird pick up the mantle. As his first act after Governor Snyder took office, Baird had reportedly gone department to department to make sure government employees understood the importance of “teamwork.”[3] In Baird-speak, he told staffers this meant doing whatever the governor and his inner circle instructed—whether rules were broken or not.

But the Murphys couldn’t have known the scene that had just played out in their home was part of a wider web of deceit. They had no way of understanding that they were being pulled into a sprawling government cover-up of who poisoned them and their neighbors. The narrative Flint residents had been fed—that the crisis was just a tragic mistake—was far from the truth. Long before the switch was pulled for the Flint River, a conglomerate of powerful forces, even beyond the state, saw money to be made. Poverty-stricken Flint became their means to an end.

The cover-up sprang many tentacles and destroyed many lives. But to unravel this criminal monstrosity, I must first drive you on the road to crisis.

Chapter 2

Flint's Shadow Government

Sitting at a table in the basement of a local Flint church, I saw him making the rounds. I wasn't there as a reporter, but a journalistic opportunity landed right in front of me.

He was a smooth operator, weaving from resident to resident. A typical politician with a million-dollar smile and Lord knows what ulterior motive. Sheldon Neeley, a former Flint city council member, was currently Flint's representative in the state legislature in Lansing. Now, he was running to become Flint's next mayor.

It was April of 2019. To Americans living outside of the area, the Flint water crisis had been long resolved. At least that's the impression they got from national and local media that had abandoned the story.

As I was eating lunch from the church buffet, Neeley plopped down at my table. I was there with my colleague Jenn Dize about to premiere a documentary we worked on for residents to watch. The film depicted our old-school journalistic voyage, knocking on over four hundred doors during a sweltering Flint summer to uncover that the Snyder administration had cheated on Flint's water testing for two years.

I had heard less-than-kind things about Neeley from residents and others. Opportunistic, ladder climber, and self-interested were just some of the offered adjectives. So . . . basically a politician, I thought. I figured he knew who I was when he sat down next to me. By then, I'd reported over a dozen times in Flint and had interviewed the current mayor he wanted to oust.

I suspected he might have loose lips; I also didn't trust him not to spin that I had misquoted him. Since Michigan's laws allowed me to tape the conversation without permission, I hit the record button on my phone. After some small talk where Neeley peppered me with criticism of his opponent, Mayor Karen Weaver, the state rep pulled out his laptop. He wanted to show me video of a news report from years earlier. The report detailed publicly released emails written by Lieutenant Governor Brian Calley that

panned Neeley as an irrelevant political backbencher. “We need a friend on the ground,” Calley had written about Mayor Weaver. He urged Governor Snyder to say yes to the requests for water-related relief Weaver made to him. Snyder would get the credit for delivering for Flint, “not the state rep or senator who are actually hindering progress at this point,” Calley wrote about Neeley.

As Neeley closed his laptop, he offered a dark interpretation of what the lieutenant governor really meant.

“Partner with the mayor, make them think everything is great, do everything they want, and take the real professionals out of the room, which is the state rep and the state senator,” he posited. “Put them to the side, and then we can molest this baby as much as we want to, without the parents or the babysitters in the room.”

It seemed clear by Neeley’s aggressive terminology, “them” referred to Mayor Weaver and the “abused baby” was Flint residents. Of course, the mayoral hopeful saw himself as the responsible parent in whatever scheme Snyder and company had in store for them.

I pivoted to what I was eager to discuss—a name that kept popping up in so many of my interviews and reporting. Conversation after conversation, sick Flint residents invoked one entity when telling me where I should be digging to find a major culprit behind their suffering.

Sheldon Neeley was no exception. He, too, pointed me in the direction of Flint’s most powerful institution. For decades the Mott Foundation, named after early General Motors partner and stockholder Charles Stewart Mott, had been the charitable purse of Flint. Mott generously funded hospitals, schools, cultural centers, youth programs, and, in more recent years, Flint’s new Farmers’ Market and Capitol Theatre. In 2013 a grant from Mott funded eleven positions in Flint city government.

Despite its reputation as Flint’s benevolent purse, residents and sources insisted the foundation was not the righteous force of generosity that politicians and media framed it to be. In the late 1970s, Mott’s influence grew as the de facto gatekeeper of Flint city politics. Flint was the largest city in Genesee County; politicians from both the city and county knew better than to make key decisions without the foundation’s say-so. As the decades passed, residents insisted that Mott, and the real estate developers connected to it, were leading a gentrification campaign to push poor, mostly

Black people out of the city. The most outspoken Flint activists described the foundation as a shadow government.

Terry Bankert, the late former Flint city clerk and ombudsman, described Mott as more of a kingmaker than a charitable foundation.

“I don’t think two boards get nailed together in this town without Ridgway getting the first look,” he told me about Mott CEO Ridgway White.

I shared with Neeley what residents had told me. His response began a shocking series of revelations.

The mayoral hopeful asked if I had read a major civil rights report on the Flint water crisis that had been submitted to the Michigan Civil Rights Commission. I had. The analysis, authored by Wayne State law professor Peter Hammer, found structural and strategic racism to be the dark underbellies of the water crisis.

Neeley then brought up the book *Demolition Means Progress: Flint, Michigan, and the Fate of the American Metropolis*. The book, authored by Andrew R. Hightower, is essentially the bible on the dismantling of one-time vibrant industrial metropolises like Flint. In it, Hightower meticulously laid out Mott’s historical role in advocating for, and helping engineer, racist government policies in Flint—including redlining and de facto school segregation. Naturally Mott contested the book’s depiction of its history.

Neeley’s mention of the civil rights report, and the book chronicling Mott’s controversial racial past, sure sounded like he was insinuating that Mott had played a role in causing the water crisis. His next comment blew right past insinuation.

“So, they don’t give $100 million dollars to a cause [the Flint water crisis] because they just say ‘oh, we want to help out,’” Neeley said with a deadpan, no-shit-the-sky-is-blue expression. His words were surprising to hear from a politician, the implications explosive. His body language and words suggested something sinister; the powerful foundation was funneling its cash to Flint in order to bury its role in helping cause the water crisis that had become a national scandal.

He then confirmed what I had heard from several sources. “They [Mott] picked the first two emergency managers.” His casual, but emphatic, statement was major.

Here was Neeley, vying to become the top government official in Flint, validating what residents had passionately insisted to me. The state rep was

all but confirming Mott's role as the puppet master behind Governor Rick Snyder's hijacking of democracy in Flint. More specifically, he was telling me that although the governor technically appointed Michael Brown and Ed Kurtz as emergency managers in Flint in 2011 and 2012, it was the foundation who dictated the governor's selections.

After the water crisis captured national news headlines and a criminal investigation was launched, Neeley made similar accusations in 2016—this time about the Snyder administration. The governor's lieutenants were busy "cleaning their fingerprints from the room" while Flint criminal investigators were "still in the room," Neeley told those criminal investigators during an interview, according to a confidential investigative report I obtained.

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In 2020 Governor Snyder was asked why he selected Michael Brown as his emergency manager.

"I don't recall at this point in time," the then-former governor testified under oath as part of major Flint civil class-action lawsuit.

When asked if he ever met with Brown or Kurtz before appointing them . . . ditto.

"I don't recall."

His answers were hard to believe; the former governor was known for his meticulousness. How is it he could not answer why he selected a leader for the important role of running the city he unilaterally seized control over? At the very least, wouldn't he remember meeting with the two men before appointing them as the *unelected* rulers of Flint?

After a long career, Rick Snyder became a millionaire. In 1982, right out of law school, he was interviewed for his first job by . . . Richard Baird. Baird hired him as a tax accountant at Coopers & Lybrand, which eventually became the powerhouse accounting firm PricewaterhouseCoopers. Snyder rose up quickly, eventually taking over the firm's mergers and acquisitions department in Chicago. In 1991, Snyder left to run Gateway Computers as executive vice president.

By the late 1990s, Snyder dipped his toes into political waters. He was appointed by Michigan governor John Engler as the chairman of the Michigan Economic Development Corporation (MEDC). MEDC was essentially a government body littered with elite businessmen, political

donors, and ex-politicians. Snyder's background instilled in him the Republican religiosity of "running government like a business." He even called himself "one tough nerd." And boy, did he run the government like a business.

Immediately after entering office in 2011, Snyder moved to give a $1.8 billion tax cut to corporations. The unlucky losers of the deal were seniors, who saw taxes on their pensions rise. Governor Snyder then eliminated a vital lifeline for cities like Flint, cutting $300 million in the revenue sharing system in which the state sent surplus tax revenue back to cities. Flint, cash-strapped and nearly $20 million in debt, desperately depended on that money. But now the city was losing $8 million dollars.

It was all par for the course for a governor who, as a politician, never shed his businessman mentality. "It's sort of a single dimension for decision making—thinking that if it can't be solved on a spreadsheet, it can't be solved," Dennis Schornack, who served as Snyder's transportation adviser, said about the governor.[1]

But the governor's austerity attack had only just begun. Soon after, he then moved to hijack power away from predominately minority cities and anoint his own bureaucrats to seize control.

The method was controversial. Step one: declare a financial emergency for financially struggling cities or underachieving schools. Step two: appoint unelected officials to seize power over the elected mayors and city council members. Essentially the process relegated democracy as ceremonial at best. Ever the businessman, Snyder framed it as no different than a company declaring bankruptcy.

Before he proclaimed a financial emergency in Flint, Snyder dispatched his treasurer there. In a classic, good-ol'-boys backroom meeting, State Treasurer Andy Dillon met with a who's who of the Mott Foundation, a source revealed. Representing the foundation was Bill White, the longtime CEO; Phil Shaltz, an investor and cofounder of the Mott-funded real estate company Uptown Reinvestment Corporation; and the heads of the Mott-funded Genesee County Chamber of Commerce. Joining them were two bureaucrats Mott was putting forth as choices for Governor Snyder to appoint as emergency manager (EM) of Flint.

Like so many other government officials and private entities I've reached out to throughout my reporting, the foundation couldn't confirm or recall the meeting. "But there is general agreement that many organizations and

individuals were meeting with representatives from the state to discuss the appointment of an emergency manager," a spokesperson told me.

Michael Brown was a longtime fixture in Flint's political and nonprofit scene. He was also a Mott guy. He had served as executive vice president of the Genesee County Chamber of Commerce and as interim Flint mayor. Additionally, Brown ran two Mott-funded foundations. Mott's floating of Brown as an emergency financial manager was curious considering . . . Brown had no real financial management background or experience.

Ed Kurtz, another Mott-fixture, appeared with Brown at the shadow meeting. A decade earlier, controversy swirled around Kurtz after Michigan governor John Engler declared a financial emergency in Flint. Engler appointed Kurtz as the city's first-ever emergency manager. Like Brown, Kurtz had no financial management background. He was plucked out of academia, having run Flint's Baker College for thirty years. Mott showered the college with millions and named a scholarship after Kurtz.

The backroom convention of aristocrats might have been missing the cigar smoke and top hats, but it set in motion a wrecking ball of disaster for Flint. Treasurer Dillon and Mott officials struck a deal: over the fierce objections of residents, Governor Snyder would declare a financial emergency in Flint and then insert Michael Brown as Flint's EM. For Mott, its own puppet would now be calling the shots in Flint. For major decisions —say like the city's water source—Mott would have a seat at the head of the table.

Snyder publicly framed his power grab over Flint as necessary. The city was indeed broke. Its poverty rate hovered above 40 percent. For decades its population and taxpayer base had dramatically shrunk. The city had an annual deficit between $12 and $13 million. Flint politicians made up for shortfalls in the general fund by pilfering money from the city's water fund.

State Treasurer Dillon acknowledged the foundation's role in Brown's appointment. "There were a lot of recommendations from like [former state senator Bob] Emerson, for example, to Mott Foundation who had a real interest in Flint," Dillon told special prosecutor Todd Flood under oath in 2016.

Under oath in 2020 testifying in a major Flint civil case, Snyder seemed to distance himself from the Flint emergency managers—who he forced onto the people of Flint—and their actions and decisions.

“They had responsibility for making decisions as if they were the city government because essentially that’s what they were functioning as with certain things requiring sign-off from the state treasurer,” Snyder testified.

In the church basement, Neeley didn’t stop at spilling tea on Mott as Snyder’s puppet master. He stressed that after years of the Flint water criminal investigation, Brown and Kurtz were “names you never hear in criminal culpability.” He added: “Ed Kurtz is the one who made the decision to use Flint River water.”

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As I parted ways with Neeley, his comments gnawed at me. My gut told me he was a seedy character, but he was right on this. The two EMs Snyder had appointed after Brown and Kurtz, Darnell Earley and Gerald Ambrose, had never been politically baptized by the Mott Foundation. Without the Mott connection, both would go on to be criminally charged in 2016 for partaking in an allegedly fraudulent financial scheme that triggered the water crisis.

Despite Brown and Kurtz avoiding the criminal bullseye, there was no doubt which culprits were responsible. It was Brown and Kurtz who fired the first shots in the water war between Detroit and Flint—a battlefield spanning seventy miles with a pipeline between the two.

Chapter 3

Water Wars

The sting of the August sun left me dehydrated as I arrived at the old, dilapidated Flint Farmers' Market. Over a dozen residents, many old friends at this point after nearly twenty reporting trips, were there to be interviewed by my partner and me. I also noticed some new faces. It was 2021. Eight years had passed since their water was poisoned and the attack on their bodies began. But if you listened to the government or media, you'd be deceptively left to believe that all of this was some tragedy far back in America's rearview mirror—now in the recovery phase.

From my reporting in Flint, it was painfully clear residents were still drowning. Nearly a decade later, they were still living through an urgent crisis, and the rescue boats had long turned back.

"You seen my arms?" Virginia Murphy asked me. The Flint resident was bone thin and frail looking as her health had gone to hell after drinking and bathing in her city's contaminated water. "They're still breaking out," she told me, pointing at rashes across both of her arms. "My arms break out all the time. My skin's gonna just peel, and it takes everything I got to just keep my skin on my bones from taking a shower in that shit."

She noted these were *new rashes* coming from the city's water—not scarring from rashes in the early days of the crisis years prior. "This is in the last twenty-four hours."

Her hair was falling out all over again; she had saved an astounding three gallons of it over eight years. "My clothes are growing and I'm not!" the one-hundred-pound Murphy said in exasperation. She had lost a frightening amount of weight since the water switch.

Christina Sayyae, the now ex-wife of Adam Murphy introduced in chapter 1, felt visceral outrage. "You can't help but think that they're trying to get away with downright murder, not attempted manslaughter—it seems like murder."

She accused government officials of intentionally poisoning Flint residents. “It does not seem like they accidentally did this.” Eight years after the water switch, the forty-something’s immune system had betrayed her. Sayyae had chronic pain and heart issues. Doctors found a lesion on her brain. Her youngest daughter suffered from memory loss. Her son, born with lead in his blood, frequently lashed out in emotional outbursts, a common symptom of lead poisoning.

As I moved down the row of residents, it was one horror story after the next. Almost all of the people I was interviewing had been generally healthy before toxic Flint River water invaded their taps. Clara Moore described her emergency tracheotomy after falling into respiratory failure. Colette Metcalf had been diagnosed with a rare form of breast cancer that her doctor had never seen in forty years of practice.

“It’s in our bones and when it leaches out we’re sick again,” Metcalf said about lead in their systems. “Then our hair falls out, we have no eyelashes, our teeth are shattering. People have died from liver cancer . . . we’re sick, we’re dying, we have no Medicare for All, and we should!”

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After Governor Snyder declared a financial emergency in Flint in November of 2011, the plotting began right away. Local officials, thick as thieves and carrying ulterior motives, lined up waiting for their turn to lobby Snyder’s new emergency manager Michael Brown. As soon as he cracked open the doors at city hall, Brown was ready to shrink Flint’s overhead—come hell or bad water.

EM Brown came in like a wrecking ball. He immediately cut pay and benefits for the mayor and city council members. Next he cleaned house, firing the city administrator, the director of human resources, and five other city officials.

Flint residents were a fighting people and fight they did. Many compared Snyder to a dictator and organized to end his takeover of Flint. A local pastor was arrested as he protested Brown’s hike of city water and sewage rates. In response, one hundred residents protested at city hall singing, “We Shall Overcome.” Residents demanded the repeal of the governor’s emergency manager law. Many called it racist and meant to target Black communities like Flint. One pastor condemned Michigan as “the new Mississippi,” warning that “liberty is being lynched.”[1]

At the time Flint was paying twelve million annually to purchase treated water from the Detroit Water and Sewerage Department (DWSD). Detroit's system pumped fresh water out of Lake Huron, one of the five Great Lakes and the fourth largest lake on earth. In fact, 21 percent of the world's surface fresh water comes from the Great Lakes. Drawn out of Lake Huron, DWSD piped the water seventy miles uphill to Flint. Then the workers at the Flint city water plant mixed in a small amount of treatment chemicals before distributing water to residents.

Before their tap water began flowing brown, most Flint residents had no idea where the water was coming from. Like the rest of us, they paid their water bills and moved on to the next task. All that mattered was the water was safe.

For decades, the process went off without a major hitch. But the marriage between Detroit and Flint was rocky. Like much of Detroit, its water department was riddled with corruption scandals, including bid rigging of contracts and bribery. Infamously, Detroit's mayor, Kwame Kilpatrick, was convicted over these types of shady schemes. DWSD management and local Flint and Genesee County officials were annually at odds over price gouging; DWSD increased Flint's water rate by an average of 11 percent every year in the 2000s. By the time Snyder entered office, Flint leaders demanded that Detroit stop holding the city hostage. In turn, Detroit, which provided water for nearly half of Michigan, essentially told the locals to "cry me a river."

The consistent price hikes from Detroit led local Flint and Genesee County officials to propose abandoning DWSD and creating a new regional water system. The proposed pipeline was called the Karegnondi Water Authority (KWA). Although many local officials supported the idea of the KWA, others found an expensive new water pipeline—running parallel to the existing DWSD pipeline—unwise. They also noted Flint's outdated, dilapidated water plant would be relied on to treat KWA water.

Some Flint officials argued it was better to negotiate with DWSD for lower water rates. Others suggested lowering water costs by purchasing less water from DWSD and then mixing the reduced amount with water from the city's Flint River. Some, including then-councilman Neeley, suggested using the Flint River as the city's main source. The notion of using the polluted Flint River as a drinking water source was unfathomable to most residents. But, like all things in what I call the "United Corporations of

America,” it’s about the money honey. Emergency Manager Brown sought to compare Flint’s water options solely in terms of what would be the most cost effective because . . . obviously . . . nickel and diming on the water our children drink is what we want our politicians to do, right? Protecting the public was never a priority.

As Brown and the city began examining their choices, they received major sticker shock. Tens of millions of dollars would be needed to upgrade the city’s water plant to safely treat Flint River water.

You would think this would present a rather large stop sign. Where would a broke city come up with that kind of cash?

In through the door entered a former FBI informant.

Chapter 4

Flint Down the Drain

Like Mott, Genesee County drain commissioner Jeff Wright's name angrily spilled from the mouths of frustrated Flint residents I spoke with. They insisted that Wright was one of the chief culprits behind their suffering. I would soon learn that much of his wheeling and dealing helped spark the Flint water crisis.

For the criminal prosecutors who would eventually investigate the water crisis, Wright's role, and potential culpability, were key.

Those prosecutors were appointed in January of 2016 after the Flint water crisis exploded onto the national media scene. Michigan attorney general Bill Schuette launched a criminal investigation and appointed a special prosecutor outside of the state attorney general's office to lead the inquiry. That man was Todd Flood, a hard-charging, former assistant prosecutor for Wayne County.

"We're going to open up every door; we're going to ask the tough questions, those proverbial questions of what did you know and when did you know it," Flood said at his introductory press conference. Along with Flood, Andy Arena, the former head of the FBI's Detroit office, was appointed as chief investigator. Arena was not one to screw around. After 9/11, he was promoted to head the FBI's International Terrorism Operations Section. He was also part of the team that brought down one of New York's infamous "Five Families," the Gambino crime family.

In the early months of 2016, as the criminal investigation got underway, a number of major civil lawsuits were filed in state and federal courts over the water crisis. On behalf of Flint residents, civil attorneys sued the state of Michigan and city of Flint. Multiple engineering firms and consultants were also sued over their culpability in the poisoning of Flint.

As Flint criminal prosecutors and investigators began their investigation to uncover who-knew-what-when about Flint's poisoned water, they would have to work backward to a time period over a decade before the switch

was flipped to the Flint River. As a journalist, I, too, entered that time machine, plopping me in front of a daunting web of corruption that seemed to constantly regenerate.

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The devastated city stood as the backdrop as former Flint emergency manager Michael Brown appeared at the Genesee County criminal prosecutor's office in May of 2016.

Like several other state and city officials, the ex-emergency manager had been subpoenaed by criminal prosecutors during the first months of their Flint water investigation. In the throes of heightened, and critical, local media coverage of the Snyder administration, Brown became one of two significant figures interviewed in the opening phase of the investigation.

As Brown sat down with prosecutors, he must have known this was a high-stakes situation. Criminal charges had already been filed against two state environmental officials over the water crisis. Brown knew he and the three other Snyder-appointed Flint emergency managers were the scorn of the city—blamed by residents for making the decisions that led to their poisoning. He was under a microscope and about to go under oath.

Talking with prosecutors, Brown began to pull back the curtain on the elaborate ruse. He revealed that as soon as he entered city hall, an intense lobbying campaign was flung his way. "One of the first people that I met with when I was appointed emergency manager in 2011 was Jeff Wright."

For years Wright had been a mover in local politics, a classic politico always pushing an agenda. That agenda dated back to the turn of the new millennium.

TIMELINE TO CATASTROPHE: 2000

The Flint water crisis clock began ticking over a decade before city officials flipped the switch to the Flint River. In 2000, Jeff Wright won election as the drain commissioner for Genesee County, within which Flint is the largest city. The position wielded unique power; in fact, Wright was one of the only elected officials in Michigan who could impose taxes, and borrow money, without a vote of the people or approval from the county commission or state legislature.

Although Wright wasn't an elected official within the city of Flint, his political dreams had major ramifications for its residents. As soon as he won the county election, Wright set his master plan in motion for Genesee County to build its own water pipeline to pump water from Lake Huron. Wright envisioned that after receiving the raw water from Lake Huron, the county could then sell large portions of it to surrounding cities and municipalities. The locally controlled water system sprung excitement of a "blue economy" featuring local companies and manufacturers purchasing raw water from the county pipeline. The *Flint Journal* dubbed the pipeline Wright's "pet project."[1]

TIMELINE TO CATASTROPHE: 2003

Three years after his election Wright's legal troubles began. In 2003 he was accused of bribery over dealings with a local real estate developer. He was later investigated for supposedly using $44,000 in taxpayer money to pay Sam Riddle, a political consultant, for lobbying Detroit politicians so he could make his regional pipeline a reality. Suspiciously, Wright's office couldn't provide any records that explained the hefty payout to Riddle or exactly what he did.

Soon the FBI came knocking. The federal agency tapped Wright as an informant and had him record a call with Riddle, who was later convicted of bribery. Locals in Flint speculated that Wright cooperated with the FBI to avoid his own criminal liability. "I'm sure of one thing . . . Jeff Wright didn't do it out of civic duty," Arthur Busch, the Genesee County prosecutor at the time, said about Wright informing for the FBI.[2] Years later, Busch revealed he wanted to charge Wright with money laundering over his purported shady dealings with a real estate developer, but Michigan's statute of limitations to charge Wright had run out.

TIMELINE TO CATASTROPHE: 2009

A decade into his role as drain commissioner, Jeff Wright's half-baked fantasy of a brand-new water system got an assist—from Governor Snyder's predecessor. In 2009 William Elgar Brown, a longtime official with the Michigan Department of Environmental Quality (MDEQ) who rose up to deputy director of the drinking water division, was demoted due

to budget cuts. Despite his fall down the ladder, Brown was still a key player in the environmental department.

"Mr. Brown was pretty high up in the food chain," special prosecutor Todd Flood said to Snyder's chief of staff, Dennis Muchmore, during a confidential criminal investigation interview.

And in August of 2009, Elgar Brown granted one of the "most crucial pieces" for Jeff Wright's proposed new water pipeline, which was named the Karegnondi Water Authority (KWA). Elgar Brown signed the intake withdrawal permit allowing KWA to pump eighty-five million gallons of water per day from Lake Huron.

The only problem: Elgar Brown and MDEQ went around the rules of the new Great Lakes Compact, a recent law to ban the diversion of water outside of the Great Lakes Basin. Flood explained to Muchmore that Elgar Brown hadn't obtained any of the necessary signatures from the governors of Michigan's neighbors or from Canada to the north. Still, Michigan governor Jennifer Granholm questionably approved the permit, notably marking the Democrat's first approval under the terms of the new compact.

In a move that stunk as bad as the Flint River, Elgar Brown made a big career change six months after signing the KWA intake permit without the necessary signatures. He joined the engineering firm of John O'Malia; soon after, the company would just so happen to sign on to become the lead consulting firm for . . . KWA.

O'Malia was hired by Jeff Wright to consult on how to obtain the necessary additional permits for the KWA, Flood explained to MDEQ Director Dan Wyant during a confidential criminal investigation interview.

Ahh, the rancid smell of conflict of interests—where government officials rotate through the perennial revolving door to cash in on the private sector.

Beyond Elgar Brown's conflict of interest, Wright carried dual roles that reeked of a conflict of interest. He was both the county drain commissioner, with oversight of its water, and, as of October 2010, the CEO of the proposed KWA pipeline—which many viewed as an attempt to privatize Michigan's water. Wright argued that the KWA would allow Genesee County and Flint to stop purchasing water from Detroit Water and Sewerage Department (DWSD). Unlike DWSD, which provided Flint with already treated water from Lake Huron, KWA would deliver raw water from the lake to Flint and Genesee County. It would then be up to Flint's

dilapidated water plant to chemically treat the raw water before sending it to residents' taps.

TIMELINE TO CATASTROPHE: DECEMBER 2011

"It was conveyed to me that there was a sense of urgency," Michael Brown recounted to Flint criminal prosecutors about Jeff Wright aggressively lobbying him as soon as he became Flint's emergency manager. Wright was pushing him to make a quick decision on whether Flint would stop purchasing water from Detroit in favor of the city joining the KWA system. It was December 2011, and Flint was in the throes of an economic storm after the 2008 financial crisis poured extra salt on its existing wounds. Yet Wright lobbied hard for Flint's new EM, who was now the city's top executive, to prioritize the city joining the KWA. The drain commissioner insisted he needed a decision from Flint ASAP to determine how big the diameter of KWA's pipe would be.

Wright argued that it was cheaper for Flint, and the county, to build their own water system rather than keep paying more and more to Detroit. Brown initially rejected Wright's overtures. "I said to him at that time that, you know, we're in a really early kind of phase of gathering information. There's no way I could make a decision at that point to join [KWA]," Brown testified to criminal prosecutors.

Brown's gathering of information included an engineering study, coauthored by multiple firms in 2011. The analysis examined what Flint's best options for water were. All options were on the table including Flint continuing to purchase water from Detroit, Flint ending its purchase from Detroit to join the KWA pipeline, Flint using its own Flint River, or Flint mixing Detroit water with water from the Flint River.

The analysis also looked at Flint's water plant. For decades the plant had deteriorated, operating exclusively as a backup source. But if Flint were to join the proposed KWA, its decrepit plant would be relied upon to treat KWA's raw water year-round before pumping it out to residents.

EM Brown even explored a full-on Flint fire sale, including allowing Genesee County to take over Flint's water and sewer operations. "A regional approach, yes," Brown acknowledged while confidentially testifying in the Flint water criminal case.

The idea would have been music to the Mott Foundation's ears. Flint's shadow government had long championed the "regional approach," i.e., Genesee County seizing control over Flint's city services. But local officials and residents saw it as a thinly veiled—and racist—power grab by the majority white county over the majority Black city.

Ultimately, Rowe Engineering advised the city that joining KWA would be its cheapest option. Yet the recommendation came with *major* fine print. Whether Flint chose to use its own river as a water source or to join the KWA, its water plant would need as much as $61 million in upgrades to safely treat water full time.[3]

The 2011 engineering study was nothing more than a "rubber stamp" meant to bolster local Flint officials' desire to join the KWA, Bob Bowcock, a longtime water treatment and distributions manager, told me. Needless to say, Flint, by this point a deindustrialized economic corpse, didn't have tens of millions lying under its pillow for massive upgrades to its water plant. But EM Brown steamrolled ahead, considering the idea of the city using the Flint River as its water source.

TIMELINE TO CATASTROPHE: FEBRUARY 2012

In February 2012, as part of his austerity-laced "deficit reduction plan," EM Brown documented that the city was considering using the Flint River as a "short-term" alternative to purchasing water from Detroit. The move "may cost significantly less than the net $11 million spent annually by the city" for Detroit water.[4] At the time Flint's annual deficit had skyrocketed to $17 million. For Brown it was simple math; if the city could cut its $11 million yearly bill from Detroit, it could make a major dent in its deficit. And all it had to do was use its own river water theoretically for free. Brown envisioned the city could even earn additional revenue by selling Flint River water to other municipalities. As part of Brown's cost-cutting plan, he proposed laying off police officers and firefighters.

But placing public safety on the chopping block didn't go over well with residents.

On a rainy day, twenty-five protesters gathered outside city hall to protest Brown's cuts. "There's not one person who lives in Flint who doesn't have some story about public safety," said Ralph Arellano, one of the Flint protesters.[5] His home had already been broken into twice, a growing trend

in a poverty-stricken city. “The decisions they’re making are short-term and they’re short-sighted,” Arellano said. Protesters joined him, chanting “taxation without representation,” condemning the emergency manager installed by the governor to overrule their elected mayor and city council members.

Of course no austerity onslaught against poor people can occur without simultaneously stripping and squeezing them. Along with the cuts, Brown proposed water and sewer rate hikes—an idea the majority Black residents of Flint rejected as racist.

One of those residents didn’t take Brown’s death-by-a-thousand-cuts approach lying down. On May 12, 2012, Pastor Reginald Flynn entered the lobby of the mayor’s office carrying a bullhorn. He was there to voice opposition to Brown’s proposed water and sewer price hikes. His lawyer, Glenn Cotton, stated Flynn was acting in accordance with “Dr. King’s principles.”[6]

“He was sticking up for the poor and for those who didn’t have a voice . . . he was firm in his belief he was doing what Christ would have done.”

Flynn was arrested. His protest and arrest galvanized residents. In response, civil-rights icon Jesse Jackson Jr. came to Flint to lead a protest against Governor Snyder’s emergency manager law that was mostly taking over Black cities.

Jackson Jr. said the pastor’s arrest helped “illuminate the darkness” in Flint. Speaking at Flynn’s church in May of 2012, Jackson Jr. urged Flint and other Michigan residents to march against Snyder’s emergency management law (Public Act 4) and to retake their democratic rights. Snyder’s emergency managers were czars who were “removing democratically elected officials,” the civil rights legend told churchgoers.[7]

On the heels of Flynn’s arrest, several religious leaders met with EM Brown to voice similar concerns over his machete of cuts. It was disastrous. Reverend Lewis Randolph, president of the Flint’s Concerned Pastors for Social Action, took things further, calling for a mega-protest. “We’re going to have over ten thousand people coming down to city hall to say we’re not pleased. Whatever it takes to get Flint back on track, we can do it.”

Despite residents rallying to restore their local democracy, Snyder’s puppets—and his iron fist over Flint—remained firm.

TIMELINE TO CATASTROPHE: AUGUST 2012

Brown never got the opportunity to be the one to offload Flint's water system. In August of 2012, he was forced out as Flint's EM due to the revival of a state law that prohibited him from serving as EM since he had been a city employee in the prior five years. But like many fixtures in Flint, it wouldn't be the last time residents heard from Michael Brown.

The governor drowned out the protests and called on the next Mott man up. Snyder appointed Ed Kurtz as emergency manager despite overwhelming opposition from Flint's city council and residents.

Council members held a meeting demanding an end to Snyder's state takeover. Angry residents packed city hall, some holding signs reading "Democracy Yes, Dictatorship No." Council members announced they would sue Kurtz to block his appointment as EM. But their efforts proved futile.

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Cheers and adoration did not welcome Ed Kurtz when he returned to Flint's city hall to replace Brown as Flint's emergency manager. Back in place as the city's EM for a second time, Kurtz became the target of a growing protest movement of fed-up Flint residents vying to end Governor Snyder's takeover of their city.

But Kurtz paid no mind to those pesky Flintstones demanding their democracy back. Moreover, he demanded to have zero interaction with residents.

"Kurtz absolutely would not talk to the citizens—ever," a source who worked in local Flint government, told me. "He wanted nothing to do with citizens, he said 'you send them to the council, I don't deal with them.'"

Kurtz picked up where Brown left off. In fact, he kept Brown on as city administrator and accelerated the process of changing Flint's water source.

As Flint's EM, Kurtz championed austerity; he cut 27 city jobs from safety, traffic engineering, planning, and engineering. He also proposed a 0.5 percent income tax increase.

As Kurtz became more entrenched as EM, he and a coterie of local officials waged an all-out offensive to persuade the Snyder administration to approve Flint leaving DWSD in favor of joining the proposed KWA water system.

The results would accelerate the disaster that would go on to damage the lives of one hundred thousand people.

Chapter 5

Snyder's Warning

As I stood in line behind Flint residents, his presence among the row of bureaucrats in front of us caught my eye. There he was . . . in the flesh.

Richard Baird, a bulky man in his early sixties, had been described to me as Governor Snyder's "fixer" by several residents who had run-ins with him. More sinisterly, others called him Snyder's "henchman." The man was willing to do just about anything to protect his boss, they said. Now, at a Flint water town hall, he was sitting beside a row of officials from the EPA, city of Flint, and Genesee County. Residents had questions and concerns to express to government officials. I, too, had serious questions that no other journalists had been asking.

It was April 2017 and I was on my third reporting trip to Flint. I had read up on Baird and listened to residents share their experiences dealing with the man. Apparently he had introduced himself in a variety of ways: a Flint native, the governor's "best friend," or speaking "on behalf of" the governor.

But as I inched up the line behind residents, sadly as the only journalist in the room attempting to ask these officials any questions, I found Baird's body language odd. When EPA or city officials answered residents' questions and complaints, Baird stared down. It seemed like he didn't want to look residents in the eyes. Or maybe he just didn't really want to be there. I knew Baird was prepared to go to the mat if he had to. Not for the sick citizens of his hometown, but for Rick Snyder.

Several residents erupted in applause when I approached the microphone and identified myself. It felt good that after less than a year reporting in Flint, my work had earned the appreciation of residents.

I aimed my questions at Mark Durno, the EPA's on-scene coordinator in Flint. Residents didn't have many nice things to say to me about Durno, much like most of the government officials they had dealt with.

I asked why the water testing conducted by *independent* officials had been detecting a hell of a lot higher contamination levels compared to testing done by EPA-funded scientists and the Snyder administration.

I also asked why the Snyder administration was allowing Nestlé, the billion-dollar corporate behemoth, to pump hundreds of millions of gallons of water per day from Michigan's Great Lakes for an annual permitting fee of . . . $200. What sense did it make, I asked, that Nestlé could essentially steal water from Michigan's pristine aquifer, only to bottle it and resell it to the poisoned residents of Flint? With the abundance of clean water in Michigan, wasn't there enough to be provided to Flint *for free* in the middle of a water crisis?

Durno provided one of those long-winded, quintessential non-answer answers bureaucrats love to give. I pushed back saying it's unacceptable for residents, whose eyes are burning while showering in Flint's water, to be told, "Well gee, sorry folks, there's no federal regulatory standards for showering and bathing."

Durno kicked the can down the road, telling me he couldn't answer since he wasn't a health official. "That I think is a good placeholder for another discussion because we don't have our public health experts with us."

Sure Mark, I thought, *while their eyes seared and their hair continued falling out while they showered, residents can rest assured that the EPA would set a "placeholder" for another "discussion." Because, why have a public health expert at a town hall with poisoned Flint residents, right?*

To my surprise, Baird took the microphone next and turned my way. With a straight face, the governor's right-hand man began: "I'm not directly involved, I only know pretty much what I've read in the papers."

At the time I had no idea that less than two months earlier, Baird was *very involved.* He had stood in the Murphys' living room seemingly trying to pay off the sick Flint couple with hush-hush, state-funded medical treatment.

The governor's top adviser told me no final decision had been made by the Snyder administration as to granting Nestlé's proposal to expand its quasi-theft of Michigan's glacial water. The billion-dollar company was vying to increase its permit from extracting 250 gallons to 400 gallons of water per minute at one of its wells.

Smooth liar, I knew. Of course Snyder was going to approve it—and did one year later.

Perhaps more than any other official close to Snyder, Baird would become the go-to quarterback tasked with covering the tracks of the governor, himself, and other top administration officials. Baird's job, whether assigned to him or the result of him proudly volunteering, was to make sure the truth—that Snyder and his top officials knowingly hid from Flint that their water was toxic for at least a year and a half—would never come out.

Adding insult to grave injury, residents were in the dark that Snyder had received his own critical notification about the Flint River . . . a year before the city's switched its water source to the Flint River. A warning that, if acted on, would have prevented the people of Flint's entire nightmare.

TIMELINE TO CATASTROPHE: NOVEMBER 2012

According to Ed Kurtz, if Flint stopped purchasing water from Detroit and joined the KWA, greener pastures would present themselves. KWA was an "economic development" opportunity that would allow Flint businesses to purchase "low-cost water," Kurtz wrote to Michigan state treasurer Andy Dillon in November 2012.[1]

Kurtz also explored what he and many local officials saw as the city's cheapest option: Flint using its own Flint River as a water source. For Flint lifers, the very notion of receiving drinking water from the city's river was disgusting. Everybody knew the river had been a dumping ground for pollution and waste. This began in Flint's nineteenth-century lumber mills and evolved into the next century with the boom of General Motors. At that time GM dumped 10 million gallons of waste into the river daily, including toxic substances like cyanide and hexavalent chromium (the cancer-causing carcinogen exposed by Erin Brockovich in California). Overall the Flint River was brimming with bacteria and organic matter, making it nineteen times more corrosive than the water Flint had received from Lake Huron via Detroit's pipeline. Beyond the risks to public health, the river's pollution made it more difficult for Flint's water plant to chemically treat the water.

This toxic history likely weighed heavily in conversations between Flint officials and the Michigan Department of Environmental Quality (MDEQ). After Howard Croft, Flint Public Works director, and Daugherty Johnson, the city's utilities manager, consulted with MDEQ in December of 2012, Flint rejected the idea of using the Flint River. "It was based on information

that we received from others within the city who said that MDEQ was not supportive of a long-term use of the Flint River," Gerald Ambrose, Flint's finance director, testified during a 2014 civil deposition unrelated to Flint's water issues.

So, if the state environmental officials were against the city using the Flint River in 2012, how the hell could the same officials *do nothing* two years later as residents held up jugs of brown water? As children cried from rashes itching their bodies? As residents carried bags with locks of hair fallen from their heads?

Around the same time MDEQ rejected Flint using the Flint River, Governor Snyder's administration jumped into the mix; Snyder's treasury department green-lighted *yet another* engineering study to help determine Flint's water future.

The results must have turned KWA CEO Jeff Wright bright red. Engineering firm Tucker, Young, Jackson, Tull, Inc. concluded Flint's cheapest option was to keep purchasing water from Detroit Water and Sewerage Department (DWSD) and blend it with water from the Flint River.[2] Tucker Young also determined that KWA and Wright were playing fast and loose with their financial estimates. In fact, KWA's offer to Flint was underestimating the city's costs to join by $100 million dollars, the Tucker Young report found. The firm cautioned Flint that the KWA did not provide the city with greater control of its water. Since Flint would only have a minority vote on KWA's board, it would be vulnerable to water rate increases just like its current situation getting water from Detroit.

Geez, who would accept that kind of deal?

Sheldon Neeley, a Flint city councilman at that time, seemed to agree with Tucker Young. Flint city council members were getting "bad information" from Mayor Walling and the state environmental department about the real costs of the KWA, Neeley told Flint criminal investigator Brian Stair, according to a confidential investigative report Stair authored in 2016.

But the KWA booster club wouldn't be stymied. EM Kurtz, Flint mayor Dayne Walling, and other local officials were hell-bent on forging a Flint–KWA marriage. Wright slammed the report and claimed Tucker Young was biased because the firm had done consulting for DWSD in the past.[3] Unhappy with its findings, Kurtz commissioned yet another engineering study. This one, again done by Rowe Engineering, recommended Flint join

KWA. Unironically, Wright saw no bias at all with Rowe, who counted KWA as its client, concluding Flint's best option was joining KWA.

At that point Flint had rejected as many as six offers from DWSD to remain a customer.

TIMELINE TO CATASTROPHE: MARCH 2013

As spring began, Kurtz and Wright accelerated their plan for Flint to join the KWA.

Wright pushed for Flint's city council to hold a vote on the city joining the new water system. The vote was both critical and meaningless at the same time. For Wright, getting the council to vote yes on KWA was important. He reasoned that at some point the financial emergency in Flint would be declared over. When that day came, the elected mayor and city council would retake full power. Wright wanted to be able to say it was Flint's city council—not the emergency manager—that approved Flint joining KWA.

On March 25, with cherry-picked and incomplete cost projections presented to them, the council voted 7–1 in favor of Flint joining the new water system. The yes vote authorized the city to receive sixteen million gallons of water per day from KWA. The procedure was merely symbolic. Even if the city council had voted no, Kurtz had the power to overrule them and would have. After the vote, a pleased Wright thanked Kurtz for allowing the city council to vote.

The next day a critical warning—one that could have prevented the entire Flint water crisis—was sent.

Stephen Busch, a supervisor with MDEQ, emailed colleagues about the ramifications of Flint using the Flint River as a water source. The city doing so would pose "an increased microbial risk to public health," Busch wrote.[4] If bacteria in your drinking and bathing water didn't turn your stomach, there was more. Busch also warned that using the river on a long-term basis would lead to an "increased risk of disinfection by-product (carcinogen)" to residents. In plain English: cancer-causing chemicals in the water.

There it was in writing, a year before Flint residents had received a drop of water from their river: *using the Flint River would jeopardize Flint residents' health.*

Busch then issued the same warning on a call with MDEQ director Dan Wyant and State Treasurer Andy Dillon. When grilled by special prosecutor

Flood, Dillon didn't deny it.

"So none of that stuff came out right [on the call]?" Flood asked. "I wouldn't say that," Dillon answered, playing coy. Flood also asked MDEQ director Wyant about Busch's "microbial risk" warning. Bizarrely, he claimed he didn't interpret Busch's warning as . . . a warning.

"I do remember reading it, but at that time I'm not aware of the risks of going to the river. At no time did I ever get an indication, then or subsequently, that the Flint River couldn't be used; in fact, just the opposite. It was universally indicated to me by the people I relied on that that [use of the Flint River] could indeed happen."

Through my reporting, I would learn that the conversation between Busch, Wyant, and Dillon catapulted the governor's role from negligence to willful disregard. When a source familiar with the criminal investigation informed me, I did a double take and asked them to repeat themselves. They did—very definitively: after Busch issued his warning about the Flint River to Dillon and Wyant, they briefed Governor Snyder on the matter. In the briefing, they explicitly informed Snyder about Busch's warning that if Flint used the Flint River, it would present the risk of residents being exposed to harmful bacteria and carcinogenic chemicals.

The ramifications of this were almost too major to describe. This placed the governor of Michigan receiving notice of the hazards of the Flint River *a year before* he allowed the city to make the switch to it. At this point even the thought of Flint using its river could have been nixed by Snyder and the powers that be. Yet discussions moved forward.

"All the way to the governor's office," Howard Croft, Flint's public works director, said years later about Snyder's culpability.[5]

The critical question was *why* it had to be the Flint River*?* My hunt for answers was only beginning.

Chapter 6

Economic Terrorism

I had never been to a war zone, but the burnt, naked city sure looked like it had been bombed long ago.

It was the spring of 2017, but the Flint neighborhood I was driving through was the opposite of blooming. Well over a year into the Flint criminal investigation, several state and city officials had been charged with crimes. But clearly nothing was being done about the crime, or the victims, of the economic terrorism perpetrated against the people of Flint for decades.

Tony Palladeno, a Flint lifer from the city's battered East Side, was in the passenger seat as I drove. I looked out the window at a sea of empty lots, homes burnt to rubble from arson, and others simply abandoned. Honestly the neighborhood looked like a scene from a horror flick. My eyes didn't wander far without being met with uncut grass, towering in some lots. "Is this a forest or a city?" I asked Tony. The letters *CP* were graffitied in bright yellow across many of the broken homes we passed.

"That's cut and plug," Palladeno explained, a casualty of the electric company turning off the power. The roads we drove on were caving with potholes. When we turned onto Roosevelt Avenue, Tony's voice cracked with pain. "This was the street I grew up on [in the 1970s]." But forty years later, it was reduced to a long sea of emptiness; the homes that previously anchored the bustling neighborhood had vanished.

"It hurts, it hurts," Palladeno said as he looked at the burnt rubble of his youth. "Most of these empty lots were houses." When he was a kid the neighborhood was thriving with industry. Buick City was a staple of the area, employing many of his neighbors. Colleges, libraries, and stores were everywhere. "It was booming and you helped people, you know?" he nostalgically said.

I was one of many to get Flint's East Side tour from Tony Palladeno. Known for his trademark long, gray beard and ponytailed hair, Tony was a walking history of Flint. From the stories he would share, I learned of everything from the city's glory days all the way through its deindustrialization and abandonment. He'd worked at the city's main newspaper, the *Flint Journal*, for over twenty years, ending as a mailer. Although he wasn't a journalist, his career at the paper forged

a connection between us. That included thin-crust pizza and beers at Luigi's with Tony and his beloved wife Leah when I was in town reporting. We shared a mutual disdain for the national and local media's abandonment of Flint. He saw the *Flint Journal* and other state media as nothing more than mouthpieces for the government who poisoned him and his neighbors. "Where are they, damn it!" he'd yell my way at a city council meeting or protest that I covered.

But alongside his fury came action. It was rare for Palladeno to miss a council meeting or town hall on the water crisis. It was impossible to miss the guy shouting at politicians as they delivered their empty talking points. Tony was always there to offer some colorful language and a few choice words. Hell, he was even arrested weeks before he gave me the East Side tour. What was his crime? While speaking out at a water crisis town hall, Leah and Tony became a little too loud and rowdy for the politicians to handle, so they were locked up overnight. Tony's passion could sometimes drive his fellow activists, and his wife, a bit crazy. You'd be hard pressed to survey Flint water activists who, at some point, hadn't found themselves in a heated argument with him over differences in strategy or ideas. But with Tony, the beef would always get quickly squashed. Overall, he was the go-to person you'd want to celebrate a rare victory with.

One of his passion projects was rejuvenating his beloved Kearsley Park on the East Side. The park used to serve as a city within the city; it had a community pool, baseball field, tennis courts, a youth center, and a vibrant garden. But like most of Flint, it deteriorated to the point that the pool and other amenities were removed. That didn't deter Palladeno—he would never let go of yesteryear—so he created an organization to clean up the park. The first time I met him was at the park; he alternated between sharing poignant stories about Flint to cursing like a sailor and insisting "I'm done!" over the government's inaction. But anyone who knew Palladeno knew that no matter how many times he screamed he was done, he could never be done. Flint was his home; Flint was his heart.

As we kept driving, my mind was connecting the dots between the economic carcass in front of me and the poisoning of Flint. The latter would have likely never happened without the systematic, controlled demolition of the city over several decades. The dire straits of this one-time, middle-class utopia was the perfect cover for Governor Snyder to take the city over, strip it down to the bone, and let Wall Street and real estate vultures swarm in with hopes of gentrifying.

Figure 6.1. Tony Palladeno Jr. and Jordan Chariton at Palladeno's Flint Home in 2018

Source: Tommie Tyhefe Bayliss

TIMELINE TO CATASTROPHE: APRIL 2013

By April of 2013 the water wars between Detroit, Flint, and Genesee County were leaving plenty of political blood on the battlefield. Detroit was desperate not to lose Flint, its biggest water customer. To prevent that from happening, it was ready to make huge concessions. As a last-ditch effort, DWSD director Sue McCormick sent an email on April 15 offering to cut Flint's water rate by 48 percent.[1] Yup, nearly half.

"When compared over the thirty-year horizon the DWSD proposal saves $800 million dollars—or, said differently, saves 20 percent over the KWA proposal," McCormick wrote. DWSD also offered Flint a spot on its board of commissioners to provide the city with more control.

"If the decision is about economics or engineering, I don't see how [Flint and Genesee] proceed with KWA," DWSD's Jim Fausone emailed State Treasurer Andy Dillon on April 17.[2]

For all the complaints from Wright and Flint officials about DWSD jacking up its water rates, one would think an offer cutting the rate in half would be mighty

attractive. Governor Snyder's brain trust assumed the same. "So, if the last DWSD proposal saves so much money, why are we moving ahead with KWA?" Dennis Muchmore, Snyder's chief of staff, wrote to Dillon about Detroit's offer.[3] "I take it that Flint doesn't trust them and is just fed up? Does [Emergency Manager] Kurtz have his head on straight here?"

Dillon was also dumbfounded, casting aspersions toward the Snyder administration's own environmental department. "That is the $64,000 question," Dillon answered Muchmore. "[MDEQ] is firm that KWA is better. Are they an honest broker?"

Nothing to see here: just Snyder's treasurer questioning whether Snyder's environmental officials can be . . . trusted on Flint's water.

With Dillon questioning the motives of the environmental department, the governor stepped in to broker the situation. On April 19, Snyder held a water summit, summoning all sides of the Flint water standoff to his office. KWA CEO Jeff Wright, Flint mayor Dayne Walling, Flint emergency manager Ed Kurtz, Detroit emergency manager Kevin Orr, and DWSD director Sue McCormick were there.

The meeting became tense with Kurtz and Walling expressing their frustration and desire to switch Flint to the KWA. According to former state treasurer Dillon, Snyder pulled Kurtz and Walling into his conference room and "persuaded them to wait for the last final best offer from DWSD."

But the whole exercise was really a charade, special prosecutor Flood insisted. "That was kind of BS, wasn't it?" Flood asked Dillon while confidentially interviewing him as part of the criminal investigation. Flood said the negotiation process seemed bogus and Flint officials had already made up their minds to join the KWA. "There was no real counter that would change anyone's mind?" Flood asked Dillon. The treasurer responded that DWSD thought they put a good offer on the table.

The Snyder-led water summit was revealing: the governor had directly injected himself in the Flint-KWA-DWSD negotiations a year before the Flint River switch. According to Dillon, at that time, there was no discussion or notion that Flint would be borrowing money to help fund the KWA's construction.

Under the emergency manager law, any cost above $50,000 dollars for Flint would require treasurer Dillon's signature. As a result, Wright aggressively lobbied Dillon to approve Flint joining KWA.

"My initial reaction was to reject the KWA," Dillon told Flood about meeting with Wright. "When this came to me, it didn't make sense for a couple reasons. I didn't know how it could be cheaper, Flint had no balance sheet to support debt."

Dillon explained that he told Wright that one of his conditions to approve Flint joining the KWA "was that Flint wouldn't have debt for this." The state treasurer

testified that Wright assured him Flint would only be a customer receiving water from KWA—not financing any part of the pipeline's construction. "It was represented to me that Genesee County and the KWA had the financing lined up, and Flint's only obligation was to buy the water when it was made ready. So, I didn't think Flint was going to be on, you know, the financing of the KWA."

Wright never responded to my questions on whether he promised Dillon that Flint wouldn't borrow any money to join KWA.

Despite Snyder's treasurer leveling with Wright that he would not approve Flint borrowing money to join the KWA, the governor testified to something completely different. While confidentially testifying in 2020 in the major Flint water civil cases, Snyder was asked if at the time Flint decided to join the KWA system, was he aware it "was not going to be free for the city of Flint?"

Contrary to Dillon's testimony, Snyder claimed it was his understanding Flint would have to borrow money to join KWA: "As I recall that was one of the issues about them having to be obligated [financially] in some fashion. That if they were going ahead there was a major investment that Flint would have to share in terms of responsibility."

Snyder acknowledged he had some pause about Flint borrowing tens of millions for KWA. "As I recall, I had some degree of concern. That was one of the complexities. That's why I mentioned earlier, one of my more normal default settings was [for Flint] to stay with DWSD unless there was something compelling to move it beyond that."

But overall, Snyder testified that he thought the supposed long-term benefits for the cash-strapped city outweighed the cons of taking on $100 million dollars in debt.

"My general understanding, as I recall, was they [Flint] would have more obligations but hopefully the efficiencies from going to KWA would more than compensate for the additional liabilities they would have to take on. And what I mean by that is essentially it would sort of pay for itself over time."

So Snyder's treasurer testified under oath that Wright promised Flint wouldn't be borrowing a dime to join KWA; yet the governor claimed it was known from the beginning that Flint would be financing a hefty chunk of the project. The discrepancy made clear: on the KWA, something was awry in nerd-land. In a tight ship like the Snyder administration, was it plausible that a balance-sheet obsessed governor and his treasurer had their wires crossed over *the major financial detail* of whether or not Flint would be borrowing money to join the KWA . . . ?

Or was one of them lying?

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After the tense, Snyder-led negotiation meeting between Flint, DWSD, and KWA, communications between the state environmental department and KWA officials took a bizarre turn—to what appeared to be collusion.

On May 1, 2013, John O'Malia, a KWA engineering consultant, emailed MDEQ's Stephen Busch and Mike Prysby. O'Malia tossed aside any pretense that the state environmental officials were neutral figures in what water source Flint chose; the KWA consultant blatantly asked for their help in getting Flint to leave DWSD for the KWA.

"We have agreed to meet on the fourteenth to discuss strategies to mitigate present and any new issues as might be raised by DWSD to try and derail KWA from implementing a new water supply from Lake Huron," O'Malia wrote to the MDEQ officials.[4]

Here were state environmental regulators—seemingly colluding with the folks behind the proposed water boondoggle—to make sure the public DWSD system it's supposed to regulate wouldn't block the . . . privatized water scheme.

But why would state environmental regulators be in league with KWA?

Apparently they were just following orders. "He was directed to," John O'Brien, a division director with the Genesee County Drain Commission, testified to Flood about MDEQ's Stephen Busch. O'Brien recounted that Busch told him he was following orders when he approved the permit for Flint's water plant to treat Flint River water. "Someone above him directed him to issue the permit," O'Brien said about Busch. "He wasn't happy with the decision."

O'Brien speculated that the pressure on Busch and the state environmental department came from the treasury department—who Snyder-appointed emergency managers reported to. But why would the treasury want Flint to get its drinking water from the Flint River? Unsurprisingly the priority of the moneymen and women was the health of Flint's battered balance sheet—not its citizens. In the minds of treasury officials, if Flint could save $12 million a year by cutting its water payments to Detroit, using the river water would be fine, right?

Yet for all the hand-wringing about saving Flint money, EM Kurtz rejected the half-off offer DWSD presented to Flint. At this point it was clear the die was already cast. Flint was leaving DWSD regardless of how strong, or how much less expensive, the offer Detroit made was.

Despite never being fully convinced it made financial sense for Flint, Dillon felt he couldn't go against the desires of Flint's mayor, emergency manager, and the decision of the city council on something as big and permanent as a thirty-year water contract. Tossing aside his initial concerns, the treasurer signed off on Flint's decision to join KWA. At the time, there was still no plan, let alone a discussion, about how Flint was going to *fund millions in upgrades* needed for its water plant to safely treat the raw KWA water.

With Flint's move to the KWA now set, Kurtz moved onto the next step. The emergency manager decided that during the two-year KWA construction period, Flint would use the Flint River—and its run-down water plant.

In June the emergency manager and other Flint officials met with Warren Green of Lockwood, Andrews & Newman, Inc. (LAN). The city had hired the engineering firm to help prepare its water plant to treat water from the Flint River. But when Green quoted a cost of $34 million in needed upgrades for the plant, EM Kurtz was furious. As was the Snyder administration's modus operandi, the Snyder-appointed emergency manager prioritized doing things on the cheap.

According to Green's public testimony, Kurtz called out his staff, who had advised him that upgrades would cost far less. Green, an engineering expert with twenty years of experience, pushed back on the emergency manager; he insisted that Kurtz should listen to the engineering firm that Flint was paying hundreds of thousands of dollars to. Yet Kurtz remained unfazed. If the emergency manager was going to blow off LAN's expert advice, Green insisted, at the very least, the city conduct a sixty- to ninety-day test run of the Flint River water before distributing it to residents.. Kurtz assured him the city would, Green testified. "They said they were going to do it. . . . I took their word."[5]

Disastrously, Kurtz went back on his word.

With KWA construction set to begin the following year, Flint's emergency manager set in motion a plan that would prove tragic. The scene of the crime began on the ground level, with worried workers inside the city's old water plant. There, faces and voices unknown to the people of Flint would sound the alarm to try and stop the slow-motion train wreck they saw headed for Flint.

But no one was listening. Rick Snyder, and his puppet ruler in Flint, had other ideas.

Chapter 7

River of Fraud

Constructed during Flint's boom times in the 1950s, the city's water plant originally treated water from the long-polluted Flint River through the late 1960s. At its peak, it helped provide water to a growing population nearing two hundred thousand people. Back then, discolored water occasionally came out of residents' taps.

In 1967 Flint stopped using its river and began purchasing treated water from the city of Detroit sixty-eight miles southeast. This relegated Flint's water plant to serving only as a backup source for decades. Its role was limited; in adherence with state regulations the plant only operated full-time for one month out of the year. The remainder of the time it served as the final stop in the water-treatment process. Detroit would draw fresh water from Lake Huron, providing full chemical treatment at its own facilities, and then send the finished water through its pipeline to Flint's water plant. Once the water reached Flint's plant, workers added some final treatment chemicals before sending it out through six hundred miles of main water pipes to residents.

By the 2010s the plant had been deteriorating for decades. Malfunctioning and outdated equipment, faulty operating systems, sorely needed upgrades, and inexperienced staff were just some of the issues. But by 2013, when the powers that be decided Flint would leave Detroit's water system to join the proposed KWA, Snyder-appointed emergency manager Ed Kurtz and other city officials banked on the long-crumbling plant to somehow resuscitate itself—in less than a year—to treat Flint River water 24/7.

Workers on the ground floor of the Flint water plant knew better. As the days, weeks, and months marched on to the April 2014 Flint River switch, *they were scared*—for themselves and the entire city. Several would end up confidentially testifying as part of the Flint water criminal investigation. What they revealed shocks the conscience.

TIMELINE TO CATASTROPHE: SUMMER 2013

In June of 2013, after fifty years of receiving water from Detroit, Flint was about to abruptly change course. On June 26, city emergency manager Ed Kurtz took the major step of authorizing Flint's water plant to use "the Flint River as a primary drinking water source for approximately two years" until the city would begin receiving lake water from the KWA pipeline.[1]

Astonishingly Kurtz's marching orders were to use the same river he had been *warned against* using six months earlier by the Michigan Department of Environmental Quality (MDEQ) . . . the same river that everyone in Flint knew was tainted from centuries of pollution and corporate industrial waste.

Changing its water source in less than a year would be no small feat for Flint. Cities don't change their water sources often. In fact it's rare, happening maybe once in a century. When it does occur cities typically test the new water source for contaminants for at least six months to a year before sending it out to residents to consume.

But this was Flint, after all. The city was poor and majority Black. To the power brokers deciding what water they would serve the people, the people seemed invisible.

Kurtz's directive to plant workers came with a clear, head-spinning order: get this sucker up and running in less than a year to treat water from the Flint River. The deadline was April 2014, the date Kurtz and other Flint officials claimed Detroit was "cutting Flint off" from its water system. Days after Kurtz gave the green light for the Flint River, an important meeting was quicky put together at the water plant on June 29. Present were plant workers, MDEQ officials, an official with the Genesee County drain commission, and Warren Green, the chief engineer for Lockwood, Andrews & Newman, Inc. (LAN).

Green would reenact the meeting in a confidential interview with Flint criminal investigators. From the beginning, the discussion was alarming.

"Flint will use two monitoring periods and then we will review the results," Green recounted MDEQ's Stephen Busch stating. Translated: Busch, a state environmental supervisor, was directing plant workers not to add standard corrosion control chemicals into the Flint River water they treated before sending it out to residents. Instead, MDEQ would test the water for a year to see if the chemicals were necessary.

For water industry professionals, *the plan was unthinkable*. Essentially what the environmental department was planning was the equivalent of a pilot flying a 757 airliner—packed with hundreds of passengers—to confirm the engine components were working rather than conducting standard checks before takeoff.

MDEQ was either ignorant or reckless (or both). The EPA's regulation for cities to add corrosion control to water was clear: populations with over fifty thousand people were *mandated* to do so. Why? Well, there's a dirty little secret lying underneath America. The pipes that deliver Americans their drinking water are typically fifty to more than one hundred years old, corroding away day by day. Even worse, an estimated twelve million of them are made of lead, a heavy metal and neurotoxin very dangerous to children and also harmful to adults.[2] Without protection, the lead that lines our aging pipes can leach off and into the drinking water traveling to households and businesses. That's where corrosion control comes in. To protect consumers the EPA requires that most cities add these chemicals to form a protective coating inside the pipes. When applied right, corrosion control prevents lead and other heavy metals from dislodging into the water supply.

But MDEQ, the supposed environmental experts, would be sending Flint's water out without the necessary protective shield. In making that decision, the agency would also be blowing off federal law.

LAN's Green found the plan "curious," he told criminal investigators. When he questioned Busch about it, the state environmental official held firm that MDEQ wouldn't mandate corrosion control for Flint.

"We got out of that one, less money to spend," Green remembered Daugherty Johnson, Flint's utilities director, saying. As he heard more, Green's curiosity morphed to concern. "I'm not comfortable with that explanation; we need to explore that [corrosion control] further," he told Johnson.

But then Green learned what was *really* going on here.

"I've been told, if it doesn't require money, we are OK," Green remembered Johnson telling him. Green told Flint criminal investigators that his discussions with Flint EM Ed Kurtz made it clear that Kurtz's top priority was not health or safety. "If MDEQ doesn't require it, we aren't doing it," Green recounted Kurtz saying. "Money was always the underlying factor in Flint's decisions."

Green's engineering firm, LAN, had told Kurtz the city would need to spend $30 million to upgrade nine to ten major issues at the plant. But Kurtz rejected LAN's proposal.

"Let's do only the minimum so we can get through till the Lake Huron pipeline [KWA] is ready," Green recalled Kurtz saying.

The mentality, from the state capital down to Flint's city hall, was clear: whether it was "do only the minimum" or "run government like a business," the health of human beings came second after dollars and cents.

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Matthew McFarland, a foreman at the Flint water plant, remembered the abrupt announcement delivered to plant workers in 2013 about switching to the Flint River.

"It came out of nowhere," McFarland told special prosecutor Flood during a confidential criminal investigation interview. "Okay, we're going to run. April 24 [2014]," McFarland recounted being told by Howard Croft, the city's public works director. Croft's tone was urgent. Detroit was "cutting off" service to Flint, workers were told—leaving the city with no choice but to temporarily use the Flint River until the KWA pipeline was ready.

But it was a lie. Unbeknownst to McFarland and other plant workers, Croft and Flint EM Kurtz were misleading them. Flint wasn't really being cut off from Detroit. In fact, for several years the city had been purchasing water from DWSD despite their contract having expired. If city leaders wanted to, they could have struck a temporary agreement for Flint to continue getting water from DWSD for two years while KWA was under construction. Genesee County, and its drain commissioner Jeff Wright, did just that.

McFarland, who had worked at the plant for fifteen years, warned Croft that this was a bad idea.

"Hell no, we can't do it, we are not ready!" McFarland recounted telling superiors. "There wasn't a lot of time to do anything as far as upgrades to our plant . . . we knew we weren't ready to run."

It wasn't just lack of equipment. The plant was short of bodies. "We weren't given employees," he told Flood. "We asked for employees . . . they gave us new employees without any water plant experience. I think it was two weeks before we started sending [Flint River] water out to the city."

McFarland urged his bosses that Flint should wait another year or two to launch the plant full-time. “I wanted to wait until Karegnondi [KWA] was there. That would have [given] us time to do the upgrades that we needed to do.”

As his superiors ignored him, McFarland grew more irritated—and tormented. “Tonja you have to call me right away, please call me right away,” Tonja Petrella, McFarland’s sister, told PBS about the voicemail her brother left her. “He knew that they weren’t ready for this.”[3]

As the deadline to the Flint River switch inched closer, McFarland’s calls grew more desperate. “He said we’re not ready. He said the plant isn’t ready,” Petrella remembered. “The funding just wasn’t there, the staffing wasn’t there, there was a lot that needed to be done, and it would take time.”

Mike Glasgow, the lab supervisor at the water plant, was also under intense pressure. After work he would vent to his wife. “She knows what I’m dealing with, so I talk about a lot of things with her,” Glasgow testified to Flint special prosecutor Flood.

Glasgow had been at the plant for nine years; he was the most-skilled worker there, holding an F1 certification—the highest water operator level there is. When the dictate came to ready the plant to switch to the Flint River, he felt an immediate sense of doom. Almost immediately a sense of impending disaster crept in. “I’m uncomfortable with this,” Glasgow remembered. He knew they didn’t have the staffing to check every box before such a major change. Things were “happening too fast,” he told Flood.

“I knew in my mind we weren’t ready, but I would say it was a gut feeling,” Glasgow testified. “I knew there would be some issues that we would be presented with if we went forward.”

Nothing in the plant was “working without some flaws” before the switch, McFarland told Flood. “There should have been upgrades before we started running . . . there should have been a lot of things fixed before we started running.”

Beyond faulty equipment, the water plant didn’t have a permit to operate full-time. Its pumps were old and its systems weren’t automated; it didn’t have any raw water data being relayed back to its operations center; and a lot of the equipment and systems hadn’t been run long enough.

“Our sludge system and our plate settlers, we never really ran them long enough to see if they worked properly, and we found that they didn’t,” McFarland revealed.

That long list of issues was why ROWE Engineering and LAN had authored an engineering analysis in 2011 that quoted $61 million in needed upgrades for the plant. But the broke city didn’t have that kind of money—and never followed through.

So now, less than a year before switching from softer, less corrosive lake water to harder, nineteen times more corrosive Flint River water, plant workers were steering an old, malfunctioning ship about to embark on a long, arduous voyage.[4]

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For years media coverage on the water crisis framed a simple story: to save money the state and city decided not to add corrosion-control chemicals to Flint River water.

But the media had it wrong. “We didn’t even have the equipment or the chemicals to feed [corrosion control] when we first went online from the Flint River,” Glasgow revealed to Flood.

Ten months before the Flint River switch, workers at the city’s water plant called off doing more engineering tests. The decision, and their reasons, should have alarmed the powers that be pressuring workers at the plant to move mountains to ready the plant for the Flint River switch.

“The plant was found to be in such a state of disrepair we could not fully evaluate the plant (because) a number of the treatment systems were not operating,” LAN’s Warren Green publicly testified.[5]

The plant only had a temporary chlorination system. Its ozone system, used for deeper disinfection of bacteria and heavy metals, wasn’t working properly. The water softening system had structural problems. The plant’s weirs, small barriers inserted to control water flow, were either not installed or completely submerged in the water. The SCADA software system, which measures real-time data, was outdated.

None of it mattered. “Onward!” plant workers were told by the city bosses, who were taking their orders from Snyder-appointed EM Kurtz. As workers stressed, Flint residents did get their wish . . . sort of. In July Kurtz resigned as emergency manager. Residents were thrilled. But as he headed for the exits, they found no time for celebration. In his place, the governor

reappointed Michael Brown, Kurtz's predecessor, to oversee Flint's hasty water change.

TIMELINE TO CATASTROPHE: FALL 2013

Despite Kurtz having authorized the city's switch to the Flint River, EM Brown told prosecutors he held out hope that Flint and DWSD could strike a deal for Flint to continue receiving water from Detroit during KWA's construction. But he could never negotiate that deal. Shortly after reassuming the role of Flint's emergency manager, Brown resigned in September of 2013 following the death of his brother. Upon Brown's resignation, Governor Snyder appointed Darnell Earley, the former city manager of Saginaw, as his third Flint emergency manager. Like his predecessors, Earley was known to fixate on dollars and cents above all else.

Soon after Earley took over Flint, State Treasurer Andy Dillon resigned, leaving his post after a messy divorce and personal issues.

As Dillon headed for the exits, the bait and switch began. KWA CEO Jeff Wright had won Dillon's approval for Flint to join the KWA by, according to Dillon, assuring him Flint would not be borrowing money to join the new water system. But with Dillon gone, and just six months to go until the Flint River switch, Jeff Wright had a big problem.

Construction season for the KWA pipeline was quickly approaching, and contrary to what Wright told Dillon, the KWA did not have funding for the $285 million in construction costs completely lined up. *Wright needed Flint* to join KWA—both as a customer and to finance 35 percent of construction. But legally, it was impossible; "Vehicle City's" financial engine was stalled.

"The city has no ability to borrow at this time," Gerald Ambrose, Flint's finance manager at the time, testified about Flint's financial situation during a 2014 civil case deposition. "It's a city in [financial] receivership. It has no credit rating."

Ambrose explained that Flint had a $13-million-dollar deficit and a financial hole that would be skyrocketing to $20 million the following year. As a result, the city cut thirty-six police officers and nineteen firefighters.

So let's get this straight . . . Flint's financial coffers were collapsing into a gaping sinkhole—leaving cops and firefighters as the casualties—yet the

collapsing city was somehow going to come up with tens of millions of dollars to help fund construction for a brand-new water system?

Even with the huge roadblocks in front of them, EM Earley, his deputy Ambrose, Wright, high-priced bond attorneys, and Wall Street robber barons would find a way. . . .

Legal or otherwise.

TIMELINE TO CATASTROPHE: FEBRUARY 2014

Two months before the Flint River switch, KWA's construction was in peril. Wright had to immediately initiate a major bond sale—underwritten by Wall Street heavyweights including JPMorgan Chase and Wells Fargo—to fund construction. Without the sale, KWA would face costly delays.

"Our goal in putting this together is to price the bonds and deliver funds to KWA as soon as reasonably possible," Matthew Couch, a vice president at JPMorgan Chase, wrote to Wright, Ambrose, and a slew of others on February 24, 2014. The borrowed money would go toward funding Flint's 35 percent portion of KWA construction.

But per state law, Flint was at its legal borrowing limit and not permitted to borrow more money—unless in the case of an emergency such as a "fire, flood, or other calamity."[6]

So the financial suits got busy. On March 18, Dave Massaron, a bond attorney for KWA, sent an urgent email to EM Earley and Flint's finance manager Ambrose. KWA was ready to go public with the bond sale, but it couldn't move forward without Flint issuing its own series of bonds.

Massaron then uttered three boring, bureaucratic words that would ultimately spark the Flint water crisis: Administrative Consent Order (ACO). "The city needs the ACO in place by the end of this week," the bond attorney wrote.[7] Without it, he cautioned, KWA would be dead in the water.

One way or another, KWA needed $100 million dollars from Flint. But the city couldn't borrow money unless there was some type of emergency. So, why not concoct one?

The trio orchestrated the use of the special environmental order, the ACO, to conjure up an environmental emergency. The scheme was elaborate, special prosecutor Todd Flood explained to Dennis Muchmore, the governor's chief of staff.

“Flint was in a distressed state,” Flood said during their confidential criminal investigation interview. “They couldn’t borrow money because they would violate what is called the Home Rule Act. Municipalities can’t borrow money or sign for indebtedness if they’re in debt to a certain point or in receivership or on the verge of bankruptcy. So what they had to do was to find an emergency; otherwise, the KWA would lose their construction cycle by March 20 of 2014.”

Flood then explained what “emergency” the bureaucrat brigade came up with. “So they found this lime sludge area . . . that needed to be remediated [for several years], and it cost about $2,500 bucks. But the genius part of that is that ACO allowed the municipality to get around the law—get around the Home Rule Act, and they could transfer the bonding, the 30 percent that the City of Flint had to pony up [for construction of the KWA], which was approximately $85 million . . . so that the KWA wouldn’t lose their bond or their construction cycle.”

KWA’s bond attorney Massaron concluded his March 18 email with urgency: “The ACO is a condition to proceeding” to “ensure the entire [KWA] project can be financed.” But multiple departments within the state environmental department declined to approve the ACO for Flint.

“I received a call . . . seeking what I’d characterize as a ‘sweetheart’ ACO,” Nicole Zacharda, an MDEQ water resources division official, described to her boss about the pitch she received for her department to approve an ACO for Flint. They declined. Next, MDEQ’s drinking water office refused to issue the ACO. Having struck out twice, KWA finally got MDEQ’s Waste Management department to grant an ACO to Flint for its “emergency.” The approval gave a nearly bankrupt Flint the ability to issue nearly $100 million in bonds to fund its portion of KWA construction.

“So how do we get around . . . a city that can’t borrow a dime . . . how do they borrow $85 million to get the flow-through of money to the KWA?” Flood asked Muchmore. “The way they did that was [by] having the DEQ sign off on this—fix that $2,500 problem,” the special prosecutor explained.

Noah Hall, one of Flood’s deputy prosecutors, put it bluntly in a 2019 interview: “It was a scheme, it was a fraud, it was a shell game . . . and the state department of environmental quality was at the center of it.”[8]

Karen Weaver, the mayor of Flint from 2015 to 2019, rhetorically posed a question about the shady ACO that preceded her: “How do you lend money to a broke city?”

The ACO was worse than tying Flint down with massive debt it couldn't pay back (by the time Flint signed the bond contract, the price tag had increased to $125 million). Most consequential and tragic, it had a provision that slapped handcuffs on Flint: the city *had to use the Flint River* as its drinking water source, and the city's broken-down water plant to treat the Flint River water, while KWA was constructed.

"The administrative consent order mandates that they use the Flint Water Treatment Plant and/or river . . . for new production of water," Flint special prosecutor Todd Flood explained in 2018 during the public pretrials of state environmental officials he criminally charged.

That requirement would later prove cataclysmic.

"That Karegnondi water system . . . it's where it all started," Muchmore acknowledged as the root of the water crisis during a 2016 interview.[9]

Where was Governor Snyder during all of this? A year earlier the governor had brokered a water negotiations meeting between Flint, KWA, and DWSD officials. At that point in April 2013, it was not on the table to have Flint borrowing tens of millions of dollars to help fund the KWA.

So the obvious question: a year later, was Snyder unaware that his emergency manager, in collaboration with his environmental department, was engineering a financial scheme to indebt Flint for decades?

"I don't recall any specifics regarding that," Snyder testified in 2020 as part of the major Flint water civil cases. "I knew there was some administrative consent order; I didn't know what it was with respect to Flint."

For politicians and staffers who knew the nerd-in-chief best, Snyder's answer is hard to believe. This was the savvy businessman-turned-politician known for paying painstaking attention to detail—for key information never getting past him. But here he claimed to be completely out of the loop on a major deal that allowed the struggling city *he declared a financial emergency in* to borrow $100 million dollars.

The sad reality of it all: without the hair-brained KWA scheme that triggered the city using the Flint River, the people of Flint would never have been poisoned by their own city's water.

As the moneymen got their ducks in a row in early 2014, the chorus of worry at the Flint water plant grew louder. With the Flint River switch imminent, plant workers hoped *somebody* would step up to stop the coming disaster. A week before the Flint River switch, a surprising somebody did.

Were Rick Snyder and his chieftains willing to change course to save lives?

Chapter 8

Scream for Help

I drove up on the grass and parked alongside other cars. The water plant stared back at me from behind the fence. Dozens of residents were gathered to hold a rally and press conference. “Flint Is Still Broken” covered their shirts in black and white. It was April 2019, and I was on the road again, back in Flint reporting on the five-year anniversary of the water crisis.

Speaking in her deep, soulful voice, Bishop Bernadel Jefferson, a fixture in the community who had been a leading activist throughout the crisis, demanded justice for her city. In Jefferson’s speech, she emphasized that this wasn’t some tragic accident from Flint’s past. No, this was an active, *ongoing* crisis. In front of her was a sign that read “5 Years 2 Long!” and a list of demands: Medicare for All, a federal disaster declaration, ending residential water shutoffs, and eliminating the emergency management system that caused the crisis in the first place.

As residents, faith leaders, and teachers spoke, a sense of dread came over me. Of course, this story was inherently sad. But it was a different kind of pessimism, one bred from a growing realization that all victims are not created equal. Sadly, in America justice is elusive if you’re a poor person—or a person of color—from a place like Flint. For each resident who took their turn to speak, I couldn’t help but feel hopeless.

“I want everyone on the streets, because you’re not feeling what we’re feeling,” Tony Palladeno, the Flintstone everybody seemed to know, told me in front of the plant. Donning his signature red Flint ball cap, the ferocious, no-nonsense Flint lifer called out the new governor, Democrat Gretchen Whitmer, and other politicians who had all but left him and his neighbors to die.

“You can [sit] up in your elite castles and enjoy life. We’re still suffering here . . . this place ain’t safe, it’s not safe at all.”

Unbeknownst to most residents, the plant we stood in front of was where the final desperate efforts were made to stop the Flint River switch—made

by plant workers victimized just like these residents.

TIMELINE TO CATASTROPHE: MARCH 2014

In February of 2014, MDEQ approved a permit for the Flint water plant to operate full-time ahead of the move to the river. But ahead of the April water switch, the pressure on the plant's lab supervisor Mike Glasgow intensified. "They explained it as, they were following their orders, they were passing on the marching orders," he told special prosecutor Flood about instructions he received from Howard Croft, Flint's public works director. Glasgow believed Croft was merely a puppet passing down orders from Snyder's proxy, emergency manager Darnell Earley.

"We have to meet this deadline. 'No' is not an option or an answer," Glasgow recounted Croft dictating. But he pushed back. "I don't feel we're ready. I'm uncomfortable with this. I think things are happening too fast."

Ominously, he told Flood that he feared the rush past all stop signs by state and city officials meant more powerful, unseen forces were at play. "I was stumbling on something above my pay grade."

What Glasgow didn't know was "no" actually *was* an option. On March 7, 2014, EM Earley rejected an offer from Detroit to continue providing Flint water while KWA was under construction.[1]

"Thank you for the correspondence dated February 12, 2014, which provides Flint with the option of continuing to purchase water from DWSD following the termination of the
current contract as of April 17, 2014," Earley wrote to DWSD director Sue McCormick a month before the move to the Flint River.

But he declined the offer. "The city of Flint has actively pursued using the Flint River as a temporary water source while the KWA pipeline is being constructed. We expect that the Flint Water Treatment Plant will be fully operational and capable of treating Flint River water prior to the date of termination. In that case, there will be no need for Flint to continue purchasing water to serve its residents and businesses after April 17, 2014."[2]

With the ACO and bond financing secured, the Flint River switch was all systems go. But despite Earley's rejection of DSWD's offer, the plant was far from it.

Before the switch, John O'Brien, the director of water services at the Genesee County Drain Commission, made several trips to the water plant. He was alarmed by what he saw.

"At that specific moment they were not ready to run the treatment plant, they were still in the process of assembling pipe, wiring, and equipment," O'Brien told Flood during a confidential criminal investigation interview. After the worrying plant visits, O'Brien called MDEQ supervisor Stephen Busch a month or so before the water switch. He expressed concerns about the water plant not being prepared to treat water from the Flint River. The call was a role reversal: a year earlier Busch had warned state treasurer Andy Dillon and MDEQ director Dan Wyant about health risks posed to Flint residents if the city used its river as a water source. The warning reached the governor.

"I asked Steven Bush why they issued the permit for the plant," O'Brien told special prosecutor Flood about his conversation with Busch weeks before the water switch. Based on Busch's response, O'Brien suspected the environmental official was carrying out orders from higher up the totem pole. "My belief was with the tone of his voice that he wasn't happy with the decision." In public testimony, O'Brien said: "We [Genesee County] believed that plant was not ready to go based on [previous] conversations we had with the state and city."[3] But, despite it being clear that the plant wasn't prepared to safely treat Flint's drinking water, Busch shockingly told O'Brien that he was "directed to allow the plant to operate."

By abandoning DWSD and temporarily using the Flint River, the city would save millions and "stabilize the city funds," O'Brien explained to Flood. He believed the state treasury department, and EM Earley, were pulling the strings behind the frenzied rush to get the plant ready.

O'Brien added that during his plant visits, he saw a flurry of new, untrained workers literally fresh off the city's trash heap. "They (had all been) riding shotgun on a garbage truck," he testified publicly about garbage workers being transferred to work at the plant weeks before the switch. "They don't know if they are producing good water or not."

O'Brien's concern led him to meet with EM Earley, Public Works Director Croft, Mayor Walling, and city financial director Gerald Ambrose. "These are the concerns, these are the things you need to consider when making the switch," O'Brien warned the city's chieftains. He told them using the Flint River wasn't their only option, presumably a reference to the

many offers Flint had turned down from DWSD to keep receiving Detroit water while KWA was constructed.

A game of musical stares ensued. Earley gazed over at Croft, who assured "we have all these things taken care of." Croft then looked at Ambrose. "This is a good deal for the city of Flint," the financial manager insisted. Ambrose then glanced at Mayor Walling, who echoed the same sentiment.

TIMELINE TO CATASTROPHE: APRIL 2014

In early April, MDEQ signed the permit to allow Flint to draw drinking water from the Flint River. By the middle of the month, Mike Glasgow's worry escalated to panic. It was a week before the Flint River switch, and he knew there was no way to safely send out water to residents. Matthew McFarland, the foreman in the Flint water plant, also saw a storm coming. He told Flood that shortly before the switch, he and other plant workers begged Glasgow to ring the alarm bell. "We were all going to Mike . . . we were all asking him for help. You know, telling him we weren't ready, please do something."

Glasgow heeded the call. On April 16, the plant's lab supervisor reached out to MDEQ officials requesting more information on what the water monitoring schedule would be once the city switched to the Flint River.

"I would like to make sure we are monitoring, reporting, and meeting requirements before I give the OK to start distributing water," Glasgow wrote.[4] MDEQ's Adam Rosenthal responded that the department was "working on a revised schedule" for Flint and it would be sent to him that day.

Soon after, Governor Snyder's top officials began a blitz of phone calls.

At 4:14 p.m., Dennis Muchmore, the governor's chief of staff, called Mike Gadola, chief counsel to the governor, according to logs of phone calls obtained by Flint criminal prosecutors. As chief of staff, Muchmore reported directly to Governor Snyder and served as one of his closest confidants, trying to put out the day-to-day political fires while making sure the governor's staff remained effective.

Muchmore and Gadola spoke for ten minutes. After the conversation ended, Gadola called Muchmore back soon after for a four-minute call. Two hours later Muchmore called Gadola back for a quick one-minute

conversation. Soon after, Gadola called Muchmore back for a seven-minute conversation.

The rapid-fire calls between Muchmore and Gadola—just hours after Glasgow fished for information from MDEQ ahead of the Flint River switch—stood out to Flint criminal investigators. They were the first calls listed between the two top administration officials in two months, making it noteworthy.

The next day Glasgow rang the alarm. After reading MDEQ's response to his email the day before, the plant operator responded on April 17. "I was reluctant before, but after looking at the monitoring schedule and our current staffing, I do not anticipate giving the OK to begin sending water out anytime soon. If water is distributed from this plant in the next couple weeks, it will be against my direction."[5]

Under normal circumstances, the water plant's chief refusing to sign off on a move as big as switching to a new water source might have caused state environmental officials serious pause. But it seemed they, too, were receiving urgent, rushed orders from above to make the switch to the Flint River happen.

Glasgow wasn't finished and didn't mince words. "I need time to adequately train additional staff and to update our monitoring plans before I will feel we are ready. I will reiterate this to management above me, but they seem to have their own agenda."

That agenda didn't seem to involve listening to plant workers frantically waving the red flag. "They [MDEQ] were sent an email that we weren't ready to run and we needed help and they didn't care," McFarland told Flood about Glasgow's last-ditch plea. "We kind of were—we didn't know where to go."

Sadly, five days after testifying in a confidential Flint criminal investigation interview on April 11, 2016, Matthew McFarland died. According to the Lapeer County medical examiner, McFarland died of a drug overdose. But many Flint residents found the circumstances of McFarland's death suspect, believing there was potential foul play related to him testifying.

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As Flood recounts, "This gentleman by the name of Michael Glasgow, an F1 employee over at the city of Flint, writes emails to the police. Those

police are the DEQ. And says, over my dead body—I paraphrase—this is not ready to go and we're not prepared to run the plant, and crickets, nothing. Nobody does anything."

Glasgow's final effort to stop the switch went unanswered. MDEQ officials didn't respond to his email. "To me, that was my last chance of trying to delay or stop our switch," the lab supervisor told Flood. "It's my last, I guess, scream for help."

Glasgow "did everything he could" to stop the Flint River switch, his attorney told me. Tragically, "he was ignored repeatedly" by his superiors.

If state environmental officials were truly concerned about health and safety, you'd think they would have at least responded to Glasgow's concerns. Maybe they would have even pushed the switch back a few weeks to address the staffing and water monitoring inadequacies.

But, as the special prosecutor flagged during his interview with Snyder's chief of staff Muchmore, the fraudulent environmental order (ACO) that MDEQ had just signed off on set this train in motion.

And there were no brakes to slow it down.

"In that agreement, that contract, it was mandated that they had to use the Flint Water Treatment Plant and the river until the KWA was done," Flood said. So, even if state and city officials came to their senses and decided for Flint to keep receiving water from Detroit . . . *they couldn't* without violating the terms of the ACO and jeopardizing the KWA bond deal.

The Snyder administration might have blown off Glasgow's plea for help, but soon they wouldn't be able to ignore the peril they faced politically—and potentially legally. The governor along with his top officials were about to enact what, based on my reporting, would become one of the biggest government cover-ups of the twenty-first century.

A day before the switch, McFarland called his sister. "We're not ready, people are gonna die," Tonja Petrella told PBS.[6] He implored her to contact everyone she knew and cared about in Flint and warn them not to drink the water.

The next day, on April 25, 2014, Flint's mayor, emergency manager, and other officials gathered at the Flint water plant. Standing in a circle, they raised glasses of water in an exuberant toast as the switch was officially flipped to the Flint River.

As they smiled, the poisoning of Flint began.

Chapter 9

Don’t Believe Your Lying Skin

Sweat rolled down my forehead and neck as I crossed Wolcott Street on Flint’s North Side. My colleague Jenn Dize and I had been walking up and down the streets of Flint for days, knocking on doors after receiving a tip from a Flint resident. Unfortunately, over the years there had been far less of this on-the-ground investigative reporting in the advent of the 24/7, cable news era. It was June of 2018. Baking under brutal humidity, I walked with a rag around my neck to absorb the sweat.

As we approached the porch of a small, one-story home, a young mother sat with her baby cradled in her lap. She looked distressed. When we made eye contact, she looked at me with suspicion. I’d quickly learned this was common in Flint. A knock on the door often meant the local government, or volunteers on behalf of the government, or telemarketers. Many residents rightfully held a healthy distrust for all three.

We introduced ourselves as journalists who were investigating the way water testing in the city had been done. As Jasmine Lee began to answer, I was disturbed—not by her, but by what I saw ravaging her baby’s body. Looking down, white sores and rashes blanketed her skin. The outbreak wasn’t confined to one area. The child had spots all over her arms and legs; her cheek had some scarring that looked leftover from a rash.

Lee, a young mother of a one-year-old daughter and four-year-old son, had recently moved into this home with her boyfriend Brandon and their kids at the beginning of May. Up until then, they were some of the lucky ones. They previously lived just outside of Flint, narrowly escaping the city’s toxic water when the city was using the Flint River.

Before moving to Flint, Lee’s daughter’s soft, ebony skin was smooth and clear. But after bathing her a few times in Flint water, she broke out. “After we got out [of] the tub, her hands were still wet and she rubbed her face,” Lee told me. She pointed to the mark left on her baby’s cheek, identifying it as a rash born in reaction to the water. She bent her daughter’s ears in and out for me to see. Jarringly, a pack of white sores were spread all around.

Brandon's skin was also reacting. Bumps and rashes were visible on his chest and arms. "I got shit on my face," he said, pointing to white splotches. "At the end of the day we gotta bathe in it still no matter what," he said with an air of despondence.

Over a week earlier, Jasmine and Brandon had a random visit from two local officials. They parked in front of the house in a blue minivan with the state of Michigan's logo emblazoned on it. They introduced themselves as state officials and asked if they could test their water. After turning on their kitchen tap, the officials let the water run for five to ten minutes, Brandon remembered. They then put a small, dipstick-looking device under the water.

"They said it was good," Brandon recounted. "Some woman wrote down [on] a little clipboard that it was good."

Who the hell was testing this water? I thought. *How could they tell this family it was good?*

On the edge of exasperation, Brandon sounded like he regretted moving his family to Flint. "My kids, my girlfriend . . . this water is horrible. I can't stop scratching."

Anger festered within me. I tend to be calm and measured, but that wasn't always possible when reporting in Flint. While here I was enveloped in collective misery, injustice, and broken promises. Sometimes, the sheer brazenness—the downright callousness of what was being done to these people—left me stewing in anger. Add in the national and local media's utter abandonment of the people of Flint, I was ready to explode.

Two months earlier Governor Snyder trotted out his own version of "mission accomplished," minus George W's flight suit. In April the governor declared Flint's water "restored."[1] To sell his proclamation, he pointed to two years of improving water testing and decreasing lead levels. However, I would soon learn his environmental department had cheated on the testing just like they cheated the people of Flint of their health. When Snyder made the announcement in April, Lee's daughter had clear, beautiful skin. Two months later, and one too many baths in their new Flint home, her skin was under attack from this "restored" water.

"I'm devastated," Lee said as she rubbed tears from her eyes. "I cry every day because my baby's skin breaks out. I feel like it's not right. They shouldn't have to go through this, these babies don't deserve this."

Like many I had met in this battered and broken city, Lee alternated between hopelessness and desperation. Understandably, she was worried about her kids and their future. But the short-term was just as concerning. They were running out of bottled water.

Snyder used the all clear to shut down the remaining free water stations, known as water "pods," across the city. Since the water crisis erupted into a national scandal in 2016, residents were able to drive to the water pods to get free bottled water. The task wasn't easy. Residents had to sit in their cars, often in long lines for hours, and wait to be handed two cases of bottled water. Residents had to learn to make a little go a long way, using bottled water for drinking, cleaning, cooking, bathing, and brushing teeth. But Snyder shuttered the water pods, along with home delivery service for the 18 percent of residents without vehicles. This also hurt seniors, who unable to lug around cases of bottled water, relied on home delivery.

Lee was one of those residents without a car; once her family ran out of bottled water, they had no choice but to drink from their home's tap.

Her next words broke my heart. "I've called 2-1-1 several times to see if I can get water and I can't get help." I was dismayed to hear the young mother was thinking of calling child protective services—*on herself*—just to get clean, safe water for her kids.

American exceptionalism at its finest, I thought. *Your government poisons you and leaves you to die slowly, and the victims are forced to turn themselves in as the criminals.*

As a journalist, I tried not to cross the line between covering a story and getting too directly involved with the people I cover. But in this case I didn't feel right leaving Jasmine and her family on the verge of running out of water. The weather was getting hotter, and her kids were already suffering. As we left her house, we decided to go to the store and pick up as many cases of bottled water as we could. When we arrived back at her front porch carrying cases of water, her son's face lit up.

I realized that to them what we were carrying weren't just cases of bottled water. It was their survival. I left their house sadder . . . and more determined.

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Four years earlier, it was a few plastic cups, rather than cases of water, that served as the photo-op that began the Flint water crisis. Flint's emergency manager Darnell Earley, Mayor Dayne Walling, and other state and city leaders raised their cups containing Flint water. "Here's to Flint," Walling boasted before flipping the switch to the Flint River.[2]

On that fateful day of April 25, 2014, the water plant they stood in was the equivalent of an airport runway made of quicksand. Only $8 million in recommended upgrades had been made. The progress was a far cry from the tens of millions city leaders had been told the plant needed.

Having lost his battle to stop the switch, Mike Glasgow's mind immediately shifted after that. "Safe to say, instantly just start worrying what's going to take place in the future," the water plant lab supervisor told special prosecutor Flood.

And it seems Rick Snyder and his top officials were also worried . . . about the present.

Testifying in front of Congress two years later, Snyder insisted that his environmental department had assured him Flint's water was safe from the day of the switch and "repeatedly right after."[3] But calls between the governor, his chief of staff, and chief counsel—soon after the switch—seemed to show a different story.

I obtained the logs of the phone calls between the three from 2013 through 2015. It took a while to investigate and cross-reference the dates and times of the calls to understand their significance, if any, in relation to the water crisis. Digging deeper, it became abundantly clear; the call patterns showed most of the communications between Snyder's highest-level officials happened on or around the exact dates red flags were piling up over Flint's water.

Three weeks after the Flint River switch, Lathan Jefferson, a sixty-year-old ice cream truck driver in Flint, picked up the phone and called the federal Environmental Protection Agency (EPA). He and his neighbors were developing rashes across their bodies. Jennifer Crooks, a Chicago-based EPA official in the drinking water branch, spoke with Jefferson.

"Mr. Jefferson said he and many people have rashes from the new water," Crooks wrote in a morning email on May 15, 2014, to colleague Mindy Eisenberg and other EPA staffers.[4] Eisenberg was a high-ranking official in the agency's DC Ground Water and Drinking Water office.

Jefferson told Crooks that his doctor said his rashes were a reaction to Flint's new water source. The EPA official told Jefferson to have his doctor document this and then contact officials at the Michigan Department of Environmental Quality (MDEQ).

Jefferson was married to a local Flint bishop, but he had no faith in state politicians. "He doesn't trust anyone in the Michigan government," Crooks explained. Having shot down her offer to speak with state environmental officials, Jefferson asked for the EPA to do free water testing. "He only wants to speak with someone from the EPA."

Over an hour later, Crooks forwarded an email chain about Jefferson's water complaint to MDEQ's Mike Prysby and other state environmental officials. Prysby oversaw Flint for the MDEQ. "Mindy is wondering if there were any contaminant releases recently into the Flint River?" Crooks asked Prysby.

That evening Governor Rick Snyder picked up the phone and placed a call at 8:42 p.m. The man he dialed was Michael Gadola, his chief legal counsel. The

two spoke for thirteen minutes.

A governor speaking with his top attorney normally wouldn't appear out of the ordinary. But the call placed by Snyder—three weeks after the Flint River switch on the same day the EPA received its first Flint water complaint—stood out to criminal investigators. So did this: it was the first call listed between the governor and his chief counsel for all of 2014. In fact, the last listed call between the two had been nine months earlier in August 2013.

But the Snyder-Gadola call was only the beginning of a series of communications criminal prosecutors and investigators believed were made on behalf of the governor to monitor *and keep quiet* the unfolding water crisis in Flint. Snyder was up for reelection in only a few months. At the time, the governor was also rumored to be mulling a bid for president in 2016.

The next evening, on May 16, 2014, Dennis Muchmore, the governor's chief of staff, and chief legal counsel Gadola held several calls. Between 5:30 p.m. and 7:12 p.m., the two spoke three times. Their conversations spanned nineteen minutes. The last conversations they had took place two weeks earlier shortly before, and after, the Flint River switch in April.

Days later, significant financial wheeling and dealing took place at city hall. The events were questionably for the benefit of Flint but left the city's elected officials limited time to consider them.

On May 19, the Flint city council voted 7–2 against selling a nine-mile water pipe the city owned to Genesee County and its drain commissioner Jeff Wright. Wright had offered $3.9 million to Flint for the pipe, which had served as Flint's connection to Detroit's water system when Flint was receiving water from Detroit.

Since Flint was now drawing water from the Flint River, and no longer using the pipe, EM Earley set in motion one of many decisions that would prove difficult to walk back later. By selling the pipe to Genesee County, Flint would have no way of switching back to Detroit's water system if it wanted or needed to. It seemed unwise, but the pipe sale was put up for a vote. Alas, like the previous KWA city council votes, the council's no vote was merely ceremonial. Like all other city business under the Snyder regime's takeover of Flint, the emergency manager had the final say regardless of how city council voted. Despite the council voting no on selling the pipe, Earley overruled them. The emergency manager told council members they had seven days to propose an alternative deal that would net the city the same revenue. If they failed, his proposal to sell the pipe to Genesee County would go through.

Two days later, on May 21, Muchmore called Gadola for one minute. Later in the day, the city council, unsuccessful in finding an alternate deal to sell Flint's

nine-mile pipe, voted 8–0 for Genesee County to divide the $3.9 million payment to Flint for the pipe over two fiscal years rather than pay the city all at once.

On the same day, another critical development related to Flint's water occurred. Six out of eight Flint businesses where water was sampled tested over the EPA's allowable threshold for total trihalomethanes (TTHMs) in drinking water. TTHMs are chemicals that form as disinfection by-products when chlorine is used to disinfect water. Many water departments increase the levels of chlorine in their water supply to kill harmful bacteria. Unfortunately, this often solves one problem but creates another. If too much chlorine is added, it can cause a harmful spike in TTHMs. The chemicals are carcinogenic, and at high levels they have been linked to cancer as well as damage of the liver, kidneys, and the central nervous system.

By this point in May of 2014, complaints from Flint residents were pouring into city hall. Unbeknownst to residents, the city's water plant wasn't even testing Flint River water for lead and copper at the time. "I didn't have, I guess, the staff or the capability to start monitoring this lead and copper," Glasgow, the plant operator, told special prosecutor Flood. "That first round of lead and copper [testing] started July 1 and [goes] to the end of the year."

A day after the water samples tested high for TTHMs, Snyder's chief legal counsel seemed desperate to get in touch with the governor . . . starting before the crack of dawn.

Gadola first called Snyder at 4:24 a.m. No answer. Then again at 4:28 a.m. No answer. At a more reasonable time, Gadola tried the governor again at 11:20 a.m. and 1:41 p.m., still failing to reach him. A day later, on May 23, Gadola was back on the phone with Muchmore. At 4:30 p.m., the governor's chief of staff called Gadola for a two-minute conversation. Soon after, Gadola called Muchmore back at 4:58 p.m. Again, they spoke for two minutes. Two and a half hours later, the *Flint Journal* published a story headlined "State Says Flint River Meets All Standards but more than twice the hardness of lake water."[5] Within the story was a reference to complaints residents had about the water.

The timing of the *Flint Journal* story, in conjunction with Gadola's early morning calls to the governor, stood out. The calls seemed consistent with Snyder's and his lieutenants' obsession over controlling the media narrative. In some cases, if administration officials couldn't kill a bad story before it got published, they'd resort to threatening lawsuits. In one instance, Richard Baird, Snyder's top adviser, threatened the head of Michigan's AFL-CIO over a newspaper column she wrote criticizing Baird for allegedly claiming an illegal double-tax exemption on two of his homes. "You better be careful," Baird warned Karla Swift in an ominous-sounding voicemail.[6]

I sensed something was off, too. *Something was rotten in the state of Denmark,* I thought. Why would the governor's chief counsel be calling him incessantly—beginning at four in the morning—soon after a bunch of Flint businesses detected toxic levels of carcinogens in their water? Why would Snyder's chief of staff then get on the phone with Gadola multiple times after that? Gadola, now a Michigan judge appointed by Snyder, never responded to my multiple attempts for comment or detailed questions.

In the coming months, Muchmore and Gadola would continue their game of phone tag—with the timing of their calls conspicuously coinciding with the worsening water crisis in Flint.

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As the summer of 2014 came, Mike Glasgow observed a growing number of complaints from Flint residents. Residents gathered at city council meetings complaining of discolored, foul-smelling water coming out of their taps. Some even raised up their water in front of Flint council members. Glasgow remembered seeing a lot of "dirty jugs of water held up."

"Usually odor is a concern; from my perspective, it tells me chlorine is probably low in the water," Glasgow testified to Flood. With chlorine levels low in Flint's water, Glasgow worried about the "primary concern" of bacterial growth. But astonishingly, months after the water switch, MDEQ officials *still* hadn't provided Glasgow with any guidance on establishing a schedule for testing Flint's water.

On June 16 Glasgow emailed MDEQ about water quality monitoring. But once again it was crickets. "I can't recall a response," he told Flood. "I don't offhand, not immediately. It seems like eventually they had to tell me what I needed to monitor for the water quality parameters."

Eight days after Glasgow's email to MDEQ, another dangerous red flag popped up. On June 24 Tim Bolen, an epidemiologist with the Michigan Department of Community Health (MDCH), attended a meeting hosted by the Genesee County Health Department. Bolen brought up that there was a significant uptick in the county of cases of Legionnaires' disease, a deadly waterborne bacterium. That month alone there had been five cases—outpacing the number of cases most counties saw in a year.

"At this meeting, those present were discussing the transfer of a patient in Flint with Legionnaires' disease," a Flint criminal investigation report stated.[7] The health officials who met expressed concern about Legionnaires' and expressed a need to "be careful about monitoring Legionnaires' numbers."

Two months after the Flint water switch, state health officials seemed to look the other way at the notion that the increase in cases of Legionnaires' disease

might be connected to the switch. More importantly, there was no notification sent to Flint residents about the uptick in the dangerous disease and whether they needed to take precautions.

By the middle of summer, the problems with the city's water were affecting one of the biggest employers in Flint. During the first week of July, engineers at General Motors' engine plant in Flint noticed their crank shafts and other steel parts were "showing signs of rust," a document from the Flint criminal investigation revealed. The company's testing showed higher-than-normal level of chlorides coming from Flint River water. With the damage to its parts, GM began adding other chemicals to its water to counteract the contaminated Flint River water. When that didn't work, the company began bringing in water from Detroit to its Flint plant.

Meanwhile on July 11, MDEQ's Mike Prysby emailed colleagues about the chlorine issues in the Flint River water worsening. "Not to mention two positives (from the reservoirs)," he wrote, referencing multiple water samples testing positive for fecal coliform. Fecal coliform is bacteria that can pose an immediate health risk; if found in water, it can cause *E. coli* infections, which can lead to bacterial infections in the stomach (*H. pylori*), stomach polyps, and stomach cancer.

The bacterial contamination in Flint's water system was coming from a severe lack of chlorine, used to kill bacteria in water. The void of chlorine was particularly problematic because hot summer weather is a breeding ground for bacteria. The chlorine conundrum should have set off alarm bells for state environmental officials to be concerned about bacteria—including the deadly waterborne Legionnaires' disease—Bob Bowcock, a veteran water treatment operator, told me.

"Much more dangerous than *E. coli*!" he emphasized about Legionnaires'. By midsummer, Flint had already seen eleven cases of Legionnaires' disease—a significant spike compared to a maximum of thirteen cases in Genesee County in previous years.

As the state health and environmental departments were keeping the existence of the Legionnaires' surge a secret from the people of Flint, residents were speaking out. On July 14, nearly one hundred Flint residents protested at city hall over the high water rates they were being charged. They also demanded an end to the city's mass water shutoffs for residents behind on their bills. Church congregants and pastors were bused into the protest. Members of the local NAACP also attended. Several news outlets covered the protest. Needless to say, the residents gathered had no idea the expensive water they were paying for was actually poisoning them.

"We're going to keep going until we get national attention," Flint councilmember Wantwaz Davis said at the protest.[8] "Governor Snyder needs to be accountable for what this city is suffering through. These aren't just Detroit issues, these are Flint issues and they are Michigan issues . . . you can go without food but not water."

One hundred protesters. News crews. Not ideal for a Snyder administration trying to keep Flint's water out of the headlines. Tellingly, an hour after the protest ended, chief of staff Muchmore called Snyder's chief legal counsel Gadola. They spoke for eighteen minutes; it was the first call prosecutors found between the two in nearly two months.

Figure 9.1. Protester Outside City Hall on July 14, 2014

Source: Nayyirah Shariff

A month later, on August 15, Richard Bradley Cole, a Flint GM engineer, and several colleagues met with Howard Croft, Flint's Public Works director, and city utilities manager Daugherty Johnson. The GM and Flint officials discussed the auto giant's parts being destroyed by Flint River water. On the same day, a water sample from the Flint River tested positive for fecal coliform. As a result, MDEQ

issued its first boil water alert to Flint residents. Fecal coliform and *E. coli* are bacteria that indicate water is contaminated with human or animal waste.

On August 18 MDEQ told Flint residents to continue boiling their water after a second positive sample for fecal coliform was detected. “We don’t know yet what caused this. We don’t have a smoking pistol,” MDEQ’s Mike Prysby said about the source.[9]

The following morning Muchmore called Gadola at 8:25 a.m. It was the first call between the two in over two weeks. They spoke for two minutes. The next day, on August 20, the boil water alert in Flint was rescinded.

Six days after the boil water alert was removed, GM’s government relations and logistics division began negotiations for the automaker to stop using Flint River water.

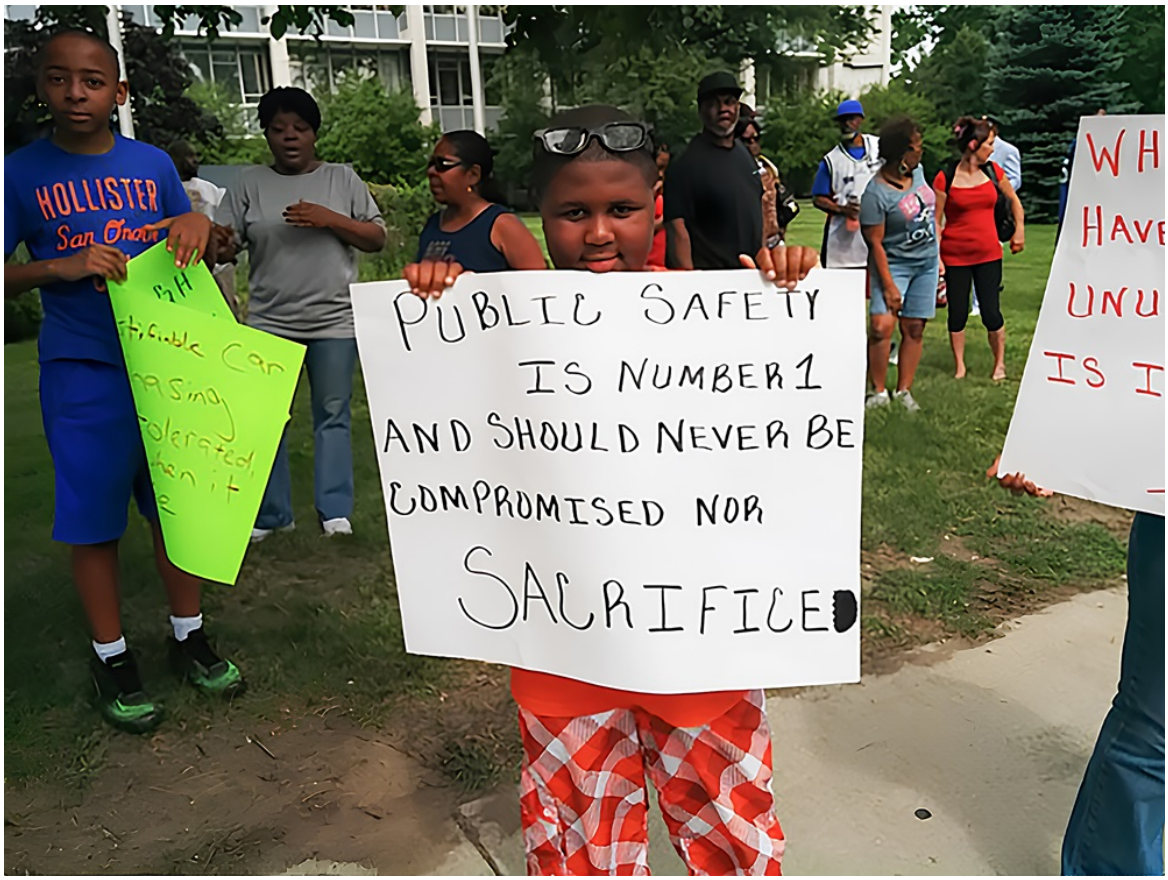

Figure 9.2. Protester Outside City Hall on July 14, 2014

Source: Nayyirah Shariff

A day later Muchmore would make a call that, in the eyes of Flint criminal prosecutors, began the Flint water cover-up at the highest levels of the Snyder administration.

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In August of 2014, after seeing a significant increase in patients with waterborne Legionnaires' disease, McLaren Hospital in Flint tested their water system. The results came back positive for Legionnaires', a potentially deadly bacterium. For months Genesee County had seen a major surge in Legionnaires' cases. From May, right after Flint switched to the Flint River, through the end of August, there had been twenty-one cases—a major surge from the typical nine to thirteen cases per year. Sadly, two of those patients had died. There had also been sixteen pneumonia patients who died at McLaren in the four months since the river switch—with many of those cases, and deaths, occurring in the summer when pneumonia isn't common. Notably, Legionnaires' is a severe form of bacterial pneumonia and is commonly misdiagnosed as basic pneumonia.

As a result of the spike in Legionnaires' patients and the bacteria found in their systems, McLaren sent a memo to its employees. In the memo, the hospital shared that it had deployed an enhanced hyperchlorination cleaning procedure due to the surge of Legionnaires' cases in Genesee County.

Figure 9.3. Protester Outside City Hall on July 14, 2014

Source: Nayyirah Shariff

On August 27 Muchmore and Nick Lyon, the deputy director of MDCH, spoke on the phone. According to phone logs obtained by Flint water criminal investigators, it was the first time the two had ever spoken on the phone. Lyon was on the verge of being announced as the director of MDCH due to Director Jim Haveman stepping down. But criminal investigators concluded the call between the two was likely about the Legionnaires' disease outbreak and detection of the bacterium at McLaren, according to a source familiar with the Flint criminal investigation. The source revealed that the call between the chief of staff and incoming health director occurred during the same period that McLaren detected Legionnaires' in its system.

Sure, it made sense that the governor's chief of staff would be discussing a serious disease outbreak with the new health director. But that's where the sense-making stopped. If Muchmore and Lyon were aware of the Legionnaires' outbreak as early as August of 2014, wouldn't one of them notify Governor Snyder—and then the people of Flint?

Over a week later, on September 4, Muchmore called Gadola at 7:22 p.m. The two spoke for twenty-four minutes. The following day another boil water alert was issued to Flint residents due to another positive fecal coliform water sample.

Six days later, Muchmore received an email from Leslie Raleigh, the administrative assistant for Genesee County clerk John Gleason. Raleigh provided the governor's chief of staff with a letter that Gleason wrote to the governor.

"Flint has gone days without drinking water," Gleason wrote, referring to the recent boil water alerts. The Genesee County clerk noted that, in the past, Flint had used water tankers from the National Guard for local road races. Water tankers also filled local swimming pools, Gleason said. "Why can't we use the tankers I mentioned above?" Gleason asked the governor. "With such a basic life need, let's try some possible solutions!"

Muchmore forwarded Gleason's letter to his deputy chief of staff and two top treasury department officials. "This issue is getting bigger all the time. How do we help the people of Flint?" Muchmore asked them.

Under oath confidentially testifying in 2020 as part of the major Flint water civil cases, Snyder was asked about the letter from Gleason in September of 2014. Snyder said he "generally" recalled receiving the letter, but he didn't recall requesting information or a briefing from MDEQ afterward.

When Cory Stern, the attorney representing Flint residents, asked Snyder why he didn't request a briefing, Snyder answered that he didn't think Flint was in the midst of a health emergency. "I'm not trying to minimize it, but this was not a unique issue," the governor said about Flint's boil water alerts, noting that other

Michigan cities had them. “This is an issue to consider, and we did take time to look at it to see what [could] be done to stop further boil water advisories as I recall.”

Stern asked Snyder what Muchmore meant by “this issue is getting bigger all the time.” According to Snyder, he didn’t interpret the chief of staff’s concern as him warning that Flint’s water was unsafe.

“I believe the issue was the discoloration of the water, how it tasted, concerns about the quality of the water without any reference, to my knowledge, [to] my recollection, of the safety of the water.”

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On September 16, Howard Croft, director of Flint Public Works department, sent a letter to EM Earley about Flint’s water problems. In the letter, he referenced the elevated coliform levels that led to multiple boil water alerts. “Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes).”

The next day the EPA’s Jennifer Crooks again contacted MDEQ officials. “Yep we have another complaint.” Crooks shared a complaint from a resident about their brown water. “Have there been other complaints of brown water?” she asked state environmental officials.

On September 18, the *Flint Journal* ran a late-night story on Flint “battling contamination” from Flint River water.[10] The next day, Muchmore reached out to Gadola at 6:15 p.m.; the two spoke for two minutes. Gadola then called Muchmore back at 6:32 p.m.; they spoke for nine minutes.

Four days later, on September 23, Samantha West, executive assistant in Governor Snyder’s office, emailed Valerie Brader. Brader was Governor Snyder’s deputy legal counsel and environmental advisor. She also reported to the governor’s chief legal counsel Mike Gadola. Brader was sent a request to meet with Jim Ananich, a Michigan state senator who represented Flint. Ananich wanted to speak with Brader about concerns and complaints he was fielding from Flint residents about their discolored and foul-smelling water. “Uhh???” a bewildered Brader wrote as she forwarded the Ananich meeting request to a colleague.

Two days later Muchmore called Gadola at 12:06 p.m. The two spoke for a minute. Gadola then called Muchmore back a few minutes later for a longer twenty-one-minute call. Three hours later, Brader spoke with State Senator Ananich about Flint’s water problems.

The call was the tip of the massive iceberg when it came to Brader’s involvement in the water crisis. In a matter of days, the governor’s deputy legal counsel would learn the full extent of the toxic Flint River. The actions she and

her superiors were about to take—and not take—would go on to permanently damage Flint residents for the rest of their lives.

Chapter 10

Killing the Story

It was the holiday season, but cheer had been drained out of Flint. Endless cases of bottled water crowded out Christmas presents in many living rooms. In my second reporting trip to Flint, I entered homes with broken dishwashers, destroyed laundry machines, and toilets filled with brown water.

While the rest of the country was enjoying downtime and thinking about hopeful New Year's resolutions at the end of 2016, Flint was a catastrophe zone. Sadly, national news cameras were long gone, fleeing for the incoming Trump presidential circus. Yet Flint's crisis was in many ways only just beginning. Left in the journalistic void were free water distribution sites, the plastic monuments representing the new normal residents were forced to endure.

The water pods spread across the city like pins on a map, marking sites where residents could pick up clean water in lieu of using the water from the Flint River-ravaged pipes underneath them. Like the routine of going to school or work, residents got used to making daily pilgrimages to stock up on water for drinking, cooking, cleaning, and bathing. The line of Flintstones waiting for water at the pods wrapped around for blocks; they sat waiting and praying that bottled water wouldn't run out by the time they got to the front of the line. Many were turned away after hours of waiting, told that water had run out for the day.

Sick residents continued packing city hall meetings and filling buses to the state capital to protest Governor Snyder for what they felt was a lack of action to relieve their suffering.

But their health was collapsing.

Melissa Mays, a once active thirty-seven-year-old woman, was suffering serious health issues after drinking and bathing in Flint's tainted water. Sadly, so were her three sons. Like most others, Mays wasn't overly impressed with her local politicians. However, at the very least she trusted

they would do the bare minimum to protect residents' health. But that faith was shaken in September of 2014. Out of the blue her kids broke out with rashes across their backs. Her niece, who was living with her at the time, developed a rash on her butt. A rash spread on Mays's cheek, causing pain when she applied makeup.

Although it was unpleasant, she figured it wasn't a life-or-death issue. Not knowing much about water chemistry, she thought her water was fine. It was still coming out clear, she told herself, unlike other residents who she had heard were seeing brown water come out of their taps.

Figure 10.1. Melissa Mays Breaking Out in Rash in 2014

Source: Melissa Mays

Soon she began detecting a weird odor in the shower. It sometimes reeked of a fish smell. In other instances, she inhaled what smelled like wet cardboard, dirty feet, or straight up chemicals. Doctors had told some residents their rashes were eczema, so Mays got cream for her kids. “It

burned them, they screamed," she said. When she applied powdered makeup, she shrieked—her face was burning.

In the middle of September 2014 her ten-year-old son Cole developed pneumonia. Mays was bewildered, wondering how her son developed pneumonia while it was so hot outside. They put him on Augmentin, an antibiotic that happens to be one of the three medications used to treat Legionnaires' disease. "We got lucky," she said about Cole's quick recovery.

A month later Melissa also came down with pneumonia. For three months the woman who worked out four times a week was knocked on her ass. "I started feeling like shit, I [thought I was] dying." Next thing Mays knew, her hair began falling out.

Looking back she is convinced that she and her son both contracted Legionnaires' disease from showering in Flint River water. "We didn't know [about Legionnaires'], we had no idea until 2016 that it was even a fucking thing and by then it was too late to test our urine."

Soon she implemented rigid bathing rules for her kids. When off from school, she let them go a couple days without bathing. "We have a sign on our walls: 'No hot showers, less than ten minutes, in and out, and window must be open and exhaust fan on.'" For Mays every day felt like a game of Russian roulette with her water.

Meanwhile, her health was deteriorating. She had developed severe arthritis and bone spurs. "All I want to do is just sit in the tub," Mays lamented, her voice lowering and eyes straining. The more she talked, the more her understandable exhaustion, pain, anger, and desperation spilled out. But unlike most Americans and me, she couldn't just plop down and soak in her bathtub.

In the prime of her life, she was now ravaged with autoimmune problems, chronic muscle and bone pain, periodic seizures, polyps in her colon, cirrhosis of the liver, diverticulitis, and an infection of the digestive tract. Despite her own ills, she was mostly worried about her kids. "How do we keep our kids safe?" she asked.

Tragically, in Flint Michigan, it wasn't possible.

By this point at the end of 2016, the national media had moved on from covering Flint, instead transfixed on the improbable election of Donald Trump as president of the United States. However Flintstones insisted their city was still in the throes of an urgent crisis.

“This is still a problem folks, don’t let ’em lie to you, don’t let ’em bullshit you, this is still an ongoing problem, and I think it’s a major cover-up,” Tony Palladeno, the Flintstone who took me on the tour de Flint, told me as we sat at his kitchen table. He lifted a bottle of discolored, cloudy-looking water with black particles swimming from top to bottom. Next he hoisted ziplock bags filled with locks of his hair that had fallen out in the months and years after he drank and bathed in Flint’s venomous water.

“It’s nasty! I’m telling you bro, when I get out [of the shower], there’s blisters, my eyes are burning.”

After years of drinking and bathing in contaminated water, previously healthy, active residents now suffered from a cacophony of ailments: cognitive problems, memory loss, seizures, liver and kidney damage, rapid weight loss, and mood swings that peaked in explosions of anger. For many, their teeth were beginning to fall out.

Parents were heartsick taking in the damage to their children. Kids I met were forgetting letters in the alphabet or struggling to count to ten. Some kids were diagnosed with learning disabilities; others were regressing in reading.

As if all of this wasn’t hell on earth for Flint residents, city officials were threatening to place tax liens on the homes of residents who were behind on their water bills. Translated: the city was threatening to seize the homes of many residents for not paying for water still unsafe to drink or bathe in.

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In the months after the Flint River switch, state officials passed up many chances to reverse course *while there was still time* to save lives and prevent permanent bodily harm. Instead they chose to deflect and distort. For Flint criminal investigators trying to pinpoint the core of the cover-up, the month of October 2014 became critical.

It was a month before the governor faced reelection. Now Snyder and his inner circle were navigating rocky waters (pun intended). Snyder and company had fielded complaints from Flint residents for months; they knew about bacterial contamination in the Flint River, which had triggered multiple boil water alerts over the prior two months. They also knew General Motors was preparing to stop using Flint River water because it was destroying its car parts.

As Snyder and his lieutenants stood over a growingly volatile Flint situation, they were knee-deep in a parallel process that posed significant implications for the governor's political future. After a tumultuous year-and-a-half process, the administration was in the final stages of lifting Detroit out of bankruptcy. By the fall of 2014, after a year of negotiations between the Snyder administration and creditors, union bosses, and pension funds, all sides were closing in on a potential deal.

For Snyder the political implications were major. Rescuing one of America's most iconic cities from financial ruin, in little more than a year, would make a mighty fine presidential campaign bumper sticker. Needless to say, a government-created water crisis in Flint would not.

So on October 1, 2014, Snyder received a briefing on Flint's water contamination from the Michigan Department of Environmental Quality [MDEQ]. The author was none other than MDEQ's Stephen Busch: the very environmental supervisor who, in 2013, had warned Snyder's treasurer and environmental director about the "microbial risk," and threat of carcinogenic exposure, to Flint residents if the city used the Flint River—a warning that Snyder was then briefed on.

In terms of Flint criminal investigators' quest to uncover who-knew-what-when, the October 1 briefing was important. Rick Snyder wasn't your typical zombie politician whose aides wrote and read for him. He was a multimillionaire former computer executive, known by friends and foes as an information sponge. The governor read and analyzed *everything* put in front of him. If religious folks clung to their bibles, Rick Snyder clutched to his iPad for dear life. Emails, briefings, articles, Excel sheets . . . you name it, Snyder routed it through his digital bible. When the state police picked him up at his home outside Ann Arbor each morning, the governor hunkered down in the back seat for the hour drive to the state capital in Lansing, scanning his finger over his iPad as he went through emails and other communications. The process continued on the drive home at night when he devoured his evening briefing. Snyder's aversion for paper documents and affinity for tech were all part of why he anointed himself "One Tough Nerd."

"I think it's fair to say he reads everything that he's given, and he's very well read," Richard Baird, the governor's closest adviser, told Flint special prosecutor Todd Flood during a confidential criminal investigation interview in 2017.

Snyder's anal-retentive nature meant he would scrupulously review briefings prepared for him. This included the Flint water briefing from October 1. A year and a half earlier the governor had been directly warned all of this might happen through MDEQ's Busch's warnings.

In the October 1 briefing the MDEQ supervisor listed various sources that could trigger the boil water alerts that had been issued to Flint in August and September. "Waterborne disease outbreak" was one of the potential causes listed. Bob Bowcock, a water treatment expert and partner to Erin Brockovich, told me Busch absolutely should have known that "waterborne disease outbreak" was code for Legionnaires' disease. Legionnaires', a potentially deadly waterborne form of pneumonia, is caused by *Legionella* bacteria; it ranks as the leading cause of waterborne disease outbreaks in the country and thrives in the kind of hot weather Flint had just experienced.

Elsewhere state health and environmental officials were keenly aware of an abnormal surge in Legionnaires' cases throughout Flint. But notably Busch didn't put the Legionnaires' outbreak in writing in the briefing for the governor. In fact he dismissed concerns about the outbreak when directly confronted.

"They told me no, there is no reason to meet because *Legionella* is not a violation of the Safe Drinking Water Act," Jim Henry, an environmental health supervisor with Genesee County's Health Department, recounted to special prosecutor Flood. In early October 2014, Henry, concerned about the rising number of cases of the deadly disease in Flint, had called Mike Prysby, a colleague of Busch's at MDEQ. Henry requested a meeting, but Prysby turned him down, telling Henry that the rejection was "conveyed from his supervisor Steve Busch."

Something is fishy here, Henry thought. In the past, MDEQ was responsive to him and other county health officials. But suddenly, as a surge of a deadly disease was running roughshod through Flint, Henry was met with a state brick wall.

"It just didn't make sense to me. My experience before, if I had an issue like this, the DEQ would have helped me. I couldn't grasp this," Henry said.

It turns out the MDEQ stonewalling was just the beginning of a series of suspect reactions and actions by the Snyder administration revolving around the outbreak. On October 2, a day after Snyder and his chief of staff, Muchmore, received the Flint briefing, Muchmore called Snyder's chief

legal counsel Mike Gadola. The two spoke for four minutes. The next day a TV news story on the Legionnaires' outbreak in Flint's McLaren Hospital was mysteriously killed before ever being aired.

On October 3 Jason Lorenz, Flint's communications chief, wrote an email to Emergency Manager Darnell Earley and other city officials about a message he had received from a local reporter.

"ABC12 called McLaren (and then us) about *Legionella* in the water at the hospital." Lorenz gave the heads up that Jessica Dupnack, a local ABC reporter, had obtained an internal memo from Flint's McLaren Hospital. The memo, sent by the hospital to its employees, detailed the enhanced cleaning procedures it was implementing due to the Legionnaires' detected in its water system.

Lorenz explained that Mike Glasgow, the lab supervisor at the Flint water plant, had been working with the hospital to test for bacteria. Elizabeth Murphy, the assistant to EM Earley, chimed in that Glasgow and McLaren had "confirmed there was no issue with the Flint water coming into the hospital, they had an internal issue."

But inexplicably, after ABC's Dupnack landed the Legionnaires' memo and reached out to McLaren and city of Flint officials, she called McLaren back to tell the hospital she was standing down on the story.

"They were killing the story due to lack of information," Lorenz explained to Earley and others. Flint's top brass had dodged the bullet, but Lorenz warned, "If one news outlet got the memo, others could as well." If any other reporters reached out, Lorenz advised that the city would refer them to McLaren since it was their "internal matter."

Of course, Glasgow and McLaren Hospital had no way of definitively concluding whether the source of the Legionnaires' outbreak was coming from Flint's water entering the hospital or was internal to the hospital's water system. Flint River water wasn't being tested for Legionnaires' at that time. But Earley was quick to cosign the narrative. "Therein lies our message . . . [it's] an internal issue at McLaren that they are working on with our assistance, not a Flint water problem that we are trying to resolve."[1]

The story's sudden death didn't sit right with criminal investigators (or me as a reporter). Stories about far less serious matters, containing far less evidence, get published every day. With all the documented issues about Flint's water from previous months—including by ABC12—why would the

local ABC station pass up an *exclusive* story on a spike in a deadly waterborne disease spreading in Flint and one of its hospitals, *when it had documentation from the hospital to back it up?*

Flint criminal investigators suspected a top official from the Snyder administration had contacted ABC12 to try and kill the story—but they could not obtain definitive proof. Dupnack, the reporter on the story, told me that a low-on-the-totem-pole reporter like her wouldn't have been looped in if a big wig from the administration had contacted the station to kill the story. But at the time, the network seemed hesitant to make Flint's water problems a main priority. Jane Hodak, the station's then-news director, said she personally never heard from a top Snyder official about the story—but it was possible that someone from Snyder-world went above her head to the station's general manager to kill the story. Brock Rice, the station's general sales manager at the time, didn't respond to my multiple requests for comment on whether the Snyder administration had contacted him or anyone else at the station (or whether the station regrets not airing the McLaren Legionnaires' story). Hodak didn't feel the Snyder administration "was trustworthy at all," she told me. She also had run-ins with McLaren Hospital, who was a prominent advertiser on the news station but "wasn't very friendly" to the media.

History would have played out much differently if Dupnak's story had aired in October 2014. Flint residents would have known there was a potentially deadly, waterborne bacteria spreading throughout the city. With all of the other problems with their water, residents and water experts likely would have connected important dots. Sadly, we'll never know how many lives could have been saved or how many people could have been prevented from getting sick. But we do know this: not long after the ABC story was killed—and Earley cemented the "message" that the outbreak was *not* a Flint water issue—state health officials determined the exact opposite was likely true.

On October 13 Shannon Johnson, an infectious disease epidemiologist with the Michigan Department of Health and Human Services [MDHHS], emailed colleagues about the outbreak. She had analyzed Legionnaires' cases over the previous five years across six counties surrounding Flint. "The current hypothesis is that the source of the outbreak may be the Flint municipal water," Johnson wrote.[2] Her email went out on the same day that General Motors officially announced it would stop using Flint River water.

Despite a key state health expert believing the deadly bacteria in Flint's water was coming as a result of the Flint River switch, nothing changed. Despite GM announcing the city's water was destroying its parts, nothing changed. Sirens didn't go off. Rescue choppers didn't descend on Flint. A press conference to notify the public didn't happen.

Instead Governor Snyder and his chieftains began a full-frontal campaign to bury the existence of the outbreak from the public.

And that effort began by silencing a potential key whistleblower inside their ranks.

Chapter 11

Urgent Matter to Fix

Rick Snyder and his cohorts' campaign of disregard was facing a major threat three weeks before his reelection.

"I see this as an urgent matter to fix," Valerie Brader, the senior environmental adviser and deputy legal counsel to Governor Snyder, emailed Snyder's inner sanctum on October 14.[1] Brader expressed serious concerns about Flint's water to Dennis Muchmore, chief of staff; Beth Clement, deputy chief of staff; Jarrod Agen, communications director; and her boss, Snyder's chief legal counsel Mike Gadola. The deputy legal counsel warned that Flint's water was tainted with *E. coli* and high levels of cancer-causing chemical compounds. She also noted the GM announcement that it was discontinuing use of Flint River water because it had rusted its parts.

Brader pleaded with Snyder's high command to switch Flint *off of the Flint River* and back to purchasing water from Detroit Water and Sewerage (DWSD). If that wasn't possible, she advised the city to mix DWSD water with Flint River water.

"Now we are getting comments about being lab rats in the media," Brader worried, noting comments Flint residents were making to journalists about the city's brown, foul-smelling water.

Thirteen minutes after Brader's email, her boss responded back with horror.

"To anyone who grew up in Flint as I did, the notion that I would be getting my drinking water from the Flint River is downright scary," Mike Gadola wrote.[2] "Too bad the [emergency manager] didn't ask me what I thought, though I'm sure he heard it from plenty of others. My mom is a city resident. Nice to know she's drinking water with elevated chlorine levels and fecal coliform. . . . They should try to get back on the Detroit system as a stopgap ASAP before this thing gets too far out of control."

Brader wasn't some junior-varsity political player the bosses could insincerely thank for her concern before swatting her away. She was the brainiest bureaucrat within earshot of the governor: a prestigious Rhodes scholar at Oxford, a graduate of Georgetown and Harvard Universities, and a clerk and judicial adjunct for one of the longest-tenured federal judges, Judge John Feikens of Michigan. She wasn't a chemist, but she knew her stuff on environmental law, having helped clients secure air and water discharge permits.

So, naturally, the governor's fixer had to neutralize the threat.

"Shortly thereafter I got a call from Rich Baird," Brader testified to Flint special prosecutor Todd Flood during a confidential criminal investigation interview in 2016. After she sent her "urgent" email, the governor's right-hand man called her "suggesting that I come down and we can do a call to the EM," she recounted.

Brader hadn't included Baird in her email, but like so many other instances during the water crisis, the governor's top adviser *somehow knew*. "How did he know about it?" Flood asked Brader. "I don't know," she replied. "It didn't dawn on me to ask him how he knew."

So Brader, Baird, and Flint EM Earley hopped on a conference call to talk through Brader's concerns. "[Earley] explained that there was a very high financial penalty that [Flint] would have to pay to switch back [to Detroit]," Brader remembered Earley telling her. "He says it'll cost too much, and [MDEQ] is telling me we are not going to see any more health problems."

What kind of financial penalty could possibly outweigh the urgent health risk the emergency manager was being warned about from a Rhodes scholar with expertise in environmental law?

A major one . . . two weeks later. According to the KWA bond repayment schedule, the first bond payment Flint would have to pay was due on Nov 1, 2014.[3] This meant, even if Earley wanted to err on the side of protecting public health and switch Flint back to Detroit's water system, Flint would still be on the hook for the November KWA bond payment . . . *and thirty more years of KWA bond payments it owed.*

And for those who've experienced firsthand tutorials on how American capitalism works, those KWA bondholders, including Wall Street big boys JPMorgan Chase and Wells Fargo, expected every penny back plus interest.

On top of Flint being stuck with decades of hefty bond repayments, the shady environmental order (ACO) that was hatched to allow Flint to borrow

$100 million for the KWA *handcuffed* the city to using the Flint River—and its broken-down water plant—while the KWA was constructed. So, even if Earley and the powers that be wanted to err on the side of saving lives and switching back to Detroit's water system, the fraudulent financial monster (ACO) he and others concocted prevented them from doing so without facing major financial penalties.

Under oath in 2020 in the Flint civil lawsuit, ex-Governor Snyder was asked what the obstacles were in October 2014 that prevented Flint from switching back to Detroit's water system.

"As I recall there were several issues; there were legal questions about the liability of Flint for pulling out of the KWA," Snyder answered.

Liability indeed, or in simpler terms: a generational financial burden foisted on the people of Flint thanks to the fraudulent financial scheme conjured up by the emergency manager Snyder imposed on the city.

Special Prosecutor Todd Flood elaborated on Earley and company's decision in the fall of 2014 not to switch Flint back to Detroit's water system. "They didn't want to make the switch back [to DWSD]," Flood said in a 2023 interview. "They were handcuffed because they had to weigh whether or not they were gonna spend and potentially lose the $125 million-plus to bond holders if they switched back to the Detroit water system and they said 'nah, you know what, we're gonna chance it, let's keep going.' If you would have put lives over money, we would have saved so many lives."[4]

If this wasn't enough, *we can't forget the elephant in the room*. Months earlier, in June 2014, EM Earley had sold Flint's nine-mile pipe that connected the city to Detroit's water pipeline. The lucky buyer: Genesee County drain commissioner Jeff Wright. Earley didn't spell it out to Brader during their call, but the reality was, even if Flint wanted to switch back to DWSD, it would cost millions of dollars to buy back the nine-mile pipe from Genesee County. And even if they were able to come up with the cash to connect back to Detroit, Flint would then have to resume $1 million dollar monthly payments to Detroit.

With all of these financial pitfalls of switching back to Detroit, Earley—Snyder's unelected proxy in Flint—chose to roll the dice with human lives rather than blow up the financial scam he allegedly helped create. To be clear: Earley and the powers that be *could have switched the city back to Detroit's water*. But this would have meant swallowing hard and likely

eating most of the $125 million dollars the city owed in KWA bond payments. It also would have meant finding millions to buy back the pipe that connected Flint to Detroit's water system.

After Earley rejected Brader's plea to switch Flint back to DWSD, she doubled down. "I said I still felt like [Flint] should switch [back to Detroit]," Brader recounted telling Baird.

But as was the case with many other things, Baird had a much different version of events.

"I was physically there but I was multitasking," he told Flood in a confidential criminal investigation interview about the call between Brader, Earley, and him. According to Baird, he was "checked out."

"I even let her take my chair . . . I wasn't part of that conversation. I just got him on the phone. So I don't know what they talked about."

The notion of Baird being checked out—sitting mute during such a high-stakes conversation—would be laughable to those inside and outside of state government who crossed paths with him. Baird was the guy who steered the car—not some passive passenger. Not only was Baird involved in the call, the governor's right-hand man made demands during it, multiple sources said.

If Baird's struggle with the truth wasn't evident enough, he further demonstrated so under questioning from Flood.

Flood: I understood it that you called her up and said: "Come down to my office?"

Baird: No.

Flood: She actually came to you for assistance?

Baird: Yea.

Flood: Why?
Baird: Well, first of all, I don't know who came to who.

In a matter of minutes he had denied approaching Brader first, then claimed she initiated contact with him, and then backtracked saying he didn't know who approached who first.

The governor's right-hand man concluded that his best guess was Brader "left the meeting" with chief of staff Muchmore, who probably advised her to speak to Flint's emergency manager about her concerns. "All I know is she said, 'Hey, Rich, you can get to Darnell. You know, can you set me up

with him? What's his contact number?' And I said, 'We can call him right now,'" Baird told Flood.

Among several other issues with Baird's testimony to Flood: Brader hadn't said anything about having had a meeting with Muchmore after she sent Snyder's chief of staff the "urgent" Flint water email. Where Baird got or came up with that detail was anybody's guess.

But contrary to Baird's claim that he was "checked out" during the Brader-Earley call, the reality was he wasn't happy. Brader was a threat. In writing, she had essentially blown the whistle that Flint residents were drinking poison. For Baird, the question was what else might Brader do?

He knew he couldn't simply say thank you and send Brader on her way. The administration had reached a critical crossroads, and Baird would either neutralize the Rhodes scholar or risk Flint's water politically drowning Rick Snyder right before his reelection.

So Richard Baird did what he knew best. The iron fist was about to come out.

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After Brader's email warning, and subsequent conference call between her, Earley, and Baird, the governor's top adviser sternly warned her to never send another email like her Flint water plea again, according to multiple sources familiar with the criminal investigation.

It would not be the last time Baird made threats to protect Rick Snyder.

Brader was sent back to her desk and was never consulted again by administration officials regarding her concerns. Months later the governor appointed her as the inaugural director of his newly created Michigan Agency for Energy.

Brader knew "where the bodies were buried," a source with knowledge of the criminal investigation told me. Baird threatening Brader revealed that he "has the fortitude to do some really bad things," the source added. "She was silenced, and she understood the water and this was something she was passionate about. I think that she spoke up, but she was silenced."

Her passion soon evolved to torment, multiple sources familiar with the criminal investigation, and those who know Brader, said.

"She regrets not doing more, it haunts her at night, weighs on her conscience," a source familiar with the criminal investigation said.

Brader never agreed to talk to me, but her distress spilled out during her 2016 confidential interview with Special Prosecutor Flood. In a tense exchange, Flood grilled the governor's ex-deputy legal counsel about why Flint residents were allowed to keep drinking Flint water in October of 2014 after General Motors revealed the water was destroying its auto parts.

"How in the world would that be okay for humans to drink? How do you answer that? If you [knew] back then in October that metals were being rusted from the water, juxtapose that [with] it's okay for humans to drink?"

Before Brader could answer, her attorney Margaret Nelson, provided by the state attorney general's office, abruptly interjected, "We need to talk." Brader and Nelson left the room for three minutes. When Brader returned, Flood pushed on like a bulldog.

"You're [GM is] getting rusted parts, but yet you can allow humans to drink it?" Flood asked.

The special prosecutor's point was obvious: it wasn't rocket science that water so corrosive it was destroying metal car parts should have led government officials to immediately stop humans from drinking it.

Flustered under the questioning, Brader answered, "So as I said in the email, I thought we should switch [back to Detroit water]."

But Flood pressed on: "What in the world of possibilities, if you know, could water that rusted parts of metal, what could that do to humans?"

Frazzled and frustrated, Brader responded, "I'm neither a chemist nor a doctor." She added that she didn't have "the expertise to answer that." Flood fired back asking if she had sought out answers about what the potential long-term health damage to Flint residents could be. Once again, Brader grew perturbed.

"Can I talk to my counsel outside?" she asked. Flood allowed it.

Nothing to see here. Just the lone Snyder administration whistleblower—her pleas ignored by his high command, her voice silenced by his fixer—abruptly stopping her criminal investigation interview twice in eight minutes when aggressively pressed on a corporate giant being able to stop using flint River water but . . . residents being forced to continue drinking it.

The governor's deputy legal counsel wasn't the only top administration official that headed for the exits. MDEQ director Dan Wyant's confidential criminal investigation interview was also suddenly stopped.

Flood: Now all of a sudden you get notice on your plate as it relates to odor and bacteria. Do you ever follow up on the odor?

Wyant: I don't.

Lawyer: Hold On.

Wyant: Yea.
Lawyer: Let's take a break for a second.

Interestingly that "second" break turned into thirty-one minutes.

"All of these people had been scrubbed [by attorneys]," a source familiar with the Flint criminal investigation told me about Brader and other officials. Administration officials essentially received the same "script," and story, to stick with under questioning. And for many, delivering the right answers was a matter of job security.

"Their jobs would hang in the balance" based on how they performed in criminal investigation interviews, the source explained. This led Brader and others to be extremely guarded in their answers.

Brader knew better than to leave a paper trail.

"She knew about *Legionella*, she just didn't say it in writing," the source went on. "She was smart. What she was referring to in that email, when you're talking about odor and taste of the water to someone who knows and understands water chemistry, that's code for bacteria in the water, *Legionella* . . . coliform."

Knowing Flint residents were in danger took a toll on Brader. But it's an open question as to whether the governor's deputy legal counsel *tried* to do more. In 2020 Brader testified as part of the major Flint water civil cases. During her testimony, which I obtained, she revealed stunning information.

Brader had been meeting *directly with Governor Snyder* on a "near weekly" basis beginning in July 2013, she testified. The meetings, which included Detroit emergency manager Kevin Orr, continued through the end of 2014. Brader claimed that the meetings with the governor—that went on for seventeen months—were exclusively about Detroit's bankruptcy. On that matter, she had served as Snyder's lead attorney.

Brader claimed that Flint water problems weren't discussed in her meetings with Snyder. But her proclamation didn't pass the smell test. Based on the dates she gave the Flint civil case attorneys, Brader had direct access to the governor during the same period she had blown the whistle to his top officials about Flint's water.

This made it hard to fathom that, as the governor's deputy legal counsel, she wouldn't have expressed the same "urgent" concern she relayed to Snyder's inner circle directly to the governor himself. In fact, as his legal counsel, *it was Brader's professional responsibility to warn Snyder.*

Civil case attorneys who interviewed her seemed to agree.

"You did not think as legal counsel to the governor that the concerns that you expressed in your email, and what Mr. Gadola expressed in his, should have been communicated to the governor of Michigan?"

Brader's response again strained credulity.

"You know, some of the most important people in the office had immediately acted on it by making that call [to EM Earley], so I didn't feel I had any additional responsibilities there." Brader added she didn't feel it was appropriate to "go around [her] supervisors and go to the governor" with something that was "not an acute health risk."

Her answer defied logic: if Flint's contaminated water didn't pose an acute health risk to residents, why the hell did she feel the necessity to pen an email to some of the highest-ranked members of state government calling it an "urgent matter to fix"?

But Brader had contradicted herself while speaking with Flood years earlier.

"I would like to correct," Brader said, walking back her claim that she had never discussed Flint water as part of her legal role trying to lift Detroit out of bankruptcy. "There were discussions regarding rates [Flint water rates]," Brader testified.

Peter Hammer, a Wayne State law professor who authored a major civil rights report on the water crisis, found Brader's claim of having not warned Snyder to be dubious. "It would be shocking if she did not." Hammer also rejected her assertion that the only topic she discussed with Snyder in those meetings was Detroit's bankruptcy process.

"Both Flint and Detroit were under emergency management and the fate of the Flint water system directly impacted the Detroit bankruptcy," Hammer told me. Since Flint was Detroit's top water customer, "decisions impacting Flint's water system, and its participation in DWSD, should have been an active aspect of the Detroit bankruptcy discussions."

In other words, Flint water issues would have come up in meetings between Brader and Snyder. If she was playing dumb, Snyder played dumber. As part of his 2020 testimony in the major Flint water civil cases,

the ex-governor was asked about Brader's urgent Flint water email from October 2014.

"Ms. Brader was whom within your team?" Ted Leopold, colead counsel representing Flint residents, asked the ex-governor.

"I'm not sure what her position was at that particular time," Snyder answered. "She likely could have been working with Mike Gadola."

Despite holding meetings with Brader for seventeen months over Detroit's bankruptcy, Snyder incredulously claimed not to know what her role was. His sudden amnesia was suspect; after a judge approved his administration's proposal for ending Detroit's bankruptcy in November 2014, Snyder publicly named—and thanked—Brader for her legal work spearheading the plan.

Seems like he knew who she was in 2014 but was now drawing a blank on what exactly this key member of his staff—and lone Flint water whistleblower—did.

Uh-huh.

Two days after Brader's urgent Flint email, and the equally drastic threat made against her by the governor's fixer, Snyder launched into action.

What he did—and didn't do—next would seal the fate of a generation of Flint residents.

Chapter 12

Snyder's Sin

It was six months after the Flint River switch and Rick Snyder was laser focused.

In three weeks he was up for reelection. Politically speaking, reelection was the first priority, but the governor's eyes were already wandering. Two years out Snyder had ambitions for the White House in 2016. Of course, this was at a time when neither he nor other potential GOP hopefuls had the faintest clue Donald Trump would soon ride down his golden escalator and torpedo American politics. But for Snyder to position himself for the GOP nomination, he would have to avoid controversy—or worse, scandal—weeks before his reelection. In the final weeks before his reelection, polls fluctuated between Snyder and his opponent, former congressman Mark Schauer. One CBS–*New York Times* poll had Schauer up by two points. Other polls had Snyder up slightly, indicating a tight race.

With the political stakes high, Snyder's administration was consumed by Flint. "A lot of complaints from people about discoloration and later on with smell," Dennis Muchmore, chief of staff to Snyder, told Flint special prosecutor Flood during a confidential criminal investigation interview. Muchmore said Flint's Concerned Pastors for Social Action, a mix of thirty pastors from majority Black churches in the city, reached out to him in the fall of 2014 about the brown water flowing through residents' taps and rashes developing across their skin.

"I talked to the large group a few times," Muchmore said about his conversations with the pastors. So did Governor Snyder. "I met with them myself," Snyder testified in 2020 as part of the major Flint water civil cases.

Muchmore told Flood that during this period in 2014, he raised the issue of Flint's water with health and environmental officials, asking what they were doing about it and "were they going to clean it up."

But there was a more specific question the health department should have been probing: why had there been a surge in pneumonia, and subsequent

deaths, since the Flint River switch six months earlier? According to PBS, starting directly after the river switch in May through October 2014, there was a major spike in pneumonia cases and deaths. During that time, forty-four Flint residents died of pneumonia—an unusual upswing in summer months that don't normally see many cases of pneumonia.

"If we see a spike of cases of pneumonia in the summer, then that would raise concerns about *Legionella*," Dr. Marcus Zervos, head of the infectious disease department at Henry Ford Hospital, told PBS.[1]

By October 2014, there had also been thirty cases of waterborne Legionnaires' disease in Genesee County since the Flint River switch half a year earlier. The numbers were a major increase compared to the typical two to nine cases recorded in previous years.

But Muchmore's attitude about the threat the city's contaminated water posed to residents seemed cavalier.

"The word 'poison' is just an emotionally charged word that we never took into consideration until people started talking about lead later on in the year," he told Flood.

Gob smacked, Flood asked the chief of staff if *E. coli* or other bacteria found in Flint's water at that time didn't register as "any kind of poisonous-type thing?"

Muchmore invoked Mother Nature. "Well, they connoted, sure, but . . . those are naturally occurring incidents." As an example, Muchmore brought up Michigan's Metro Beach, which was "closed all the time" because of *E. coli*.

As Muchmore well knew, the *E. coli* in Flint's water wasn't just some naturally occurring event happening in a vacuum. For months, brown, smelly water had piped into residents' homes. Children and their parents were ravaged with rashes; their hair was falling out. Cancer-causing TTHM chemicals had been detected in the city's water in an amount far exceeding the EPA's "allowable" limit.

"So can people die from it?" a flabbergasted Flood deadpanned, attempting to pierce through Muchmore's semantic salad about *E. coli*.

"Sure," the chief of staff conceded.

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After the concerning Flint water briefing he received on the first of the month, along with the GM drama, Snyder was undeniably aware there were

major issues with Flint's water.

But was he aware the city's water was deadly?

"In terms of Legionnaires', I didn't learn of that until 2016," Governor Snyder testified to Congress in 2016.[2] "As I became aware of it, we held a press conference the next day."

The governor blamed his health and environmental department for not doing more to notify the public—and him—sooner.

Criminal prosecutors and investigators were confident Governor Snyder had perjured himself in front of Congress.

"We will show that there was knowledge well in advance of January 2016 that there was an outbreak of *Legionella*," a PowerPoint presentation prepared by Flood's team, which I obtained, stated. "This investigation will show who knew what and when."

To answer that question, investigators had to dig through a dizzying array of dates, communications, and events after the April 2024 Flint River switch. In doing so, they lasered in on October 2014 as ground zero for the Flint water cover-up. More importantly, it was the first time the trail led directly to Rick Snyder.

It was during this period the city's water situation was growing more dire for Snyder. Flint residents and activists were getting louder, and there was growing media attention on their complaints.

So the Snyder administration started monitoring them.

"The purpose of us monitoring was to get in front of, and to be aware of, what was being said," a former official with the Department of Transportation, Management, and Budget (DTMB) said about the governor's office starting a surveillance program to monitor Flint residents. The purpose, the ex-DTMB official told me, was "so that the governor's office could control the narrative."

For the most part, DTMB had monitored social media activity of the Flint activists who were most critical of Snyder, according to the source, who was involved in the monitoring program. The information gathered was then routed back to the governor's office.

It was no surprise who dictated the marching orders to DTMB. "We want to craft the message, not let the message be handed to us [from residents]," the ex-DTMB employee recounted Richard Baird saying about monitoring activists.

The push to control the narrative coincided with the sirens that began blaring in the late summer and early fall of 2014. On September 15, Governor Snyder named Nick Lyon the director of the Michigan Department of Community Health (MDCH). Soon after Lyon's rise to health director, Governor Snyder received a Flint water briefing on October 1.

The document was authored by Stephen Busch, an environmental supervisor with the Michigan Department of Environmental Quality (MDEQ). By this point, Busch and others at MDEQ had known about the surge in cases of Legionnaires' disease throughout Flint dating back to June. But conspicuously, Busch's briefing to the governor made no mention of the deadly bacterial outbreak. Instead, he listed "waterborne disease outbreaks" as one of the potential triggers that could have caused several boil water alerts issued to Flint residents in August and September.

The omission of Legionnaires' was telling. It's one of the most common waterborne diseases; in fact, it's one of only five regulated microorganisms governed by the federal Safe Drinking Water Act. Translated: Busch, an environmental official, should have had Legionnaires' on his radar and included it in the briefing to Snyder.

Unless there was an intentional effort to bury the worsening outbreak?

"It was a cover-up," Bob Bowcock, a water quality and treatment expert who ran multiple California cities' water systems, told me.

A day after the briefing from Busch, on October 2, Snyder's chief of staff Muchmore, who had also received the briefing, called the governor's chief legal counsel Mike Gadola. They spoke for four minutes.

The timing of the call between two of Snyder's chiefs was striking. It was not only the day after the governor and Muchmore received the Flint water briefing, it was also the day General Motors officially stopped using the Flint River for its parts (news of which wouldn't become public for another eleven days).

The ongoing calls between Muchmore and Gadola, particularly this one, were legally noteworthy. Gadola, like Snyder's deputy legal counselor Brader, had also urged the governor's top officials to switch Flint off of Flint River water and back to Detroit's water system. "He didn't like the Flint River because of his experience growing up in Flint," Muchmore told Flood about Gadola's concerns. "And I don't know who else said that, but it wasn't restricted to one person; let's put it that way," Muchmore added.

Here was the governor's chief of staff revealing that six months after the water switch, Brader and Gadola *were not the only officials* in the Snyder administration voicing concerns over Flint's toxic water.

Yet Snyder's soldiers stormed forward.

Days after Gadola and Muchmore's call, on October 6, Brader met MDEQ director Dan Wyant and MDEQ officials Stephen Busch and Mike Prysby. "I had asked if they had briefed the emergency manager directly or if they were just talking to the guys at the plant," Brader recounted to Flood. "They had said that they weren't briefing the EM directly, and I wanted them to do so."

A week later was a double whammy. On October 13, GM publicly announced it would stop using water from the Flint River. In a news interview, Muchmore acknowledged that Snyder's high command knew about the GM situation and looked into it.

The "looking into it" was quite the interesting process when it came to MDEQ director Wyant. Wyant acknowledged to Flood that he was concerned upon learning Flint's water was destroying GM's parts. But when he reached out to his MDEQ staff, the environmental chief claimed he was reassured by Busch—the same official who warned him a year earlier about the "microbial risk" of using the Flint River—that the GM situation was "not a public health concern."

It was fair to say that Flint's water issues were escalating on the administration's radar in October 2014, Muchmore acknowledged to Flood.

That was an understatement. On back-to-back days a cascade of concerning events took place. On October 13, state health department epidemiologist Shannon Johnson emailed her colleagues informing them that, after ample research, her hypothesis was the Flint River water being delivered to residents was the source of the city's Legionnaires' outbreak. That same day was the GM debacle. Then Valerie Brader's "urgent" email the following day.

Flood and his team didn't believe that the governor of Michigan—the information sponge who knew what his departments were working on at all times—would know nothing about the carousel of chaos churning around him. With his reelection only three weeks away, and his administration close to lifting Detroit out of bankruptcy, they also knew Snyder couldn't afford a water crisis. He certainly couldn't overcome news spilling out about the outbreak of a deadly waterborne bacterium in Flint.

With so many red flags, prosecutors issued search warrants to obtain the phone records of the governor, his chief of staff Dennis Muchmore, and health department director Nick Lyon. They sought calls from 2013 through 2015, covering the leadup to the water crisis and the years following the Flint River switch. Although the phone logs would not give investigators access to what was said during phone conversations, it would allow them to glean who talked to whom, when, and how often.

What they discovered was an all-out blitz of calls between Snyder, Muchmore, and Lyon, among other players. The calls were sandwiched between Brader's "urgent" email on October 14 and a pivotal call pertaining to the Legionnaires' outbreak in Flint and McLaren Hospital on October 17.

On the morning of October 16, 2014, Muchmore got the ball rolling, calling state health director Lyon at 10:45 a.m. The two spoke for four minutes. Directly after, Muchmore called Governor Snyder at 10:49 a.m. The two spoke for three minutes. Twelve minutes later, the governor called Muchmore back at 11:04 a.m.; they spoke for two minutes.

The next few calls raised the antennae of criminal investigators.

At 11:10 a.m., Muchmore called the Michigan Health and Hospital Association (MHA) for a two-minute conversation. Immediately the back-and-forth frenzy between Muchmore, Lyon, and the governor resumed.

11:12 a.m.: Muchmore calls Lyon; the two speak for two minutes.
11:15 a.m.: Muchmore calls Lyon; the two speak for three minutes.
11:24 a.m.: Lyon calls Muchmore; the two speak for two minutes.
11:29 a.m.: Muchmore calls Governor Snyder; the two speak for four minutes.
11:51 a.m.: Muchmore calls the outgoing-director of the Department of Human Services, Maura Corrigan; the call lasts two minutes.
12:14 p.m.: Penni McNamara, MHA's executive office manager, calls Muchmore. Muchmore and McNamara speak for four minutes.

Why was MHA, Michigan's premier hospital lobbying association, in the middle of this barrage of calls? Prosecutors zeroed in on MHA's connection to Flint's McLaren Hospital—where an outbreak of Legionnaires' had been detected two months earlier. McLaren was one of a long list of hospitals that were members of MHA. In fact, the board of directors for MHA's Health Pac had two prominent McLaren executives on it.

Essentially, speaking with MHA was the same thing as speaking to McLaren. And in the middle of October 2014, with McLaren in the midst of a surge of Legionnaires' patients, there's only one subject the governor's lieutenants would be frantically reaching out to the McLaren-connected MHA about.

The call between Muchmore and MHA was "presumably about the [Legionnaires'] outbreak," Flood wrote in a subpoena petition seeking documents from MHA.

In fact, based on a source familiar with the investigation, investigators concluded the October 2014 calls between Muchmore and MHA was the administration trying to get more information about the outbreak as part of its plan to falsely blame McLaren's internal water system—and not the Flint River water—if the outbreak went public.

But the day's activity had only just begun.

About twenty minutes after Muchmore and MHA spoke, Genesee County Health Department's Stephanie Connolly emailed colleagues about a Legionnaires' patient McLaren Hospital had just sent them information about.

Connolly explained that the patient was a Flint resident who had "no connection with any previous admits to McLaren." The patient also had no travel history, recent dental work, or visits to the hospital, which are all potential sources for contracting Legionnaires'.

The information was damning to the eventual narrative spun by the Snyder administration that the outbreak originated in McLaren's water system—not the incoming water from the city of Flint. Obviously this patient couldn't have gotten Legionnaires' from McLaren Hospital's water if they had already contracted the disease before being admitted to McLaren.

Soon after lunch, the blitzkrieg of calls between Muchmore and Lyon resumed.

2:24 p.m.: Lyon calls Muchmore; the two speak for five minutes.
3:07 p.m.: Lyon calls Muchmore; the call lasts for one minute.
3:08 p.m.: Muchmore calls Governor Snyder; the two speak for three minutes.
5:24 p.m.: Lyon calls Muchmore; the call lasts for one minute.

7:20 p.m.: Muchmore calls Maura Corrigan; the call lasts for three minutes.

7:21 p.m.: Corrigan calls Muchmore; the two speak for five minutes. (The records indicate that this and the previous call may have overlapped.)

Beyond the appearance of MHA serving as a middleman between top Snyder officials and McLaren, investigators noticed another suspicious pattern. Twice during the web of calls—and as soon as Muchmore and Lyon hung up—the governor's chief of staff almost immediately called Snyder. Was Muchmore serving as a middleman to avoid direct communication between Snyder and his new health director during a deadly bacterial outbreak in Flint? Why else would Muchmore be hanging up with Lyon and immediately calling the governor multiple times?

The bureaucrats went to bed, but the panic picked up in the morning.

On the morning of October 17, Jim Henry, the Genesee County health department supervisor who was blown off by MDEQ about the outbreak weeks earlier, spoke with officials from the Flint water plant. Plant workers told Henry that Flint was testing for *E. coli* and TTHMs but not *Legionella*. Flint's water had "areas of concern," plant workers acknowledged to Henry.

At 11:16 a.m. Governor Snyder called Muchmore; the two spoke for five minutes. An hour later, at 12:21 p.m., Lyon called Muchmore; the call lasted for two minutes. Hours later, a fateful call and email occurred. The results likely killed and sickened an unknowable number of Flint residents.

At 4:31 p.m. Susan Bohm, an epidemiologist with the state health department, emailed Shannon Johnson, the epidemiologist who days earlier had hypothesized that the source of the Legionnaires' outbreak was the Flint River water.

Bohm described a panicked call she had just received from Liane Shekter-Smith, the head of MDEQ's office of drinking water. Shekter-Smith revealed that the Genesee County Health Department had called MDEQ about the Legionnaires' outbreak and the city's water contamination. "The governor's office had been involved," Bohm recounted Shekter-Smith telling her.[3]

Bohm said that Shekter-Smith expressed worry that the health department was going to be making an imminent public announcement about the outbreak—and the Flint River water being the "source of infection."

Unbelievably, her reaction was to warn the health department that notifying Flint residents about the deadly poison they were consuming "would certainly inflame the situation."

Why would MDEQ's top water official be hell-bent on stopping Flint residents from being notified about the bactera infesting their water?

An hour and a half after Bohm's email recounting Shekter-Smith's stunning "inflame the situation" call, Snyder, Muchmore, and Lyon got back to working the phones.

At 6:06 p.m., Lyon called Muchmore. It was the pair's ninth call in two days. They spoke for six minutes. Immediately after, Muchmore hung up and called the governor. Their conversation lasted four minutes.

Flint criminal investigators mapped out the phone activity of Snyder and his top officials over several years. Their goal was to see if the frenzy of calls on October 16 and 17 were unusual. Looking through their logs starting from 2013, they found the first call between Muchmore and Lyon was on August 27—the same period McLaren Hospital detected *Legionella* in its system. Muchmore and Lyon didn't get on the phone again for nearly two months . . . until this sudden October sprint of nine calls in two days.

After the October calls, they only spoke twelve more times over the next sixteen months through January 2016. Overall the call logs showed the chief of staff and health director spoke twenty-two times between August 2014 and January 2016—with nine of those conversations taking place on October 16 and 17. The flurry of calls took place when "the MDHHS, MDEQ, and governor's office were all involved in discussions about the Legionnaires' disease outbreak in Genesee County," a 2018 Flint investigation briefing authored by Flood stated.[4]

"Frankly, I'm not aware of them," Muchmore told me about the avalanche of calls between him, the governor, and Lyon. "You know more than I do."

Uh huh.

Testifying in 2020 in the major Flint water civil cases, Snyder was asked by McLaren attorney Brian MacDonald about the October 17 call between Shekter-Smith and Bohm. MacDonald specifically asked the governor about then state water chief Shekter-Smith saying "the governor's office had been involved" in responding to the Legionnaires' outbreak.

The exchange and Snyder's responses were astounding.

MacDonald: Do you have any idea who that would have been in the governor's office?

Snyder: I have no recollection or knowledge.

MacDonald: Is it possible that you have just forgotten, but that you were in fact involved as far back as 2014?

Snyder: I don't believe so.

MacDonald: But from this letter it indicates at least in [Liane Shekter-Smith's] mind that someone from the governor's office was involved.
Snyder: That's what the sentence says.

I dunno . . . seems like a former governor might remember if his office was involved in responding to a deadly waterborne bacterial outbreak in the major city he hijacked control over.

My hunch was Snyder was lying. Flood seemed to agree.

"This evidence shows the governor, his administration, Director Lyon, and the MHA knew about this outbreak of Legionnaires' in October 2014, and they were interested in keeping the information from going public," Flood wrote about the calls—and cover-up—in his subpoena petition to get documents from MHA.

He also cited Shekter-Smith's panicked call to Bohm about the governor's office being involved in Flint's water contamination, revealing that his office "obtained corroborating evidence" that supported Snyder's office being "informed about this outbreak of Legionnaires' disease in October 2014."

Under oath in 2020, Snyder was asked whether anyone from McLaren Hospital had ever communicated with him about the Legionnaires' outbreak.

"I recall that no one from McLaren had told me anything about those results," Snyder answered MacDonald.

But in response to MacDonald's next question, Snyder seemed uh . . . less emphatic . . . than when he testified in 2016 under oath in front of Congress.

MacDonald: Did you ever direct anyone to inquire into *Legionella* prior to January 2016?
Snyder: I don't believe so.

When MacDonald drilled down again on whether the first time Snyder learned of the outbreak was in January 2016, Snyder answered: "That's what I recall."

Somehow, the nerd in chief's clarity on when he first became aware of the deadly outbreak went from a firm "I didn't learn of that until 2016" in front

of Congress to a looser “I don’t believe so” under oath during the Flint civil case.

Go figure.

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The worried call from Shekter-Smith’s on October 17 attempting to stop an imminent public Legionnaires’ announcement wasn’t her only outreach to the health department. Four days later, Bohm emailed officials from the Genesee County Health Department.

“We have been contacted a couple of times now by the DEQ chief of the Office of Drinking Water and Municipal Assistance, Liane Shekter-Smith, about the Legionnaires’ disease cluster in the Flint area,” Bohm wrote.[5] The email was telling: after the state water chief placed a panicked call to the health department about the outbreak on October 17, she had reached out several more times.

That same day, on October 21, Shekter-Smith’s boss, MDEQ director Dan Wyant, held a call on Flint’s water issues with Flint emergency manager Earley, his assistant, and two Treasury Department officials.

Was it a coincidence that the money men joined the Flint water call a week after the emergency manager shot down Brader’s plea to switch Flint off of the Flint River citing a “very high” financial penalty?

Umm . . . does a bear shit in the woods?

Flood didn’t mince words in the subpoena seeking documents from MHA. He accused the governor of knowingly risking the lives of Flint residents.

“Furthermore, despite knowing about the existence of an outbreak, the governor consciously jeopardized the health and welfare of Flint citizens by failing to alert the public until a January 13, 2016 press conference.”

Given all the other communications and suspect occurrences linked to Flint’s Legionnaires’ outbreak, prosecutors viewed the avalanche of calls between Snyder, Muchmore, and Lyon as a major cornerstone of building a criminal case against the governor.

But what they found five days later would become the smoking gun that proved Rick Snyder had lied to Congress, Flint, and the nation. . . .

And it was in writing.

Chapter 13

Governor's Briefings

Governor Snyder was very careful. In 2014 and 2015, he wrote very few emails about issues related to Flint's water. Based on his emails that Snyder released to the public, in turn, his top officials and advisors didn't write many emails about Flint to Snyder's official government email.

Although the governor pledged full transparency in front of Congress, he delivered anything but. When his Flint water-related emails were released, they were heavily redacted. The governor also didn't release his 2013 Flint water emails from the year before the water switch, raising suspicions among Flint residents and, later, criminal investigators.

Other 2013 emails from the Snyder administration that were released to the public showed top officials as active participants in negotiations related to Flint joining the KWA water system. The emails also showed administration officials discussing the possibility of Flint using the Flint River as a water source. This posed an obvious question: Did the governor communicate with his staff on either of those issues before the Flint River switch?

More alarming, despite Snyder testifying to Congress that he did not delete any of his Flint water emails, his administration hedged on the matter after the fact. "There were emails that could have [been] deleted prior to April of 2013 . . . but he doesn't recall ever doing so," Anna Heaton, the governor's press secretary, said in 2016.[1]

If the paper trail leading to the governor was thin on Flint water issues, it was nonexistent when it came to the deadly Legionnaires' outbreak in Flint.

Investigators found significant communication between the rest of the governor's administration about the outbreak in the summer, fall, and winter of 2014 along with most of 2015. This included emails and interactions between the state health and environmental departments, Genesee County Health Department, the EPA, and CDC. Yet there was nothing in writing about the outbreak from or to the governor, health

department director Nick Lyon, chief of staff Dennis Muchmore, or top advisor Rich Baird. Seeing that there were communications at every government level *except the governor's office and health director* led criminal investigators to suspect there had been clear marching orders, delivered from the top, not to discuss the outbreak in writing.

Which is why the end of October of 2014 delivered criminal investigators their first smoking gun in building a criminal case against the governor of Michigan himself.

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Five days after MDEQ's drinking water chief Liane Shekter-Smith placed a worried call telling health officials "the governor's office had been involved" in responding to the Legionnaires' outbreak, Shekter-Smith's water division held a managers meeting.

I obtained the document, the top of which read ODWMA (Office of Drinking Water and Municipal Assistance) Managers Meeting. It was dated October 22, 2014. Within the document was a bombshell.

"Governor's Briefings: Two boil water advisories in Flint, lead to all advisories to be sent to director. Governor's office to be informed of what's happening. Coliform issue led to residual issue. GM now has issue with using Flint water and chloride. *Genesee County [has] seen an increase in* Legionella, McLaren has detected *Legionella*. Not detected in McLaren incoming water."

There it was—in writing—the governor being briefed about the Legionnaires' outbreak in Flint sixteen months earlier than he claimed to have first become aware. Sixteen months earlier than he testified to Congress he knew. Sixteen months earlier than he notified the residents of Flint. Most importantly . . . *when there was still time to save lives* by immediately warning them to stop drinking and bathing in poisoned water.

Of course, the revelation of Snyder having received a briefing on the spike in Legionnaires' didn't happen in a vacuum. It occurred after an overwhelming flurry of warning signs pertaining to Flint's water and the outbreak.

October 1: Governor and top officials receive Flint water briefing; waterborne disease listed as possible cause for Flint's boil water alerts in August and September.

October 3: Flint officials email each other about ABC12 killing a story on Legionnaires' outbreak at McLaren Hospital; prosecutors suspect a top Snyder administration official called the station to try and kill the story.

October 6: Governor's deputy legal counsel Valerie Brader meets with MDEQ officials about Flint's water contamination.

October 13: GM announces it is ending use of Flint River water for its car parts.

October 13: State health department epidemiologist Shannon Johnson shares her research hypothesizing that the source of the Legionnaires' outbreak is the Flint River switch.

October 14: Valerie Brader sends "urgent" email to Snyder's chief of staff, chief legal counsel, and others pleading for Flint to switch back to Detroit water system. Snyder's chief legal counsel Mike Gadola responds in shock; he agrees with Brader and calls it "downright scary" residents are drinking water from the Flint River. Investigators learn Rich Baird threatened Brader after she sent the email.

October 16–17: Governor Snyder, Dennis Muchmore, Nick Lyon engage in a frenzy of calls; over two days Muchmore and Lyon speak nine times.

October 17: MDEQ drinking water chief Liane Shekter-Smith places a panicked call to state health official Susan Bohm, cautions against issuing public notification about Flint's Legionnaires' outbreak, and reveals "the governor's office had been involved."

October 21: Bohm emails colleagues: "We have been contacted a couple of times now" by Shekter-Smith about "the Legionnaires' disease cluster in the Flint area."

All these red flags—or fire alarms—that preceded Shekter-Smith's drinking water office's meeting on October 22 led criminal investigators to think it would be *inconceivable* that the meticulous, nerdy governor *knew nothing* about the outbreak spreading in Flint.

That's where MDEQ director Dan Wyant entered the equation. The environmental director told prosecutors he first learned about Flint's Legionnaires' outbreak in January of 2015.

Yet his own deputies contradicted him. Jim Sygo, the deputy director under Wyant, told prosecutors he first learned about the surge of Legionnaires' in October 2014. "I would have let Dan [Wyant] know the

very first time that I became aware of it," Sygo told prosecutors. Richard Benzie, the head of field operations with MDEQ's water office, told prosecutors he informed Wyant about the outbreak when he first learned about it in November 2014.

Knowing the MDEQ director was aware of the outbreak in October 2014, members of Flood's team presented Wyant with the October 22nd "Governor's Briefings" document when they met with him. In response, Wyant became very emotional—almost tormented—according to multiple sources. His response all but confirmed he had seen this Legionnaires' briefing to the governor before. Instead of answering, Wyant abruptly pivoted to highlighting the role he played in securing funding for Flint to switch back to Detroit's water system in 2015.

Wyant was the linchpin of building a criminal case against the governor because he knew, and could provide evidence, that Snyder was first notified about Legionnaires' far earlier than he acted, a source familiar with the criminal investigation said.

Prosecutors fought to obtain all of Snyder's daily briefings, which he religiously read on his iPad. Specifically, they pushed to receive all his briefings from October 2014. But the governor and his lawyers fought like hell, stonewalling and obstructing criminal prosecutors.

"It was a firefight between the criminal team and Snyder for the daily briefings," one source said.

Why would Snyder stonewall on providing his briefings from October of 2014? The only logical reason was if he knew there might be incriminating information in them. If prosecutors had gotten their hands on all of his briefings from that month, it would have likely meant game over. Flint and the world would uncover that the governor knew about the deadly bacteria poisoning Flint residents a year and a half earlier than he notified the public.

"The administration was caught in a net of conspiracy," the source said.

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The October onslaught didn't end with MDEQ discussing the "Governor's Briefings" on Legionnaires' on October 22.

A week later a water summit of sorts was held at Flint City Hall days before Governor Snyder's political future hung in the balance. On October 29, shortly before Snyder's reelection, Flint mayor Dayne Walling,

Emergency Manager Earley, City Utilities director Daugherty Johnson, MDEQ director Wyant, and MDEQ's Stephen Busch met to discuss the multitude of contamination issues in Flint's water.

Elizabeth Murphy, who was Earley's assistant, was also present. In an interview with criminal investigators, she revealed that during the meeting Earley had asked MDEQ officials if Flint's water was safe. "No one from the [MDEQ] answered EM Earley's question about the safety of Flint's water . . . no one ever directly answered any of Earley's questions about the water," an investigative report stated.

They had to know, so why couldn't they answer?

Spell it with me: C-Y-A [cover your ass].

Wyant told Flood that the summit in Flint was to talk about "next steps to deal with the TTHM [carcinogen] issue and how we would address the TTHM issue."

But Wyant left out a key detail. As the meeting wrapped up, the MDEQ director brought up Flint's Legionnaires' outbreak, Daugherty Johnson told Flood. "The county and the state had been aware of Legionnaires' disease at a hospital or something—McLaren," Johnson remembered Wyant saying.

But in response Busch, who warned of the bacterial risks of using the Flint River a year before the switch, expressed concern . . . just not about the health of Flint residents. Instead, Busch warned that this situation "may blow" into a PR nightmare if it leaks out to the public, Johnson told investigators. Busch then erroneously claimed Legionnaires' was not a disease that could originate from a city's water system. The MDEQ official insisted, "It wasn't an issue for our water system, like you don't suck that into your plant and send it out to every home in the city. It's something that's kind of in a closed system."

Whether actual or intentional ignorance, Busch was tragically wrong. The key to the spread of Legionnaires' wasn't what was being sucked into the plant; it was what *wasn't being sent out of it*. Old, corroding water distribution pipes are lined with biofilm, which are layers of potentially dangerous bacteria that attach to the interior of the distribution pipes' walls. Normally corrosion-control chemicals, known as phosphates, are added to the water supply to provide a protective coating within the pipes, preventing the leaching of lead into the water.

But Busch and MDEQ decided not to pump those chemicals into the water as it left the plant, leaving the water traveling through the pipes

vulnerable to the lead lining its walls. Added to the mix, the harmful, improperly treated Flint River water caused severe iron corrosion in the water pipes—which is food for bacteria like *Legionella*.

Two days after the Flint water summit between MDEQ and Flint officials, EM Earley wrote an email to Wyant thanking the MDEQ director for coming to Flint to discuss the city's water issues.

Like everything else in the Flint water cover-up, it all seemed to get routed back to Richard Baird. Even though Baird wasn't part of the Flint meeting, Earley forwarded his thank-you email to the governor's right-hand man.

"Just as an FYI, we had a very productive meeting," Earley told him. He even offered to brief Baird on the meeting. "Very good!" a boisterous Baird responded. "Let's get together after the election. Great work!"

Four days later Snyder won a second term as governor of Michigan . . . guaranteeing the cover-up was only beginning.

Chapter 14

Update for the Governor?

Their first joyous night in months quickly devolved into worry as Melissa Mays drove behind her husband at 2:00 a.m.

Adam Mays was driving a Ford Escape carrying extra weight from stacked cases of bottled water. He could hear them hitting the car's ceiling above the back seat as he started to step on the brakes.

But the SUV barely slowed.

Caught off guard, he pumped his brakes several times—but the car only decelerated slightly.

Following behind, Melissa noticed his brake lights began to flash erratically. *What the hell is he doing?* There were no other cars on the road, so why was he driving like a jackass?

Next thing she knew, Adam called her. He told her to pull into Taco Bell.

Confused, Melissa told him no. Her health had deteriorated because of drinking Flint's tainted water; she had developed food allergies and could no longer eat things like Mexican fast food.

"No, I don't have any brakes," Adam, normally calm and monotone, told his wife with a rattled voice.

A red light appeared on the horizon. Alarmed, Adam rammed his foot on the brakes with the full force of his leg. The car finally slowed down and he rolled through the light. Luckily, being so early in the morning, there were no other cars near the intersection.

As he pulled into the parking lot the SUV bumped up against a curb and stopped.

Melissa, who was driving their newer Ford Escape, pulled in behind him. She hopped into the driver's seat of the car he was driving. Adam, who'd been working on cars since he was a teen, crawled underneath. He told her to step on the brakes. When she did, brake fluid squirted out of the brake lines, a sign the lines had gone bad.

It was dark, but Adam noticed a hole punctured into the brake line. It was February of 2015; they had just left a charity concert at Flint's Machine Shop

Concert Lounge. Both of their cars were filled to the brim with donations of bottled water.

After months of turmoil related to their city's tainted water, the married couple was feeling jubilant. The concert was fun and they received way more bottled water donations than expected. The goal was to combine residents rocking out with gathering as many water donations as possible. Afterward, the Mays and other activists planned to go door-to-door and deliver water to the elderly and the many Flint residents without transportation.

Adam stood stunned following the early morning scare. After buying a new brake line later in the day, he removed the torn-up line. In the dark he had only spotted one puncture. Now in the daylight, he discovered three holes cut into the brake line.

They went back to the concert venue and asked the manager if they could look at the security cameras from the night of the concert. On the video, they saw somebody wearing a hoodie slide under the blue Ford Escape—and then disappear.

Not known to hold back, Melissa shouted, "What the fuck!" In early 2015 the mother of three became one of the loudest and most tenacious Flint water activists. Knowing she had attracted the scorn of local politicians, Mays couldn't help but suspect that someone linked to the local government had tried to take her out. Although Adam had been driving the truck, it was actually registered under her name. "They did it because it was in my name," she told me, adding that whoever cut the brakes didn't know Adam was driving the car.

Scared, Melissa got a hold of infamous environmentalist and water activist Erin Brockovich. She explained about watching the hooded figure crawling underneath her car and cutting her brakes. Brockovich cautioned Melissa that she and her family would have to make a permanent, life-altering decision.

"You have two choices. Shut up and keep your head down . . . or you get in front of every single camera, you get loud, and you make it clear who you're fighting against," Brockovich advised. Doing the latter would thrust her into the public picture, but it would also publicly flag who her enemies were. Therefore, Brockovich explained, those powerful government officials would be cautious about going after her or her family for fear of getting caught.

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After a four-point reelection victory in November of 2014, Governor Snyder could breathe easier. He could also shift from theorizing about running for president two years down the line to potentially setting a plan in motion.

But fresh off what criminal prosecutors concluded was Snyder's involvement in covering up Flint's Legionnaires' outbreak, the nerd-in-chief knew Flint's toxic

water wouldn’t clean itself.

“Yes, I’m positive of that,” Dennis Muchmore, the governor’s chief of staff, told Special Prosecutor Flood when asked whether he and the governor spoke about Flint’s water problems at the end of 2014 through early 2015. Muchmore framed his discussions with Snyder as the two leaders being confounded about Flint.

“Confused whether it’s *E. coli* or TTHMs, but health concerns, both of those times,” Muchmore said about the governor’s mindset. Snyder didn’t propose a specific solution, Muchmore explained, but pushed him to go back to the various state departments involved and ask for “more information on what are they doing and how is this being resolved.”

On the ground in Flint, the water flowing out looked gross. In December, weeks after Snyder’s reelection, Mays stepped into her bath to de-stress. But when she turned the knob, her water came out a mix of blue and green. “We don’t even know what chemical that is. It could be copper, it could be chloroform, we don’t know.”

But showering wasn’t a much better alternative.

“People don’t know what to do . . . do we soak in the tub or do we stand in the shower and inhale this?” she asked me.

As the calendar flipped to 2015, the pressure on Snyder to do something about Flint’s water intensified. On January 9, Snyder-appointed emergency manager Darnell Earley issued a press release in response to growing pleas from residents to stop using the Flint River and return to Detroit’s water system.

“For many reasons financial and otherwise the city of Flint can ill-afford to switch courses at this point,” Early wrote. “It is not financially prudent to spend $18 million to purchase water that meets the same [MDEQ] standards as the water now available from the Flint River.”[1]

But, the water wasn’t the same as the Detroit water the city previously received; by that point in January 2015, it had been contaminated with *Legionella* bacteria, *E. coli*, lead, and TTHMs (much of which Earley had been warned about months earlier by Snyder’s deputy legal counsel Valerie Brader).

Three days after Earley rejected changing Flint’s water source, Sue McCormick, the director of Detroit Water and Sewerage Department (DWSD), emailed Earley and Flint mayor Dayne Walling. She copied Governor Snyder on the email. The DWSD chief offered to immediately reconnect Flint to Detroit’s water with no additional reconnection fee. Due to across-the-board rate increases affecting all their customers months earlier, Flint’s rate would be slightly higher than before the switch.

Figure 14.1. Melissa Mays's Bathtub December 2014

Source: Melissa Mays

The following day about forty Flint residents protested outside city hall. It was sixteen degrees. Melissa Mays remembered the day: "It was snowy and cold outside and there were a lot of people." Residents marched and chanted, alternating between "clean water is a right and not a privilege" and "safe water, that's all we want."[2]

Tragically, the residents protesting had no idea that a deadly bacterial outbreak was spreading throughout Flint and further tainting the water they drank and bathed in.

The protest was the first time many residents, all affected by Flint's wretched water, met one another. "People knew shit was bad; people were getting really, really sick; and people were talking," Mays told me. Eric Mays (no relation to Melissa), the late Flint councilman known for his fierce advocacy and equally ferocious potty mouth, came outside to march with residents.

"We looked like fucking death!" Melissa recounted. "People were all talking about their rashes and their hair loss." Tony Palladeno, the rowdy resident always hoisting a megaphone, marched carrying a plastic bag filled with his hair that had fallen out.

"We are not your lab rats," Melissa's sign said.

A week later, Mayor Walling called for both the state and federal government to be "actively involved in improving Flint's water system."[3] He noted that Governor Snyder, in particular, carried responsibility for Flint's water. After all, it was Snyder who declared a financial emergency and forced an emergency manager onto the city.

The next evening there was another fracas in Flint.

On January 21, Flint city council met in the "dome" on city hall grounds. The meeting included state officials as well as Stephen Busch and Mike Prysby from the Michigan Department of Environmental Quality (MDEQ). One resident held up a sign saying, "Water Is Life Not Profit." Others held up jugs of their discolored water.

But the meeting quickly went haywire. Angry residents shouted in response to the platitudes and political speak they were being fed.

"Please don't leave, don't leave," Flint city councilman Wantwaz Davis, sitting in the crowd, pleaded as some residents headed for the exits. "I think people feel that their bodies and their lives and their well-being are being compromised," Davis said to state officials, sparking loud applause.[4]

In response to residents' concerns, Busch provided residents with a ham-handed recommendation about their water.

"Is there a risk in the short-term? That depends on you . . . it's an individual thing," Busch said.[5] He advised residents to make their own judgments after consulting their doctors.

Another resident shouted at the brigade of bureaucrats in front of her: "Look at that water. None of you white people would drink that water."[6] But state officials remained robotic, sticking to their narrative that everything was fine.

The next day it became clear that one key state official was engaged with Flint's water woes . . . Governor Rick Snyder.

"[The governor] brought up the Flint water topic," Allison Scott, the executive assistant to Snyder, wrote over email on January 22. Scott, who had been with Snyder in the private sector before he became governor, asked chief of staff

Muchmore, deputy chief of staff Beth Clement, and senior advisor Dick Posthumus if there was “any update for Gov on this subject?” She singled out Muchmore, noting that the governor thought he was “checking into this.”

Figure 14.2. Residents' Brown Water at Flint Water "Dome" Meeting

Source: Nayyirah Shariff

Figure 14.3. Tony Palladeno Before Flint "Dome" Meeting

Source: Nayyirah Shariff

Posthumus responded that there were two Flint water meetings scheduled for the following week: one internally among top administration officials and the other between administration officials and Flint's new emergency manager Gerald Ambrose. Ambrose had served as the financial manager and deputy to Flint's previous emergency managers. But after Darnell Earley resigned, Ambrose became the newest unelected dictator in January 2015.

The next day, Scott forwarded Posthumus's response email to the governor: "Follow up on the Flint water from Dick P," she wrote to Snyder.

Flood asked Scott if the governor told her why he needed an update on the Flint water issue at that time. She responded with what had become one of Snyder's top officials' favorite nonanswers: "Not that I recall."

When Flood followed up, Snyder's executive assistant obfuscated further, "What he's looking for? I'm not going to guess. I'm not him. He asked me to do something and I did it."

So the gatekeeper to the governor—who sat in close vicinity to the governor, the lieutenant governor, and his staff (Snyder's chief of staff, Snyder's deputy chief of staff, and Snyder's top adviser Rich Baird)—hadn't the foggiest idea why the governor wanted to keep tabs on Flint.

Uh-huh.

Figure 14.4. Residents Attend Flint Water "Dome" Meeting

Source: Nayyirah Shariff

Three days after Scott forwarded the Flint water update to the governor, residents' frustration accelerated into rage. By now many Flintstones were attending every city council meeting. At the January 26 meeting, they were left shell-shocked.

"I certainly know that the city of Flint has made a decision to move forward to use its water treatment plant and to buy water from Lake Huron [through KWA]," Sue McCormick, the director of DWSD, said on January 26 standing at the microphone in front of Flint city council members.[7] She continued: "Our offer to provide emergency services for the city of Flint for as long as it needs it, in no way asks you to reconsider that."

"*Wait, what offer?*" surprised residents asked. "We were pissed because we kept getting told that Detroit kicked us off [their water system] and we had no other options," Mays recounted after residents heard McCormick's speech.

For months, residents—adults and their children ravaged by rashes, hair falling out, crippling fatigue, irregular blood tests—had been begging the state and city

to get off the Flint River. Yet they were told by their local politicians, and the media regurgitating them, that the city had no choice but to remain on the Flint River water because Detroit had “cut them off.” Don’t worry, they were told, the water problems are only aesthetic—the water itself is safe to consume. And before you know it, the KWA construction will be finished and we’ll be receiving fresh water from Lake Huron.

Figure 14.5. Stacks of Donated Bottled Water Outside Flint Water “Dome” Meeting

Source: Nayyirah Shariff

But here was the spokesperson for Detroit water, at city council, talking about an ongoing offer Flint had to end the calamitous Flint River experiment.

“People were going nuts, people were fucking furious!” Mays said about residents learning they had been lied to from the start. From Mayor Walling to multiple Snyder-appointed emergency managers, it was all the same talking points fed to residents.

But it was bull.

Afterward residents swarmed the Detroit water chief to gather more information. She informed them that DWSD had never “kicked Flint off” of

service. McCormick shared that the offer she presented at the meeting had been available to Flint *for nearly a year*. She also debunked another lie residents had been fed—that Detroit would charge a high fee for Flint to reconnect to DWSD.

"We're not charging you anything to switch back," she told residents.

As furious residents began coming together and organizing on the ground, the politicians responsible for their poisoning were holding high-level meetings at the state capitol.

Nearly a year after the surge in Legionnaires' began in Flint, the highest levels of the Snyder administration were finally meeting about the outbreak.

Chapter 15

Political Implications

I had seen and heard a lot of horror stories in Flint, but I had no idea the mother in front of me was about to share the most horrible thing yet.

Joyce McNeal, a lifelong Flint resident, stood in front of me wearing a black and white “Flint Lives Matter” sweater. It was April 2019, the five-year anniversary of the water crisis. As she told her story, the pain in her eyes was palpable.

She told me about the shocking call she received around midnight in the spring of 2015 from Hurley Hospital. “They asked me to come and put my son in hospice.”

Receiving a call from the hospital about Joseph wasn’t a surprise. He was bipolar and schizophrenic and had frequented the hospital for mental health treatment for years. But McNeal had no idea he was physically ill . . . much less terminal.

The hospital asked her if Joseph had recently visited any foreign countries. She said no, her son didn’t even have a passport. When she arrived, Joseph looked like a shell of himself. “He had deteriorated very badly, he looked very weak,” McNeal told me. Joseph’s skin was severely discolored and peeling off.

McNeal remembered Hurley told her they couldn’t treat him. “They began to push this paperwork really fast.” By the time Hurley released Joseph, he was having severe breathing issues and his skin was beginning to decompose.

McNeal brought her son home and called a nurse over. “She said that she had been in Iraq for twenty-eight years and she had never seen a case like my son’s.” Like the doctors at Hurley, she asked McNeal if Joseph had recently been to a foreign country.

“You only see this in Nigeria or other African countries where people are drinking nasty, filthy-dirty water,” the nurse told McNeal.

For months, Joyce had heard people in the community talking about contaminated water. Her son insisted that it was Flint's water that was making him sick, but McNeal thought it was just one of his schizophrenic episodes.

"I trusted the government; I trusted the science . . . but then all of a sudden things started happening with my son."

Joseph kept getting worse. The visiting nurse helped McNeal get him admitted into intensive care at Flint's McLaren Hospital. Immediately, he was put him on life support to help him breathe. Unbeknownst to McNeal, and the rest of Flint, the hospital had had an outbreak of Legionnaires' disease over a year earlier in the summer of 2014.

Doctors told her Joseph had a bad case of basic pneumonia but didn't mention Legionnaires' disease, which is a severe form of waterborne bacterial pneumonia. McLaren told her they had temporarily stabilized Joseph, so Joyce left for a few hours.

The next day, McNeal got another call. It was the University of Michigan Hospital in Ann Arbor. "What do you want us to do?" McNeal was asked about her son. Confused, she asked how Joseph ended up there.

Joseph had been "resurrected from the dead" and flown in a helicopter from McLaren to University of Michigan, McNeal was told. "We weren't even aware that the patient was coming in. McLaren dropped him off; we don't even have his medical records."

Stressed and scared, McNeal received yet another call the next day. It was a nurse from McLaren.

"'Ma'am, you better look into this," McNeal recounted being told. The nurse revealed that when she went to give Joseph his medicine, his room had been wiped "as if he had never been there." According to McNeal, the nurse relayed that she found the wiping and sanitizing of Joseph's room to be suspicious. When she asked doctors where Joseph was, they told her his condition was "too complicated for them to treat."

When the nurse asked the doctor if McLaren had notified Joseph's mother that he was moved to another hospital, she was told they didn't have to because she didn't have legal guardianship over him.

McNeal arrived at University of Michigan and learned her son's body was shutting down. For a third time, from a third hospital, she was asked if Joseph had recently traveled to another country. His condition was grave, the hospital told her. "He has no liver, he has a quarter of a lung left, he has

the worst pneumonia you can ever think of, his heart sits in a pool of maggots and pus, he has no immune system, his only red blood cells left are his eyeballs . . . and the bacteria's going after that."

With nothing else left for the hospital to do, McNeal brought Joseph home to die. She administered morphine and watched as he faded. "It was horrific because his flesh started falling off."

Joseph had just turned forty on October 16, 2015 . . . and died two days later. He left behind a son. Years later, McNeal got a call from PBS. They were working on an investigation about the Legionnaires' outbreak in Flint and had pulled Joseph's medical records; it showed he had been treated with a medication commonly prescribed to patients with Legionnaires' disease.

PBS found that many of the 115 pneumonia deaths in Flint during the eighteen months Flint used the Flint River could be attributed to Legionnaires' disease—but they were misdiagnosed as common pneumonia (Legionnaires' is a serious type of pneumonia caused by *Legionella* bacteria attacking one's lungs).

"I truly believe in my heart he had Legionnaires' [disease]," McNeal told me. "This is the biggest cover-up I'd ever seen."

***

A day after the Flint council meeting in which Flint activists learned their local officials had been lying about Detroit "cutting off" Flint from its water system, the Snyder administration kept *privately* communicating about the Legionnaires' outbreak—while still keeping residents in the dark. By this point at the end of January 2015, there had been forty-four cases of the waterborne bacteria, and five deaths since the switch to the Flint River nine months earlier. And contrary to his claims to Congress and Flint, criminal investigators concluded that Snyder not only knew about the dangerous disease spreading, but he was also partaking in a cover-up to stop the existence of the outbreak from going public.

On January 27, Jim Collins, head of MDHHS' infectious disease department, held a call about the outbreak with officials from Genesee County Health Department. The outbreak "seems, anecdotally at least, to coincide with the changeover in Flint water," Collins emailed colleagues later about the call.[1]

Forty-four cases since the changeover to the Flint River—an abnormal and alarming volume of cases for Legionnaires' disease—was certainly not anecdotal. Yet, here was the state's infectious disease chief minimizing the deadly outbreak that, at this point, MDHHS had known about for nine months—but kept secret.

On January 28, Corinne Miller, MDHHS' director of epidemiology, sat in on a conference call. Miller reported to MDHHS director Lyon, who reported directly to the governor. On the call with Miller were representatives from Flint's Hurley Hospital, McLaren Hospital, and MDEQ officials. MDEQ's Stephen Busch, who months earlier had refused to speak with Genesee County Health Department's Jim Henry about the outbreak, was also on the call. Like McLaren, Hurley was seeing an influx of Legionnaires' patients with fourteen in 2014.

After the meeting, Miller sent a revealing email to her boss Sue Moran, the deputy director of MDHHS' Population Health Administration. She explained that she had just participated on a call with two local Flint hospitals and officials from MDHHS and MDEQ about the Legionnaires' outbreak.[2]

"The call was rather frustrating as most of the hour was spent by MDEQ and hospital staff speculating on the source of *Legionella* infection," Miller wrote. "All of this was speculation because we don't have the case information that we need yet."

By the time of this January 2015 call there had been over forty-seven cases of Legionnaires' since Flint switched to the Flint River nine months earlier. Five of those had resulted in deaths. Prior to the Flint River switch, Genesee County had typically seen an average of nine to fifteen cases annually. So the obvious question was: whether health and environmental officials definitively knew or didn't know the source of the outbreak, why didn't they notify Flint residents of the deadly bacteria infesting their water?

In her email Miller also revealed bombshell information: "MDEQ expressed concern that this issue might reach the governor's office, and I indicated it already had and that MDCH would be assisting the locals in the investigation."

The state health epidemiology director was now the *second state official in three months to state, in writing, that the governor's office was directly involved in responding to the Legionnaires' outbreak.*

Under oath in 2020 during the major Flint water civil cases, Snyder was asked questions by an attorney representing McLaren Hospital. The hospital, which had an outbreak of Legionnaires', was one of several defendants being sued by Flint residents over the water crisis. McLaren attorney Brian MacDonald asked the governor about Miller's account of the Legionnaires' call with Flint hospitals.

> MacDonald: Again Governor Snyder, this letter from now another person, Corinne Miller of DCH [Department of Community Health], indicated that this issue has reached your office in January 2015 a year before you've testified you were aware of it. Does this refresh your recollection in any regard?
>
> Snyder: No.
>
> MacDonald: Again are you saying that this issue did not reach your office or that you do not recall it reaching your office?
> Snyder: I don't recall it reaching me.

Uh huh.

"The call was somewhat frustrating," Miller recounted to special prosecutor Flood during a confidential criminal-investigation interview. She and others at MDHHS felt they were missing key data about the outbreak in Flint. It was around this time that Miller, a powerful figure within the state health bureaucracy, learned about the outbreak.

Jim Collins, MDHHS' communicable disease chief, had come to her claiming the state health department had repeatedly asked the Genesee County Health Department if they needed assistance dealing with the outbreak. But Collins insisted Genesee County health officials had been unresponsive. "The local health department was struggling," Miller recounted Collins telling her about Genesee County's supposed trouble dealing with the outbreak.

Miller told Flood that her colleagues were being told by Genesee County health officials that they were "working on" compiling data about the outbreak. As a result, she claimed MDHHS didn't act further, waiting for county health officials to enter Legionnaires' data into a state health database.

Snyder's health officials were either uninformed or lying. For months Genesee County health officials had been pushing both MDEQ and MDHHS for help dealing with the outbreak. County officials requested assistance from MDHHS in developing surveys for hospital patients to help detect the source of the outbreak.

“You understand that the Genesee County Health Department was asking for certain results of the MDHHS, and the MDHHS was not providing assistance in a timely fashion,” Flood asked Miller.

After the Legionnaires’ call between MDEQ and Hurley and McLaren Hospitals, Miller received an important call from Moran. She told Miller there was an imminent meeting between MDHHS director Nick Lyon and Governor Snyder about Flint’s water issues. “Would I come up and show Nick,” Miller recounted Moran asking her to present graphs to Lyon right before he was set to meet with the governor. The graphs were data showing the surge in Legionnaires’ cases in Flint.

On the way to meet with Moran and Lyon, Miller stopped by the office of Shannon Johnson, the MDHHS epidemiologist who had created the graphs. Miller picked up the graphs; they showed the surge in cases in Flint compared to nearby counties that hadn’t experienced similar increases.

When Miller entered Moran’s office, Lyon was there. She presented the graphs to the director, insisting that the Flint River switch could not be ruled out as the source of the Legionnaires’ outbreak.

Tellingly, Lyon, who months earlier had been submerged in the tsunami of calls with the governor and Muchmore, said nothing about a possible connection between the two.

“He didn’t say anything about, that I remember, the Flint water, but I just pointed out when the [Flint River] switch occurred and when the increases in cases started,” Miller recalled to Flood about her thirty-minute meeting with Lyon and Moran. “I don’t recall his specific questions, but my memory is that he then took the graphs and put them in a notebook.”

Leaving the meeting, Miller, who had risen the ranks to lead the state epidemiology office for a decade, felt relieved. Presuming Lyon had been previously unaware about the outbreak, Miller felt good she’d provided him with important information about the serious disease.

“I thought that the director was going to a meeting on Flint at the governor’s office,” Miller testified in court during a 2017 criminal preliminary hearing about presenting Lyon with the Legionnaires’ information.[3] “That’s what I thought,” Miller told Flood when he asked if she was under the impression she was prepping Lyon for a meeting with the governor.

Lyon did end up meeting with the governor after being briefed by Miller with the Legionnaires’ data, according to a source familiar with the criminal

investigation. The meeting was a key revelation for criminal prosecutors building a case against Snyder. It showed yet another date that the governor was informed about the outbreak *far earlier* than he told the public—and Congress. Most importantly, given that Lyon had prepared himself with Flint Legionnaires' data ahead of the meeting with the governor, prosecutors viewed it as evidence that Snyder had asked for updates on the outbreak.

After Miller briefed Lyon, she met with Linda Dykema, the director of the environmental health division at MDHHS. During the hour-long meeting, Miller and Dykema talked about the potential blowback the governor would receive if the source of the Legionnaires' outbreak was revealed to be the Flint River switch he had presided over.

"Yes, we discussed the political implications," Dykema testified in 2018 during Flint criminal preliminary hearings.[4] In particular, Miller said "it might embarrass the governor," according to Dykema.

After their meeting, Dykema emailed her staff. The MDHHS official warned her employees to route any calls about Flint's water to her. "There is a political situation that we don't want to stumble into should we get hotline calls."[5] She was referring to the unfortunately named 1–800-MITOXIC number citizens called into.

Dykema told Flood that her email was meant to protect her employees from getting on the wrong side of the bosses. "I was protecting my staff from getting in trouble with management and potentially the governor's office."

Nothing to see here; just a key figure in the state health department convinced that her employees—tasked with protecting public health—would face punishment for taking calls on Flint's water problems. The only logical reason for this would be if the modus operandi in the Snyder administration was . . . HUSH! . . . on Flint's water.

Prosecutors agreed; MDEQ, MDHHS, and top officials in the governor's office were collaborating to "keep a lid on the outbreak," an internal criminal investigation document stated.

That tight lid was accentuated by Brad Wurfel, MDEQ's communications director, at the end of January. David Murray, Snyder's deputy press secretary, asked Wurfel if they could potentially hold an event in Flint on the water issues. Wurfel responded: "Yes. But my answer is going to be let's not just yet." He continued: "I don't want my director to say publicly

that the water in Flint is safe until we get the results of some county health department epidemiological trace back work on 42 cases of Legionnaires' disease in Genesee County since last May."[6]

Here was the spokesperson for the state environmental department *privately admitting* the administration wasn't positive Flint's water was safe. Yet his top concern was to cover his boss's ass, not the urgent issue that residents were drinking and showering in poison.

In a subpoena petition to interview Murray, Flood stressed this.

"Despite Mr. Wurfel's disclosure to Mr. Murray that there had been 42 cases of Legionnaires' disease as of January 30, 2015, no statement was issued by any state agency alerting the public about this outbreak until nearly a year later."

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On the final day of the month, more evidence surfaced that the Snyder administration was prioritizing dollars and politics over the growing public health crisis in Flint.

On January 31, Robert Daddow, the deputy executive for Oakland County, emailed DWSD director Sue McCormick and top Snyder adviser Richard Baird. Daddow wrote that he and Baird had spoken about Flint's water problems, but there were "political barriers" to switching Flint off the Flint River and back to DWSD. "Politically it's DOA [dead on arrival]," Daddow explained. He was referencing the political blowback that would come if Flint were charged lower water rates than other cities (whose rates had recently gone up 9 to 14 percent).

McCormick noted that Flint's rate would reflect emergency short-term use, a different dynamic than other cities on contract with DWSD.

The key word: emergency. Coupled with her repeated offers to Flint to return to DWSD, and her recent appearance at Flint City Council to restate that offer, McCormick seemed to be one of the few public officials who understood Flint's toxic water was an emergency.

But Baird didn't share in the sentiment. The governor's fixer, who at this point knew full well of his hometown's residents suffering with rashes, hair loss, and displaying their brown water, forwarded the email to Muchmore, commenting: "The lack of creative thinking from this woman does not bode well for her long-term retention."

Snyder's chief of staff replied to Baird with Detroit mayor Mike Duggan copied on the email (with his private, nongovernment email): "There's an old saying from our youth that you two know well: you can lead a horse to water but you can't make them drink." Baird responded: "Funny!!"

For the elites in the Snyder administration not forced to drink or bathe in Flint's toxic water, it was fine to joke about the deadly situation in the majority Black city they had hijacked democracy from. But the battle between the fighting Flintstones suffering on the ground and the Snyder administration working to cover up the truth was just getting started.

As the Legionnaires' outbreak continued to rage among unwitting residents, another dangerous toxin was attacking them. And Rick Snyder and his lieutenants were ready to bury this, too.

Chapter 16

Make Their River Water Safe

As she began sharing her gut-wrenching story, I glanced out the coffee-shop window. The gray clouds were perfect symbolism for this level of horror, I thought.

Nakiya Wakes, a forty-one-year-old mother of two, was sitting across from me at Tim Horton's coffee shop on the north side of Flint. Her eyes winced with pain as she began outlining her nightmare. It was March of 2017; her ordeal had begun nearly two years earlier.

I tried to keep a good poker face and stay focused, but internally I rotated between sadness and fury. I had heard a lot of horrible stories in this city, but what Wakes was about to tell me was tough to swallow.

In April of 2015 Wakes went to the doctor and was elated to learn she was one month pregnant. Sadly, her happiness was short-lived. A week after the good news, she began experiencing complications. At the emergency room doctors found she had suffered a miscarriage. At a follow-up appointment a week later, her doctor stunned her: "They got a heartbeat."

Confused, Wakes asked her OB-GYN, "What do you mean? I just lost the baby."

The doctor showed her an ultrasound that had two sacs; one of them was empty from the baby she had just lost, but the other embryo was still intact.

To her shock Wakes had been pregnant with twins. Despite losing one, the other twin's heart was still beating. Immediately a week of intense sadness morphed into joy. *This is my miracle child*, she thought.

Only . . . it wasn't.

Months later, she started feeling horrible pain. Suddenly she started bleeding. Wakes began to worry; this hadn't happened with her previous successful pregnancies.

"I almost died; I lost so much blood from losing the second embryo." The miscarriage put her in the critical care unit, where she received a blood

transfusion. After nearly a week in the hospital, she returned home in July. Emotionally she was in tatters.

Unbelievably, things were about to get even worse.

As she went through her stacks of mail, Wakes opened a letter from the City of Flint. “Oh my God,” she gasped. The letter advised people fifty-five and older and *pregnant women* not to drink Flint’s tap water. Lead poisoning wasn’t mentioned.

“It scared me. I was like what was in this water that we should not be drinking it? Because I just lost my babies.”

Since moving to Flint in 2013 with her sixteen-year-old daughter and six-year-old son, she and the kids had been drinking and bathing in the city’s water. With no reason to do otherwise, she continued using the same water while she was pregnant in 2015. After losing both of her twins, and now reading this letter from the city, Wakes began putting two and two together. Now she began wondering about her two living children.

“Something told me to get my kids tested,” she said. The results weren’t good. Both of their blood lead levels tested at 5 micrograms of lead per deciliter (µg/dL).

“The paperwork from the health department stated that anything five or higher was considered a high level,” Wakes remembered. Of course even that is deceiving. As had been publicized by Dr. Mona, according to the Centers for Disease Control there is no safe level of lead for children.

She began researching. Quickly Wakes learned that lead only stays in your blood for about thirty days before moving into your bones. This makes it hard for blood tests to accurately measure the true quantity of total lead trapped in your body. “The damage had already been done; I just don’t feel like it was accurate [lead] levels.”

That damage started playing out in school. Her son Jaylon, who was diagnosed with attention deficit hyperactivity disorder (ADHD) before the water crisis, began lashing out and getting in trouble at school. Wakes began noticing volatile behavior patterns in him that he hadn’t exhibited prior to the Flint River switch or the test for lead in his blood.

Her daughter Nashauna’s health was also deteriorating. She had suffered from epilepsy before the water crisis, but in 2015 her seizures began occurring back-to-back for the first time. Meanwhile as Nakiya braided her daughter’s hair, she noticed bald spots. Like so many others in Flint, Nashauna’s hair was falling out.

“They call this ‘Pure Michigan’ and we’ve been pure poisoned. How can they have ever thought that the Flint River water was safe for children or anyone to drink out of? It’s just ridiculous what they have done to us here in Flint, Michigan.”

Wakes shared that the water crisis “has had a major impact on me and my children.” She prided herself on being a strong person, but the water crisis had taken a toll on her.

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Strangers just weeks earlier, ten Flint residents now sat around Melissa Mays’s dining room table strategizing.

It was the end of January 2015 when this band of sudden water warriors began their meetings. They purposely kept the circle small to avoid drawing attention to Mays’s home.

“After we left city council meetings, we were getting followed home,” Mays recounted. Cars, often white, trailed her and other activists after city meetings. Inside their meetings, they found help from Adam Gerics, a longtime Flint activist involved with Occupy Wall Street and the anti-government surveillance group Anonymous. Gerics connected Mays and the others with Anonymous.

The Flint water activists were advised to try and snap photos of cars they suspected were following them. If possible, they were also told to get a photo of the driver’s face. Another tip involved paying attention to their phones, specifically any weird sounds or interruptions during conversations.

While driving Mays began noticing cars trailing her and changing lanes every time she did. Frightened she began taking different routes home. But in several instances, taking a new way home didn’t deter the trailing cars; they followed Mays back to her house and would pull into the driveway of an abandoned home directly across the street.

She decided to take pictures of their license plates and post them on Twitter. But this didn’t stop the creepy surveillance. The cars just removed their license plates, erasing all doubt that they were shadowing Mays and others. In response the activists began changing meeting spots. During one meeting at a McDonald’s, they noticed a guy sitting nearby—with no food at his table. “He had his phone sitting out in the middle of the table pointed toward us.”

When they realized the stranger was recording them, the female Flintstones deployed a ruse. “We just started talking about our periods,” Mays laughed. Fed up, activist Tony Palladeno approached the guy and asked if there was anything else he needed to know. Realizing he’d been “made,” the stranger simply got up and walked out.

The water warriors had different theories. Some thought city officials had stuck goons on them. After learning about his previous FBI ties, some in the group suspected Genesee County drain commissioner Jeff Wright dispatched eyes and ears on them. After all, Mays and other activists had been publicly speaking out against the KWA pipeline at meetings and on social media. Despite carrying a natural fear, the activists felt they were onto something. As their meetings continued into February, they’d sit with their computers open . . . researching everything from KWA’s funding to the different contaminants in water to how to obtain federal help.

Figure 16.1. Abandoned Home across from Melissa Mays’s Home Where Cars Surveilled Activists Meetings

Source: Jon Farina

“We were fucking terrified, this was mob shit,” Mays told me. Tony insisted if they all stuck together, and even rode to meetings in the same

cars, they would be fine.

At the same time, Snyder's chief of staff Dennis Muchmore seemed worried himself.

On February 9, Muchmore wrote to two top officials with the Treasury Department seeking information on what it would cost for Flint to switch back to Detroit's water system. "Cost of reconnect on Flint end?" he asked. Muchmore also asked the Treasury Department to set up a "discussion with KWA contractors to get a fix on [the] timeline for construction."

Now, why would the governor's chief of staff be looking into the cost of reconnecting to Detroit's water system, or how quickly KWA would be ready, so Flint could join the new system sooner? To the public, the administration was insisting Flint's water was safe, so why was Muchmore looking for a rescue boat from the Flint River?

Muchmore's concern extended into the next month. On March 2, A. C. Dumas, the former president of Flint's NAACP, emailed Flint mayor Walling, emergency manager Ambrose, and others. Dumas expressed serious worry about Flint's water and called the situation an example of environmental racism. EM Ambrose forwarded the email to Kelly Rossman-McKinney, a longtime Michigan public relations guru known as the go-to consultant for both Democrats and Republicans. Now, Rossman-McKinney was providing PR—more like damage control—for the Snyder administration and the city of Flint.

"Welcome to Monday, please advise ASAP as to any next steps you'd recommend," Ambrose wrote to Rossman-McKinney. She then forwarded the email chain to Muchmore.

"Call me so we can discuss. This issue is out of hand. I'm concerned about the implication that this might have racial overtones. UGH!" Rossman-McKinney fretted.[1] It's not clear if Muchmore called her, but shortly before midnight he forwarded her email to top officials in the governor's office requesting for them to get involved in the Flint water issue.

Muchmore's message was shocking. "Otherwise it will get out of hand. It's in the city's long-term interest to make the KWA work and we can make their river water safe, but we need to work with the ministers this week to help them out."[2]

Here was the governor's chief of staff—nearly a year after Flint switched to the Flint River—privately telling his colleagues that *we can make their*

river water safe. The implications were scandalous: for nine months, the Snyder administration had been assuring mothers *Flint's water was already safe* for their kids to drink and bathe in. The administration and its emergency managers ruling Flint had assured the entire community that the water issues were merely cosmetic—and their health was not at risk. Yet the third-highest-ranking government official in Michigan was *internally* suggesting Flint's water wasn't safe.

Muchmore then suggested a temporary water source change—of sorts.

"How about cutting a deal with Ice Mountain or Bill Young and buying some water for the people for a time? $250,000 dollars buys a lot of drinking water, and we could distribute it through the churches while we continue to make the water even safer. If we procrastinate much longer in doing something direct we'll have real trouble."[3]

They did procrastinate much longer—seven months longer—causing "real trouble" that would soon shock the country.

Under oath in 2020 during the major Flint water civil cases, Governor Snyder was asked whether Muchmore brought his concern to the governor's attention. As would become the pattern, Snyder couldn't remember.

"I can't speak specifically to this, generally these issues we would have talked about."

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While Muchmore secretly investigated an exit strategy, Snyder's newest emergency manager stuck with the toxic status quo.

On March 3, EM Gerald Ambrose emailed deputy state treasurer Wayne Workman. "The oft-repeated suggestion that the city should return to DWSD, even for a short period of time, would in my judgment have extremely negative financial consequences to the water system, and consequently to the ratepayers." Ambrose stressed that Flint moving off the Flint River, and restarting payments to DWSD, would cost the city at least $12 million annually. Alas, doing so would be, "eliminating virtually all budgeted improvements in the system."[4]

Days later, Ambrose's number crunching got interrupted. "You're killing us man!" activist Tony Palladeno shouted toward Ambrose at the first meeting of the new Flint water advisory committee on March 5. Consistent with his aversion to empathy, Ambrose shouted right back at Tony, "I'm not killing anybody!"

The angry Flintstone was escorted out of the meeting. But he wasn't finished. Soon after, Palladeno confronted Mayor Walling. The two stood within spitting distance of each other; Walling told Tony the city's water was getting better. "Says who!" a furious Palladeno shot back. His eyes were burning in the shower and he was growing sicker every day, he told the mayor. "I'm showing you chunks of hair," Palladeno shouted with his finger pointed in Walling's face.[5] But the mayor remained a statue, absorbing Tony's fury while rinsing and repeating that the water was better.

As tensions grew in Flint, the governor's high command stuck with the nothing-to-see-here narrative. But privately officials insisted on leaving no paper trail.

On March 13, Brad Wurfel, communications director for the Michigan Department of Environmental Quality (MDEQ), received an email from state drinking water chief Liane Shekter-Smith. Five months earlier Shekter-Smith had placed a panicked call to health officials to try and stop them from notifying Flint residents about the Legionnaires' outbreak. Now at the end of winter, she emailed Wurfel about testing protocols for Legionnaires'.

Wurfel then penned a new email to Shekter-Smith and MDEQ supervisor Stephen Bush with a request that was becoming more commonplace among top administration brass: *avoid discussing Flint water issues in writing*.

"Try to keep formal written powder dry until we get everyone around the table about the Legionnaires' outbreak."[6] The MDEQ spokesperson, who was married to Snyder's press secretary Sara Wurfel, soon emailed his wife and her deputy Dave Murray with a cover-your-ass advisory.

"Political flank cover out of City of Flint today regarding the spike in Legionnaires' cases," Wurfel began.[7] "Also, area ministers put a shot over the bow last night . . . with a call for Snyder to declare [a] state of emergency there and somehow 'fix' the water situation." Wurfel placing the word "fix" in quotations wasn't a surprise; for months the MDEQ spokesperson's pushed the messaging that Flint's water was safe and met all federal and state regulations.

Wurfel suggested an internal administration roundtable over the Flint water topic for the following Monday. "It may be very advantageous," he advised, recommending that officials from the governor's office and other state departments meet with Flint emergency manager Ambrose.

Wurfel wrapped the busy day with yet another email about the Legionnaires' outbreak. "More than forty cases [have been] reported since last April. That's a significant uptick. More than all the cases reported in the last five years or more combined," he wrote to MDEQ director Dan Wyant.[8]

Under oath in 2020, Governor Snyder was asked about Wurfel's "political flank cover" email related to Flint's Legionnaires' outbreak.

"Again Governor, are you saying none of this reached your level or you don't recall it?" McLaren Hospital attorney Brian MacDonald asked. Once again Snyder's memory went mush. "I don't recall it."

But Wurfel wasn't the only one of Snyder's top officials taking great lengths to avoid leaving a paper trail. Darnell Earley, who had recently resigned as Flint's emergency manager, sent Richard Baird an email in the middle of March.

The governor's right-hand man wasn't pleased. "Trust me amigo. Emails are fodder for our enemies' cannons. Suggest you default to the phone call or gotta-minute? drop-by approach. . . . I learned this the hard way!"

It's anybody's guess what the topic of Earley's email was that set off Baird's Sopranos-esque response. But Earley, who was now the emergency manager for Detroit Public Schools, agreed; he told Baird he was glad to be on the team, "alligators and traps set notwithstanding."

It was an insult to alligators—highly intelligent reptiles that wouldn't swim anywhere near the toxic Flint River.

Baird responded with a "thatta boy," buttering up Earley and saying that he just wanted to keep his "favorite EM on the high road given that he is surrounded by bottom-feeders who would love to present the rest of [the] world with half a story to do him harm." Baird concluded: "We have your back! Just be careful."

It wasn't the only time Baird scolded staffers for leaving a paper trail.

"I emailed [Baird] back at his Michigan.gov address and he came to me and said, 'Don't ever email me there, always email me at my Hotmail account,'" an ex-employee with the state Department of Technology, Management and Budget (DTMB) recounted after they sent Baird an email about the Flint water situation.

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At the tail end of the winter of 2015, government officials were growing more frustrated for starkly different reasons. On March 10, Genesee County

Health Department supervisor Jim Henry sent an email to MDEQ and Flint city officials.

Henry complained that he had made “several written and verbal requests” for information on the Legionnaires’ outbreak since October 2014, including a Freedom of Information Request (FOIA). Nonetheless, both the city and state stonewalled him. He pointed out that *Legionella* can be deadly. “This is rather glaring information and it needs to be looked into now, prior to the warmer summer months when *Legionella* is at its peak and we are potentially faced with a crisis.”[9]

Meanwhile, KWA CEO and Genesee County drain commissioner Jeff Wright was desperately trying to reel in additional cities to sign on as customers to the KWA. But he had a problem. Cities weren’t biting, and Flint’s new water warriors were hell-bent on sinking KWA before it started.

On March 16, several Flint activists traveled twenty-one miles east to Lapeer, Michigan. That night, the city’s board of commissioners would be voting on whether Lapeer would join KWA as a water customer. The meeting was held at a packed little theater in downtown Lapeer. Wright began with a presentation, offering his typical sales pitch for why KWA would allow cities like Lapeer to control their own water destiny while lowering residents’ bills. In response, DWSD director Sue McCormick made her pitch on why the city should get its water from Detroit. After the competing pitches, residents of Lapeer took turns at the microphone.

Both residents of Lapeer and visiting Flintstones were shocked as several Lapeer residents spoke out against the KWA. They revealed that their farmland and property had been seized by KWA through the process of eminent domain.

Once Lapeer residents finished, visiting Flint residents approached the microphone to give their two cents. But Wright and a Lapeer city commissioner who served on KWA’s board interjected. They argued that this was a meeting for Lapeer residents and outsiders shouldn’t be able to speak on the issue.

To Flint residents’ surprise, Lapeer mayor Bill Sprague rejected Wright’s heavy hand and allowed Flint’s residents to speak. Wright was clearly cherry-picking numbers to try and land Lapeer as a customer, Sprague told me.

“They didn’t have a real good business plan or everybody [other cities] locked in,” the former mayor said. He played back Wright’s pitch, noting

that it was lacking a strong list of confirmed cities and municipalities that would be receiving and paying for KWA water. Wright assured Sprague that KWA would offer Lapeer a fixed rate but couldn't specify what it would be. This triggered Sprague's suspicions. When the mayor tried to pin the KWA CEO down on how it would be possible that KWA wouldn't significantly raise the city's rates, Wright was evasive.

Sprague asked, "What about the payback on all the infrastructure they were putting in?" Wright responded with rose-colored, vague pledges. The way Sprague saw it, KWA couldn't guarantee a fixed cost, or range, for annual increases. But Detroit could. Sprague concluded Wright was "trying to put perfume on a pig." If Wright would have presented him with a fixed rate, "I would have said bullshit," Sprague said. "You don't know what cities are gonna be part of it."

After Sprague overruled Wright's effort to stop Flint residents from speaking at the meeting . . . one by one, with Wright crossing his arms in fury, the Flintstones torched KWA.

Adam Gerics told Lapeer residents that KWA was a ploy to frack the hell out of Michigan. He argued that much of the raw water KWA would deliver would be used to frack up and down the pipeline's route through the rural I-69 corridor. The fracking boom would dry out water wells, thus forcing residents who used personal wells to switch onto KWA to get their water. The packed house of residents looked on in surprise. Some Lapeer natives belched out audible shrieks in response to Gerics's fracking warning. Up next, Mays narrated Flint's horror story—from unelected emergency managers to privatization run amok. She blamed KWA for Flint residents' health problems and the city using the tainted Flint River in the first place. As she revealed more, many Lapeer residents in the crowd became visibly appalled.

When Mays sat back down, she claimed Wright approached and leaned over toward her. "You and I need to have a meeting," she recounted Wright whispered sternly to her. "Excuse me?" Mays responded. Wright then handed her two of his business cards and said, "You know where I am."

"He was pissed," she remembered.

To Wright's chagrin, Lapeer's city commissioners voted against having the city join KWA. Visiting Flint residents rejoiced, approaching the mayor after the meeting and hugging him.

Sprague recounted residents telling him: “You guys are the only people who will even listen to us.” Observing their desperation, Mayor Sprague felt sorry for the Flint residents. “It was sad that we had [Flint] people come all the way out to Lapeer because nobody would listen to them.”

Days later, officials with MDEQ held a conference call. On the other end were representatives from Michigan Health and Hospital Association (MHA), a powerful lobbying association with direct ties to Flint’s McLaren Hospital. Five months earlier, as part of a two-day frenzy of calls between the governor, chief of staff Muchmore, and health director Lyon, Muchmore placed a call to MHA. The web of calls led special prosecutor Flood to conclude Muchmore and MHA were talking about the Legionnaires’ outbreak at McLaren.

Now nearly a year after the Flint River switch, with the outbreak of the deadly bacteria still being hidden from Flint residents, MHA and MDEQ officials held a call on March 19. “McLaren-Flint Water Treatment to Prevent *Legionella*” was the subject line of the email invitation for the meeting.

At the bottom of the invite, Janice Jones, MHA’s office coordinator, detonated a bomb. Jones noted that Carrie Monosmith, a supervisor with MDEQ’s drinking water office, had left her a voicemail the day before. In her message Monosmith “mentioned McLaren in particular has undergone water treatment to prevent *Legionella*—sounds like they may have had a few cases.” The MDEQ official then indicated the outbreak “is expected to hit the newspapers in Flint concerning the situation with McLaren and it is possible that MHA may be called,” Jones wrote.[10]

Only, the deadly bacteria that was killing and sickening Flint residents wouldn’t hit the papers for another ten months . . . until January 2016. Despite Snyder’s health department knowing about an unusual surge in Flint’s cases as early as June 2014. Despite Snyder’s chief of staff and health director potentially knowing about it as early as August 2014. Despite the governor himself knowing about it as early as October 2014. Or, to be exact, 155 days before the March 2015 call between MDEQ and MHA.

How many lives could have been saved in 155 days? How many children could have been spared in 155 days? How many families could have been saved from permanent damage in 155 days? How many

immunocompromised people could have avoided a serious stay in the hospital?

The politicians didn't care.

"Not only had the outbreak still not been disclosed to the public at this time, but the [MDEQ] was proactively contacting the MHA in the event the news 'hit the papers,'" Flood wrote about the call between MDEQ and MHA in a petition to subpoena MHA to obtain documents.

Even worse, Flood argued, MDEQ's Monosmith wasn't contacting MHA to provide a heads-up that the state would be warning Flint residents about the dangerous bacteria in their water. "Instead she was issuing this warning because the situation had been intentionally suppressed from the public's knowledge, and the MDEQ was trying to prepare for it getting out."

Criminal investigators saw the MDEQ official's concern over the outbreak going public in the media as more key evidence that not only did the governor know about the outbreak but there was also a top-down order from his office to bury it.

In his petition to subpoena MHA, Flood revealed that the lobbying association's top attorney told him there had been "numerous calls, presentations, and discussions" about the Legionnaires' outbreak between MDEQ and the MHA. This only intensified the criminal team's belief that the McLaren-connected MHA was serving as a de facto middleman between Snyder's office and the Legionnaires'-infested McLaren.

MHA complied with Flood's subpoena request . . . kind of.

"It was like 256 pages of just bullshit, nothing pertaining to McLaren, nothing pertaining to *Legionella*," a source familiar with the criminal investigation said.

During Governor Snyder's 2020 Flint water civil cases testimony, McLaren's attorney Brian MacDonald asked the governor if he knew whether McLaren had communicated or shared information about the Legionnaires' outbreak with any of his agencies. Despite several exchanges about the outbreak between MDEQ and MHA, Snyder testified: "I don't have knowledge of that."

The day after the late March call between MHA and MDEQ, Snyder's "fixer" and Earley were back at it. On March 20, Richard Baird informed the ex-Flint emergency manager that he had just sent him a note at "the other email." Baird, who often used his personal email for government

business, was presumably referring to Earley's personal, nongovernment email.

"On it," Earley responded. Again, the nature of the email is unknown.

Days after Baird and Earley's off-book emails, Flint's city council held an important vote. With their power still neutered by Snyder's emergency manager, on March 23, the council voted 7–1 for Flint to stop using the Flint River and to reconnect to Detroit's water system.

"People in the community asked me to make this motion," Flint councilman Eric Mays said about the vote. "Residents have suffered too long."[11]

Right on cue Snyder-appointed emergency manager Ambrose overruled the elected city council's vote, which he slammed as "incomprehensible."[12] The numbers-cruncher condemned Flint's elected council members for what he perceived as them wanting to saddle Flint residents with an additional $12 million in water payments to Detroit.

Mind you, Ambrose wasn't concerned about the Flint residents, who would be saddled with . . . *death or lifetime injury*. Or the children, stricken with permanent brain damage from heavy metal poisoning. Ambrose didn't seem to be losing sleep over the many relatively young residents whose futures were now destined to include cancers. Or the elderly whose sunset years would be shortened and marked by sickness.

Meanwhile the king of number crunchers—one tough nerd himself—was fixated on ambitions way more important to him than the plight or health of Flint residents. . . .

And for this grand vision, Rick Snyder headed to Vegas.

Chapter 17

Insane

From the start, I had a gnawing feeling this meeting was headed for chaos.

As I entered the church, it was bizarre to see the show of force: a row of police officers, donning bulletproof vests, lined up in the back. Were they prepping for Flintstones to storm the gates?

“I’m not going to play with nobody tonight,” Flint’s police chief warned at the opening of the town hall meeting. Any residents who dared to “disrupt” the meeting would be removed and thrown in jail, he warned.

Hardened from a whirlwind previous year covering a chaotic presidential campaign, and the horrific scenes of police crackdowns against peaceful protesters at the Standing Rock reservation in North Dakota, very little shocked me anymore. But I was legitimately stunned at the militarized police display, and boot-camp tone, coming from the top cop. Intentional or not, the aura seemed meant to intimidate residents still reeling from being poisoned by their own government.

It was April 2017, and I was on my third trip to the struggling city since first coming the previous summer. The setup was like other town halls centered on the water crisis. A tall microphone stood at the front of the room. Residents lined up, waiting to approach the microphone and ask a question. Understandably, many angrily popped off at the row of listless politicians in front of them.

Some men were thrown out for not removing their hats in the church. Others were tossed for cussing. As the event unfolded, razor-thin tensions escalated to all-out mayhem. Several residents, angry at the lack of real government action three years into the crisis, got a little too mouthy for the tone-deaf politicians and police to bear. And the powers-that-be lashed out accordingly.

Tony Palladeno and his wife Leah delivered scorching criticisms of the state’s and city’s responses to the water crisis. Unhappy with their tone, they were both removed by a hulky police officer. As the Palladenos were escorted out by one of Flint’s finest, Tony proudly hoisted his arms up. As if he had just won a heavyweight-boxing match he shouted—“Mni Wiconi!” It was the Lakota phrase for “water is life.” Instantly, I was brought back to Cannon Ball, North Dakota. Half a year earlier, I had watched indigenous members of the Standing Rock

Sioux tribe, who passionately identify as water protectors, chant the phrase daily as they protested against the Dakota Access Pipeline—what they called the "Black Snake." In that case the government was colluding with a billion-dollar fossil fuel company to force a dangerous oil pipeline through their tribal land and water. The Flint crisis seemed fairly similar; the only difference was an unnecessary, greed-driven oil pipeline compared to an unnecessary, greed-driven water pipeline.

As the officer escorted the Palladenos out, Leah chimed in defiantly, raising her husband's hat in protest against residents being forced to take their hats off in the church. "Bullshit, bullshit," she said.

For good measure, Tony tossed out, "I'm the one who built this church!" Like a human cannonball, the officer inexplicably grabbed Leah tightly by her right arm and tackled her onto a nearby desk. "Get off my wife!" Tony screamed. The officer cuffed Leah and walked her outside, pushing her into the back of a police paddy wagon. Soon after, Tony was arrested.

"She's sick, she's sore, she's hurting, and they tackled her," Flint resident Melissa Mays said in an interview about the police brutality against Leah.[1]

The situation grew worse outside the church after the arrest of the Palladenos. Abel Delgado, a young activist, stood in front of a police officer. "That's fascism!"[2] he yelled about the aggressiveness of the police against residents.

"Watch your mouth when you talk to me," the cop shot back. Within seconds, a different officer crept up behind Delgado and cuffed him.

Six residents were arrested that night. Hours later, around midnight, I made my way to Flint's city lockup. There ten to fifteen worried, and angry, residents gathered in support of the jailed residents. Only hours after their arrest they were already being dubbed the "Flint Six."

I pressed the button outside the locked jail door and a voice sounded over the intercom asking who I was. I identified myself as a journalist seeking information on what the charges against the six were and when they would be released. The door was unlocked, and I walked inside. As I approached the front desk, a cadre of police officers huddled around, giggling among themselves. They're "not in the system yet" one officer told me, advising me to check online later.

As I walked back outside and gazed at the circle of residents, a cynical sadness swept over me. All I could do was stand and wonder. I knew our country was laced with injustice, but *would the only people ultimately locked up over the Flint water crisis end up being the poisoned residents?* After watching the absurdity—the disgrace—of sick and victimized people cuffed and thrown in lockup, I just wasn't sure anymore.

But two years before the birth of the Flint Six, there were much bigger fish swimming in what prosecutors concluded was a sea of *deadly* crimes.

None bigger than Rick Snyder.

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On the eve of the one-year anniversary of the Flint River switch in 2015, Rick Snyder and Flint residents were in dramatically different places, physically and mentally.

As activists and residents put the finishing touches on their signs for a big anniversary march, Governor Snyder was in Sin City. The nerd in chief sat down for a private dinner in Las Vegas with one of the wealthiest billionaires in America. Casino magnate Sheldon Adelson owned luxury hotels and casinos in Las Vegas, Singapore, Macau, and China. He had also become one of the most powerful kingmakers in the Republican Party, donating hundreds of millions to GOP politicians. For governors, senators, and members of congress with eyes on the White House, visiting Adelson and kissing his ring—in hopes of prying open his massive wallet—was one of the first steps in exploring a presidential campaign.

In this final weekend of April, Adelson hosted the annual Republican Jewish Coalition meeting. Joining Snyder in sucking up to Sheldon was Texas senator Ted Cruz, Texas governor Rick Perry, and even former president George W. Bush, on behalf of his brother and former Florida governor Jeb Bush.

A day after Snyder's private dinner with Adelson, over one hundred Flint residents marched to demand that the city reconnect to Detroit's water system. On April 25, the one-year anniversary of the Flint River switch, the impassioned crowd began outside Flint's City Hall. "What do we want? Clean water! When do we want it? Now!" the fighting Flintstones chanted as they marched to the city's Farmer's Market, then to the Flint River, and back to City Hall. [3] "Stop Poisoning My Family and Friends!!!" one little boy's sign said.

As residents fought for justice in the streets, Snyder scoured for the support of billionaires in Vegas. In a presentation to the board of the Republican Jewish Coalition, the governor spun a tale of leading Michigan's "comeback story," a supposed economic revival highlighted by rescuing dying cities like Detroit and Flint. The so-called comeback kid highlighted lifting Detroit out of bankruptcy and turning Flint around via his emergency managers cracking an austerity whip. Of course, there was no mention of any water problems in Flint, much less the public health crisis he was actively burying from the people of Flint.

One of those board members, former Minnesota senator Norm Coleman, told the *Wall Street Journal* that after talking to Snyder, he came away with the clear impression that the governor was running for president.[4]

The Republican aristocrats gathered at Adelson's shindig were excited by Snyder's presentation, political consultant Stu Sandler told the media. "I just

talked to a lot of members who met with him, and they were very impressed."

Of course, the hobnobbing rich donors had no clue what laid underneath the veneer of Snyder's purported economic mastery: a deadly cover-up he was actively presiding over. For Snyder, and his grand political ambitions, the ongoing poisoning of Flint had to remain hidden.

But that effort was becoming tougher. Two days after the governor's presentations to the Republican muckety-mucks, an official with the federal Centers for Disease Control and Prevention (CDC) penned a worried email to Genesee County health officials.

"We are very concerned about this Legionnaires' disease outbreak," Laurel Garrison, an epidemiologist with the CDC, emailed Genesee County Health Department officials on April 27.[5] The outbreak was "very large, one of the largest we know of in the past decade, and community-wide," she wrote. Garrison called for a "comprehensive investigation."

Only the CDC wasn't aware that key officials with the state health and environmental department had been obstructing such an investigation from happening for at least seven months. That was when Jim Henry, the Genesee County health official, was blown off by MDEQ officials when he tried to collaborate with them to uncover the source of the outbreak and stop it.

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If the Legionnaires' outbreak wasn't enough of a threat to Flint residents, the state was keeping quiet about another toxic substance ravaging Flint's water. The previous summer, LeeAnne Walters, a Flint resident and mother of four, became concerned. When she bathed her three-year-old twin boys, they broke out in rashes and bumps. One of the twins, Gavin, saw his growth stunted. J.D., her fourteen-year-old son, began experiencing strong pain in his abdomen, leading to a hospital visit. Her eighteen-year-old daughter was losing hair in the shower; Walters's hair was also falling out, as were her eyelashes. By fall, brown water began pouring out of her tap, prompting her to switch her entire family to bottled water.

In February Walters called the city to complain about her water. Mike Glasgow, the water plant operator who had tried to stop the Flint River switch ten months earlier, showed up. Glasgow called colleagues to come and run her fire hydrant, hoping to flush out any potential corrosion.

"She had some rusty water . . . that was her original complaint," Glasgow told special prosecutor Todd Flood in a confidential criminal investigation interview.

But the "rusty" water didn't clear up, unusual after flushing the fire hydrant. When Glasgow returned to Walters's home the following week, he left her sample

bottles to test her water. Walters did so and returned them to the city. Days later, Glasgow got the results.

"I called her immediately, told her not to drink the water, keep your kids away from it," Glasgow recounted to Flood. Walters's water was brimming with lead.

Walters's water test showed 104 parts per billion (ppb) of lead—seven times the so-called "allowable" limit of 15 ppb set by the EPA. It is important to reiterate, medical experts say *there is no safe lead level for children*. Glasgow told Flood he had never seen a sample that high. "You're getting up around seven or eight times the action level."

Freaked out about her home's high lead levels, Walters's began connecting the dots between the water and her kids' health problems. After the high lead test results, she got nowhere when asking the city for help. So Walters contacted the EPA on February 25. The next day the EPA's Jennifer Crooks, who had first received complaints from Flint residents about water-induced rashes nearly a year earlier, emailed a supervisor. Crooks wondered if the high lead levels in Walters's home brought enough smoke to get the head of EPA's Region 5, Susan Hedman, to request additional federal help.

"Is this high lead result enough to get Susan to push Mark Johnson with ATSDR (the Agency for Toxic Substances and Disease Registry) to act on this?" Crooks wrote.[6]

Walters was soon connected with Miguel Del Toral, regulations manager for the EPA's Ground Water and Drinking Water Branch. After Del Toral's colleagues contacted the Michigan Department of Environmental Quality (MDEQ) about Walters's high lead levels, MDEQ's Stephen Busch responded. He assured EPA officials that Flint had an "optimized corrosion control" program in place.[7]

"He left me a voicemail subsequently saying that the lead was coming from the Walters's plumbing and that she needed to hire a plumber to take care of the problem," Del Toral told Flood in a confidential criminal investigation interview.

But Busch was lying.

Walters's internal home pipes couldn't leach lead—they were made of plastic—but the service line delivering water from the city into her home was a lead pipe. Receiving no help from MDEQ, Walters ended up collecting 30 water samples from her home and shipped them to Virginia Tech University; the results were horrifying: 13,200 ppb of lead. The astronomically high level was more than twice the amount the EPA categorized as hazardous waste. By April the city turned off her home's water.

Despite telling the EPA that Flint had "optimized corrosion control," Busch knew that Flint hadn't added corrosion-control chemicals at all during the ten months it had been using the Flint River. The failure to do so came at MDEQ's

and Busch's specific direction. The EPA only became aware of this on April 24, on the eve of the one-year anniversary of the Flint River switch.

Flood asked Del Toral how he would have responded if Busch had told him it wasn't necessary, or required, to add corrosion control to Flint's water.

"I'd say that was insane," Del Toral answered.

He explained that for cities with populations over fifty thousand it was *mandatory* to add corrosion control. "In the absence of corrosion-control treatment, you're going to have high lead levels in the city."

Other homes on Walters's block were tested for lead but came back fine. Curious about the testing procedure, Del Toral asked Glasgow how those homes' tests were conducted. That's when he caught wind that MDEQ was gaming the system. The state agency was directing residents to run their water for five minutes the night before they collected water samples in the morning. Del Toral explained that the practice, known as pre-flushing, produces artificially low lead levels.

"When you run the water for five minutes, you clear it of most of the lead," he told Flood. "So then the water that's sitting next to the faucet in the morning when you collect your sample, it will have very low lead levels."

At the end of April, Del Toral met with MDEQ drinking water chief Liane Shekter-Smith about the department directing residents to run their water the night before collecting water samples. He also questioned her about the state not ensuring that corrosion control chemicals were being added to Flint's water. Shekter-Smith told the EPA official that it was MDEQ's policy to do two rounds of six-month water testing before deciding on whether to add corrosion control. Shocked by the reckless, nonsensical decision, Del Toral delivered a blunt response: "The regulation is the regulation. It doesn't matter what your policy is. The regulation requires this."

Michigan's chief drinking-water official seemed unfazed. "Ms. Liane Shekter-Smith then, at that point, asked us for a legal opinion on that," Del Toral recounted to Flood.

According to Del Toral, she also disregarded the EPA guidance that the state stop directing residents to flush their water before testing for lead. "She said that the [EPA] Lead and Copper Rule did not prohibit pre-flushing and that she would change it when we changed the rule."

Del Toral replied that the state was essentially cheating on Flint's water testing and providing a "false sense of security" to residents. "They could be exposed to much higher lead levels than what the results were telling them," Del Toral argued.

Shekter-Smith's response was both stunning and callous: "Nobody drinks that water."

In disbelief, he left. “I was very upset, and I walked out of that meeting.” MDEQ “certainly misled” the EPA, he told Flood.

The lies and disregard from Michigan state officials kept flowing as toxic as the Flint River. On June 4, Jim Collins, an official with Michigan Department of Health and Human Services (MDHHS), sent quite the declaration to officials with the Genesee County Health Department.

“The outbreak is over,” Collins wrote. He was referencing the forty-eight cases of Legionnaires’ disease in Flint dating back to June 2014.[8] The health official claimed the “last reported case occurred in March 2015.” But Collins’s declaration was a deadly lie; prosecutors had obtained health records showing there were several Legionnaires’ cases, and one death, in April and May of 2015. Even more astounding . . . here was the head of MDHHS’ communicable diseases division *openly admitting* there had been a deadly outbreak for nearly a year. Yet the state health department had never notified Flint residents about the toxic bomb in their drinking water.

Four days later Collins chided Genesee County health officials for going over the state’s head and contacting the CDC about the outbreak. “I want to reinforce the necessity that investigation communications from the Genesee County Health Department need to be directed to staff at the MDHHS,” Collins warned on June 8, apparently concerned that the federal agency might become more involved.[9]

Collins’s reprimand, coupled with his “the outbreak is over” proclamation days earlier, didn’t sit right with Genesee County health official Jim Henry. “An intentional cover-up was taking place,” Henry said, according to a document from the Flint criminal investigation. After Collins’s stern email reprimand, Henry emailed his boss at the county health department. Collins’s proclamation that the outbreak was over was “rather bold and premature,” Henry argued.

Henry was right: an intentional cover-up was taking place. And the toxic rot being buried was one of the worst government-engineered health disasters in American history.

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By the end of June, Del Toral began blaring the sirens to fellow EPA officials. On June 24, he wrote an internal memo with the subject line “High Lead Levels in Flint Interim Report.” The EPA official warned that a “major concern from a public health standpoint is the absence of corrosion-control treatment” in Flint to mitigate lead and copper in the city’s water. The real lead levels would “likely not be reflected,” he cautioned, noting that MDEQ was erroneously instructing residents to pre-flush before taking water samples.[10] Del Toral warned his EPA superiors that lead levels were likely high across the city. He copied MDEQ’s Stephen Busch.

After sharing a copy of his report with Flint resident LeeAnne Walters, the report made it into the hands of Curt Guyette, a reporter for the local ACLU. Guyette then broke the story about Del Toral's internal EPA memo blowing the whistle on Flint's water. Immediately news headlines sprung up about the EPA whistleblower's warnings over Flint's tainted water.

The EPA responded by throwing Del Toral under the bureaucratic bus. "The preliminary draft report should not have been released outside the agency," EPA Region 5 head Susan Hedman apologetically emailed a frustrated Flint mayor Dayne Walling.[11] Hedman promised to share the full report with Flint when it had been "revised and fully vetted" by EPA management. But instead of the EPA urgently stepping in to notify Flint residents to stop drinking their water, Hedman sought a legal opinion on whether the EPA could seize control over MDEQ. In the meantime, the federal agency urged MDEQ to add corrosion-control chemicals to Flint's water several times; recklessly the state environmental department continued to disregard the federal agency.

"In this case we were very clear to them (MDEQ) what their responsibility was under the existing law," Gina McCarthy, the EPA administrator during the water crisis, testified in front of Congress in 2016.[12] "We had what we needed in place to prevent this from happening." She blamed the state that "didn't implement and enforce appropriately."

But Governor Snyder presented an entirely different version of events. Under oath in 2020 as part of the major Flint water civil cases, Snyder claimed higher-ups at the EPA never attempted to contact his administration about their concerns.

"I don't get emotional very easily, but I got sort of wound up at the EPA administrator; all she had to do was pick up the phone and call me. If they had information that they thought the DEQ wasn't doing their job, why didn't someone call anybody at the state?"

Of course, that wasn't true. As Joel Beauvais, the EPA's acting deputy assistant administrator testified to Congress, the EPA instructed MDEQ to add corrosion control many times—but "was met with resistance."[13]

***

By this point in the summer of 2015, Legionnaires' and lead were wreaking havoc on Flint's water. Yet the Snyder administration, as well as the Snyder-appointed emergency manager in Flint, stuck with the script. The message didn't waver; there was no health issue posed by the water.

But residents knew better. On July 3, a weeklong, seventy-mile march titled the "Detroit to Flint Water Justice Journey" began in Detroit. The people of Flint and Detroit and other Michigan residents joined in; the procession marched ten miles a day and stopped in several cities that had been taken over by unelected

emergency managers. A small group of activists marched the entire seventy miles. On July 9 the march ended in Flint.

On the same day, Flint water plant operator Mike Glasgow emailed MDEQ to tell state regulators that the city was not able to collect the required one hundred water samples. “I believe the count I have is seventy-six total,” Glasgow wrote.

But falling short on the count was just the tip of the iceberg.

“I was instructed to drop two samples and resubmit the report,” Glasgow told Flood. He explained that MDEQ officials had directed him to remove two of the highest water lead samples from the July water report. Unsurprisingly, one of the samples he was ordered to remove came from Walters’s home. “Ms. Walters had a filter system in her house, so they told me because of that I needed to drop it.”

Figure 17.1. Detroit to Flint Marchers Rally at State Capitol in Lansing

Source: Nayyirah Shariff

By removing the two samples, MDEQ was able to lower Flint’s overall water lead average below the EPA “action level” of fifteen parts per billion. As a result, the state and city did not have to notify residents their water had dangerous levels of lead, or do anything to remediate.

On July 13, MDEQ spokesperson Brad Wurfel responded to the leaked EPA memo from Miguel Del Toral. “Let me start here—anyone who is concerned about lead in the drinking water in Flint can relax,” Wurfel told Michigan Radio.[14]

I can only imagine being a Flint resident and being told to *relax* about your kids constantly breaking out in rashes; *relax* about your teeth rotting; *relax* about your hair falling out; *relax* despite your entire body aching; *relax* even though you’re so fatigued you feel like you’ve been run over by a Mack truck.

“It does not look like there is any broad problem with the water supply freeing up lead as it goes to homes,” Wurfel wrote, citing the testing his environmental department had falsified and cheated on.

Over a week after Wurfel’s “relax” missive, chief of staff Muchmore felt anything but relaxed. On July 22, a meeting took place at the state capital between Muchmore, Urban Initiatives director Harvey Hollins, and several Flint pastors. Also present were Dr. Laura Sullivan, a mechanical engineering professor at Flint’s Kettering University, and Flint residents Melissa Mays and LeeAnne Walters. Mays presented Snyder’s officials with a poster showing locations across the city that had detected high water lead levels.

Muchmore took notes during the important meeting. Afterward he reached out to MDHHS director Nick Lyon.

“I’m frustrated by the water issue in Flint,” Muchmore wrote.[15] “I really don’t think people are getting the benefit of the doubt. Now they’re concerned and rightfully so about the lead level studies they’re receiving from the DEQ samples. These folks are scared and worried about the health impacts, and they are basically getting blown off by us (as a state we’re just not sympathizing with their plight).”

On that same day, Lyon wrote a note in his phone. In it the state health director privately acknowledged two damning facts. “Lead is probably a result of the pipes from street to house . . . incidents of a compromised immune system. Decreased oxygen in water. Increased anemia and other health issues (update on Legionnaires’ [hospital]).”[16]

Here was the state health director—whose department had been hiding the Legionnaires’ outbreak from Flint for over a year *and* denying the city’s water was contaminated with dangerous lead levels—privately acknowledging that Flint’s water pipes were delivering lead to residents’ homes *and* admitting he was aware of the Legionnaires’ outbreak.

Figure 17.2. Poster Presented by Melissa Mays at Meeting with State Officials Showing High Lead Levels across Flint

Source: Melissa Mays

The revelations left some gaping holes in both Lyon's and the governor's claims on both lead and Legionnaires' in Flint. If by July of 2015 the health director knew Flint's alarming lead levels were coming from the city's water pipes, why did the health department and Governor Snyder not notify the public then? Why did Snyder not attempt to switch the city off of the Flint River until October? More so, Snyder testified he didn't know about Flint's Legionnaires' outbreak until January 2016. However, clearly the note Lyon wrote to himself showed he knew about the outbreak in July 2015. It would seem he would have notified the governor of a deadly waterborne disease during the hot summer months it was known to flourish in, no?

Under oath in 2020, Governor Snyder was asked about Muchmore's concern about lead in Flint following his summer 2015 meeting with Flint's pastors and

residents. Snyder acknowledged he and his chief of staff had spoken about Flint's water issues during that period.

"Generally I recall that being a topic; he was concerned, I was concerned, and he was trying to dig in to find more information out or what we could do to be helpful."

It's not clear what other information Snyder needed to find out. By that point the federal EPA and CDC had warned Snyder's administration multiple times about the Legionnaires' outbreak, and now lead, infesting the water in Flint. Yet according to the governor, he still knew nothing about either.

Two days after Muchmore's email, MDEQ spokesperson Wurfel was back at it with a much different *private message*. On July 24, the MDEQ spokesperson emailed colleagues about a meeting Flint ministers and residents had with the governor's office the previous week. They "imparted that 80 water tests in Flint have shown high lead levels."[17]

Governor Snyder was asked about this while under oath in 2020. If this were a movie game, Snyder turned *Total Recall* into *Total Can't Recall*.

Ted Leopold, the colead counsel for Flint residents, asked the governor if he took part in the meeting between Flint ministers and his officials. As was often the case with Snyder under oath, his memory had failed him on Flint.

"I don't recall," Snyder answered.

Leopold followed up: "You have no recollection sitting here today?" Snyder doubled down, answering: "No, I don't recall." The rest of the exchange strained credulity.

> Leopold: And do you recall anybody on your team who was part of that meeting talking to you about what these eighty water tests showed?
>
> Snyder: I don't recall.
>
> Leopold: Was there any discussion about making that information public and or to the right people to try and address this issue immediately to warn the consumer, the citizens of Flint?
>
> Snyder: Given that I don't recall I wouldn't know the answer to that question.
> Leopold: Do you believe after seeing this email and then meeting with people in your office—I know you don't recall if it was you or whomever—that based upon that, something should have been told to the community and the appropriate representatives, the mayor or whoever it would have been?

Snyder was no dummy. He knew what the lawyer was getting at and what he was asking him. Why did he notify the people of Flint that their water was inundated with lead in October if, by Wurfel's own words, the administration knew about it months earlier in July 2015?

The governor seemed to play dumb, astoundingly answering: "Again it sounds like a number of the people in the community were all in the meeting."

Leopold asked the governor if his administration should have notified the entire city about the high lead levels "to make sure everybody knew about it so that,

most importantly, the community who was drinking the water would know about it."

"Yes or no?" Leopold asked directly.

One more time Snyder evaded: "It appears that the Flint ministers and these other community members were actually presenting the information, the information was coming from them."

***

At the beginning of fall, it once again became clear MDHHS director Lyon was fully aware of Flint's Legionnaires' outbreak—but had done nothing to notify residents about the dangers stewing in their water. On September 18, Lyon joined a conference call with several members of Snyder's office, including senior adviser Dick Posthumus. During it, Lyon "relayed some of the information he received from [Corinne] Miller's update regarding the Legionnaires' disease outbreak," a Flint criminal investigation report detailed.

Governor Snyder could only hide Flint's parallel poisons of lead and Legionnaires' for so long. In October 2015, nearly a year after his reelection, Flint residents would finally breakthrough in getting the truth about their poisonous water out to the world.

In response, top officials in the Snyder syndicate began taking brazen steps to cover their tracks.

Chapter 18

Wiped Clean

As I drove up to the park, a sea of tents and smoke appeared in front of me. I was back in Flint but the setting was much different this time.

Three years into the water crisis, poisoned Flint residents—lied to and left to slowly die by their government—took matters into their own hands. Fed up and desperate for help, a large group of residents set up a protest camp smack-dab in the middle of a neighborhood park on Flint's Eastside.

It was April 2017 when I first arrived at Kearsley Park. Flint's water warriors had renamed it Camp Promise. Having just reported on and off for six months from the indigenous-led battle against the Dakota Access Pipeline at Standing Rock, I couldn't help but wonder whether this makeshift resistance camp would become the next symbol of oppression that sparked thousands to flock to it.

When I walked into the encampment an unmistakable image towered over me: a giant Red Cross flag raised parallel to a large American flag.

"We definitely need people that aren't sick to come out and see it with their own eyes," Adam Murphy, the sick Flint father who had raised hell at a town hall months earlier, told me. "This isn't a conspiracy, this isn't just a hoax, it's really happening. This can happen to you."

His wife Christina painted an alarming picture, one completely different from the framing of an improving situation you got from the Snyder administration. "It's like a war zone around here . . . why are they not helping us?"

One by one, I spoke with residents. Some were sleeping at the camp overnight; others came with their kids during the day. An ad-hoc kitchen had been set up to feed full-time protesters and visitors. Kids were scattered around playing soccer; residents sat around in a circle warmed by a bonfire. They shared with me their demands, including replacing all the city's damaged pipes in a year and receiving universal healthcare for their water-induced illnesses.

The protest camp might have physically stood in Flint, but the spirit behind it wasn't exclusively contained to the poisoned city. Most residents I spoke to, suddenly thrust into activism due to their government's disregard for their suffering, conveyed that they weren't just fighting for themselves. They were protesting for people across America who might unknowingly be drinking and bathing in dangerous water.

Bruce Stiers, a resident and environmental construction worker, was knowledgeable about Flint's decaying water pipes. Stiers made a plea: "We're asking please that you might give your compassion to the fact that your granddaughter, or your grandson, may be drinking substances that are harmful to them—that thirty years down the road might lay them in a hospital bed." He believed some in power viewed Flint as a gutter, but he called on all Americans to come together. "If you're in the gutter or if you're at the top of the pinnacle, I don't care, you're all Americans."

"Gutter" was a great word for all of this, I thought . . . but not when describing Flint. What a messed-up country—a sickening system—when after three years, poisoned people were left with no other option but to occupy a community park begging for actual help.

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As October 2015 approached, the Snyder administration's Flint deceit had been rolling on for over a year. Thus far, the nothing-to-see-here, don't-fret-over-your-brown-water approach had stopped the poisoning of Flint from becoming a national news scandal.

But in recent weeks a local Flint pediatrician, Dr. Mona Hanna-Attisha, had posed a threat to an administration hell-bent on keeping Flint's tainted water under wraps. Hannah-Attisha soon blew the whistle; on September 24 she held a press conference in Flint announcing her research showed a dangerous spike of lead in city children's blood levels since the Flint River switch. The pediatrician pushed for Flint to stop using the Flint River.

For seventeen months the Snyder administration, and its puppets on the ground ruling Flint, only had to swat away complaints coming from the commoners (Flint residents). But now a prominent doctor was standing in front of journalists making a definitive declaration: the Flint River switch, which happened under Governor Snyder, was poisoning the city's children.

Snyder knew this scandal, this emergency, could no longer be contained. It was now undeniably in public knowledge. With media scrutiny

intensifying, Snyder had to look like he was taking action to protect the residents of Flint. Jarrod Agen, the governor's communications director, leapt into action.

Agen emailed Allison Scott, the governor's executive assistant, on October 6. "I'm very concerned that things will get worse before they get better in Flint." He suggested Snyder go to Flint for a "manageable event"—perhaps even multiple events. Once there, the governor could inform residents about all the steps the administration was supposedly taking to help them, such as distributing water filters and conducting water testing.

But at this point, Snyder and company knew the only way to prevent a full-on revolt of the Flintstones was reconnecting Flint to Detroit's water system—the same "urgent" plea that the governor's deputy legal counsel Valerie Brader had made a year earlier. But the money wasn't there. It would take about $12 million to reconnect Flint back to Detroit's water, including buying back the nine-mile pipe that connected it to Detroit's water pipeline (that Flint had sold to Genesee County). Snyder was able to secure $6 million through the Michigan state assembly and Flint committed another $2 million, but that left a $4-million-dollar gap.

Where could the governor come up with that kind of scratch on short notice? Look no further than the foundation that had allegedly pulled the governor's strings on Flint years earlier.

"I just got a call from Ridgway White, president of C. S. Mott Foundation, and he wants to talk to the governor about the Flint water supply issue," Helen Taylor, the director of the Nature Conservancy, a big environmental charity, emailed Allison Scott, the governor's executive assistant, on October 2.

As I had already learned from state representative Sheldon Neeley at the church buffet that day (chapter 2), the Mott Foundation had all but handpicked Michael Brown and Ed Kurtz as Snyder's first two Flint emergency managers. And those unelected bureaucrats, both with deep ties to Mott, had gotten the ball rolling for Flint to join the KWA and temporarily use the Flint River. It was therefore fitting that Mott should contribute to cleaning up the dangerous mess it helped create.

On October 6, Allison Scott emailed Snyder . . . at his private campaign email rather than his government address. "All the prep work has been

done, but in the end the ask has to come from you," Scott told Snyder about the governor having to personally ask Mott for the $4 million.

In the same email, Scott brought up that MDEQ director Wyant had concerns about sending a daily Flint water update for the governor through email. "He is concerned [regarding] FOIA and that you guys discussed possibly having a daily update call."

Nothing to see here: just Snyder's secretary keeping important Flint water emails off of his official government email. *Nothing to see here*: just Snyder's secretary casually revealing that MDEQ's director wanted to hide his Flint water communications with the governor from the public. Why would the environmental director want to *preemptively* hide his Flint water communications with the governor unless he, or both of them, feared their communications could later come back to haunt them?

The governor and Mott's president did speak on October 7. "I went and asked them for the money to help make the switch," Snyder acknowledged under oath in 2020. "I was pretty open about what the situation was, I don't recall the specifics of the dialogue."

Interestingly, Mott CEO White also didn't remember the specifics. "White does not recall any conversation about 'closing the deal.' He said it would have been more like closing the loop," a Mott spokesperson told me.

That supposed loop got closed *quickly*. Less than twenty-four hours after his call with White, Governor Snyder stood at the podium in Flint—fittingly at the Mott Foundation building—joined by state health director Nick Lyon, MDEQ director Wyant, Flint mayor Walling, and Mott CEO Ridgway White. There, the governor admitted what residents had been shouting for eighteen months: Flint's water was toxic, and the city was switching back to Detroit's water system.

"We found some concerns in some of our testing of the schools of Flint," Snyder announced about high water lead levels found in schools.[1] The nerd in chief added some kumbaya language about "people coming together to solve a problem." He also said he appreciated, "Detroit's willingness to reconnect with Flint, the Mott Foundation's generous commitment, and the dedication of all parties to come together to protect Flint families and children."

Of course, the governor left out that Detroit had been making offers for Flint to reconnect to its water system for over a year—offers that had been repeatedly dismissed by Snyder-appointed emergency managers in Flint.

Unsurprisingly, Snyder left out that alarming lead levels had been found throughout the city. The press conference was tightly controlled; residents weren't permitted into the room and limited questions were allowed.

Afterward Bernadel Jefferson, a Flint bishop, tore into the governor. She told reporters that she, other religious leaders, and residents had gone to the state capital several times begging the Snyder administration for help. "They paid us no attention." But now Snyder was acting, she insisted, only because the toxic genie was out of the bottle and the truth about Flint's tainted water had come out. "That water was no good, that it was poisoning our children, that it was contaminating the minds of our children, and that it can't be reversed," Jefferson said.

With the Flint water crisis no longer a secret, it was now time for Snyder's administration to do a cleanup . . . not of Flint's water, but of potential evidence implicating them in the poisoning of Flint.

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For a year and a half, the modus operandi among the Snyder administration was minimizing and containing the issue. But now, it was not if—but when—the calls for investigations (and firings) would come. With media coverage of the story intensifying and the situation now being described as the "Flint water crisis," the administration ratcheted up its attempts to cover it all up.

Soon after the governor's press conference, Jim Fick, an IT security official with the Department of Technology, Management, and Budget (DTMB), received a surprise in his office.

"Several MDEQ employee phones were returned to his office 'wiped clean,'" Jim Henry, the Genesee County Health supervisor, tipped off Flint water criminal prosecutors in May 2016 about what Fick had told him. The two men's kids played on the same hockey team; according to Henry, Fick revealed shocking information to him that soon after Snyder's Flint press conference announcing high lead levels in Flint's water, several phones belonging to state environmental officials had been brought to his office—completely erased.

Henry wrote that Fick explained that it was "odd to have [received] several working phones that were 'wiped clean' and no information could be retrieved." Critically, the timing of when the erased phones were dropped off was "soon after the governor's press conference on Oct. 8th."

Odd was certainly one way of putting it.

Jim Sygo, MDEQ's deputy director at the time, described the process to special prosecutor Flood during a confidential criminal investigation interview. "I'd hand the phone to them. I don't know where they took it or what they did with it." Sygo said he was asked to hand in his phone to Mary Beth Thelen, the assistant to MDEQ director Dan Wyant, in October 2015. But he didn't get it back.

No biggie: just the number two at the state environmental department being asked to hand in his phone—after the governor admitted Flint's water was toxic—and never getting it back.

While Sygo didn't get his phone back, other state employees did. Several Snyder administration officials who were questioned by Flint criminal investigators acknowledged being told by superiors to hand in their phones, a source familiar with the criminal investigation said. A couple hours later, they'd be returned a phone that was "clean."

Around the same time the wiped-clean phones were dumped in Fick's office, calls for a Flint investigation began. On October 21, Rep. Dan Kildee, the congressman who represented Flint, called for a federal investigation led by the EPA. "It has become clear to me that unacceptable lead levels were a failure of government at every level," Kildee wrote in a letter.[2] At the same time State Senator Jim Ananich, who represented Flint in the Michigan assembly, requested a "thorough investigation."

It wasn't only environmental officials in the Snyder administration whose phones were mysteriously wiped; the majority of text messages belonging to key state health officials, for the entire eighteen-month period Flint used the Flint River, were . . . gone.

When prosecutors received the phone belonging to Nick Lyon, the director of MDHHS, it had been erased, a source familiar with the investigation said. Phones belonging to other top health officials were also wiped, with all or most of their messages for the entire eighteen-month period Flint used the Flint River . . . gone.

- Dr. Eden Wells, Michigan's chief medical executive: first message on her phone was from November 12, 2015 (she became the state's top doctor in May 2015)
- Tim Becker, chief deputy director for MDHHS: no messages from earlier than April 14, 2016

- Patricia McKane, MDHHS epidemiologist: her phone had only seven total text messages
- Sarah Lyon-Callo, MDHHS director of epidemiology bureau: no messages earlier than June 2016. “Again, for some strange reason the earliest text message in time on her device begins June 20, 2016,” Flood wrote in a petition to obtain an investigative subpoena in order to interview DTMB official Jim Fick.
- Wesley Priem, MDHHS manager of Lead and Healthy Homes program: one text message from January 2016

Flood’s hunch that the Snyder administration was deliberately trying to destroy evidence was strengthened in the fall of 2016. At that time, Flood’s team received an unexpected letter from an official from MDEQ. In it, the environmental official blew the whistle on instructions department officials had received on how to wipe their phones, according to multiple sources familiar with the investigation.

State health officials were told to hand in their phones but were confused when they were handed back phones that had all, or most, of their data and history erased, a source familiar with the criminal investigation told me. When these health officials got their phones back, they had to start everything from scratch. They weren’t sure if they had been provided brand-new phones or if they had received a colleague’s old phone that had been wiped clean.

“They took everybody’s phones, wiped them, and then they gave them back to different people” with data from the iCloud storage system erased, a source familiar with the criminal investigation said.

“The department does not care to comment,” an MDHHS spokesperson, now operating under Democratic governor Gretchen Whitmer, told me about the wiped phones in 2021.

You don’t say!

The health department added it “always cooperates with the attorney general’s office” related to the Flint water investigation.

The environmental department took a different approach—choosing not to deny potential malfeasance by the Snyder administration. “The current administration [of Governor Gretchen Whitmer] is neither in a position to confirm the actions of, nor speculate on the motives of, employees and

former employees that occurred six years ago," a MDEQ spokesperson said.

It certainly doesn't take a rocket scientist to know there weren't many innocent explanations for phones belonging to top health and environmental officials—with potential evidence of crimes on them—being erased as a criminal investigation into Flint loomed.

By this point in October of 2015, departments within the administration had already received requests from the attorney general's office to retain documents, and their devices, pertaining to Flint. Simply put: this was an order from the state's top cop to preserve and *not erase* anything pertaining to Flint and the water crisis.

With a row of wiped phones in front of them, special prosecutor Flood concluded that Fick's account of receiving several wiped-clean phones was true. "The contents of the imaged data have given credit to the possibility that what was articulated from James Fick to James Henry may have occurred," Flood wrote in the subpoena petition to interview Fick.

The Snyder brigade's phones magically going . . . POOF! . . . showed the lengths the governor's operation would go to bury potential criminal activity, a source familiar with the criminal investigation said.

"This was really damning in terms of the concert of actions, in terms of proving conspiracy. This was a top-down concert of actions that's coming from Snyder's office. It was transparent what was happening."

The magically wiped phones extended all the way up to the governor's office. Sara Wurfel, Snyder's press secretary during the eighteen tumultuous months Flint used the Flint River, left the administration in November of 2015.

"Do you have text messages from 2015 currently [on your phone]?" Flood asked Wurfel under oath. Her answer was mind-blowing.

"No," she answered. "So when I left the governor's office, everything got wiped. I mean, when—I turned in my phone, it got wiped." Flood asked her if her phone had been backed up on the iCloud storage system; she said she believed she had the option of using iCloud, but she didn't think she used it.

When I approached Wurfel about her phone being wiped, she played dumb in response. "Not sure what you're referring to—please share if there's a specific document, item, etc." So, I sent her exactly what she told Flood. Unsurprisingly, she never replied to me.

As the governor's press secretary and spokesperson, Wurfel would have had more communications with the governor than most other officials. Presumably, some of those might have been through text messages.

Needless to say, the erasure of the governor's press spokesperson's phone was not kosher.

"That is not standard," a former official with the Department of Technology, Management, and Budget (DTMB) told me. The ex-DTMB official explained that data from the devices of administration officials was supposed to be retained for at least a year and a half after leaving the state government.

"There are retention schedules that every agency, including the governor's office, is supposed to adhere to," the source added. In the case of possible legal action—like a major criminal investigation into the Flint water catastrophe—the requirements would be even more rigid. "It should've been held indefinitely."

The wiped phones situation might have been the closest thing to catapult the Flint water crisis into *Water*gate territory (pun intended). During the 1970s investigation into the break-in at the Democratic National Committee headquarters at the Watergate complex, there was that infamous eighteen-and-a-half-minute gap in the White House recordings of conversations between President Nixon and his chief of staff, H. R. Haldeman. The audio was mysteriously erased.

Forty years later, "the gap" is now the missing text messages and call logs.

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As 2015 wound down, Snyder's top officials, and possibly the governor, met to discuss the increasingly out-of-control Flint crisis. Right before Christmas, Richard Baird and Harvey Hollins, the director of urban initiatives, met with the six-member Flint Water Task Force, according to Hollins's public Flint criminal pretrial testimony in 2017.

Hollins revealed that during the meeting, task-force members mentioned the Legionnaires' outbreak in Flint. Hollins testified that he informed the governor about the outbreak on December 24, 2015, on a conference call.

"He was not aware of that," Hollins testified Snyder told him.[3] His testimony contradicted Snyder's claim made under oath in front of

Congress. There, Snyder insisted he didn't know about the Legionnaires' outbreak until January of 2016.

Under oath as part of the major Flint water civil cases in 2020, the governor was asked about Hollins contradicting his testimony before Congress. "Again, I can't speak for what his belief is, I don't recall any mention [of the outbreak before January 2016]," Snyder answered about Hollins's testimony that he told the governor about the outbreak in December 2015.

The attorney followed up by asking Snyder if Hollins was wrong on the timeline or if he just didn't recall being told by his urban initiatives director about the outbreak in December 2015. "I don't recall any mention of *Legionella* prior to hearing about it in January 2016," Snyder insisted.

But phone records and emails showed otherwise.

Flint criminal investigators obtained phone records showing that on December 24—the day Hollins testified that he told Snyder about Legionnaires' on a conference call—Snyder, Baird, and Jarrod Agen, the governor's incoming chief of staff, all phoned into the governor's office conference call line at 11 a.m.

Four days later Baird confirmed Snyder was on the call with Hollins and him days earlier. "Dan: I added Jarrod and Meegan since we were engaged with Harvey and the governor Thursday morning last week," Baird emailed several top Snyder officials. "Thursday morning last week" fell on December 24—the day Hollins had testified to having informed the governor about the outbreak.

There it was, in writing, Baird confirming Hollins's testimony of speaking with the governor on December 24. This drilled another hole in Snyder's claim that he first learned of the outbreak in January of 2016—and immediately notified the public.

With calls for a criminal investigation intensifying in the final days of 2015, Snyder knew he needed to deliver a political scalp. MDEQ director Dan Wyant certainly held plenty of culpability for the poisoning of Flint. His list of failures was long, highlighted by his environmental department directing Flint not to add corrosion-control chemicals to Flint River water. On top of that disastrous failure, MDEQ manipulated Flint's water lead data after the fact.

Either Wyant was clueless as to what his employees were up to, or he was aware and recklessly stood by idly. Whichever the answer, in the final days

of 2015 Wyant sat at the airport. The embattled MDEQ director was about to board a flight to college football's Cotton Bowl in Texas when his phone rang. Richard Baird was on the other line, according to sources. Resign within the next twenty-four hours or be fired, the governor's right-hand man told Wyant.

Wyant resigned as MDEQ director on December 29, 2015. Snyder, trying to frame himself as cleaning up a mess he hadn't created, accepted the forced resignation. The governor vowed to take action to alleviate Flint's water crisis.

But the governor wasn't providing *real relief*. Neither were his top lieutenants. Faced with a new mayor in Flint—and a collision course with criminal prosecutors—Snyder's squadron doubled down on the cover-up . . . just as the national news media was about to swarm Flint, Michigan.

Chapter 19

Shredded

As we drove into the church parking lot, I could not believe the scene in front of me.

It was July 2018, two years after my first visit to Flint. I was expecting to find a few cars of residents waiting for bottled water. Instead rows of cars lined up for what seemed like a mile. *What the hell*, I thought. It was as if no time had passed; things looked no different than when I first came in 2016. Residents sat in their cars, just as desperate for life's number one essential, yet the urgency from politicians and media was gone.

And now the state wasn't paying for the water Flint residents were waiting hours in their cars to receive. Residents were having to rely on donations from nonprofits and benevolent Americans to supply the hundreds of cases of bottled water stationed at the front of the church.

"Two hours before they started moving the line," an older resident near the front of the line answered when I asked how long he had been waiting. He explained he had two neighbors who don't drive, so he comes to make sure they have water.

What a country—where the poisoned wait for hours to get clean water their government should still be providing.

Another resident spoke to me through his open car window: "They can't clean this up, we're both old-timers." He had been an employee for General Motors for forty years; his friend in the passenger seat had worked for the auto giant even longer.

"We know about how they contaminated the water," he said, listing GM, Dow Chemical, and many other industrial manufacturers that had dumped their waste into the Flint River for a century. "All those destroyed the water."

He called for the whole nation to help his battered city. The Flint lifer also warned that this disaster might start happening in a lot of other cities. "Just like Erin Brockovich, she's been here. And when she left, she left the message that it's not yet fixed."

One resident after the other, I just couldn't believe it. Some told me rashes were still spreading across their bodies from the water. Others angrily shared that their damaged water pipes hadn't been replaced.

So little had changed in the two years since the Flint water crisis first made global news headlines—yet the mainstream media had abandoned the story. Actually it was worse: national news outlets were simply regurgitating Governor Snyder's "mission accomplished" act about Flint's water now being "restored." And the local and state outlets, where the story was clearly still news, barely covered the water crisis anymore.

When I left the church, my fury on behalf of the people of Flint grew exponentially. Something was very wrong. Americans were being gaslit to believe a *still actively* raging disaster was over and done with. One of the worst man-made government disasters in US history was essentially being drowned under the Flint River.

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In November of 2015, Karen Weaver, a psychologist turned politician, defeated Flint mayor Dayne Walling by a resounding ten points. Weaver's victory made her the first woman ever elected as mayor of Flint. During her campaign, Weaver called out Walling and the state's actions, and lies, that led to the poisoning of Flint.

One month after taking office, Mayor Weaver declared a state of emergency over the high lead levels in the city's drinking water. Unbeknownst to her, and the rest of the city, there was a deadly Legionnaires' outbreak that Governor Snyder and his inner circle were covering up.

As the calendar turned to 2016, Flint became a global breaking-news story. On January 5, Governor Snyder declared a state of emergency over the city's water crisis. Seven days later Snyder held a press conference on January 13. The governor revealed the existence of eighty-seven cases of Legionnaires' disease in Flint from June 2014 through the end of 2015. Ten of those patients died.

"I'm going to share information that has been shared with the health-care community in the past but hasn't really been put out to the public," the governor announced.[1]

Snyder's statement was bullshit; the governor of Michigan was hiding that his health department had known about the record surge in Legionnaires' for nearly two years—and never alerted, or warned, Flint residents. Or in Snyder-speak, two years earlier was simply "in the past."

State health director Lyon also spoke. He claimed that the health department "stepped in" and began working with the Genesee County Health Department in the fall of 2014 to investigate the source of the outbreak. This was another brazen lie. Lyon's health department had *repeatedly* stonewalled Genesee County Health supervisor Jim Henry when he sought their help in dealing with the outbreak.

Figure 19.1. Mayor Karen Weaver Declaring State of Emergency for Flint

Source: Nayyirah Shariff

Two days after Snyder's Legionnaires' announcement, Michigan attorney general Bill Schuette announced the launch of a criminal investigation into the Flint water crisis. Since attorneys in the state AG's office were tasked with defending Snyder administration officials, Schuette announced he would outsource the criminal investigation to an independent, outside prosecutor to avoid any conflict of interest.

Schuette appointed Todd Flood, a Wayne County prosecutor, as the special prosecutor to lead the investigation. Flood promised to "open every door" and ask the tough questions.[2] Joining him was Andy Arena as chief investigator. Arena was the former director of Detroit's FBI office and member of the FBI's organized crime unit. Raised in Detroit, Arena had been one of the lead investigators responsible for bringing down Detroit Mayor Kwame Kilpatrick on corruption and bribery charges.

Meanwhile the media swarmed Flint. National news anchors, even international outlets, descended on the city in January of 2016. Night after night, Americans watched long lines of cars driven by Flint residents, left with no choice but to wait hours to receive a few cases of bottled water. Viewers met children ravaged by rashes and adults holding clumps of their hair that had fallen out.

MSNBC's Rachel Maddow came to host a live town hall in Flint on January 27, 2016. "Our trust has been broken in the city of Flint," new mayor Weaver told Maddow, drawing applause from the packed crowd of residents.[3] "Until we get safe pipes, people are not going to trust the water."

Weeks later, the largest protest during the water crisis took place when over five hundred marched with civil-rights-icon Jesse Jackson. "Dr. King would be proud," Jackson told residents.[4] He suggested Flint was like a crime scene and the criminals were state government.

"It's time to fight back," Jackson said, condemning Governor Snyder's appointment of unelected emergency managers as an infringement on the right to vote that Black people fought so hard to win.

Figure 19.2. Jesse Jackson Marches with Hundreds in Flint on February 19, 2016

Source: Nayyirah Shariff

Figure 19.3. Retired Police Officer Protests with Hundreds in Flint

Source: Nayyirah Shariff

After Flint pledged to fight back, criminal investigators discovered what seemed like Snyder-world fighting to cover up. On February 29, investigators received quite the tip.

"I received information that former City of Flint emergency manager Darnell Earley was in his current office at Detroit Public Schools (DPS) headquarters shredding documents," Ellis Stafford, an investigator with the Flint criminal investigation, wrote in a report I obtained.

Stafford explained that based on his experience, "suspects often attempt to destroy evidence of a crime as opposed to it being seized by authorities."

The tip investigators received came on Earley's final day as emergency manager for Detroit Public Schools. After learning Earley was shredding documents in the morning, investigators quickly secured a search warrant for his office. As they delivered the warrant, Earley seemed to visibly waver.

"As Earley read the search warrant, I couldn't help but notice the way the paper quivered in his hands," Stafford wrote, "specifically, the way edges of the paper were vibrating."

Whoever tipped off investigators had to have access to Earley's office to see the document shredding, Stafford wrote in his report. Another investigator, William Cousins, interviewed Earley's receptionist Valerie Mitchell; she told investigators that at approximately 9:30 a.m., Earley handed her a box of documents and "asked her to dispose of them."

"She began to dispose of the papers by shredding them," Cousins wrote in a report I obtained. She claimed she didn't see "any documents that may be related to or had 'Flint' written on them."

Naturally, it's unlikely that Mitchell would definitively know that all of the documents weren't connected to Flint—or whether they contained potentially incriminating information. Most people shredding documents don't inspect them with a fine-tooth comb beforehand.

Investigators seized the bags of shredded documents; it's unclear if they ever attempted to piece any of them back together.

Two weeks after Earley's mysterious document destruction, Governor Snyder testified in front of Congress in March 2016. Under oath, the governor blamed a band of bureaucrats under him for not raising the issue of Flint's toxic water, including dangerous lead levels and the Legionnaires' outbreak, to his attention sooner. He testified that he didn't know about the outbreak until January of 2016. According to what criminal investigators unearthed, Snyder perjured himself by at least sixteen months.

The governor stated he would release his personal emails related to Flint's water situation dating back to when he entered office in 2011. But, as news outlets

critically noted at the time, only a fraction of the documents he made public pertained to the water crisis. Worse, many of them were heavily redacted.

Strikingly, the nerd in chief withheld his emails from 2013; information that would have illuminated his role, if any, in critical decisions that were made leading up to the disastrous water switch.

Figure 19.4. Documents Found Shredded in Former Flint EM Darnell Earley's Office

Source: Photo from confidential document obtained from Flint criminal investigation

By this point in March of 2016, a tsunami of Freedom of Information Act (FOIA) requests had flooded in for various state departments to release their Flint water-related emails to the public. As a result, officials in each department had been sent document production requests requiring them to sort through their emails and retrieve those associated with Flint. They were given specific search terms, a source familiar with the process told me.

State officials were told to send their pertinent Flint water-related emails to their department directors. Those department heads would then disseminate them to department analysts to determine which emails should be released to the public and which should be withheld.

Snyder vowed to Congress that his agencies would comb through their emails and release all "relevant documents" to provide an "open, honest assessment" of what happened.[5] But unsurprisingly, they were about to embark on a scheme to do the exact opposite.

A week after Governor Snyder's March 2016 congressional testimony, Georgia Shuler, an analyst with the Michigan Department of Technology, Management, and Budget (DTMB), emailed her supervisor.

Shuler was one of DTMB's analysts assigned to comb through thousands of Flint water emails to decide which ones should be released to the public based on the tsunami of FOIA requests.

But Shuler now had serious concerns about the process—and her marching orders—from above. In documents I obtained, she expressed those concerns.

Shuler emailed her supervisor describing a meeting she had just attended. The meeting leader had said "we would not be held responsible if the documents ended up being missorted," Shuler explained. The comment was a clear signal from superiors: if certain Flint water documents *just so happened to be* improperly withheld from the public . . . we got your back.

In her email, Shuler recounted her response to the wink-wink . . . "missorted" . . . directive. "I said that I appreciated her saying that we wouldn't be held responsible but a verbal assurance wouldn't really give me protection from any issues that could arise. That's when I asked if I could have an email to that effect and she did not answer me and walked away."

The sequence that came next seemed like it was scripted out of a clumsy comedy.

"One of the meeting attendees replied to me that if your boss tells you to do something and you do it, you can't get in trouble for doing what you are told," Shuler recounted.

I must have missed this day in Business 101!

Shuler added, "The lawyer nodded at her, but I replied that that was not always true. That's when the meeting leader, [and] lawyer, told me to stop talking."

Alarmed by the shady instructions, Shuler decided she was uncomfortable working on the FOIA project. She asked her supervisor to be excused from it; he obliged.

Shuler was asked to "redact things that shouldn't be redacted or to withhold things that shouldn't be withheld," a source familiar with the exchange told me. As a result, "she spoke her mind" but was essentially pressured to "just do it."

Shuler never responded to my attempts to talk. An ex-DTMB official shared with me that the documents Shuler was encouraged to withhold should have been made public, as per the terms of FOIA requests for Flint emails.

But the buck did not stop with Shuler. A source involved with the process explained that after lower-level analysts like Shuler selected emails that should be released to the public, they would move up the chain for a "tier two" review by department heads and communications staff. The last step came when those officials sent the emails for a final review . . . at the governor's office.

In many cases, potentially damaging emails were withheld at the direction of the governor's office, the ex-DTMB source imparted to me. That source alleged that Jean Ingersoll, the DTMB chief of staff, told them she had sat in a meeting in the governor's office about which emails would be released to the public. "They would never be handing over" certain controversial documents, Ingersoll recounted officials in the governor's office meeting insisting, according to the source.

When the ex-DTMB official responded to Ingersoll that the process was "shady," she allegedly responded, "That is what I was told from the governor's office and that's what we're going to do."

Ingersoll, now with the state health department, confirmed that she sat in "one or two meetings" in the governor's office about Flint water emails. But like so many officials in the Snyder administration, she was mysteriously plagued with a mushy memory. "I don't recall this conversation," she told me regarding the allegation that top officials vowed to bury key Flint water emails in the governor's office meeting.

This process was a stark departure from the normal FOIA process for the state, the ex-DTMB official said. During the standard procedure, each department had a FOIA liaison that requests would go through—not multiple review levels with the governor's office getting final approval.

On the same front, criminal prosecutors had never undertaken such a massive investigation encompassing so many government agencies, figures, and potential crimes. But just three months into the investigation, the first signs of criminal accountability for the people of Flint were on the horizon.

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In April 2016, a month after superiors told Shuler to “stop talking,” Michigan attorney general Schuette charged the first government officials with criminal charges over the water crisis. Three months after the launch of the criminal probe, three state and city officials were charged by Special Prosecutor Flood.

As the beginning signs of justice began to take shape, Flint residents continued protesting. They demanded expanded health care for their water-related illnesses and pleaded for federal intervention to urgently replace the city’s damaged water pipes.

Instead Governor Snyder sought to retake the narrative—even if he had to falsify one. The nerd in chief launched multiple sets of *his own investigations* into the water crisis.

On the same day that AG Schuette announced the Flint criminal investigation in January, Snyder tasked the Michigan State Police (MSP) with “investigating” the Michigan Department of Environmental Quality’s (MDEQ) culpability for the water crisis. The decision was suspect; state police operated under the governor’s control, making an MSP-led investigation the equivalent of the Snyder administration investigating itself.

Simultaneously, Snyder assigned the state auditor and inspector general with “investigating” the role of the Michigan Department of Health and Human Services (MDHHS) in causing the crisis.

And whom did he task with overseeing the investigations? None other than his “fixer” Richard Baird, multiple sources confirmed.

When AG Schuette caught wind of Snyder’s so-called investigations, he quickly moved to quash them. On May 25, Schuette sent a stern letter to Governor Snyder, copying Baird.

Snyder had “compromised the ongoing criminal investigation,” Schuette wrote the governor, warning him that his internal investigations “may effectively be an obstruction of justice.”[6] He demanded an immediate halt to both so-called investigations. A day later, the governor complied, ending both.

Unsurprisingly, the Michigan State Police report, which I obtained, played down MDEQ’s guilt. MDEQ employees “denied any wrongdoing,” Lieutenant Lisa Rish wrote in her report. Her findings were clearly flimsy. In one example, Rish concluded that MDEQ supervisor Stephen Busch merely made a “misstatement” when he lied to the EPA about Flint having an “optimized corrosion control program” in February of 2015.

That’s one hell of a “misstatement”!

Snyder might have stood down after receiving Schuette’s letter, but his battle against criminal prosecutors was just getting started.

At the same time, the governor began a different pressure campaign—this time to push Flint’s new mayor to toe his line. Her reaction, and the increasing

criminal heat on the governor, would end up morphing the self-anointed “one tough nerd” into . . . Stonewall Snyder.

Chapter 20

Stonewall Snyder

Residents walked up to the steps of the state capitol in a state of fury and fatigue.

It was April 2019, the five-year anniversary of the water crisis. But other than a new Democratic governor, little had changed. As I stood ready to cover the rally, I saw the familiar faces of Flint residents I had grown to know and care about. Many were wearing “Flint is still broken” T-shirts.

Some were visibly sicker than the last time I saw them a year earlier. Others were clearly emotionally and physically spent, exhausted from a half decade of fighting for help amid a crisis they didn’t create.

I had covered many rallies in Flint over the years, but this one felt different. The emotion, the desperation, the anguish in their voices was palpable—as if their trauma had been inflicted just yesterday.

“We’ve been tormented for five years, five years we’ve been tormented with dirty, nasty, unsafe, unhealthy water,” one resident said at the podium atop the capitol steps. Two children sat below her, draping an American flag between them.

Residents stood on the steps, holding signs that read: “Water and Justice for Flint.” Several held up photos of their loved ones who had died because of Legionnaires’ disease and other illnesses wrought by the city’s wretched water.

“Forty-four years old, she died an absolutely horrible death because they lied to her about the water,” the relative of a woman who died of Legionnaires’ painfully shared. She held up a picture of her loved one’s skin engulfed in raw, red marks—spots where her skin used to be. “Her skin was torn off of her body. Justice needs to be done for the Flint residents and it needs to be done now!”

Another mother, Joyce McNeal, spoke in anguish about her son dying as a result of what she believed was Legionnaires’ disease. “They said he had an unusual pneumonia, the bacteria was eating up his red blood cells.” Her

next words were crushing. “Even when he was dying, I was trying to bathe him and scrub him in the same water that was ripping his life out.”

Another mother told me about her son being relegated to life support after “spitting out his insides.” His mouth gushed with blood; he was eventually diagnosed with Legionnaires’.

“The water contributed to my mama,” a woman, overcome by tears, struggled to say. Four months earlier, her mother had died of kidney failure. Unfortunately, kidney issues, and kidney failure, were now common causes of death as the years went on and the effects of lead poisoning worsened to ultimately destroy the organs of many residents.

After the rally, I felt emotionally spent. Of course, I had not been poisoned. I would never be able to even begin to comprehend what these folks were going through. But year after year, seeing this much misery and injustice—it took a toll on me. I stuck around and did my best to ask coherent questions of residents. One of them, Joelena Freeman, held up a mock casket. “Death by Lead” was sprawled across it. Five stars spanned from top to bottom, representing each year of the water crisis. Red crime tape—labeled DANGER—wrapped around the top.

Freeman said, “We can’t move forward because we’re still in a crisis.” She explained that every day she had to give her daughter a Benadryl after she showered to control the rashes breaking out across her body.

She accused the government of “just leaving us here to die.”

“What happened in Flint, it was done deliberately. We were poisoned by politics; it was a man-made disaster here. This wasn’t just a natural disaster that just so happened to happen. No, people did not do their jobs and people in Flint were poisoned because of it—and we’re still being poisoned. It’s horrible to have to live through.”

I knew I could not pretend to understand the nightmare residents were living through, nonetheless, I was enraged and depressed at the same time. The victims still had contaminated water, worsening health problems, and high water bills for dangerous water they couldn’t safely consume. Yet aside from meaningless statements, and photo-ops on anniversaries marking the crisis, the politicians they elected and trusted had abandoned them. Ditto for the media.

On this day, I recommitted myself to staying on this story. I knew it might take ten years, fifteen years, hell maybe even the rest of my life to expose the full truth of the cover-up. I also knew the mainstream media might

ignore it even if I did uncover the truth. But it was worth fighting to expose that truth. And the people of Flint deserved to know who poisoned them—and why.

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Soon after Flint mayor Karen Weaver was elected in November 2015, Governor Snyder began stifling her call for real justice.

"One of the first things he wanted me to do was take back what I said," Weaver told me. She was referring to their first meeting in January of 2016, where the two spoke to the press afterward. Responding to a reporter's question, the mayor answered that a water crisis settlement for Flint residents should start at $1.5 billion.

Immediately, the sirens went off in nerd-land. After Weaver's comment, Snyder's "fixer," Richard Baird, called Aonie Gilcreast, the mayor's top adviser. Baird pushed him to get the mayor to retract her push for $1.5 billion for the people of Flint, according to Gilcreast.

"Legislators aren't gonna give us nothing," Gilcreast recounted Baird warning him. "They aren't going to help us at all with a statement like that. She needs to take that back."

While Snyder's right-hand man was trying to place duct tape over the new mayor's mouth, local officials sought her out to provide a rubber stamp for the status quo. Soon into her term, a stack of documents was plopped down in front of her.

"I need you to sign this," Weaver recounted Genesee County officials telling her. She responded, "Can I read it first. Maybe I'll think it's a good deal, maybe I won't."

It was then explained that the request was coming from a higher power. "Well, you know, this has already been discussed with the Mott Foundation," Weaver was told regarding the powerful foundation that had relegated many previous mayors as de facto puppets.

One of the deals county officials sought Weaver's approval for, apparently on behalf of the Mott Foundation, was bizarre: selling part of the Flint River—yes, the Flint River—to Genesee County.

"They wanted me to sign off and give them the Flint River from downtown to Kettering [University]. Does that make sense to you?"

County officials had spent millions to clean up part of the river; they intended to open it up for profit by offering kayaking, rafting, and other

recreation. “I was told ‘you need to sign this, Ridgway [Mott CEO] wanted it.’ They were angry that I wouldn’t sign off on it.”

Weaver explained that her mother was a teacher and “one of the things she taught was reading.” So once she read the details of these proposed deals, she rejected the county and business elite who were so used to getting their way in Flint.

“I’m not signing this,” she answered frustrated officials. Ultimately, Flint was “just a pass-through for so many things,” Weaver told me.

Meanwhile, Governor Snyder was playing defense in the face of an aggressive criminal investigation. As a result, he began tapping into taxpayer money to stonewall—and obstruct—the investigation.

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It didn’t take long after the launch of the Flint criminal investigation to smell a cover-up in the works.

Beyond learning of the governor’s phony “investigations” into the water crisis, investigators learned Snyder was developing an official narrative. Specifically, the governor’s office had directed various state departments to create official timelines related to their actions before, and during, the crisis.

Unsurprisingly, these timelines were routed through Baird; he wanted them completed and cross-referenced between departments—before state officials made public statements or talked to prosecutors. With the water crisis now entrenched as the top news story in the state of Michigan, reporters and local politicians jokingly began referring to Baird as the “shadow governor.”[1]

But like most things the shadow governor was involved in, truth was not a top priority.

Scanning through the timelines, investigators quickly saw they were bogus. Key dates, actions, and events were omitted. Local officials also identified the fraud.

“It appears that MDEQ has missed a few items,” Jim Henry, the Genesee County health official who state environmental officials had blown off over the Legionnaires outbreak, wrote sarcastically to colleagues after receiving MDEQ’s timeline.[2] “I doubt they want our help filling in the blanks.”

As the administration concocted cockamamie timelines, the governor and his high-priced attorneys worked hard to evade criminal prosecutors. Months after the launch of the criminal investigation, Snyder was served an

investigative subpoena in June 2016. The subpoena sought his Flint water-related documents and communications from the time he entered office in 2011 through 2016.

Since the water crisis had become an international scandal, Snyder painted himself as an apologetic and caring governor who was eager to take extensive measures to help Flint. Under oath in front of Congress, he pledged transparency and cooperation. But behind the scenes, the nerd in chief, and his lawyers, fiercely fought prosecutors' subpoenas and requests every step of the way.

In response to the original subpoena, Snyder's attorney filed a motion with a staggering twenty-nine objections. The governor had already publicly released 117,000 pages of "responsive documents" in answer to FOIA requests, they argued.[3] But those documents were heavily redacted, leaving prosecutors and Flint residents to wonder what was hidden underneath the heavy black ink.

Snyder was particularly hell-bent on not handing over his daily briefings from the summer and fall of 2014. Naturally, prosecutors wanted to see what, and when, the governor was being briefed about in relation to the deadly Legionnaires' outbreak that was ravaging Flint. Prosecutors already had evidence that Snyder's health and environmental officials were trading worried communications about the outbreak, particularly in October 2014.

But the governor did not provide the full briefings for that period, according to a source familiar with the criminal investigation. Instead, the governor gave investigators outlines of the briefings without all of the information that had been in the original briefing.

For other time periods less relevant to the water crisis, Snyder did provide full briefings.

For example, the governor's lawyers provided a briefing from April 2013, which I obtained. The document, from a year before the Flint water switch, was heavily redacted with most of the unredacted parts containing topics unrelated to Flint's water. Snyder "picked the most sanitized ones and redacted everything on every page almost," a source familiar with the criminal investigations said.

Snyder's evasiveness, and obstruction, set off the legal antennae of Flood and chief investigator Andy Arena. If the governor was truly unaware, and not promptly informed, of the health threat to Flint residents, why was he hiding materials from them?

After months of Snyder stonewalling, Flood was ready to turn up the heat. The special prosecutor pushed to execute a search warrant on the governor's office. If approved, this would have led to investigators going in like storm troopers and seizing documents and devices from the governor's office. This would have set off political and media earthquakes within the state of Michigan. But Attorney General Schuette blocked Flood from even applying for a warrant.

"Flood's hands were tied," a source familiar with the criminal investigation told me. The source added that Schuette insisted that Flood couldn't execute a search warrant on the governor even though he wasn't complying with subpoenas. Flood didn't respond to my request for comment on this.

Instead, in what seemed like an ass-backward process, Schuette insisted that Flood and his team negotiate with Snyder—the governor under investigation—and his lawyers to obtain the documents and communications they sought.

Why would Schuette, who appointed Flood to lead the investigation, tie his top prosecutor's hands when it came to aggressively pursuing Snyder?

The ugly beast of politics seemed to be the answer. In 2016, it was an open secret that Schuette, a Republican, was planning to run to replace Snyder, who was term limited, as governor. For Schuette's political ambitions, walking a fine line on Snyder made sense. Those ambitions were clearly not in alignment with potentially charging the sitting Republican governor over the poisoning of Flint. If Schuette attempted that, he could kiss any support from the state GOP machine, or donors, goodbye. Schuette allowed Flood and his team to aggressively pursue certain officials and crimes—but held them back when it came to Snyder, multiple sources familiar with the criminal investigation said. In terms of justice for the people of Flint, Schuette was granting Snyder, a millionaire with the best lawyers money could buy, legal leeway that normal Americans or small businesses would never get.

The governor was not only refusing to hand over critically important documents; he and state agencies were also providing documents to prosecutors in a borderline (unsearchable) format. Criminal investigators received Flint water documents that were lacking important header metadata, sources familiar with the criminal investigation said. This meant documents were missing the full length and sequence of email chains

between state officials, which officials were copied and blind copied on emails, and who the emails might have been forwarded to. Essentially, metadata was the document's DNA. Without it investigators couldn't glean much. With so much information missing, prosecutors could see the message but not who initiated it or who was copied on it.

By the fall of 2016, Flood was fed up.

The special prosecutor filed a motion to legally compel the governor to comply with the original subpoena he received months earlier, according to confidential documents from the criminal investigation. In response, Snyder appeared to buckle. The governor's lawyers entered into a "stipulated agreement" with Flood.[4] In legalese it meant Snyder would finally start producing the documents he was subpoenaed for. Snyder's transfer of documents was to begin on October 14, 2016. After handing over the initial batch of documents, the agreement mandated the governor to produce documents "on a rolling basis approximately every two weeks from the date of its first production."

But Snyder blew it off, continuing to withhold documents and obstruct prosecutors. Simultaneously, the "shadow governor" was taking a stab at his own obstruction.

In October of 2016, Flood caught wind that Baird was attempting to tamper with Snyder administration witnesses before they sat down for interviews with prosecutors, multiple sources familiar with the criminal investigation said. The next day, Flood asked a state health official if he had been approached by any superiors before his confidential criminal interview.

"It's come to my attention as recent as yesterday that some of the witnesses that we have been bringing in have been contacted by government or former government employees to talk about testimony that they may or may not give," Flood told MDHHS' Jay Fiedler during their confidential October 13 interview. Fiedler responded that no one had approached him to try and influence his testimony.

"Witnesses have been talked to about what they should say in an investigative subpoena," Flood told Sara Wurfel, the governor's former press secretary, in November 2016 during their confidential criminal-investigation interview. "If someone were to do that, I would consider it tampering with evidence and an obstruction, and I would charge anybody that would do that."

The governor's onslaught of obstruction extended into the middle of 2017. Snyder and his lawyers were still holding back key briefings, emails, and devices. But AG Schuette would still not unleash his prosecutors to execute a search warrant on the governor. So Flood filed a second motion to compel the governor to fork over the documents, which I obtained. The governor was "simply refusing to comply with significant requirements of the subpoena," Flood wrote.[5] The special prosecutor threw down the gauntlet, writing that the governor's lawyer had "arbitrarily decided not to search" for large numbers of documents for which prosecutors had subpoenaed him. Snyder had "custody or effective control over massive amounts of information that is relevant to an ongoing investigation."

Flood detailed that the governor was withholding key documents, including:

- MDEQ governor briefings
- Governor daily briefings
- Executive staff meeting reports
- Flint water-crisis-related conference calls, updates, and reports

All of these were "in the custody or effective control of the governor." He also revealed that key officials in the governor's office had not preserved their phones—including Lieutenant Governor Brian Calley.

Flood tore into the materials Snyder had provided to the prosecutors; documents and communications he explained were littered with technical issues and "inconsistent and questionable redactions."

The governor's lawyer had also failed to provide Flood with privilege logs, he revealed. These were lists that attorneys provided to prosecutors of materials they were withholding and the reason for doing so (namely being protected by attorney-client privilege). In the end, Flood wrote that he had trusted Snyder's lawyer to follow through on their agreement; more specifically, he expected Snyder to produce all the documents for which he was subpoenaed by January or February of 2017.

But "it became clear by May of 2017 that the governor had no intention of complying with significant requirements of the subpoena," Flood concluded.

Around the same time, Governor Snyder was itching to declare the Flint water crisis over. However, there was a major barrier in his way. Flint's

mayor was resisting complying with the nerd in chief's demands. As a result, Stonewall Snyder morphed into a far different character. . . .

The political punisher was about to come out.

Chapter 21

Bad for Business

I felt like I had entered the Bizarro World.

It was May 2017, and I was sitting in the front row watching the Flint city council meeting. The room was packed with understandably pissed-off residents. Eight thousand Flintstones had received letters from the city threatening to place a tax lien on their homes and seize them. The reason seemed like a sick joke: unpaid water bills for over six months.

Yes, that's right. In the wealthiest country on earth, Americans poisoned by their government were being warned by that same government: pay your undrinkable water bill or we'll toss you and your kids to the streets.

I had heard about this months earlier from Flint-activist Nayyirah Shariff. She condemned the city's punishment of residents as evil. "It's *diabolical* because we've never once stopped being charged for toxic water we cannot use, toxic water that has corroded the pipes in people's homes and has made people sick. The state was responsible for the cover-up and for poisoning us. It's just like you're raped, and you go to the police station to file a complaint and your rapist is there taking the complaint, and then your other rapist is in the prosecutor's office, prosecuting your case."

Shariff had been fighting Snyder long before the water crisis; actually, she started her activism soon after he began his heavy-handed takeover of Flint's local government in 2011. Back then, she cofounded Flint's Democracy Defense League to fight the governor's emergency manager law. Now, knee-deep in a humanitarian disaster, Shariff again acted, helping to create the grassroots group "Flint Rising" as a response to the water crisis.

But after years of fighting Snyder's austerity, and then the nightmare of her city's poisoning he presided over, she was fed up. "The fact that now you're threatening to kick people out of [their] homes because they may not be up to date on their water bills—and we're still paying one of the highest

rates in the nation for water we can't use—it's just disgusting and it's a human-rights violation."

As the city council weighed implementing the liens, residents stepped up to the microphone steaming with righteous indignation.

"You are not going to take my property for this stupid-ass water," Lucille Williams, a resident hit with an $1,800 overdue water bill, shouted.[1] "It's poisoned. I don't know why you're not as outraged as we are."

Quincy Murphy, another resident who received the tax lien notice, condemned the state and city for stripping residents of democracy. He announced he was filing a class-action lawsuit against the city over the tax liens and would try to add the other eight thousand residents being threatened with losing their homes.

"It is ridiculous that they are trying to even make us pay for water," Murphy said.[2] He equated Flint residents' situation with the normal process of getting a refund when the item you buy at the store is defective. "We want our money back for this water that we've had to pay for that we can't drink and bathe in," Murphy insisted, drawing loud applause around the room.

As the meeting grew rowdier and more contentious, I couldn't help but notice several residents waving miniature American flags to signal their applause. *Amazing,* I thought. *Citizens being slowly killed by their government still loved their country enough to wave the flag around*.

"We are America the great and yet we have a government that will not even give us clean, safe, affordable water?" Dorothy Batchelder said.[3] "Excuse me, that's your job!" The senior citizen carried a sign that read "Subpoena Snyder." She called for KWA CEO Jeff Wright, former mayor Dayne Walling, and other state and city politicians to be thrown in jail.

"They all should!" Batchelder shouted about the politicians still holding office.

Residents' righteous indignation won the day. By the end of the meeting, the city council decided to place a one-year moratorium on any liens on residents' homes.

After the room cleared out, I spotted Flint's interim chief financial officer. Knowing he had been one of the key players leading the charge threatening to seize residents' homes, I approached him.

From the moment I opened my mouth and asked him a question, David Sabuda squirmed. "Let's start from the beginning," he responded when I

asked whether he was in favor of seizing residents' homes over unpaid toxic water bills.

He began delivering a lecture that sounded like an accountant explaining why my taxes were increasing.

"This is a normal process that people go through, excuse me, that municipalities go through, on an annual basis—whether you're Flint or any other municipality here in Michigan."

My head was about to explode from the bureaucratic bullshit foaming from his mouth. As he continued spinning this disaster as some standard municipal procedure, I cut him off. "But this isn't a normal process, these residents were poisoned."

The truth did not sit well with Mr. Sabuda. "Well . . . interview over," he said, immediately shutting down our exchange. I wasn't surprised; politicians had shut me down before for daring to ask tough questions. But I pressed him again.

"It's a normal process when residents are poisoned and you're trying to propose tax liens?"

Game over; Sabuda walked away.

Of course, for politicians like Sabuda, it was easy to walk away. They weren't poisoned; they didn't even live in Flint. Their water was clean; their kids were healthy. The same could not be said for the residents of Flint, many of whose health was seriously deteriorating after drinking contaminated water for years.

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The political honeymoon barely lasted more than a couple months.

After getting elected in November 2015, Flint mayor Karen Weaver ruffled Governor Snyder's nerdy feathers early on. In March 2016, Weaver filed a "notice of intention" for Flint to sue the state over its "grossly negligent oversight" of Flint's water.[4]

Snyder and company were not pleased. In response, his administration sent Weaver a letter asking her to withdraw her legal notice. The administration criticized Weaver for her "factually and legally unsupported" filing that created an "unnecessary conflict" between the state and city as they tried to resolve the crisis.[5]

"It was after I said I wanted to be able to sue the state," Weaver told me her relationship began to seriously deteriorate with the governor. For the

rest of 2016 and 2017, the two co-existed. They worked together to open free water distribution sites throughout Flint, distribute water filters to residents, and provide financial credits on their water bills.

But like her predecessor, Weaver wasn't really calling the shots.

Flint was still under state control or, legally speaking, receivership. Actual power was still in the hands of the unelected proxies appointed by Snyder. After four separate emergency managers appointed by the governor between 2011 and 2015, Snyder created Flint's Receivership Transition Advisory Board (RTAB) in April 2015. Rather than a single unelected bureaucrat seizing power over the elected mayor and city council, the oversight board featured four unelected individuals who, collectively, could overrule Flint's mayor's and city council's decisions.

In Weaver's first years as mayor, she was able to make some unilateral decisions. But when it came to major moves, particularly involving Flint's water, she was stuck under Snyder's thumb.

"They always want state control, that's what they do, and that's how all of these things keep happening because they keep that control," Weaver said about the Snyder administration.

In 2016 and 2017, the mayor and Snyder worked pretty closely, and amicably, with one another, Aonie Gilcreast, a former adviser to the mayor, told me about their relationship. This dynamic was part of why, midway through 2017, local activists, supported by some city council members, launched a recall campaign to remove Weaver from office. Some residents perceived the mayor as incompetent, others felt she wasn't fighting Snyder hard enough on behalf of struggling residents. Some council members complained Weaver wasn't working with them. But the effort failed; in November 2017, Weaver defeated the recall with a solid 53 percent of the vote.

But by 2018, the mayor ended up on the receiving end of a different type of campaign—from the governor and his right-hand man, Richard Baird. The duo began pressuring the mayor to declare Flint's water safe.

"The business community is really, really complaining now, and we're going to have to change course now in terms of saying the water is a lot better," Gilcreast recounted Baird pushing Weaver. They [the Snyder administration] wanted her to say the water was drinkable and that tests were showing it was meeting EPA regulations.

To Snyder and company's dismay, Weaver wouldn't play along with the phony—and dangerous—narrative they were spinning. Unlike her predecessor, who for eighteen months had falsely insisted Flint's water was safe—despite substantial evidence to the contrary—the mayor tried to be honest with residents.

Lead levels in the water were improving, Weaver acknowledged publicly, but they were still too high. The mayor insisted it was premature to declare the water safe to drink without a filter.

Her caution, and common sense, were not well received by the governor. Flint's business elite was also having fits. "They were against me," Weaver said about Flint's business community, most of whom had deep connections to the powerful Mott Foundation. She would soon learn that Mott was a monster of a machine that reached far and wide.

In 2018, Weaver sat down with Phil Shaltz, a powerful local developer. Shaltz was one of several managing partners with Uptown Developments, a Mott-funded real estate group. For several years, Uptown had invested heavily in developing downtown Flint, lining Saginaw Street with new restaurants, retail shops, and cultural centers. Most Flint residents I spoke to about Mott viewed the downtown beautification as a gentrification ploy meant to push poor Black people out of the city. Nonetheless, politicians and Mott loved the project.

But that economic development was interrupted by a raging water crisis.

"This is bad for business," Mayor Weaver claimed a frustrated Shaltz told her over lunch in 2018. According to Weaver, Shaltz was upset that the water crisis had repelled businesses from investing in Flint.

"We're trying to bring businesses in here," Weaver recounted Shaltz saying. But they were struggling to draw new investors; apparently, folks with money didn't find a city with toxic water to be an attractive business environment. But rather than using their vast wealth to lobby politicians to expedite the replacement of Flint's damaged infrastructure, Weaver claimed Shaltz and others pushed her to publicly declare the city's water safe.

Shaltz vehemently denied this, telling me the notion that he would pressure the mayor to falsely declare Flint's water safe was "absolutely absurd."

"It's really interesting what people will say if you don't fund their campaign," Shaltz said about the mayor's account of their meeting. He suggested she held a gripe against him for not donating to her campaign. "I

have an excellent reputation in this town, I don't cover things up, and I don't try and play games with something like the water crisis. Never in any way, shape, or form would I think anybody would go out publicly and say that the water crisis is not valid."

Weaver, and her top adviser Gilcreast, also claimed that Shaltz offered to help them politically by swaying local media coverage.

"He just told me if I wanted a story to go out, or have it pulled, let him know," Gilcreast claimed Shaltz bragged to him. "Because I can get a story in and I can get a story out," the mayor's adviser recounted Shaltz insisting. Weaver recounted passing by the two as they spoke and hearing Shaltz specify that he could help Weaver place positive news stories about the mayor in the *Flint Journal* or the local ABC12 TV station. Shaltz also denied this, telling me, "If I had the credibility or the clout to stop either ABC12 or *Flint Journal*'s reporting, I did a very poor job because there were hundreds of reports about the Flint water crisis."

But according to Weaver and Gilcreast, she rejected overtures from him, and other Mott-connected businessmen, to falsely declare Flint's water safe. The mayor claimed she told Flint's business elite that not all of the city's lead and galvanized pipes, severely corroded from untreated Flint River water, had been replaced. She also insisted it would be hasty to tell residents the water was safe until their damaged, in-home plumbing was replaced.

"They didn't like that," Weaver said. "Even the chamber [of commerce] didn't like me talking about the water because it was all about business," she recounted about interactions she had with Tim Herman, the CEO of the Genesee County Chamber of Commerce. According to Weaver, the chamber, which was heavily funded by Mott, was done with the water crisis.

"They wanted this behind them," the former mayor said. According to Weaver, chamber officials told her that businesses wouldn't come to Flint if she didn't say the water was safe. "They wanted me to stop talking about the water being a problem and publicly say that things were much better, and we were basically through this crisis." (Tim Herman didn't respond to my request for comment.)

But Weaver resisted.

Weaver's refusal to publicly lie also angered the state's top businessman —the governor. Snyder and Baird began pushing the mayor to declare the

water safe. When she wouldn't, the governor began dangling "a pot of money for different things," according to Weaver.[6]

The governor had promised Weaver to help provide state funding for additional communications officials and police officers in Flint, multiple sources familiar with the back and forth between the two told me. But when Weaver declined to publicly bless Flint's water, suddenly she was told the funding was unavailable.

As was his pattern, Baird flexed his political muscle to try to get Snyder's enemies to bend. At one point, he told the mayor that Flint's water was safe and there was no need for residents to continue using filters, according to multiple sources. The claim was beyond reckless; it also contradicted Snyder's own health and environmental department's advisories. But facts and public health be damned.

During her term, Weaver dealt with Baird as a proxy for the governor. "Baird was in the driver's seat, but the governor told him what car to drive. I always got the impression that he ran things through the governor."

Snyder and Baird's overtures toward Weaver were "callous," the mayor's former spokesperson Candice Mushatt told me.[7] Having a front row seat to the battles between Weaver and Snyder, Mushatt saw a governor trying to sweep the Flint crisis under the rug.

"The EPA, the governor, they all were . . . they didn't really care," Mushatt said. "It was kind of like, 'this is what it is, this is how we're moving forward and that's it.'"

Since Snyder steered the ship as Flint was poisoned, he was trying to make it seem like it was "cleaned up on his watch," Mushatt surmised. "It seemed like that's what they were desperately trying to do."

With efforts to get Weaver on-script failing, Baird resorted to not-so-subtle political threats. According to Gilcreast, in a 2018 meeting he attended with Baird and the mayor, Baird told Weaver that her refusal to declare the water safe could "really hurt you as far as your reelection is concerned."

The implication was clear, Gilcreast concluded: if Weaver didn't play ball, the powers that be would work hard to push her out of office the following year.

"So be it," the mayor responded. She insisted she couldn't tell residents the water was safe when she, herself, didn't believe it.

The friction between Snyder's offensive to declare the crisis over, and Weaver's resistance, finally came to a head in April of 2018. That's when the governor announced the state would shutter the remaining free water distribution sites throughout the city.

In a private meeting between the two, Weaver expressed her opposition to the move. The mayor argued the city had still not had all of its lead and galvanized pipes replaced, nor had residents' interior plumbing been replaced.

That's when the nerd in chief turned cold. "We need to get over it," an angry Weaver claimed Snyder had told her in a press conference following the meeting.[8]

The governor backed up the decision, arguing that "scientific data now proves the water system is stable and the need for bottled water has ended."[9]

Shockingly, I would soon discover that the "scientific data" Snyder was propping up to declare "mission accomplished" in Flint was well . . . not exactly scientific.

In fact, the data was the product of a whole new scandal within a sea of other Snyder scandals.

I'd only have to knock on four hundred doors in Flint to uncover why.

Chapter 22

Flushing Flint

During a reporting trip to Flint in May 2018, I received a call from Melissa Mays. I had met the Flint mother of three two years earlier during my first trip to the struggling city. She had become one of the most dedicated activists fighting for justice, and clean water, since the crisis began.

When I answered the call, Mays was in a frenzy. “Holy shit!” she shouted. She explained that she had knocked on the doors of a few residents who she knew had been part of the state’s official water-testing program. Beginning in 2016, the Snyder administration began conducting ongoing water testing for lead and copper in Flint. Every couple of months, the same residents would draw water samples from their homes in order to track the progress of lead levels in Flint’s water. Michigan Department of Environmental Quality (MDEQ) recruited many Flint residents to participate in the program by offering them gift cards.

MDEQ periodically posted the results on their website; by the spring of 2018, there had been ten rounds of testing. But Mays noticed something strange when looking over recent results: several homes with high water lead numbers were only appearing in the first few rounds of testing. Then, suddenly they were removed from the study in later rounds of testing. The actual home numbers were not listed on the water testing website, but the names of the streets were.

So Mays took it upon herself and began knocking on doors.

“They’re flushing!” she told me in a frenzy, her mouth moving a mile a minute. I had no clue who “they” were. At the time, I also didn’t know what she meant by “flushing.” I asked her to dumb it down. She told me she had just spoken with several residents who were on the state’s official water testing program. Those residents told Mays that MDEQ officials had unexpectedly come to their homes and told them they were there to test their water. “They ran their water for five minutes before taking the sample,” Mays told me.

“Wouldn’t that just flush out the lead?” I asked.

“Umm, yes!” Mays responded in her characteristic animated tone. She explained that EPA regulations prohibited the running of water right before taking lead and copper samples.

The magnitude of this instantly hit me. Just a month earlier, Governor Snyder had declared Flint’s water “restored”—based on this very set of testing data. With that announcement, he shut down the remaining water stations that provided free bottled water throughout the city. Of course, the national and local media uncritically ran with Snyder’s proclamation, signifying that the water crisis was essentially . . . over.

But the residents of Flint knew better; my instincts told me that the illegal flushing Melissa had uncovered was not isolated to a few homes in the city. But the only way to find out for sure was to start knocking on doors . . . and lots of them.

At the start of summer, my then colleague Jenn and I began zigzagging across Flint neighborhoods seeking to talk to residents who had had their water tested as part of the state’s official water-testing program.

One of the first residents we met was Bernard Meader, a sixty-four-year-old who had lived in Flint all his life. Meader had only left the city to serve as a U.S. Marine stationed in Okinawa during the Vietnam War era. In March of 2016, Meader’s home on Flint’s Eastside tested at an astronomical 11,886 parts per billion (ppb) of lead. The lead levels in Meader’s water were a staggering 792 times the EPA’s “action level” of 15 ppb. This meant Meader’s water was considered hazardous waste by EPA standards.

Sitting in his living room, Meader explained to me that his ordeal began when his water “started tasting really funny” when he made a cup of coffee. “I could not tolerate the taste. It tasted gross to me.” Immediately, he dumped it out.

Meader showed us the paperwork from the state environmental department with his water test results. Shockingly, a month after his water was detected at hazardous waste levels, the results dropped from 11,886 ppb to . . . 15 ppb.

How the hell could his lead levels decrease that drastically in a month? The lead service line connected to his house had not been changed between the timing of the two tests. The only difference was the city flushed fire hydrants on his block, a practice they were doing regularly throughout Flint during the early part of the water crisis in 2016.

“I think that is what was changing lead levels around here,” Meader said. “Our freshwater supply is connected to the fire hydrant. So, when they open that up, I think they’re flushing out the lines that had built up all the lead residue in there.”

After talking with him, we noticed another strange red flag. The state’s Flint water website had an online map feature that showed where the homes were that had been tested for lead and copper. Many homes had several results listed, signifying they had ongoing testing being done. But other homes had only one listed result—often far exceeding the so-called acceptable EPA level for lead in water. Meader’s home was one of them.

Something was clearly off, we thought. Meader had shown me several different test results from samples taken from his home in 2016 and 2017. So why would the state environmental department only list one on its website?

I reached out to MDEQ and asked why, according to their map, Meader’s home was only tested once when he had shown me several different test results? I also asked why, after his water tested at an alarming lead level, did officials not follow up with him? Their information “differed” from what I sent them, an environmental spokesperson told me. She said MDEQ would follow up with Meader.

Tellingly, they did—the very next day, on a Saturday.

According to Meader, two officials from MDEQ came to his home and told him they were there to test his water. By this time in May 2018, Meader’s lead service line had been replaced. After the MDEQ officials identified themselves, Meader observed them as they ran his kitchen sink tap for thirty seconds. They then placed the sample bottle under the tap and filled it up.

Shocker! Meader’s result was much different from his previous tests that detected significantly elevated lead levels. The result of the improperly flushed test was 2 ppb.

Meader wasn’t an expert on federal water testing regulations, but he was no dummy; he knew the MDEQ officials were manipulating his test. “I do not believe their testing methods,” he said.

He was right. MDEQ was cheating. Technically speaking, environmental officials were flushing Meader’s water line right before testing. This was a brazen violation of the EPA’s Lead and Copper Rule (LCR), which mandates that water remains stagnant (not used) for at least six hours before

a resident collects a lead and copper sample. The LCR also requires that the sample be taken as a “first draw” as soon as the tap is turned on and water flows out.[1]

The EPA confirmed this, offering me the technical answer that the water sample “must be collected as one-liter, first-draw samples after the water has stood motionless in the plumbing system for at least six hours.”

The agency revealed something even more sinister: Michigan government officials weren’t supposed to be conducting the testing for residents. They were supposed to “leave the sample with the residents and the residents collect the compliance samples.”

So . . . why were MDEQ officials entering Meader’s homes and testing his water for him in the first place?

While speaking with Meader, another red flag appeared. On his test results’ paperwork, the field that normally included the name of the person who collected the sample was blank. MDEQ provided me with names of three officials who came to his home, even though Meader insisted only two were present. The agency declined my repeated follow-ups on why the names were left off the paperwork.

What Meader said next raised my eyebrows even more. Not only did the MDEQ officials improperly enter his home and manipulate his test results, but Meader said two years earlier, he was also directed by state volunteers to run his water for two to three minutes before taking his own samples.

The implications were deeply disturbing.

As the water crisis erupted in 2016, a large number of Flint residents volunteered to join the Community Outreach and Resident Education (CORE) program. Most were struggling, low-income residents eager for a paid volunteer opportunity. Helping their city during a crisis was a bonus.

The CORE volunteers were trained by MDEQ officials; they wore yellow vests and drove throughout the city door-to-door delivering water filters and making sure residents applied them properly. That was the core—pun intended—of what they were supposed to be doing. CORE volunteers weren’t supposed to be instructing residents on how to test their water, much less telling them to run their water for several minutes right before drawing samples.

But MDEQ had directed them to tell residents to run their water before collecting their lead and copper samples, a source who volunteered with CORE told us. Essentially, MDEQ used unwitting city volunteers as their

middlemen to rig the lead data throughout Flint. Environmental officials knew they were giving improper testing instructions to the volunteers and telling them to direct residents to test the wrong way. The results: Voilà! Low lead levels throughout Flint.

It took a lot to surprise me when it came to the state of Michigan government or the Snyder administration. By now, I had reported in Flint over a dozen times and had uncovered endless layers of corruption endemic in the state and city.

But this was a whole different level. This wasn't Snyder's administration, in the early years of the crisis, manipulating Flint's water testing to prevent the world from learning the city's water was toxic. This was the administration, years after the crisis had blown up internationally, brazenly falsifying the data . . . *knowing they were further harming innocent residents*.

We continued to scour Flint in the searing June and July heat, knocking on door after door. Flint wasn't the easiest place to do old-school door knocking. Lots of times, we'd walk through a block of twenty homes and only get a few residents to open their doors. Even after identifying as journalists, many didn't want to speak with us. Others did but didn't remember, or weren't positive, on the instructions they were given for testing their water.

As we canvassed many different neighborhoods, a concerning pattern developed. Many residents who opened their doors to talk to us would often share that one of their neighbors had recently died. But it wasn't an elderly neighbor; we were being told about people in their forties, fifties, and sixties dying from cancer and kidney and liver issues. And it wasn't just a few instances over a few blocks: this happened in almost every neighborhood we went to, throughout Flint's nine different wards. By the end, we had heard of at least a few dozen middle-aged residents dying. At the time, life expectancy for Americans was nearing eighty. As we continued canvassing neighborhoods, I knew something was wrong. Middle-aged and near-retirement folks don't start dying en masse without an acute trigger.

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Shortly after uncovering Meader's story, we met another resident who had clearly been taken advantage of by the state. And the results appeared to be

heartbreaking.

When she opened her door on Dale Avenue, her balding head stood out.

Amanda Jaynes, thirty-four, mirrored her sick, ailing city. As we began talking, my anger grew. The young mother of three had been healthy before the city switched to the Flint River in 2014. But four years later, her head was bare from chemotherapy, her body visibly struggling to keep upright on her porch.

Jaynes had been diagnosed with thyroid cancer, a crippling disease for which she had no family history. Spots were also found on her kidney. Her daughter, like so many other kids who drank Flint River water, had developed a learning disability. When Jaynes described how sick she was—unable to get out of bed some days—I struggled to hold back tears. In the prime of her life she was housebound, out of work, and barely able to care for her children. Her husband was working around the clock to pay the bills.

What she told me next was infuriating.

“Fifteen to thirty seconds or more,” Jaynes said about the amount of time an official with MDEQ ran her water before collecting a lead and copper sample.

Surprised, I asked her if she was positive that the environmental official had run her water for that long before placing the sample bottle under the flowing tap. “I’m positive.” Jaynes recalled what the MDEQ official told her when he left. “You’re going to get more bottles and do it like I did.”

I now knew MDEQ officials weren’t supposed to be entering residents’ homes and drawing water samples for them. But Amanda had no way of knowing any of this.

“He knocked on my door and said, ‘I’m with the state of Michigan; I’m here to test your water,’” Jaynes recalled about the MDEQ official who came to her door in the winter of 2015. Surprised, but relieved that it seemed like the state was taking action, she didn’t have any reason to suspect the official was testing the wrong way. “He didn’t even ask me if we flushed our toilet or used the water that day,” Jaynes recounted. The lack of concern by the environmental official was suspect considering residents water wasn’t supposed to have been in use before taking samples.

A few weeks later in early 2016 her home’s results came back—lead-free. With the clear test, and since a filter wouldn’t fit over her faucet head, Jaynes and her kids went back to drinking straight from the tap.

With three kids, time was understandably limited. Needing to feed and bathe them, Jaynes used the tap water and so did her kids. “They said it came back fine, so we were cooking with it, drinking it, and doing everything.”

A few months later, a lump was found on her right thyroid lobe. Her immune system was too weak to handle a biopsy, so her doctors prescribed her medication. A month later a spot was detected on her kidney. Three months later Jaynes was diagnosed with thyroid cancer.

It was only then that she began to think again about her drinking water.

Neither I, nor anybody, could definitively state that Jaynes’s water was contaminated with high lead levels. That wasn’t possible because MDEQ officials flushed away the potential evidence by improperly running her water before taking samples. Therefore, it would be irresponsible to draw a cause and effect that Jaynes’s cancer came as a result of her drinking Flint’s water.

But I do know several things. Jaynes had a clean bill of health before the city of Flint started delivering toxic water to her and other residents. No one else in her family had a history of thyroid cancer. With three kids, her family drank tons of the city’s water for the entire eighteen-month period Flint was on the Flint River. MDEQ manipulated her testing by running her water for upward of thirty seconds before placing the sample bottle under the tap. The environmental department then lied in response, telling me that residents I spoke to—like Amanda—were “confused” about the way their testing was conducted.

“I’m not dumb by any means at all,” Jaynes responded when I told her MDEQ had essentially blamed the victims and claimed residents like her were “confused.” She eventually became emotional. “I don’t want to cry, but I let my kids drink it, and I drank it, my husband drank it.” Her voice cracked as tears poured down her cheek. As she stretched her sweatshirt over her eyes to wipe away the tears, I wished there was something I could do to reverse time.

“I don’t mean to cry, but I don’t know. Could I have not gotten sick if I did [the testing] the right way?”

Of course, city and state politicians had done very little the right way in the lead-up to the water switch, or directly after.

But what we found was intentional malfeasance. Our reporting spanned summer and fall of 2018; over multiple reporting trips, we knocked on over

four hundred doors in Flint. In totality, we spoke with thirty-five residents on the record. They described a staggering array of water-testing violations. The violations included MDEQ officials improperly running residents' water before collecting samples *and* instructing residents to do the same when they tested. We also found that CORE volunteers had run residents' water before drawing samples for them and told residents to do the same when they tested themselves.

The implications were major: if Snyder and company had cheated on the water testing, how could anyone trust that Flint's water was actually safe to drink four years into the crisis?

"The only reason to do this would be to obtain a clear sample and report false information,"[2] Erin Brockovich told me. She explained that the entire purpose of taking the sample as soon as the tap is turned on is to detect how much lead and copper have leached into the water overnight. "Once it is flushed out, it defeats the purpose of a test. Flushing is cheating."

Brockovich, who rose to fame in the 1990s for exposing corporate environmental crimes in Hinkley, California, blasted the Snyder administration as criminal.

"Falsifying a federal and state regulatory compliance test: that is a crime," she said. She called for the MDEQ officials who flushed residents' water before testing to be prosecuted.

Brockovich also told me what I had been journalistically screaming about—and pitching to news outlets—for months. Who the hell knows what the real water lead levels in Flint's water were? *The testing was cooked, the data falsified*. Brockovich agreed; the legendary consumer advocate called for independent, citywide retesting to begin in Flint. She also demanded that the free water stations Snyder shuttered be reopened.

Infuriatingly, none of this happened—despite the eventual successor to Governor Snyder knowing about, and confirming, our reporting about the falsified data. "It also goes to some of the reporting that we've had about the testing where the water was run for a long time when perhaps it shouldn't have been," Michigan governor Gretchen Whitmer said about our reporting in April 2019 during a *Flint Journal* panel in Flint.[3]

Speaking of criminal justice, while we were barnstorming Flint exposing criminal manipulation of the water testing, an ambitious former prosecutor and civil rights attorney vied to shake up the Flint water criminal investigation.

Flint residents couldn’t have imagined what would come next.

Chapter 23

Cold Cooperators

Looking across the Flint public library, I felt like I was on a journalistic stakeout of sorts.

On the other side of the room from me, with a crowd of Flint residents between us, I looked over toward Congressman Dan Kildee. Kildee was Flint's longtime representative in what I call the dome of corruption (AKA Congress). It was April 23, 2019, two days before the five-year anniversary of the Flint water crisis. Kildee and other local politicians had just spoken at a town hall about "restoring trust" in state government.[1]

Yea, whatever that means. The very notion of trusting these people was insulting, I thought. How could residents trust the very people who were toeing the government line about their water being safe?

As I stood across the room, Kildee performed his political duty: shaking hands with residents while sporting what sure seemed like the quintessential fake smile.

For weeks I had contacted his office seeking comment from the congressman about the major scandal my colleague and I had uncovered about Governor Snyder's environmental department falsifying lead data in order for the governor to declare Flint's water "restored."

But Flint's congressman was crickets on the subject. After several emails and calls to his office explaining what we had found, Kildee had still not responded. So I decided to walk up to the congressman and ask some pointed questions.

"Why is it that you're not speaking out on this?" I asked him about what I described as a major public-health concern wrought from two years of cooked-up testing. As we stood in a tiny corner nook of the library, Kildee pretended and conflated. So . . . just your average Tuesday with a US congressman. Kildee pointed out that he had criticized the Michigan Department of Environmental Quality (MDEQ) in the past for directing

residents to pre-flush their water the night before they collected water samples in the morning.

"That's incorrect, respectfully," I pushed back. By now, the interview was growing tenser, and Kildee was becoming flustered and irritated. There was now a small crowd of residents gathered around us. As I had done in my previous outreach to his office, I explained to Kildee our reporting didn't uncover pre-flushing *the night before* residents took morning samples; we discovered that the agency was sending officials into residents' homes to run their water *right before* taking the samples.

Still doing his darndest to conflate the issue, Rep. Kildee told me he took issue with my point about "nobody ever speaking out about it." I knew he was lying. Breaking news . . . politicians lie! I had gone back and forth with his office via email for months; they knew the details of our reporting and what we had dug up. So did Kildee. Annoyed at his disingenuousness, I amped up the heat.

"But you haven't [spoken out], sir," I responded. "You haven't publicly said anything, this has been in your office since November."

Kildee continued to obfuscate: "I don't think that's the case." After a few more volleys back and forth, I finally got him to call for an investigation into the Snyder administration's manipulated testing.

"Here's the thing; nobody should game the testing and if anybody needs a louder voice on that we'll provide that louder voice," Kildee said. He then dialed up the contrived outrage. "These are the people I work for, these are the people I represent, there's not anyway in hell that I would stand aside and let somebody play games with the health of the people I represent . . . so the idea that we would just sort of look the other way, nobody should look the other way."

Of course, this sudden man of the people had been looking the other way for months as I repeatedly implored his office for him to comment, or act, on our reporting. But, hey, if I had to shame him into public submission in the corner of Flint's library, so be it.

As the interview wrapped, Flint residents I knew approached me sporting smiles and thanks. "He might have just shit himself," Tony Palladeno said with a wide-eyed grin. Others told me the local media would have never dared to confront Kildee the way I did.

I was happy I got Kildee on the record about the falsified testing. But deep down I knew he wasn't going to follow up. Despite his pontificating

about protecting the health of his constituents, I had learned long ago not to confuse a politician's public posturing with actual action.

Kildee's lack of follow-up was par for the course. As he stood in the library pushing residents to trust him, the Flint water criminal investigation was being dismantled.

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As the leaves changed colors and the air cooled in Michigan, Todd Flood was turning up the heat on Governor Snyder. It was the fall of 2018 and the congressional midterm elections neared. In Michigan, after one of the longest criminal pretrials in state history, Flood convinced a judge to bound over, or advance, Nick Lyon, the director of the Michigan Department of Health and Human Services (MDHHS), to face a jury trial on charges of involuntary manslaughter.

Lyon was "corrupt," Judge David Goggins bluntly stated, citing Lyon's failure to notify the residents of Flint about the deadly Legionnaires' outbreak when lives could have been saved.[2]

The ruling was a big victory for Flood's criminal investigation. His team was also coming down the homestretch of a yearlong pretrial for Eden Wells, Michigan's chief medical executive. Like Lyon, Flood had charged Wells with involuntary manslaughter over her failure to notify the public about the Legionnaires' outbreak sooner.

But Flood's biggest momentum was happening behind the scenes, out of the public eye. From the time he was appointed as special prosecutor, he sought to work things like an old-school mafia investigation. In the case of organized crime, prosecutors first targeted the low-level "associates," pressuring them to flip on higher-level "soldiers." This cycle would continue, with prosecutors pushing soldiers to "snitch" on the consiglieri and on and on—until they ideally get evidence against the "boss" of the family.

Flood preached first targeting the "small fish" and getting them to flip on bigger fish, multiple sources familiar with the criminal investigation told me. The goal was to move up the political food chain to eventually gather evidence against top officials in Governor Snyder's office—and eventually convince officials to flip on the governor. After two years, and filing over fifty criminal charges against fifteen state of Michigan and city of Flint

officials, Flood had finally started turning some of Snyder's soldiers against one another.

By the fall of 2018, Gerald Ambrose, the final emergency manager appointed by Snyder to rule Flint, was cooperating with Flood and his team. In 2016, Ambrose was charged with false pretenses and conspiracy to commit false pretenses; the charges were brought for his alleged role in orchestrating the fraudulent administrative order that allowed a nearly bankrupt Flint to borrow $100 million dollars to join the KWA water system. Ambrose was also charged with willful neglect of duty and misconduct in office.

At the beginning of 2018, Ambrose agreed to waive his preliminary examination, a step that often preceded a plea deal with prosecutors. Nine months later, in September 2018, Flood and Ambrose's attorney were negotiating a plea deal in exchange for his cooperation.

"He was cooperating and knew where all the bodies were buried," a source familiar with the criminal investigation told me about Ambrose. The former emergency manager began providing Flood's investigators with important information, and evidence, they did not yet have.

It wasn't just Ambrose who was cooperating. Darnell Earley, another Snyder-appointed emergency manager hit with the same slate of financial fraud charges as Ambrose, began cooperating around the same time. So was Liane Shekter-Smith, the drinking water chief at MDEQ, who in October 2014 frantically called state health officials revealing that "the governor's office had been involved" in relation to Flint's Legionnaires' outbreak (she was charged with misconduct in office and willful neglect of duty).

The information provided by cooperating witnesses was helping advance the investigation on several fronts.

"People were starting to turn on one another related to the KWA and bond fraud," a source familiar with the criminal investigation told me. Within the overall Flint criminal investigation, Flood had assigned Andy Arena, chief investigator and former head of the FBI's Detroit office, to investigate the KWA bond deal and "emergency" administrative order that triggered it. The investigation was complicated, dealing with complicated financial deals underwritten by Wall Street banks. There were a lot of moving parts, including potentially shady real estate deals along the path of the KWA pipeline. There were also suspect red flags when it came to contracts for the pipeline.

After two years of investigation, and thanks to information provided by Ambrose and others, Arena had uncovered a sprawling racketeering operation—the kind most commonly associated with organized crime and the mafia. As part of the KWA inquiry, Arena had compiled evidence of contract bid rigging, securities fraud, and construction fraud, multiple sources familiar with the investigation told me. His investigation also found astronomical change orders, the common term in the construction industry for an amended contract, and price, when additional work is added. A normal change order tacks on an additional 10 to 15 percent of the contract value. But sources familiar with the KWA investigation told me change orders spiked to between 50 and 70 percent. Arena wouldn't comment when I reached out for a statement.

Cooperation from the ex-emergency managers, and environmental officials, was a major victory for Flood as he swam toward the biggest "fish." And by this point—with potentially historic implications—criminal investigators had already built a strong case to charge Governor Snyder with misconduct in office and willful neglect of duty, multiple sources told me. But with the new information gleaned from high-level officials, Flood's team felt they had the building blocks of an even stronger case against Snyder—for involuntary manslaughter.

"The majority opinion was there was a good case for involuntary manslaughter under a failure to act theory," a source familiar with the investigation told me. "[Snyder] knew bad shit was happening and was apprised of it over and over and over again." Another source familiar with the investigation said: "What would have gotten Snyder was he knew about Legionnaires' on such and such date and he knew much earlier [than he claimed]."

This was monumental. They were building a case against the governor of Michigan for involuntary manslaughter—which would be a first in American history.

As Flood's team built a case against Snyder, one of the governor's top officials stood as the potential key.

"Nick Lyon was at a crossroads on whether he should flip on Snyder," a source familiar with the investigation said about the state health director facing trial for involuntary manslaughter. Based on the plea deals Flood had already reached with several charged defendants, it is possible Lyon's

cooperation would have resulted in a reduction of charges and/or prison sentence if he was convicted.

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In April of 2018, Dana Nessel, a former Wayne County prosecutor, surprised the Michigan political establishment when she defeated the presumptive favorite, former U.S. prosecutor Pat Miles, for the Democratic nomination for state attorney general.

Known for blunt talk and progressive politics, Nessel sought to become the first LGBTQ person elected statewide in Michigan. Her résumé was impressive. She had served as the attorney for Jayne Rowse and April DeBoer, a lesbian couple who sued to have both of their names listed as the parents of their adopted children. But at the suggestion of a judge, Nessel expanded the case to challenge Michigan's ban on same-sex marriage. The resulting case helped lead to the state's ban on gay marriage being overturned.

Now, as the Democratic nominee for state attorney general, Nessel surprised many by publicly condemning one of the biggest criminal investigations in state history.

Nessel told *Bridge Magazine*: "I have long been a critic of the way in which Bill Schuette has handled the Flint water crisis investigation."[3] She strongly hinted at overhauling the investigation if she was victorious. "Whether or not there are bad actors that should have been charged or not, including the governor, I think that has to be reevaluated and reexamined."[4]

In another interview in October 2018, Nessel called out Special Prosecutor Flood, suggesting he was conflicted because he had previously donated to Governor Snyder.

"I want to have career prosecutors, defense attorneys, retired judges, people who are not campaign contributors to any of the potential targets of the investigation, which frankly troubled me about Todd Flood."[5] She added that Flood "had been a donor to Rick Snyder and I think if you're going to be free of a conflict of interest, you shouldn't have that as a conflict for certain."

Nessel was referencing $3,000 in donations Flood sent to Snyder in his 2010 and 2014 gubernatorial campaigns. She didn't mention that he had also donated to Democrats in the past, including former Democratic

governor Jennifer Granholm and former Democratic state representative Ellen Cogen Lipton.

The AG hopeful slammed the Flint investigation as “politically charged show trials.”[6] The accusation was strange considering that, objectively, Flood and his team were getting results; they had successfully forced MDHHS director Lyon over to face a jury and were making progress in winning the same result against the state’s chief medical executive Wells.

But there was more than met the eye when it came to Nessel’s public tarring of Flood and the criminal investigation, multiple sources familiar with Nessel’s criticisms told me. In the early 2000s, Nessel and Flood had crossed paths as prosecutors in Wayne County. But in the first year under then county prosecutor Mike Duggan, Flood was promoted to prosecute homicide cases. According to the source, Nessel vehemently disliked Flood, viewing him as Duggan’s “fair-haired boy.”

“There was no love lost between Dana Nessel and Todd Flood,” a legal source familiar with the history between the two told me about their relationship. “They were not friends. [Nessel] made no bones about it when she was running about all this money they were paying [Flood].”[7]

Candidate Nessel’s criticism of the Flint investigation was surprising considering she didn’t have access to all criminal discovery, all evidence, or information on which officials prosecutors were targeting and which defendants were cooperating or “flipping” on others. She also would not have had knowledge about evidence Flood and his team had obtained in building a major case against Snyder.

“Very unusual,” a legal source familiar with the Flint criminal proceedings told me about a candidate for AG, who had no access to confidential documents, legal discovery, or information on impending charges, to publicly criticize an investigation they might take over.

Nessel was also not privy to another major investigation—the KWA inquiry that was nearing the finish line. This made her public criticisms condemning the investigation that much more confounding. “She wouldn’t have access to any of the investigative materials to even comment negatively,” an attorney who had dealings with Nessel during her campaign for attorney general told me.

Noah Hall, who worked pro bono on Flood’s team as an assistant attorney general, found the arrows Nessel fired at the investigation to be short-sighted and problematic. “I don’t remember anything that candidate Dana

Nessel said [about the investigation] that struck me as particularly insightful or informed," Hall told me.

Nessel's public criticism of Flood, and the ongoing Flint investigation, seemed steeped in petty politics and personal animus—not the actual results or momentum of the investigation.

As the AG candidate blasted Flood during her fall 2018 campaign, the special prosecutor filed another motion against Governor Snyder. Flood sought to make public any future motions he filed to compel Snyder to comply with the original subpoena. Essentially, Flood was daring the governor: if you keep obstructing and evading, I'll expose it to the public. Unsurprisingly, Stonewall Snyder's lawyers objected. They argued to keep all contested filings and documents confidential, or in legal terms, "in camera review."

In the motion, Flood revealed that the governor was now considering asserting his Fifth Amendment right against self-incrimination as a "basis in refusing to fully respond to the subpoena."[8]

Flood wrote that he had evidence of "data stores and devices from key executive officials under the effective or actual control of the governor that were not searched." He also claimed the governor and his administration had "relevant documents and data that were not preserved" despite Snyder and company receiving notice to do so.

Flood ended the motion by arguing it would be a "travesty of justice" if Snyder was permitted to continue defying the subpoena he was issued two years earlier.

But there was already a travesty happening: Nessel's public foreshadowing that, if elected, she'd gut the investigation and fire Flood, grabbed the attention of cooperating witnesses and their lawyers, multiple sources said.

"There were people beginning to cooperate and then you have Dana Nessel running for office saying I'm gonna shitcan the whole thing," a source shared. So, Ambrose and other defendants "clammed up," ending their cooperation with Flood on a gamble that Nessel would win and fire Flood.

Nessel's public condemnation of Flood and the investigation poisoned the well for the team that had been investigating the case for three years, a lawyer who had dealings with Nessel during her AG campaign told me.

“All [Nessel’s] talk impacts whatever was taking place with witnesses thinking she was going to win; the lawyers were advising the witnesses not to cooperate anymore.”

With the cooperators suddenly turning cold, prosecutors’ hopes of getting MDHHS director Lyon to flip on Governor Snyder quickly died.

Nessel’s not-so-subtle promise to torpedo the investigation didn’t sit well with the most plugged-in Flint residents and activists. In the final weeks leading up to the Michigan governor’s election, Flint activist Melissa Mays emailed Democratic gubernatorial nominee Gretchen Whitmer. Mays, who in 2015 became the lead plaintiff in a major class-action civil lawsuit against Snyder and the state of Michigan, was worried about Nessel’s comments.

“So word has gotten around that Dana intends to fire Todd Flood if she gets into office, which is infuriating Flint residents,” Mays wrote to Whitmer on October 24, 2018. Mays and many Flint water activists held Flood and his team in high regard. Throughout the three-year investigation, Flood had been in Flint often, speaking with residents and providing general updates.

“We appreciate and respect Todd Flood and his team,” she wrote Whitmer. With Republican attorney general Schuette term-limited and on his way out of office, Mays suggested Flood “can fully do what he needs to do.”

Whitmer, a state senator, was squaring off for governor against AG Schuette. Two weeks before Election Day, she was leading in the polls. During her campaign, she vowed to reopen Flint’s free water stations that Snyder had closed—and to deliver justice to the city.

Mays warned Whitmer that Nessel’s badmouthing of Flood, and the ongoing Flint investigation, might spill over on her.

Whitmer responded the next day in a much different tone than her public appearances on the campaign trail.

“I appreciate your help and I will reach out to her,” Whitmer responded. The Democratic hopeful said she didn’t know if Nessel, or many people for that matter, “appreciate the tension on this particular front.”

Whitmer then offered a backhanded compliment to Schuette and the Flint investigation he launched. “While Schuette is an opportunist, he is also a skilled politician whose begun something that the people of Flint can

appreciate some value in.[9] So while Schuette is generally a bad guy, he's not always wrong. It's hard for some people to ferret that out."

Whitmer vowed, "I see it though and will talk [to Nessel]." She ended her email with "Twelve days . . . "

Whitmer was elected governor of Michigan in November 2018; Dana Nessel was elected attorney general. And if the governor-elect did talk to newly elected AG Nessel about the Flint investigation, it certainly didn't work.

Dana Nessel was about to stomp her footprint over the criminal investigation. . . .

And the chaos to come would further change the lives of the poisoned people of Flint forever.

Chapter 24

Flint Fatigue

The corruption was so shameless, I thought I had misheard her.

It was the end of 2019, and I was working on a Flint water investigative story for *VICE News*. I already had gathered a lot of on-the-record information on Richard Baird, the governor's de facto enforcer, and his alleged attempts to pay off a sick, and outspoken, Flint father and his family.

There were plenty of rumors about Baird offering similar "help" to other Flint activists he saw as a threat to the Snyder administration. But I hadn't been able to nail down other cases yet.

"Oh, he tried to pay me off too!" Melissa Mays told me when I asked her if she knew other folks who had run-ins with the governor's "fixer."

Shocked and a bit thrown off, I did a double take: "What do you mean he tried to pay you off?"

"He got in my face and offered me everything but the kitchen sink!" she said.

"Rewind," I insisted. "Let's start from the beginning."

Early on in the water crisis, Mays had risen high up the ranks of Flint activists the Snyder administration and Baird disdained—and monitored. In 2015, Mays climbed higher on the administration's radar when she became the lead plaintiff in a mass class-action lawsuit against Snyder and multiple state departments. Mays and her coplaintiffs—the Concerned Pastors for Social Justice, Natural Resources Defense Council, and the Michigan ACLU—won a historic settlement in 2017. The agreement forced Snyder and his administration to fork over $97 million dollars to replace Flint's lead service lines corroded by toxic Flint River water..

All of this was the backdrop for when Baird approached Mays in May of 2018. The two were in Detroit at a meeting about independent water testing and other provisions of the 2017 settlement.

But Baird seemed eager to discuss what he deemed a more pressing topic.

“Rick and I are out at the end of the year, so we have nothing to lose,” Mays recalled Baird saying.[1] According to Mays, Baird complained about how tired he was of Flint residents’ complaining—and their lacking of appreciation for everything Baird perceived the governor had done for them.

“You are fucking kidding me?” I shot back. Stunned at the utter ignorance—the unmitigated gall—of Baird’s statement, I asked again. “He actually said that?”

“He sure did!” she quipped.

But it didn’t stop there. Unfazed, Mays offered the governor’s right-hand man the opportunity to shower in her home as a demonstration that the city’s water was still toxic. She also demanded that Flint needed *independen*t water testing rather than testing funded, or run, by the state or EPA.

Baird grew exasperated, Mays remembered. His next words weren’t subtle: “How about I do this: if I come in and replace your interior plumbing, your fixtures, the water heater, and your [lead] service line, would that make you happy and would that make you quiet?”[2]

Holy shit, I thought. None of this really surprised me, but it was still bonkers to hear. The governor’s henchman was offering a Flint resident a payoff . . . in broad daylight . . . in front of people. The chutzpah!

“We were sitting on two sides of a long table and all the attorneys on both sides looked shocked,” Mays recounted about the reaction to Baird’s offer.

According to Mays, she didn’t flinch: “I just looked at him and said, ‘If you do that for everybody,’” she remembered. “He turned beet red.” Mays concluded that if Baird couldn’t get people’s cooperation to say Flint’s water was safe, “he would buy it, and then if he couldn’t buy it, he would threaten.”

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On November 6, 2018, Gretchen Whitmer defeated Republican attorney general Bill Schuette to become Michigan’s governor. Along with Whitmer, Dana Nessel defeated Tom Leonard to become Michigan’s attorney general.

One of Nessel’s first moves raised eyebrows among Flint water prosecutors and investigators. The new AG named Kelly Rossman-McKinney, a longtime Michigan PR guru, as her communications director. Before her death in 2021, Rossman-McKinney was known across Michigan

as the go-to PR consultant for both Democrat and Republican politicians in the state.

As detailed earlier, one of the political entities she consulted for was the Snyder administration (as well as other top state officials)—on damage control in the early days of the Flint water crisis. On Flint's water issues, she ended up advising Snyder-appointed emergency managers Darnell Earley and Ed Kurtz, as well as Howard Croft, Flint's public works director. Rossman-McKinney was also paid by Veolia, the engineering firm that AG Schuette filed a civil lawsuit against for their faulty analysis of Flint's water contamination in 2015. Veolia, one of the largest water companies in the world, is well known for its privatization efforts all over the globe.

Early during Flint mayor Karen Weaver's term, a source who was present for a meeting with Weaver revealed Rossman-McKinney was there in addition to Baird and other Flint city officials.

"It seemed like she was there with the governor's team," the source said about Rossman-McKinney. When the water crisis became a national scandal, Rossman-McKinney never hid her support for the governor. In March 2016, the PR consultant tweeted: "Karl Rove praises 'One Tough Nerd' (Snyder) for stepping up to the plate to fix the Flint water situation. Says [it] wasn't Snyder's fault but bureaucracy."[3]

The narrative of bureaucracy gone bad became a major talking point pushed by the governor and his minions throughout the water crisis. A year later in 2017, Rossman-McKinney criticized the announcement of involuntary manslaughter charges against Nick Lyon, the director of the Michigan Department of Health and Human Services (MDHHS), for his role in the water crisis. "Ridiculous overreach," she tweeted.

While I was reporting for a story on Rossman-McKinney's Flint-related conflicts, Nessel's office refused to answer my questions on why the attorney general would hire the PR flack who helped engineer Snyder's spin control early on during the crisis.

Arthur Busch, the former prosecutor for Genesee County, told me, "It definitely doesn't look good; if [Nessel] has somebody that's cheering against her from the inside of her office that kind of begs the question why she doesn't wall that person off."[4]

Meanwhile, special prosecutor Flood scored another major victory. On December 7, 2018, after a yearlong pretrial, Judge William Crawford ruled that Eden Wells, Michigan's chief medical executive, would have to face a

jury trial for involuntary manslaughter charges over the water crisis. Judge Crawford said he “found it hard to believe” Wells wasn’t aware of the Legionnaires’ outbreak earlier than she claimed and that she had failed to act.[5]

In legal terms, Flood had now successfully “bounded over” the two highest-ranked state officials charged, Lyon and Wells, to stand trial for involuntary manslaughter in front of a jury.

As 2019 arrived, a transfer of power ensued in Michigan. On January 3, Gretchen Whitmer was sworn in as Michigan’s forty-ninth governor. According to Flint mayor Karen Weaver, at Whitmer’s inauguration, outgoing-governor Snyder unexpectedly approached her. The two had not spoken for months following the tense exchange in which Snyder crudely told her to “get over it” in regards to his shutting down Flint’s free water stations.

But now Snyder had a favor to ask of the mayor. According to Weaver, the outgoing governor brought up Democratic congressman Elijah Cummings. During Snyder’s 2016 testimony in front of Congress, Cummings grilled the governor. Cummings, at the time the ranking Democrat on the House Oversight Committee, pulled no punches; he made it clear he didn’t believe the governor had been honest about his role during the water crisis—or his knowledge about the deadly Legionnaires’ outbreak. But with Democrats in the minority in Congress, Cummings didn’t have the power to haul Snyder back in front of Congress.

But as he headed for the exits, Snyder knew the tables had turned. In the 2018 midterm elections, Democrats had regained control of the House of Representatives. Therefore, Cummings was now the chairman of the powerful oversight committee.

No longer governor of Michigan, Snyder was worried about Cummings reviving a congressional investigation into him.

“You have a lot of influence with him,” Weaver remembered a worried Snyder saying to her about Cummings.[6] The now-former governor knew Weaver and Cummings had a relationship, so according to Weaver, Snyder asked her if she could ask Cummings to “back off.” Snyder said he wanted to move on with his life as a private citizen and that “it would go a long way” if the request to Cummings came from her.

Candice Mushatt, the mayor’s spokesperson, along with two other sources, confirmed that Weaver told them about Snyder’s request right after

it happened. As with all other attempts for comment from Snyder, he never responded.

But what Snyder didn't know was Cummings had already spoken to Weaver about his plan to compel Snyder back in front of Congress. The new House Oversight chairman planned on asking Snyder additional questions about what—and when—he knew about Flint's venomous water. He promised Weaver an invitation to sit in the front row. Of course, with Cummings's death in 2019, this never happened.

A day after Whitmer's inauguration, new attorney general Nessel wasted no time in overhauling the Flint water criminal investigation. She publicly asked Kym Worthy, the longtime prosecutor for Wayne County, to replace Todd Flood as the lead prosecutor on the case.

"If Worthy says yes, Flood is no longer on the case," Rossman-McKinney, Nessel's spokesperson, said.[7]

The move to immediately dump Flood confounded a source that was involved in the criminal investigation process. "Flood is the one that got the cases bound over [to go before a jury]," the source told me.

It appears Worthy declined Nessel's offer to lead the investigation. Less than two weeks into 2019, Nessel tapped Fadwa Hammoud, who she had just appointed as Michigan's solicitor general, to lead the Flint investigation. Hammoud and Nessel became friends while working together as attorneys in the Wayne County Prosecutor's office. Hammoud also helped Nessel raise money during her campaign for attorney general.

Nessel announced she would recuse herself from the Flint criminal investigation, opting instead to oversee the civil cases related to the water crisis.

The appointment of Hammoud to lead the complex, multipronged Flint prosecution was a head-scratcher to many. Although she had a good résumé as a Wayne County prosecutor for eight years, Hammoud had limited trial experience.

"[Hammoud] never even tried a case [before a jury], so what in the world was she doing replacing Todd Flood, who was an accomplished trial attorney?" a legal source familiar with the Flint criminal proceedings asked me.[8] Arthur Busch, the former prosecutor for Genesee County, explained that in Michigan legal circles, criminal lawyers generally knew who the "higher level players" were. But Busch, who opposed Nessel's decision to

fire Flood, told me he had never heard of Hammoud. “I don’t think she had any big reputation.”

Hammoud had a “great heart” and genuinely wanted to obtain justice for the people of Flint, a legal source familiar with the solicitor general’s work told me. But she was in over her head and not the best suited to lead the Flint case, the source added.

Hammoud’s appointment was also a stark departure from the approach Nessel’s predecessor, AG Schuette, took. Since the state AG’s office would be tasked with defending Snyder administration officials, Schuette outsourced the criminal investigation to Flood, an outside independent prosecutor, to avoid conflicts. But Nessel argued that both the criminal and civil sides of the Flint water investigation should be handled by attorneys within the attorney general’s office. The new AG vowed to implement a rigid “wall” between the two sides to avoid conflicts.

Nessel didn’t stop at removing Flood. A month later, Nessel fired Andy Arena, the former head of the FBI’s Detroit office; Arena had been the chief investigator on the Flint case since its launch in 2016. Along with Flood and Arena, Nessel fired Noah Hall, who served as a special assistant attorney general on the case. With the axing of the three, the majority of Flood’s team of prosecutors and investigators were gone. Only a handful were kept on.

Surprisingly, Arena was not brought in for a full, in-depth debrief to provide Nessel’s office with a roadmap of the Flint investigations he was leading and where they stood, multiple sources familiar with the transition told me.

Months later, Arena revealed that at the time Nessel removed him and Flood, they were within six months of “dropping a heavy rock” that would charge additional officials.[9] Arena said he uncovered “some pretty significant financial fraud.”

That heavy rock was more like a hulking boulder. Multiple sources confirmed Flood was close to filing a sprawling financial racketeering (RICO) case against several state officials over the alleged crimes related to the KWA pipeline. In the 1970s, RICO laws were developed for prosecutors to go after the mafia and organized crime networks.

Documents I obtained from the criminal investigation showed prosecutors had “reasonable cause to believe that corrupt transactions involving certain contractors, the Genesee County drain commissioner’s office [Jeff Wright],

other entities and persons of interest" had occurred.[10] The top of the document detailed that prosecutors were investigating bribery, racketeering, and false pretenses.

But with Nessel firing Flood and Arena, her new team, led by Hammoud, seemed out of their depth. Most of the investigators were retired police officers with little experience investigating complicated financial cases. Hammoud, and other prosecutors Nessel brought onto the team, had limited experience dealing with the type of high-priced attorneys—and the frenetic pace of legal challenges they filed—at the disposal of Snyder and other state officials who had been charged.

Early into her time leading the investigation, Hammoud seemed unfamiliar with key details of the investigation, a government official who met with her in 2019 told me. In particular, it didn't seem like she knew much about the KWA pipeline and how Flint ended up financing part of the pipeline. The solicitor general also seemed shaky on the allegedly fraudulent administrative order that green-lit Flint to borrow $100 million dollars to join the KWA.

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As Nessel took a battering ram to the Flint investigation, Flint mayor Karen Weaver sought to establish a better working relationship with new governor Gretchen Whitmer. Weaver, and Flint residents, had high hopes that Whitmer would be a refreshing ally compared to Snyder. The new Democratic governor ran on delivering justice for Flint and pledged to reopen the free water stations Snyder had shuttered.

But to Weaver's surprise, Whitmer abandoned that pledge. The mayor was equally thrown off when she walked into her first meeting with Whitmer and her team.

"I didn't need to be introduced to anyone," Weaver remembered about the meeting with Whitmer and officials from the Michigan Department of Environmental Quality (MDEQ). Aside from one or two new people, "it was all Snyder's people sitting at the table," Weaver told me. The mayor assumed the Democratic governor would have cleaned house of the Snyder holdovers, many of whom played key roles in the disastrous decisions that poisoned Flint.

"You didn't change anybody?" Weaver recalled thinking. She was particularly peeved during Whitmer's first state of the state address. During

that speech, Whitmer complimented Eric Oswald, the drinking water chief for MDEQ in Snyder's final years as governor.

"We were like what are you talking about? Do you know how many times we were in that conference room fighting with him—and you're singing his praises at the state of the state . . . are you kidding me? We just couldn't believe it."

Weaver would also be caught off guard at a meeting with Whitmer months later. Flint's mayor told the governor that she needed help obtaining additional state funding. Money to keep water-relief help centers open late was drying up. Snyder had also shut Weaver down in delivering additional state funding to replace residents' interior home pipes. That plumbing was badly damaged, and corroded, by the tainted Flint River water.

But Governor Whitmer rejected her request, Weaver said. "They have Flint fatigue," Whitmer told Weaver regarding the Republican-controlled state legislature, according to the mayor.[11] The governor didn't signal a willingness to fight for Flint, or to publicly take a stand against Republicans, on the matter. Like her predecessor, Whitmer's office never responded to my multiple requests for comment on this or many other things.

Despite Democratic control in the governor's and AG's office, Flint residents were not noticing much of a difference six months into life after Snyder.

That is, until the start of summer . . . when Dana Nessel set off a legal earthquake in Flint. The shockwaves left bewildered residents wondering if justice had just been turned to rubble.

Chapter 25

Department of Injustice

I felt both excited and conflicted when her voice sounded on the other line.

It was Fadwa Hammoud, the solicitor general of Michigan. She had taken over the Flint water criminal investigation two weeks earlier. After her appointment, I reached out offering details of my years of reporting. I also sent her the investigative story my colleague Jenn and I had recently published exposing the Snyder administration manipulating Flint's water testing.

To my surprise, she responded—and we were now on the phone.

As an investigative journalist, I wasn't so fond of government officials. I certainly wouldn't collaborate with one. With that in mind, the idea of talking to Hammoud left me torn. I had no reason to trust her. But if I could provide her with information that might lead to actual criminal accountability against state and city officials, I certainly wouldn't turn down the opportunity.

"Unfortunately, every day, as I'm sure you've done in your investigation, you figure out something new," Hammoud said about her initial experience on the Flint case. "It's very disheartening. I'm still trying to wrap my head around it and, you know, and trying to put my anger aside."

You can't tell much about a person over the phone, but she seemed to genuinely care about the injustice perpetrated against Flint. As we ended our conversation, I told her I would be reporting in Michigan soon. She told me to keep her in the loop and we'd schedule a meeting.

Weeks later, on February 13, 2019, I entered the imposing office of the attorney general of Michigan. My cameraman at the time, Tommie Bayliss, was with me. As we sat in a conference room, Hammoud entered. She was joined by Jeff Seipenko, a detective who was kept on from Flood's investigation. Hammoud had promoted him to chief investigator of Flint water investigation 2.0. Another member of Hammoud's team also joined the meeting.

I felt out of place sitting across from Hammoud and company. Meeting with her didn't feel untoward, but the journalist in me didn't truly trust her—or anyone from a Michigan government office. I tried to keep an open mind. We opened with formalities; I explained my career path and how I got involved with reporting extensively on the water crisis. After that I gave an accounting of the information we had uncovered about the Snyder administration's manipulation of Flint's water testing. With the explanation, Tommie turned on a video he put together of interviews I had done in Flint. In it, residents shared details of state officials improperly running their water before collecting lead and copper samples.

"To be clear, Snyder's people cooked the data," I told Hammoud and Seipenko. I was direct, telling them that since Snyder and company rigged the testing, it was very likely the people of Flint were still drinking and bathing in contaminated water.

As the conversation went on, something didn't feel right. Hammoud seemed genuine, but she also seemed to know very little about Flint and the history of the crisis. Part of me gave her the benefit of the doubt; she had just taken on the case. But call it intuition, I sensed the solicitor general wasn't confident in which direction she would take the investigation—as if she was hoping I would share something that would spark a light bulb in her mind.

We spoke for over a half hour and agreed to keep in touch. Unfortunately, as the next months developed, what my gut told me that day would prove prescient.

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On February 21, Wayne County prosecutor Kym Worthy joined AG Nessel's Flint water investigation. It was announced that Worthy, an experienced prosecutor, would lead the prosecution alongside Solicitor General Hammoud. Molly Kettler, a veteran prosecutor out of Wayne County's office, would soon join the team. At this point, the writing was on the wall for Todd Flood. The original special prosecutor on the Flint criminal case had already been demoted and, based on Nessel's public criticisms, expected to be fired.

A week and a half later, AG Nessel defended herself to the media. Noah Hall, a prosecutor on Flood's team that Nessel had fired, publicly expressed

concerns that the attorney general wouldn't aggressively pursue the alleged fraud related to the KWA pipeline bond deal.

In an interview, Hall said there were "very deep issues about accountability and oversight" in relation to the KWA deal that had not been addressed. He added that an independent investigation was needed.[1] "Most fundamental, a lot of money has been spent in Flint on the KWA pipeline."

On March 4, Nessel responded with questionable comments given the history of the Flint water investigation.

"Quite candidly, after three years, for all the talk that I heard on your program where Mr. Hall talks extensively about fraud being perpetrated, specifically in reference to the KWA, I didn't see any charges at all that had been filed in regard to that."[2]

Whether Nessel was simply unaware—which would have been a bad sign—or intentionally misleading, her claim was provably false. A passive person just following news headlines would have known there had indeed been criminal charges related to KWA.

Two years earlier, AG Schuette had charged four state and city officials over alleged fraud related to the KWA pipeline. Former Flint emergency managers Darnell Earley and Gerald Ambrose, former Flint Public Works director Howard Croft, and former Flint utilities director Daugherty Johnson were charged with false pretenses and conspiracy to commit false pretenses. Each felony came with the potential of twenty years in prison. The charges stipulated that the four orchestrated a fraudulent administrative order—based on a phony environmental emergency—that would allow Flint to borrow over $100 million dollars to finance a significant part of the KWA construction. But Flint was at its legal borrowing limit and in no financial shape to issue bonds to pay for a new water system.

Two months after Nessel's false KWA claim, the attorney general officially fired Flood at the end of April 2019. The decision came days after the AG's office made an ominous announcement: investigators had discovered, and seized, two dozen boxes in the basement of a state building.

Nessel's office claimed the boxes contained a trove of previously unsearched Flint documents, and devices, belonging to Snyder administration officials. Their framing sounded sinister . . . stacks of boxes collecting dust and cobwebs . . . hidden in the basement of a government building . . . that might hold evidence of crimes related to the water crisis. Moreover, Nessel's office made it seem like Flood and his team had

bungled the investigation, failing to obtain a potential mother lode of evidence.

"Discovery was not fully and properly pursued from the onset of this investigation," Hammoud said in announcing Flood's firing.[3] Based on these claims, Hammoud requested a six-month delay in the involuntary manslaughter case against Nick Lyon, the director of MDHHS.

The only issue: most of what they told Flint residents wasn't true, according to multiple sources familiar with the Flint investigation and attorneys inside Nessel's own office.

"It wasn't quite the media splash it was made out to be . . . it wasn't a treasure trove worth of stuff," a source familiar with Nessel's investigation told me.[4] The boxes held "some" new materials that the civil side of the AG's office had never handed over to Flood, the source revealed. But the majority of the documents and devices inside the boxes were duplicates, and backups, of materials Flood's team had already obtained.

My source's account matched emails authored by Eric Jamison, an assistant attorney general in Nessel's office. After being informed of the boxes in February 2019, Jamison spoke with two state officials familiar with the contents inside and the storage of the boxes. Jamison then emailed attorneys inside the AG's office; he explained that the boxes contained external hard drives with "back-up copies of forensic images of computers" belonging to state environmental officials who had been "involved with Flint." The external hard drives were "simply a back-up copy," Jamison wrote. In a sworn affidavit on the matter, Jamison revealed an attorney working on Nessel's office's Flint team had reviewed a summary of the documents in the boxes and found they were "copies of materials that have already been provided" to Flood and congressional committees. Not much of a scandal, eh?

Flood rejected Nessel's office's portrayal that he failed to obtain millions of documents—calling it "poppycock."

"The fact of the matter is we did everything right times ten," he said in a 2023 interview. "We were moving in a normal, white-collar-crime-type case, just as how I was trained, just as the feds would have done it, and we worked in conjunction with a lot of different agencies, and we moved the ball down the field, we were winning."[5]

He also insisted his firing by Nessel was not about performance. "The fact of politics coming into play to have us removed is what it is. It was

telegraphed from very early on, Dana wanted to start with a new team, and she didn't want Todd Flood on the team, that was clear. She made that call, she made that decision. That is what it is."

A month after "box-gate," the residents of Flint's already limited faith in their government was shattered.

On June 13, Nessel shockingly announced she was dropping criminal charges against eight state of Michigan and city of Flint officials. These officials had been charged by Nessel's predecessors, AG Schuette and Flood, with a slew of felonies and misdemeanors related to the water crisis. Charges against the following people were dropped: MDHHS director Nick Lyon (involuntary manslaughter and misconduct in office); chief medical executive Eden Wells (involuntary manslaughter, misconduct in office, lying to a peace officer, obstruction of justice); Flint Public Works director Howard Croft (involuntary manslaughter, false pretenses, conspiracy to commit false pretenses); Flint emergency manager Darnell Earley (involuntary manslaughter, false pretenses, conspiracy to commit false pretenses, misconduct in office, willful neglect of duty); former Flint emergency manager Gerald Ambrose (false pretenses, conspiracy to commit false pretenses, misconduct in office, willful neglect of duty); and three other health and environmental officials.

Hammoud defended the decision by claiming "all evidence was not pursued" by the original Flint investigation.[6] She insisted that upon taking over the investigation, they had "immediate and grave concerns" about Flood's investigative approach and legal theories.

"I want to remind the people of Flint that justice delayed is not always justice denied," AG Nessel said upon dismissing the charges. Her office vowed to keep investigating and didn't rule out recharging many of the officials they had just dropped charges against.

In response, former AG Schuette defended his Flint investigation and Flood; he noted they had brought fifty-nine charges against fifteen state and city officials and had successfully won rulings forcing the two highest-ranked charged state officials to face trial for involuntary manslaughter. "We had an experienced, aggressive, and hard-driving team. Everything we did was for the people of Flint."[7]

But Nessel dropped the charges a day before a major decision was scheduled to be made on the fate of the criminal investigation. On June 14,

Judge Joseph Farah was set to rule on whether to uphold a lower court decision that forced MDHHS director Nick Lyon to face trial for involuntary manslaughter, or to dismiss the case. On Nessel's move, a source familiar with the Flint water legal proceedings told me, "I found it odd that she would drop the charges against Lyon and Wells rather than just take her chances [at trial]."

Nessel's dismissal of the charges outraged, and stunned, Flint residents. Mayor Weaver was upset at the way the attorney general announced the dramatic decision. "I wanted them to have a press conference in Flint; they announced it in Detroit. I thought that was a bad way for the people to find out about it," Weaver told me.

Nayyirah Shariff, a Flint activist who had fought for justice for years, expressed disbelief when we spoke. "I feel betrayed . . . that justice for Flint residents was becoming out of reach."

Two weeks after the charges were dropped, Hammoud and Worthy came to Flint. At a packed event with residents looking for an explanation—and plan—Nessel's prosecutors stuck to their story. They insinuated that Flood and his team were incompetent and had failed to search nearly twenty million documents pertaining to the water crisis.

Residents I spoke to weren't buying it.

"I was pissed off!" Vicki Marx said. Marx had developed Parkinson's disease following the Flint water switch. Her doctor told her it was possible Flint's toxic lead levels triggered her illness. "Their half-assed excuses for doing it didn't make sense to me." Morale among the packed room of residents was low, as if they were being revictimized by a different set of government officials. "Everyone was suspicious of what they were saying."

A month after the charges were dropped, Flint residents were dealt another blow of injustice. In July, the local ABC Flint station reported that, of the nearly $400 million dollars Congress and the Michigan legislature allocated to go toward Flint water relief, only $75 million dollars had actually gone directly to the city.[8]

The rest of the $300-plus million dollars was redirected—or looted—to a variety of destinations that had *little to do with resolving an urgent water crisis* . . . law firms, state agencies, various Genesee County departments, hospitals, banks, and a slew of other destinations.

Tellingly, more than $20 million went to Uptown Reinvestment Corporation (URC), the Mott-funded real estate company. The Mott-funded

Genesee County Chamber of Commerce also received $720,000. Amazingly, other expenditures, totaling over $160 million, had no labeled recipients for who or what entities received the money. They were categorized in a variety of unaccountable ways including “various,” “blank,” “N/A,” “G,” or “will add info in subsequent reports.”

When I asked Uptown why the real estate company received $20 million meant for Flint water relief, a spokesperson answered that the money went toward the renovation of historic Flint buildings, the redevelopment of a former women’s group’s building into a ninety-two-unit apartment complex, and a retail hub for small businesses.

That former women’s group was a Young Women’s Christian Association (YWCA) and had been in Flint since 1908. It served as a shelter for homeless women and women experiencing domestic abuse. Yet the shelter was moved; in its wake, Mott built expensive townhomes.

An Uptown spokesperson said that although the $20 million was earmarked for Flint water relief, “they are funds that Uptown would have received anyway through the state of Michigan’s community revitalization program,”[9] According to the spokesperson, these projects were “fueling the revitalization of Flint.”

But the money was not provided for the “revitalization of Flint”—a fancy phrase for gentrification. The funds were meant to go toward educational resources for poisoned children, replacement of damaged infrastructure, expanded health care for residents, and more.

For the sick, struggling residents of Flint, the pilfering of money was a continuation of the staggering level of greed, exploitation, and disregard for human rights that had poisoned them in the first place.

But if that wasn’t bad enough . . . there was even more looting of Flint’s relief funding that was never reported.

Two years earlier, as part of a historic 2017 civil settlement, the Snyder administration was forced to pay $97 million dollars to replace damaged lead service lines that deliver water from residents’ curbs into their homes.[10] As part of the settlement, the administration was supposed to pay for the pipe replacement out of *state funds*. But, the nerd in chief did some . . . shall we say . . . *creative accounting*.

Here’s how it went: in 2016, Congress passed $170 million dollars to go toward the Flint water crisis. Right off the bat, $50 million dollars of that federal money went toward an expansion of Medicaid for Flint children;

another $20 million dollars was then given to the state as repayment on a loan it issued to Flint to make upgrades to its water plant (upgrades that the state never fully completed). After those two expenses, Flint was left with $100 million of the $170 million Congress issued it.

That's where Snyder stepped in. Since funding passed by Congress for cities like Flint must first get routed through state government, the $170 million in federal funding for Flint was first sent to the Snyder administration. Once in the nerd in chief's vault, his administration pulled off one hell of a financial trick; they took $40 million dollars of that federal money and spent it on replacing a portion of Flint's lead service lines. The move shocked civil plaintiffs behind the historic 2017 settlement that forced Sndyer's administration to pay $97 million toward replacing Flint's lead service lines. That money was supposed to come out of *state funds*, but Snyder and company ended up raiding the Congressional cookie jar—taking the federal money that the state was supposed to disperse to the city of Flint's government—and redeclaring it as state money to pay for the service line replacement.

"They never told us they were even considering it, so we had no clue," Flint resident Melissa Mays, the lead plaintiff in the lawsuit that won the $97 million settlement. "It was supposed to come from state, not federal funds."

This left Flint with just $60 million of the original $170 million passed by Congress. For its full scope of needs—which included replacing damaged main water pipes underneath the street, replacing residents' damaged interior home plumbing, educational resources for children who had developed learning disabilities, among other needs—$60 million dollars was wholly inadequate.

If this was what running government like a business looked like, it seems like there might be some . . . less than ethical American businesses, eh?

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On July 29, I had my second meeting with Nessel's new Flint investigation team. This time we met at the AG's office in Detroit. Solicitor General Hammoud wasn't present. Jeff Seipenko, the chief investigator, walked my colleague Jenn and me into a room and introduced us to several of the team's investigators. A few of them had just joined.

During the meeting we presented them with the evidence we had compiled about ex-governor Snyder's environmental department manipulating Flint's water testing. We detailed how many residents went on the record about their water being flushed right before officials took samples. We also showed the supporting documentation we had. Special agent Aubrey Sargent, who had recently signed onto the team, seemed the most interested in the information we presented.

As the meeting winded down, I remembered something I had intended to share with the detectives.

"I have information about the governor's top adviser trying to pay off sick Flint residents." Immediately their eyes perked up. The investigators seemed only marginally interested in information we provided on the falsified water testing, but when I mentioned Richard Baird and potential payoffs, it was like I handed a hungry dog a fresh bone.

I went through the details of Baird offering for the state to pay for Adam Murphy's expensive medical treatment to remove lead from his body—and the hush-hush strings attached stipulating Adam and his wife couldn't reveal the state was paying for it. When I told investigators that Baird had told Adam he was going to make him his "lead poster child," their eyes widened further.

"Can you provide their contact?" Sargent asked me. Sure, I told him.

By dinnertime, I got a message from Christina Sayyae, now Adam's ex-wife. Remarried, her health and that of her kids were still deteriorating because of Flint's water.

"They called me. They're coming tomorrow at eleven," she told me. *Wow,* I thought. Just hours after I shared details of my reporting with them, an investigator had already reached out and scheduled to meet with Christina the next day. *They might really mean business,* I thought. After the message from Sayyae, I paused my cynicism long enough to wonder: *maybe Nessel's team would really deliver justice to the people of Flint?*

After that meeting, the criminal investigation went dark. Nessel's office made virtually no news, and provided no updates, about their investigation for the rest of 2019. But behind the scenes, Hammoud and her team made an important legal decision. Flood's cases against top state and city officials had played out in the public. Several pretrials against top and lower-level officials lasted for over a year with ample media reporting as they went. But Nessel's team decided to move things into the shadows. Hammoud and

company decided to deploy a one-man grand jury in hopes of issuing Flint water indictments against state and city officials. The legal proceeding, which only Michigan and a few other states utilize, is done in secret out of public view. During the process, prosecutors submit evidence and bring witnesses before a one-man grand jury—a judge. Defendants' attorneys have no opportunity to cross-examine those witnesses. In fact, defendants are not informed as to what evidence, or witnesses, are presented during the process. After weighing the evidence and hearing from witnesses, the judge decides whether or not there is probable cause to issue criminal indictments against individuals. Some prosecutors favor the process due to its quickness as compared to traditional public pretrials; its secrecy also prevents potential retaliation against witnesses by concealing their identity.

But not everyone on Nessel's team agreed with the wisdom of using a one-man grand jury, a source familiar with internal deliberations told me. The process was rarely used in Michigan outside of a few of its biggest counties, which included Flint's Genesee County. Prosecutors typically used it in cases of violence or government corruption, but it had never been used in a case as big as the Flint water crisis. As a result, Hammoud and other prosecutors were advised to prepare themselves for Snyder and other defendants to challenge the legality of Nessel's office issuing Flint water indictments using a one-man grand jury.

Nonetheless, Nessel's prosecutors moved forward, beginning the one-man grand jury in 2020. That same year, there was a major development separate from the Flint criminal probe. . . .

Rick Snyder was going back under oath.

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Unbeknownst to the people of Flint, or the wider public, in June of 2020, former governor Snyder testified over several days as part of the major Flint water civil cases. A round-robin of attorneys, representing different plaintiffs and defendants in the years-long civil case, rotated turns asking Snyder questions.

The ex-governor was placed under oath.

Ted Leopold, the colead counsel representing Flint residents, brought Snyder back to the month of October 2014, when his deputy legal counsel Valerie Brader sent an "urgent" email to the governor's inner circle pleading for Flint to stop using the Flint River. Leopold noted that thirteen minutes

after Brader sent her email, Mike Gadola, her boss and the governor's chief legal counsel, responded. Leopold read Gadola's email, which revealed he grew up in Flint and that his mother still lived there. Needless to say, he was aghast. "Downright scary" Gadola said about anyone getting their drinking water from the Flint River.

"Did you speak to Mr. Gadola about this issue?" Leopold asked the governor. As was often the case during his deposition, Snyder developed a sudden case of amnesia. "I don't recall specifically talking to him about this. Obviously, it's a concern to hear this from people that work for you."

Here was the former governor, under oath, claiming he didn't remember if he had discussed the escalating concerns over Flint's contaminated water with his chief legal counsel; the same top lawyer who had, in writing, rung the fire alarm about the city's water; the same chief attorney who had an ethical and legal duty to inform, and warn, the governor.

Leopold wasn't buying it and began to press Snyder.

"Well . . . Mr. Gadola was your, your, the governor's counsel? Was he in any of these meetings when all of the issues about the transaction from originally in 2013 from Detroit water to the KWA were going on?"

Snyder's mind mush continued. "Uh . . . I'm not aware of that." Leopold responded by asking whether the former governor was aware that problems with Flint's water were "escalating as each day went on?"

Suddenly, the former nerd in chief was struggling to comprehend the basic meaning of words.

"I'm not sure what you mean when you say the issue was escalating," Snyder answered.

Leopold played along, specifying: "That the water quality and people's concerns about it were escalating."

Snyder stated that "there were two or three incidents of concern; one was the boil water advisory we talked about before. And then there was a TTHM issue that in both cases we made inquiries to see what was being done to resolve it and to deal with those issues."

Leopold asked Snyder how long he had known Gadola. "I didn't know him previous to becoming my counsel."

"Were you personal friends or only professional?" Leopold asked. Snyder explained that the two were professional colleagues but that he considered him a friend.

When Leopold asked how much time the two spent together, Snyder's answer was telling. "We spent a reasonable amount of time because I would have rigorous sessions with him as my legal counsel."

So, in one turn, the former governor acknowledged holding detailed, spirited sessions with his top lawyer. Yet, he couldn't remember if they ever discussed *the biggest legal and health catastrophe in the history of Michigan*—as it was happening under his watch?

Leopold remained undeterred: "And during this time frame, when things were starting to heat up regarding the water quality, do you ever recall sitting with him and him talking to you about the history of the Flint River and the associated potential problems with that water?"

Once again, the razor-sharp Snyder had a conspicuous lapse of memory. "I don't recall," he answered.

At this point Leopold seemed to know the former governor of "Pure Michigan" was spewing . . . pure nonsense. So he amped up the pressure.

"Is that something you think you would remember during this time frame when there's a big issue heating up and somebody's telling you [that] you had to be out of your mind if you were going to use that water," Leopold asked.

Sarcastically, with a *give me a break* tone, Leopold added: "You think that would be something that would have stuck in your memory?"

The former governor took issue with his verbiage.

"A couple of things. This was six years ago. Secondly, I don't think Mike would use that kind of terminology in terms of saying that 'I was out of my mind.' Mike is a very thoughtful, articulate person, and he would have communicated in some other fashion."

Leopold took one last stab at throwing Snyder off from his clearly rehearsed, lawyered-up answers: "Well would he have communicated it in a fashion that said, 'I'm really concerned my mom's drinking this water.'"

One last time, the governor claimed he had no memory of whether he and his top lawyer had ever discussed Flint's water woes. "Again, I can't speak to whether he did or he didn't. I don't recall."

The marvels of the modern-day nerd's memory, huh? Gadola, now a Michigan judge, never responded to my requests for comment.

Seven months after Snyder's civil case charade, Flint residents received the first signals of potential justice from Attorney General Nessel. . . .

Or so they thought.

Chapter 26

Get-Out-of-Jail-Free Card

As I approached the People's Church, the people simply weren't there.

It was April 25, 2023. The cloudy, chilly day marked the nine-year anniversary of the Flint water crisis. Residents and activists organized a press conference to remind the world that Flint was still engulfed in an active, urgent crisis.

Sadly, Americans had long moved on from the people of Flint, fooled by politicians and the media into thinking the crisis was over. Now there were just a few people left to get the word out.

I couldn't help but dwell on how few residents were there. Sure, it was the middle of the day on a Thursday, but the turnout was a far cry from the frenetic, energized protests during the early days of the crisis. Back then, hundreds of furious, desperate residents demonstrated in the streets of Flint. But nine years later, I counted maybe twenty people present. So many, once in the streets protesting, had finally surrendered to the physical, mental, and spiritual exhaustion of fighting what grew to feel like an unwinnable war for justice and relief.

I couldn't blame the people. We're all human. Flint residents had done what we're all encouraged to do in a democracy. For nearly a decade, they protested peacefully. For nearly a decade, they showed up and made their voices heard at city hall. For nearly a decade, they lobbied politicians in Washington, DC, for help. For nearly a decade, they waited for government officials to be held accountable through the criminal justice system. But at a certain point, everyone has their breaking point. We all reach our limit. We all grow tired—physically, mentally, and spiritually. For 3,287 days the people of Flint had been without clean water. For 3,287 days the people of Flint had been without accountability. If I were in their position, I don't know if I'd have the will to keep fighting.

Of course, I hadn't gone through anything like this. But journalistically, and mentally, I'd be lying if I didn't admit I, too, was tired. I was on my

nineteenth reporting trip to the city. My first was seven years earlier. I'd dedicated God-knows-how-many hours of my life to investigating this story. I'd spoken with residents on, and off camera, for hundreds of hours. Many of those encounters included their tears and anguish. But on this day, I couldn't help but wonder if my efforts had really accomplished anything.

"We worked too hard to be shortchanged on a settlement," the late councilman Eric Mays said in front of a row of microphones representing various media outlets. Mays was referencing the major Flint water class-action civil lawsuit settlement announced in 2021. In the agreement, the state of Michigan agreed to pay $640 million to Flint residents for its role in poisoning them. But as Mays noted, after $200 million in attorneys' fees, most residents would get checks for only $600 to $800 dollars. For the grave injury, and trauma, inflicted onto Flint residents, this seemed like crumbs; it was certainly not enough to put a dent in covering growing medical needs, installing home water filtration systems, replacing damaged home plumbing, and taking care of other crisis-related costs.

The councilman, former mayor Weaver, and many others in the community vehemently opposed the settlement. They called for upward of $1.5 billion in relief for Flint. They argued $640 million, or $440 million after attorneys' fees, was a drop in the bucket in light of the horror, and sickness, Flint residents went through—and continued to experience—nearly a decade later.

Jalil X. Carter, a Flint resident and member of the city's Peace Keepers group, accused the powers that be of intentionally targeting the people of Flint.

"We're standing here nine years later after a conspiracy was taken on to poison the water of the city of Flint and its residents." Wearing a bright orange "I Am Present for Peace" hoodie, Carter criticized the people in charge for moving like turtles and snails in making Flint whole. "Every human being on the planet deserves to have clean, pure flowing water coming to their homes."

A sadness came over me. I thought of the residents who would have been there if they could have been, hoisting signs and yelling into a megaphone for justice. But several I had grown close to were now gone. They had died within the last year, their health destroyed from unwittingly drinking poison. They died from a variety of illnesses, many of which were triggered by the water their government provided them.

After the press conference, I spoke with Claire McClinton, a longtime Flint activist and member of the Democracy Defense League. Since the beginning of the crisis, McClinton had been one of the most passionate, dedicated “water warriors” fighting for justice.

Listening to her account of where things stood nine years into the crisis, I alternated between numbness and anger.

“Flint is still broken. In some ways we’re worse off than we were last year! Nobody has gotten a dime.” McClinton stressed that the few remaining churches where residents had been able to pick up donations of free bottled water had stopped distributions in 2022. The city had also resumed water shutoffs on residents behind on their toxic water bills. “We’re in a worse position than we were last year!” she shouted.

Nayyirah Shariff, the director of the grassroots group Flint Rising, condemned the fact that in America, the people of Flint were still waiting for the rescue choppers nearly a decade later. “The U.S. is about poisoning a whole community and then not doing shit about it—that is who we are.”

I ended up broadcasting live from the event for three and a half hours. After interviewing ten residents, I knew I had to keep going. Whether it took a decade, or the rest of my life, the full truth of who poisoned these people—and why—had to be exposed.

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A week after the chaotic attack on the U.S. Capitol by supporters of President Trump, the residents of Flint saw the first signs of potential accountability for the attack on their bodies.

On January 13, 2021, AG Nessel’s office issued their first criminal charges against state and city officials related to the Flint water crisis. Nine government officials were charged with various felonies and misdemeanors—highlighted by former governor Rick Snyder. The ex-governor was charged with two counts of willful neglect of duty for his role in the water crisis. The charges were misdemeanors, each one with the potential for one year in prison and a $1,000 fine. The charges against Snyder stood in stark contrast to the original Flint investigation; multiple sources told me that, at the time AG Nessel fired special prosecutor Todd Flood and most of his team, they had decided there was enough evidence to charge Snyder with misconduct in office. More dramatically, Flood and his team were building

a case against the governor for involuntary manslaughter over his failure to notify Flint residents sooner about the Legionnaires' outbreak.

After the charges were announced, I began receiving furious messages from Flint residents. Most viewed the punishment as a slap on the wrist. Melissa Mays, the Flint mother who won a historic $97 million civil settlement against the state, slammed Nessel's version of justice.

"It's beyond disgusting and insulting. The attorney general choosing to charge the man who made himself the unilateral dictator over my city, poisoned us, lied to us, and watched us suffer with a small misdemeanor just proves to us in Flint that if you are a rich white man, it's not considered an *actual* crime to poison poor, Black and Brown communities for profit."

Based on my reporting, and gut observations of Nessel's handpicked prosecutors, I was not surprised. I had seen no indications they were willing to go all the way against Snyder. But the commonsense question had to be asked: how did Flood's team see enough evidence that they were building a case against the former governor for involuntary manslaughter, but Nessel's office was only able to land a misdemeanor?

The answer might lie in the team the attorney general handpicked and assembled.

"She brought in a bunch of attorneys that she knew, who were inexperienced, who had never dealt with high-priced defense guys, and they weren't prepared for what was coming," a source familiar with Nessel's office's investigation told me. Simply put, Hammoud and others on Nessel's Flint team became "overwhelmed," the source said, by the variety of moving parts: investigating the governor's office, the state health department, the state environmental department, the state treasury department, the city of Flint and Genesee County, and complicated financial deals like the KWA bond deal.

Nessel's team of local prosecutors were particularly out of their depth when it came to investigating the financial fraud that caused the water crisis, multiple sources familiar with the criminal investigation told me.

"Most county and state prosecutors don't deal with, or have never seen, a case that involves bonds," one source said. "They're [most often] dealing with bad checks, drunks, murders, and violent crime."

You know who was experienced at investigating major financial fraud? Andy Arena, the former Detroit FBI head, who helped bring down the

Gambino crime family in New York for financial racketeering and extortion . . . who Dana Nessel fired as chief Flint criminal investigator.

Unfortunately for Nessel's Flint team, the most experienced prosecutor hired for the case, Wayne County prosecutor Kym Worthy, was "semi-removed" from it and involved in name-only, multiple sources told me.[1] Ultimately, her day job as top prosecutor in the county that encompasses Detroit took up most of her time, leaving her participation in the probe sporadic.

Frustratingly for Flint residents, the secretive nature of the one-man grand jury also left them in the dark about what evidence, or witnesses, Nessel's prosecutors presented to the judge. That lack of information is an even tougher pill to swallow considering Michigan taxpayers—including Flint residents—spent at least $15.1 million on Nessel's office's investigation. Did Nessel's prosecutors present the same, if not more, evidence than Flood's investigation had gathered? Did they find a smoking gun? Did they have enough evidence to charge Snyder with more than a misdemeanor, but erred on the side of going after what they thought would be a slam-dunk conviction?

As of this writing, the people of Flint have no answers.

Despite the secrecy, I was able to uncover one major witness who testified before the one-man grand jury: Dennis Muchmore, the governor's former chief of staff. The revelation was significant. Throughout my reporting, I never got any indication that Muchmore was a criminal target of either Flood or Nessel's investigation. But for Nessel's office, Snyder's chief of staff would be an ideal witness to try and use *against* the governor; more specifically, to obtain firsthand knowledge of what, and when, the governor knew about Flint's toxic water. Moreover, the secrecy of the one-man grand jury was ideal for a top government witness like Muchmore.

"The main reason you use a one-man grand jury is to protect your witnesses," Arthur Busch, the former Genesee County prosecutor, explained to me. He added that the secrecy of the process prevents criminal defendants from learning the identity of witnesses before a trial and "bend[ing] their arms" or "kill[ing] them" before they testify.

When I asked Muchmore if he testified, he didn't exactly . . . deny anything. "It's against the court order for me to confirm or deny participation in that proceeding. If I responded, which I would like to do, I'd be in violation and could be held in contempt of court."

Nessel's office also filed charges against Snyder's self-described "fixer" Richard Baird. Baird was hit with a truckload of serious charges including obstruction of justice, misconduct in office, perjury, and extortion. If convicted on all counts, Baird faced the potential of forty-five years behind bars. At sixty-four years old, this meant the rest of his life. Jarrod Agen, Snyder's former communications director and chief of staff, was charged with perjury, a felony with the potential of fifteen years in prison.

Nessel's office recharged six state and city officials who Nessel had dropped charges against in 2019—highlighted by recharging former MDHHS director Nick Lyon and ex-state medical executive Eden Wells with involuntary manslaughter.

But the revived charges were notable for what was *missing*. Nessel's office recharged former Flint emergency manager Darnell Earley with misconduct in office—but did not revive the original involuntary manslaughter charge Flood had filed against him in 2017. Nessel's office also went softer on Howard Croft, the former public works director for Flint. Croft was charged with misdemeanor willful neglect of duty—but Nessel's office did not revive the original involuntary manslaughter charge Flood leveled against him in 2017. Nessel's prosecutors also erased major KWA-related financial charges. In 2016, Flood had charged Earley, Croft, and ex-Flint emergency manager Gerald Ambrose with two major felonies; the charges were over their alleged roles in concocting a fraudulent environmental order that allowed a nearly bankrupt Flint to borrow $100 million dollars to finance part of the KWA's construction. The three had been charged with false pretenses and conspiracy to commit false pretenses; if convicted, each of the two charges brought severe penalties of twenty-year prison sentences. But Nessel's office did not revive either of those KWA-related charges against the three officials.

The disappearance of involuntary manslaughter and KWA-related charges against key state and city officials didn't sit well with Flint activists.

"If you're recharging these individuals, but leaving out the original involuntary manslaughter charges, then you're telling us the Flint lives lost meant nothing to you," Flint activist Melissa Mays told me. "If you're recharging these people but leaving out the original fraudulent financial charges related to the KWA, you're telling us that the root cause of the disaster means nothing—and you're protecting the investors backing the pipeline, not the people."

The discrepancies between charges brought by Flood compared to Nessel's office were gaping. How did Flood's team find evidence to charge Earley and Croft with involuntary manslaughter, but Nessel's office secured indictments on lesser charges? How was it that Flood's team found evidence that Earley, Ambrose, and Croft illegally conspired to allow a debt-limited Flint to borrow $100 million dollars—but Nessel's office didn't follow the money?

How was it that Flood was on the verge of filing a major racketeering (RICO) case against state officials over the alleged KWA fraud, but Nessel's office seemingly let it die on the vine?

The late Flint councilman Eric Mays, who closely followed the KWA fraud investigation for years, placed the lack of KWA racketeering charges squarely on the attorney general.

"Nessel let it go. Was it a lack of political or legal will? I cannot say. But it bothers me to this day her team hasn't addressed it. Flood was heading in the right direction. I followed the proceedings on the fraudulent bond sale. I know there were RICO charges in the works."[2]

Peter Hammer, the Wayne State law professor who authored the definitive civil rights report on Flint, told me Nessel's moves didn't make sense from the start.

"I never understood why the attorney general disrupted the initial investigation, dropped the initial charges, or set a different direction in her new charges that chart[ed] a course away from the issues of financing the KWA pipeline. This adds a new tragedy for the people of Flint, who deserve to know the root causes of their suffering and to hold any financial wrongdoing accountable."[3]

Why would Nessel simply drop the KWA fraud matter?

Follow the money, multiple sources familiar with the investigation said. If KWA financial fraud charges, or a bigger RICO case, moved forward in court, the state of Michigan—which Nessel's office also defends—faced hundreds of millions in potential liability. The reason brought the whole Flint legal mess full circle: the same attorney general's office that had charged state officials with KWA-related crimes under Flood's investigation *had also signed off on* the allegedly fraudulent environmental order that allowed Flint to borrow $100 million for the KWA. This meant the state was ultimately on the hook financially.

It wasn't just Michigan's coffers at risk. Wall Street also faced a reckoning. JPMorgan Chase; Wells Fargo; and Stifel, Nicolaus & Company financed the KWA bond deal. As the underwriters of the bonds, the banks were obligated to perform due diligence to ensure Flint's water plant had made recommended upgrades to safely treat Flint River water. Tragically, that never happened. This left the banks with the potential of lawsuits from defrauded bondholders among other plaintiffs. And that first lawsuit came in 2020 when the banks were sued on behalf of 2,600 Flint children for nearly $2 billion in damages. In the lawsuit, plaintiffs accused the big banks of exercising "conscience-shocking behavior" that caused "dire health consequences to the children of Flint."[4]

Eleven months after Nessel's prosecutors announced charges against Snyder and other officials, a judge took the wind out of their sails. In November 2021, Genesee County judge Elizabeth Kelly ordered Nessel's office to establish a taint team—a team of independent attorneys not involved in the investigation—to filter out documents from evidence they had gathered that may be protected by attorney-client privilege.[5]

The ruling was the culmination of warnings Nessel's office had ignored—from the very top prosecutor they removed. "Todd [Flood] flat out told them before he was out the door that they needed to use a taint team," a source familiar with Nessel's Flint investigation told me. "They were well aware."[6]

By Nessel's office's own estimates, the judge's order meant a two-year delay in their Flint prosecution and an additional $37 million in legal costs state taxpayers would have to pay for.[7]

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As if the people of Flint hadn't had enough unwelcome surprises, summer of 2022 dealt them one more.

After Governor Snyder and other defendants appealed the use of a one-man grand jury to issue Flint water indictments against them, on June 22, the Michigan Supreme Court, with a Democratic majority, ruled that criminal charges brought by Nessel's office against Snyder and eight other defendants were invalid.

In a demonstrative 6–0 ruling, the court determined that the attorney general's office violated the Michigan state constitution by using a one-man grand jury to issue indictments against Snyder and others. In response,

Solicitor General Hammoud vowed “these cases are not over” and that they were “committed to seeing this process through to its conclusion.”[8]

In July, Flint was hit with a double whammy. The city’s water lead levels were once again on the rise. Data showed for the first six months of 2022, Flint’s water lead levels rose to 10 parts per billion.[9] The state environmental department blamed the spike on more city businesses that were connected to lead service lines being tested. But residents, who for years had challenged the state’s claims that Flint’s water was “safe,” argued the rise in lead levels showed their water was anything but safe.

“The city and state bragging about 10 ppb in our water is a joke, a dangerous one,” Melissa Mays reacted. “First of all, 10 ppb is not safe. Second, we know that they’re testing more businesses than homes, which is *not* where people get most of their water exposure. It just shows that those in charge responsible for causing the Flint water crisis, and it dragging on for a decade, do not care at all for the health and safety of the residents of Flint.”

Ironically, Mays had an unexpected ally agree with her. . . .

“It’s a terrible rule,” former governor Snyder said under oath during his 2020 Flint civil cases testimony. He was referring to the EPA’s Lead and Copper Rule, which sets the maximum “allowable” level of lead in drinking water at 15 ppb. “It kind of gives you confidence or belief that everything’s good and that there isn’t lead when you [EPA] say it’s meeting safe drinking water standards, and it allows you to have so much lead to begin with, let alone all the sampling problems and issues.”

If Snyder strongly believed the EPA’s water lead health standard was “terrible,” one must wonder why he cited those same measurements to declare Flint’s water “restored” in 2018—despite significantly elevated lead levels still tainting the water.

At the same time residents were told the city’s lead levels were once again rising, the state health department released studies showing Flint’s cancer rates were dramatically rising higher than the rest of Michigan.[10] But unsurprisingly, health officials declined to definitively connect the cancer spike to the poisonous, carcinogenic river water Flint residents drank for eighteen months.

Dr. Judith Zelikoff, a toxicologist and professor at New York University, emphasized that the health crisis in Flint is far from over.

“Chronic exposure to high levels of lead, as well as some TTHMs, already did much of their damage to particular organ systems, cells, and molecular pathways—all potentially leading to adverse health effects, including cancer.” Since cancer can take decades to develop after exposure, Zelikoff cautioned “the clock is still ticking in Flint for the appearance of more cancers.”

Three months after residents learned water lead levels were rising, their fears of being denied justice were sadly realized. In October, a judge dismissed criminal cases brought by Nessel’s office against seven state and city officials over constitutional violations. Baird, the governor’s top adviser; Nick Lyon, ex-MDHHS director; Eden Wells, former chief medical executive; and emergency managers Darnell Earley and Gerald Ambrose all saw their charges tossed. Then two weeks before Christmas, charges against former governor Snyder were officially dismissed.

Nessel’s office appealed to the state supreme court to reexamine the cases. In September 2023, the court declined to hear that appeal on seven of the nine defendants. “We are not persuaded that the question presented should be reviewed by this court,” the short ruling stated.[11]

A month after the court declined to revive criminal charges against seven of the nine defendants, the final nail in the Flint criminal prosecution was hammered. On October 31, AG Nessel’s office announced they were ending their Flint water investigation after the state supreme court rejected their attempt to reinstate charges against former governor Snyder.

“Our disappointment in the Michigan Supreme Court is exceeded only by our sorrow for the people of Flint,” Solicitor General Hammoud stated.[12]

A legal source familiar with Nessel’s office’s Flint investigation emphasized the magnitude of the attorney general’s failure.

“She messed up the entire case. Thousands of pages of grand jury testimony, all for naught, all cases dismissed, millions in attorney fees, and she wants to call Flood incompetent? Her case wound up in shambles. Todd Flood was a step away from winning or losing. He had at least presented his case.”

Flood didn’t respond when I asked for his reaction to Nessel’s case blowing up in smoke. Andy Arena, the original chief Flint water investigator, responded with sadness. “The people of Flint got no justice, no justice once again,” he told me. “At the end of all of this, they are left hanging.”

Bruce Stiers, a resident who lost close friends who grew sick from Flint's water, suggested AG Nessel "sabotaged" the Flint water investigation.

"She derailed Todd Flood's case against those who were charged, and those who were accused of financial fraud as part of the KWA pipeline scheme." Stiers, who followed both Flint investigations, criticized the attorney general for allowing "the negligence of Governor Snyder and his emergency managers" to go unpunished.

Eric Mays, the late Flint councilman who closely followed the criminal proceedings for years in court, condemned Nessel.

"I thought it was ridiculous," the councilman said about Nessel dropping all criminal charges and restarting the investigation from scratch. "I think they should have kept Todd Flood on as the special prosecutor. They never should have dropped all of that work; you don't just come in and get rid of that kind of work and gamble and start over. I was always suspicious."

Karen Weaver, Flint's mayor during some of the worst years of the crisis, was despondent upon learning the Flint probe was ending.

"We are not surprised, but we should be—we should be outraged," Weaver told me. "What have we [as a people] come to when these are the things that happen?" The former mayor was incredulous that no one would be held accountable for "one of the worst man-made public health crises" in American history.

"We are not a disposable people, but apparently to so many we are," Weaver passionately said. She finished by cautioning the rest of America: "If they will do this to Flint, under a national spotlight, then you better watch out everywhere else."

Andrea Watson, a former Flint resident whose health, along with that of her son's, was severely compromised from Flint's tainted water, showed the mental and emotional toll the water crisis has had on so many. "I'm grieving every day the person my son was, my grandchildren, the people, kids, the forgotten kids who are now adults, and those who have passed."

And Joelena Freeman offered a mixture of raw rage and heartbreak that represents how so many in Flint feel a decade later.

"For the rest of my life, the impact on the livelihood of my babies will never ever be undone," the mother of three told me.

> My family and I cannot come back from this—nor can the rest of my neighbors throughout this entire city. They celebrate while we are left to suffer from their dirty deeds. You do not know the

domino effect of indescribable pain and distortion this *still current Flint water disaster, poisoned politicians* and *poisoned water* has done and is doing to myself and my flesh and blood.

Freeman also denounced Attorney General Nessel and her "betrayal" of Flint: "Nessel, and her inept *hand-picked* team, never intended to convict these crooks—allowing them all to go free after the injustice they carried out onto the residents of Flint. It was about winning elections, and greed, with full disregard of our lives."

After two investigations—launched and relaunched by two different attorney generals—multiple legal sources sadly agreed that it is unlikely any state of Michigan, or city of Flint, official will ever be convicted for the poisoning of Flint. Infuriatingly, after seven years of investigations, it's doubtful any government official will ever even face a jury. For most defendants, the statute of limitations for their alleged crimes has passed. Short of an unusual, and unprecedented, federal intervention, the clock has simply run out. As of October of 2023, Michigan taxpayers, including Flint residents, have paid at least $60 million dollars for both the Flint prosecution and defense.[13] At least $13.1 million went to the criminal defense of millionaire former governor Snyder and his top aides. That total doesn't include a year's worth of expenses connected to Nessel's office. Ultimately, the results suggest the money might as well have been lit on fire.

While under oath in 2020, Snyder was asked whether he failed the city of Flint. He passed the buck.

"Personally, I feel terrible about what happened and people working for me somewhere in the state government failed to do their work right, and we didn't identify it as quickly as I would have liked. So, there were challenges. And I wish this never would have happened."

For the residents of Flint—who've lost loved ones, fallen sick themselves, and watched their children's futures permanently damaged—what Snyder allowed to happen to them poses much more than "challenges."

"I'm going to have to live with this my entire life," Governor Snyder testified in front of Congress in 2016.

Perturbed by Snyder's comment, the late congressman Elijah Cummings replied with what might be the most devastating appraisal of the governor's, and so many others,' malfeasance.

"Governor, you know what, I've heard you say that but I gotta tell you. There are children that gotta live with it—the damage that has been done—

for the rest of their lives. And it is painfully painful to think that a child can be damaged until the day they die. And that their destiny has been cut off and messed up. So, yea, you have to live with it, but many of these children will never be what God intended them to be when they were born and conceived."[14]

The truth is the world will likely never know the true number of Flint residents who lost their lives because of the city's cataclysmic switch to the Flint River.

Infuriatingly, no health registry was created in the early years of the water crisis to track residents' illnesses. This meant researchers, and health professionals, would never be able to truly estimate or document how many people died from water-induced illnesses. How many residents developed cancer as a result of their immune systems and organs being degraded by toxic water? How many people's kidneys and livers failed them due to the water? How many children, who might have gone on to become doctors or teachers or athletes will instead face a lifetime of struggle due to the stunting of their brains by lead?

And then there's how many lost their lives from Legionnaires' disease—the deadly bacterial outbreak that my reporting found residents should have been informed about *eighteen months earlier* than they were. The state of Michigan claimed twelve Flint residents died as a result of the outbreak. That claim is sharply contested by a large swath of Flint residents, former special prosecutor Todd Flood, and investigative news reporting. In 2018, PBS investigated the surge of basic pneumonia deaths in Genesee County during the eighteen months Flint used the Flint River. What they found was alarming: a 43 percent increase in pneumonia deaths in Flint, and 115 total pneumonia deaths—many of which could have been undiagnosed Legionnaires' disease, a more severe form of pneumonia caused by *Legionella* bacteria.

"Our conclusion is that it's likely that the Legionnaires' outbreak was bigger than that reported by official authorities," Dr. Zach Binney, an epidemiologist with Emory University that researched Flint's outbreak, told PBS.[15]

A source familiar with the criminal investigation put it a little more bluntly. "If you exhumed the bodies, you'd find hundreds of people who died of Legionnaires'."[16]

Beyond the residents who tragically died, many of the living are now left with considerable struggles. “Many people are also still suffering from serious noncancer consequences of these drinking water contaminants,” Dr. Zelikoff said. This includes “immunosuppression and increased infections, autoimmunity, rashes, impaired cognitive and kidney functions, decreased fertility, and adverse reproductive outcomes, to name only a few.”

Dana Nessel will eventually have to answer to the people of Flint for her decisions that ultimately deprived them of justice.

But the Flint water crisis is about a lot more than a disastrous legal mess. A decade after the poisoning of Flint began, and eight years after I first stepped foot in the city, I believe this story is really about the meaning of one word.

Crisis.

In modern-day America, hell the world, human beings possess ever-shrinking attention spans. In a chaotic 24/7 news cycle, most of us only have a few minutes to absorb, or be moved, by a shocking or tragic crisis before our attention shifts. Maybe you get distracted by a device. Or your kids. Or the rush to make it to your second job on time. Or all of that zaps you to the point of collapsing on the couch, trying to escape it all.

Meanwhile partisan politicians and ratings-obsessed media scream at one another, further distracting us from the mini and major disasters erupting all around us. With all of these colliding forces, it’s hard to feel, or even remember, the urgency of your fellow man and woman living through crises.

That is what makes the job of a true journalist so vital. It is our job to remind you—to impart the urgency—*when a crisis still is a crisis*. When a crisis never stopped being one. When people are still submerged in a living nightmare. Based on my reporting, and continuing to talk to residents to this day, I can tell you that a decade after corrupt, undemocratic forces turned their water into poison, *the people of Flint Michigan are still experiencing a water crisis*. They are also suffering from a crisis of abandonment—by the so-called public servants elected to represent them; by the so-called journalists trusted to expose and hold accountable those who poisoned them; and in too many cases, by their fellow man and woman, who have forgotten about their suffering.

When a decade later Flint residents still develop rashes from their city’s water, that is a crisis. When residents still receive discolored water flowing

from their taps, that is a crisis. When foul-smelling water still taints their homes, that is a crisis. When all the city's damaged and corroded service lines haven't yet been replaced, that is a crisis. When residents' damaged pipes inside their homes still haven't been replaced, that is a crisis. When Flint children, damaged by heavy metal poisoning, struggle to obtain educational or special-needs services, that is a crisis. When as a result of consuming venomous water, an already-decimated Flint now has a rising cancer cluster, that is a crisis.

When residents hover near bankruptcy to pay for health-care costs born from their poisoning, that is a crisis. When Flint residents still pay some of the highest water rates in America—for water they can't safely consume—that is a crisis. When the majority white residents of Libby, Montana, rightfully receive universal health care after an asbestos disaster, but the majority Black people of Flint are deprived of the same for their health crisis, that is a crisis. When the economic drivers of the poisoning of Flint—*the international campaign to privatize public assets like water*—are not only still in place but expanding, that is a crisis. When Flint residents must beg their politicians, and the media, to continue to cover their plight, that is a crisis. When most Americans are misled into thinking Flint's disaster has been fixed, that is a crisis.

When most Americans are unaware that there is widespread water contamination spreading throughout the nation, that is a crisis. From Benton Harbor, Michigan; to Jackson, Mississippi; to Newark, New Jersey; to Denmark, South Carolina; to Milwaukee, Wisconsin; to Pittsburgh, Pennsylvania; to Wilmington, North Carolina; to East Palestine, Ohio; to Chicago, Illinois; to Los Angeles, California; to Washington, DC; to New York, New York.

And . . . that's only a partial list. From small towns to big cities, water—the number one essential to stay living—is under attack. Lead. Bacteria. Arsenic. Chloramines. Forever chemicals (PFAS). TTHMS. Fluoride. Nitrate. Manganese. Pesticides. Hexavalent Chromium. Radioactive substances. Nuclear waste.

Just to name a few.

The truth is the Flint water crisis is not just about the city of Flint. It is about *all of us*. Are we a country where citizens get poisoned by their government and are then left to slowly die? Are we a nation where politicians can harm those they represent, sinisterly cover it up, and get

away with it? Do we accept a system where the average Joe who poisons their neighbor would get cuffed with life without parole, but the wealthy and well connected are given get-out-of-jail-free cards? Do we look the other way and allow the politicians who knowingly let the people they represent drink poison go unpunished? Are we a collection of humans that have grown so numb—so removed—from the plight of others, that we are prepared to let the poisoning of Flint, or anywhere else, continue on for another ten . . . twenty-five . . . one hundred years?

I hope this story helps answer these questions. It is urgent that we do so. To survive in this world, we all need and deserve clean, safe water. We also deserve those we entrust to protect our health and dignity, to make every effort to do so. Maybe a powerful warning from the late Tony Palladeno, who was one of Flint's most passionate, fiercest water warriors, will wake us all up.

"We got a pistol in our mouth every day—it's called tap water."

Epilogue

Somewhere in the course of living and breathing this story over the last eight years I came across a quote from Mahatma Gandhi that really moved me.

> The earth, the air, the land, and the water are not an inheritance from our forefathers but on loan from our children. So we have to handover to them at least as it was handed over to us.

I'm no philosopher, but to me, the great soul was noting that as human beings, we have a duty to protect—and keep sacred—humanity's number one necessity.

As the Lakota people have chanted for centuries . . . Mni Wiconi! Water is Life. There is no greater essential, there is nothing more sacred, than water. More so, there is nothing more important than our children, our parents, our loved ones, and our communities.

So, when people have asked me why I keep going back to Flint eight years later, I've never wavered on the answer. What can be a bigger story than our government attacking its people's number one essential for living?

What can be a bigger scandal—worthy of remaining on the front pages—than the people who are supposed to protect us, and protect those we love, *knowingly* harming us for selfish, unconscionable reasons?

After my first trip to Flint, and the horror I saw, a simple truth cemented within me: if the government gets away with poisoning Flint, what's to stop the next set of greedy, reckless, sociopathic bureaucrats from doing it to the rest of us?

Whether the poison is toxic water, oil, uranium, gas, fertilizer, plastics, radioactive waste, diesel petroleum, or another toxin on the long list of contaminants tainting our water, if the truth about *the biggest government cover-up of the twenty-first century* is never revealed—if those responsible are never held accountable—why wouldn't politicians in the future just

borrow from the Flint playbook and enrich themselves at the citizens' expense?

There is no pain I have personally gone through that compares to the misery, the anguish, the sickness, and desperation the good people of Flint have suffered through.

But I have seen their pain.

Since 2016, I have gone to and reported in Flint twenty times. In that time, I established relationships and friendships with many of the city's residents. Tragically, several lost their lives far too soon due to the noxious water they unknowingly drank and bathed in.

I have sat on front porches and talked to children as they get stuck, and frustrated, counting to ten. "He used to do this so fast," one mother told me about her child who, after drinking Flint's tainted water, regressed mentally.

I've sat with residents, people in their thirties, forties, fifties, sixties, who are slowly dying. Cancers, liver disease, kidney disease, lung disease, lesions, tumors, heart attacks, seizures, and debilitating muscle and bone pain.

I've asked residents—their faces flushed and red—if they needed me to drive them to the hospital as they panted and struggled to breathe.

All of this has happened in Flint, *and continues to happen a decade later,* as the full effect of heavy metal poisoning, and other contaminants residents consumed, further destroys bodies and minds.

Can you imagine living this nightmare every day while the perpetrators face no consequences? Not the Wall Street banks who recklessly provided the funds for the shady, unnecessary pipeline scheme. Not the accountants or lawyers or numbers-crunchers who were all in on the fraud. Not the federal officials who knew, but hid behind bureaucracy, and failed to act? Not the governor, his inner circle, health officials, or environmental officials who systematically—and *intentionally*—chose their own political and personal survival instead of the health and lives of the human beings they were trusted to represent?

Aside from those unfortunate populations—Native Americans, exploited and oppressed Black and Brown people, impoverished white communities—none of us can imagine that. We have not had to live that nightmare.

Based on what I've seen and uncovered through my reporting, I firmly believe the nightmare the people of Flint have been living through can happen to any of us. Why? Let's be real: we're not just talking about a

poisoned people here. We're talking about a poisoned government, where our so-called elected public servants were purchased by corporate America and the rich long ago.

To be clear: The Flint water crisis—and cover-up—is not some horrible tragedy from our past. *The crisis is ongoing*. Despite the cherry-picked spin from government and media, the city's water is still contaminated, and its people are still waiting on the rescue choppers.

This is bad news for all of us.

In 2020, water began being traded as a commodity on Wall Street—just like gold and oil. From hedge fund titans to local governments, water stocks are being bought up by the capitalist elite. Together, they're making a financial bet that there will be a *shortage in the near future*.

Besides the moral depravity of corporate vultures and governments turning a basic human right into just another trade-for-profit asset, I can't say their predictions are wrong. Between record global droughts, an epidemic of contaminated water across the country and world, and the climate catastrophe already destroying countries and communities, the future of clean and available water is not certain. In fact, two-thirds of the world's population will face water shortages by 2025.[1]

I don't know about you, but if the worst happens and there is a scarcity of clean water, I don't want the survival of my daughter, or your loved ones, left to the whims of corporate investors, raiders, and Wall Street.

Infuriatingly, our mainstream national media ignores most of this and peppers us nonstop with the political horserace and political tribalism (and an unhealthy dose of sensationalism and conflict). We are, of course, living through extraordinary times with seemingly endless calamities erupting domestically and internationally. It's hard to stay focused on one city's crisis when we're being hit constantly with one disaster after the next. Climate catastrophes. The epidemic of mass shootings. War and global bloodshed. Human rights, reproductive rights, and civil rights under attack. Soaring prices, gentrification run amok, poverty and homelessness on the rise. Amid all of this, surging political violence and domestic terrorism shock the fabric of the nation.

It's damn near impossible to process one of these—much less all of them.

But if there is just one thing you take away from this story, I hope it is this: please, don't forget Flint. If we allow the poisoning of our fellow man

and woman to simply fade away into the ether . . . don’t be shocked when it comes to your neighborhood next.

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About the Author

Jordan Chariton is an independent investigative journalist known for on-the-ground reporting across the United States on significant stories that often fall through the cracks. Chariton has made twenty reporting trips to Flint since 2016 investigating the water crisis and cover-up. He also covered the indigenous-led protests at Standing Rock in North Dakota against the Dakota Access Pipeline, the United Auto Workers strikes across the Midwest, and the 2016 and 2020 presidential campaigns. Chariton has reported across the United States on union drives, poverty, homelessness, and protest movements. He is the CEO and lead reporter for *Status Coup News*, an independent news outlet. His work has been featured in the *Guardian*, *VICE News*, *The Intercept*, CNBC, the Hill, and more. He lives with his wife and daughter in the New York area.

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