

Judge dismisses terrorism charges against Michigan militia group

A reporter
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A federal judge in Detroit dismissed conspiracy and terrorism charges against members of a Christian fundamentalist militia group Tuesday, ruling that federal prosecutors had failed to prove their case. All seven defendants had faced the prospect of life imprisonment if convicted.

Judge Victoria Roberts dismissed all charges against five members of the group, which called itself the Hutaree, and dismissed all but minor weapons possession charges against the group's founder, David Brian Stone Sr., and his son Joshua. The two pleaded guilty to those charges Thursday and were sentenced to 41 months and 33 months, respectively, then released on bond. They have been in prison since their arrest in March 2010.

Federal prosecutors arrested a total of nine people after a year-long investigation that included sending an undercover agent and a paid informer into the group, whose members are scattered across rural areas in southern Michigan, northwestern Ohio and northern Indiana.

The prosecution case consisted largely of the testimony of the informer and agent, and hundreds of tape recordings they made documenting Stone and other Hutaree members discussing the killing of policemen and their families as an eventual possibility.

The judge ruled that the federal case was "built largely of circumstantial evidence" and "does not prove beyond a reasonable doubt that defendants reached a concrete agreement to forcibly oppose the United States government."

The Hutarees were charged with conspiracy to overthrow the US government and planning to use weapons of mass destruction to further that end—a reference to the discussion of explosive devices, allegedly to bomb the funerals for police officers after

the Hutarees had assassinated them.

Defense attorneys had argued that the Hutarees were engaged in talk only, which is protected by the First Amendment, and had done nothing in furtherance of their anti-government rhetoric except accumulate stockpiles of weapons, most of them legally purchased.

The five defendants acquitted of all charges were David Brian Stone, Jr., 21, Michael Meeks, 42, Thomas Piatek, 48, Kristopher Sickles, 29, and Tina Stone, 46, wife of David Brian Stone, Sr.

Besides the seven defendants in the current trial, an eighth member of the group, Joshua John Clough, pleaded guilty in December and was sentenced to five years in prison in a plea deal with prosecutors. The ninth man arrested, Jacob Ward, was ruled incompetent to stand trial last July and entered court-ordered psychiatric treatment.

Jurors who spoke with the press after the dismissal of the case said they would have acquitted the defendants because the federal prosecutors had failed to prove beyond a reasonable doubt that the Hutarees took any practical steps to carry out their anti-government threats, which were made in private conversations among themselves, and not publicly.

The judge foreshadowed her decision in a sharp exchange with prosecutors on Monday, after the defense attorneys filed a motion for dismissal. She questioned one prosecutor about defendant Tina Stone, who is only occasionally heard on the secretly recorded audiotapes, and remarked that the prosecution case seemed to embrace anyone who did not actively disagree with the discussion going on. "Many things the defendants said are quite offensive," Judge Roberts said, "But so what?"

Todd Shanker, the attorney for David Stone, Jr., described the entire case as a government-provoked

operation. “The FBI set up a crime that was controlled so there was no danger to anybody,” he said. “Then they prosecuted those people and held themselves out as if they were protecting Americans. It’s great that justice was served, but it’s very disturbing what went on with this investigation.”



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