Verdict in trial of Michigan kidnap plotters sanctions right-wing political violence in the US

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8 April 2022

After nearly five days of deliberations, the twelve-person jury in the federal trial of four men accused of plotting to kidnap and execute Michigan Democratic Governor Gretchen Whitmer in 2020 acquitted two defendants and was unable to reach a verdict on the charges against the two others.

On Friday, the jury in the U.S. District Court in Grand Rapids, Michigan, found Brandon Caserta, 34, and Daniel Harris, 24, not guilty of all charges and said they were deadlocked on the charges against Barry Croft, 46, and Adam Fox, 38. All four were charged with kidnapping conspiracy, while Fox, Croft and Harris were additionally charged with conspiracy to use a weapon of mass destruction. Croft and Harris were also charged with possession of unregistered destructive devices, and Harris was charged with possession of a semi-automatic rifle with an illegal barrel length.

Chief U.S. District Judge Robert Jonker declared a mistrial in the kidnapping conspiracy charges against Croft and Fox, whom prosecutors identified as the leaders of the plot to kidnap Governor Gretchen Whitmer from her vacation home, tie her up and take her on a boat into Lake Michigan, and abandon her there.

All four of the men were to be released on Friday following the verdict. They had spent the past 18 months behind bars after they were arrested by the FBI on October 7, 2020 while trying to purchase materials to build a bomb that the prosecution said was central to the kidnapping plot.

The outcome of the Whitmer kidnapping conspiracy in essence sanctions right-wing political violence in the U.S. It amounts to a legal affirmation of the resolution passed by the Republican National Committee on February 4 that the violent right-wing mob attack on the U.S. Capitol on January 6, 2021, aimed at overturning the results of the 2020 presidential election, constituted “legitimate political discourse.”

The jury’s verdict contradicted voluminous evidence presented in the trial showing that the men—some of whom were members of the far-right paramilitary group Wolverine Watchmen and affiliated with the fascist Boogaloo Boys—were preparing to use the kidnapping, brutalization and murder of Whitmer to reverse the COVID-19 stay-at-home policies that had been ordered by the governor early on during the pandemic.

The broader political objectives of the conspirators were explained in the testimony of one of the original defendants, Ty Garbin, who had pleaded guilty to the kidnapping charge and took the stand as a prosecution witness.

Garbin told the jury that the group intended the abduction of Whitmer to become the “ignition” for a civil war in the U.S. that would unite far-right groups across the country. He said, “We wanted to cause as much a disruption as possible to prevent Joe Biden from getting into office.”

The outcome of the trial in Grand Rapids is unsurprising given the intervention of Judge Jonker, a 2007 appointee of Republican George W. Bush. Jonker made it clear before the trial began that he would not permit discussion in the proceedings of the political connections of the defendants to the nationwide growth of right-wing extremist and fascistic political groups.

The relationship between the kidnap plotters and the armed, right-wing demonstration at the Michigan

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Capitol on April 30, 2020 was not raised, even though several of those who were arrested and charged with state offenses in the kidnapping plot were participants in the Lansing action. Nor was the connection exposed between the defendants and the tweet by then-President Donald Trump calling for protesters to “Liberate Michigan!”

At a pretrial hearing on February 18, Jonker told the prosecution and defense: “I don’t want the trial to become a referendum on whether the trucking convoy in Ottawa is good or bad, or whether what happened on January 6 is an insurrection or legitimate political discourse. I want the focus to be on what happened in this case.”

Judge Jonker made this statement in response to the lawyer for defendant Adam Fox, who requested that the ideology of the Boogaloo movement—a collection of violent, right-wing anti-government and anti-law enforcement groups seeking to instigate a civil war in the US—be presented in the trial.

The prosecution did not challenge the judge’s restriction of the trial to “what happened in this case.”

While Judge Jonker blocked any presentation of connections between the defendants and the violence of armed right-wing mobs in Lansing and Washington D.C., he instructed the jury to consider an entrapment defense for the defendants. The judge gave lengthy jury instructions and emphasized that they should decide whether the FBI had set up the defendants and persuaded them to commit a crime.

The lawyers for the defense never explicitly made the legal argument for entrapment. Instead, the position of the defense was that the men might have threatened violence against the governor, but they did so under the influence of marijuana and alcohol and would never have acted on their views.

In his closing argument, Joshua Blanchard, attorney for Croft, argued that through its FBI informants, the government tried to “conjure up a conspiracy” when there was no plan at all to kidnap the governor.

The judge’s jury instructions directly undermined the prosecution’s case, which rested on hours of conversations that were recorded by FBI informants who had participated with the conspirators in various meetings and training exercises where the kidnapping plot was being repeatedly discussed.

The outcome of the trial in Grand Rapids is a failure of the judicial system amid the breakdown of democratic forms of rule in the U.S. It will embolden the far right and encourage the further use of violence against legitimate political protest and the struggles of the working class.

As in the case of Kyle Rittenhouse--the fascist youth who was acquitted for shooting and killing two men and injuring a third during anti-police violence protests in Kenosha, Wisconsin in August 2020--the outcome of the Whitmer kidnapping plot trial was the result of the transparent bias of a judge who prevented any evidence that would connect the actions of the defendants with the mélange of far right-wing groups in and around the Republican Party and the would-be dictator Donald Trump.

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