The political issues in the Governor Whitmer kidnap plot verdict

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The jury verdict last Friday in the Grand Rapids, Michigan, trial of four men accused of plotting to kidnap the governor of Michigan in 2020 raises fundamental political issues confronting the working class in the US and internationally.

Within the context of the growth far-right and fascist politics within official ruling circles around the world, the "not guilty" verdict on all charges for two of the defendants, Brandon Caserta and Daniel Harris, and the inability of the jury to reach a verdict on the charges against Barry Croft and Adam Fox, show that the working class cannot rely on the judicial institutions of the state to defend its democratic rights.

On October 7, 2020, six men were arrested on a series of federal charges and seven others were arrested on state charges related to a plot to kidnap Michigan Democratic Governor Gretchen Whitmer. One week later another individual was arrested and charged with state crimes in connection with the kidnapping plot. Half of the suspects were tied to a paramilitary group called the Wolverine Watchmen and others had connections with the far-right Boogaloo Boys.

The activities of those arrested and charged were connected with the embrace by then-President Donald Trump of far-right and vigilante forces staging armed protests against the shutdowns and other limited measures taken to contain the pandemic, as well as Trump's stated refusal to commit to a peaceful transfer of power in the event of a Biden victory in the November presidential election.

As the *World Socialist Web Site* wrote in a Perspective column posted on October 9, 2020, titled "The Michigan conspiracy, Trump, and the 2020 election":

> Though the complaint does not mention the president by name, the originator of the conspiracy is in the White House. Trump has on many occasions specifically selected Whitmer for condemnation because she was most visibly identified with implementing measures aimed at curbing the spread of the pandemic, which ravaged Michigan in March and April. It is now clear these attacks were part of a deliberate strategy to lay the basis for the present coup attempt.

Trump and a significant segment of the Republican Party had targeted the Michigan governor's COVID-19 policies for a right-wing campaign beginning in April 2020 with a series of rallies at the state Capitol building in Lansing. On April 30, the paramilitary group the Wolverine Watchmen, which counted among its members several of those who were charged in the kidnap conspiracy, entered the Michigan Capitol armed with assault rifles and paramilitary gear.

In what amounted to a dress rehearsal for the fascistic siege of the US Capitol on January 6, 2021, by a pro-Trump mob seeking to kidnap and/or kill House Speaker Nancy Pelosi, Vice President Mike Pence and other elected officials, the armed Wolverine Watchmen went looking for Governor Whitmer at her state Capitol office, but she was not there on that day.

Of the six men indicted on federal charges of plotting to kidnap and possibly kill the Michigan governor, two, Kaleb Franks and Ty Garbin, pleaded guilty and agreed to testify against the others.

During the twenty-day trial in Grand Rapids of the four plotters, prosecutors replayed numerous recorded statements by the defendants documenting their violent response to Whitmer's pandemic stay-at-home orders and the fact that they intended to make a political statement. For example, the jury heard Adam Fox say, "We're sending a f_____g message to them. Hey, if we can get her, we can get you."

The relationship between Trump's preparations to remain in office regardless of the outcome of the 2020 election and the kidnap plot was explained by Ty Garbin, one of the two original defendants in the federal case who pleaded guilty and turned state's evidence against the remaining four. Garbin was sentenced to six years in prison.

He testified at the trial that he willingly participated in the kidnapping plot, hoping it would ignite a civil war in the US. He told the jury, "We wanted to cause as much a disruption as possible to prevent Joe Biden from getting into office."

Judge Robert Jonker, an appointee to the US District Court for the Western District of Michigan by Republican George W. Bush in 2007, played a critical role in aiding the defendants' legal defense. Jonker issued orders that undercut the substantial evidence presented to the jury showing that the defendants had both the desire and the means for carrying out any one of several plots to kidnap and kill the governor, and that they took actions toward that end.

During pretrial hearings, Jonker ordered that there be no reference to the political motivations of the kidnap plotters during

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the trial. By doing this, Jonker assisted the primary argument of the defense: That the men were down-and-out individuals who were often high on marijuana, and, while making verbally threatening statements, had neither the ability nor the intention of going through with a violent attack on the governor.

It is significant that it was the defense, and not the prosecution, that sought to have a witness testify about the ideology of the far-right boogaloo movement, to which Judge Jonker said, "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."

The prosecution did not object to this directive to rip the alleged crimes out of their political context.

Judge Jonker also instructed the jury to consider an entrapment defense of the accused because of the presence of FBI agents who infiltrated the group and were themselves participating in the kidnapping plot.

Much of the prosecution witness testimony was based on the activities of at least three FBI informants, who taped hours of conversations and meetings with the defendants. The entrapment instruction by Judge Jonker played a major role in the outcome of the trial, with two of the plotters acquitted, none convicted on any count, and all four released from prison. The jury instruction buttressed the impact of the judge's proscription on raising the political issues in the conspiracy against Whitmer.

Throughout the trial, the prosecution followed the political lead of the Biden White House, which has sought to downplay the fascist threat in the interests of seeking bipartisan unity with the very Republicans who maintain that the Biden-Harris administration is illegitimate. By going along with the strictures of Judge Jonker, the prosecution was crippled in the face of what was clearly a political case.

While the jury heard three weeks of testimony and deliberated for five days, it did not convict anyone of anything. In this politically charged trial, the presentation of the so-called "facts of what happened" torn from their political context favored such a result.

The location of the trial in Grand Rapids, a Republican stronghold, and the twelve-person jury of six men and six women who were drawn from northern Michigan and rural parts of Western Michigan where opposition to Governor Whitmer and pandemic restrictions are strong, undoubtedly played a role.

As veteran criminal defense attorney Bill Swor pointed out to the *Detroit Free Press*: "The jurors may have known people like this, who are a lot of talk. And the jury may have decided that these guys were just running around being busy, and didn't have any focus."

Daniel Harris, one of the two defendants acquitted by the jury, was found "not guilty" of an additional charge of possessing an unregistered short-barreled rifle, a crime for which he was clearly guilty. Harris was also the only defendant of the four who took the stand in his own defense. In his testimony he denounced the FBI informants.

The jury deadlocked on the charges against Fox and Croft, whom prosecutors identified as the leaders of the plot against Whitmer. It appears that the jury was conflicted about them because they were present when the group cased Whitmer's vacation home in Elk Rapids, Michigan, while the two defendants who were acquitted were not there.

The prosecutors countered the claims of the defense lawyers that their clients never carried out any positive actions to implement the alleged plot by pointing to a number of actions, most prominently their surveillance of Whitmer's residence and the surrounding area.

The trial took place in an atmosphere across the US where all COVID-19 restrictions, including masking, are being lifted and the right-wing position represented by those charged with kidnapping the governor is now the official policy of Democrats and Republicans alike. The verdict in the Michigan trial will embolden the fascistic right and encourage further violent attacks against their opponents, above all the growing struggles of the working class.

It follows the acquittal 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 judge in that trial made little effort to conceal his sympathy for the right-wing vigilante.

At a rally in North Carolina on Saturday, Donald Trump turned the facts of the Whitmer kidnap trial upside down, declaring: "And in the quite famous Michigan trial, where people were supposedly going to kidnap the very unpopular governor … Two were just found not guilty and two others just ended in a hung jury. So there is something going on down there. There is something going on. The radical Democrat party will do anything to stop our movement no matter how illegal, immoral or insane."

While the verdict in the Grand Rapids trial comes as no surprise, it is nonetheless a warning to workers and young people that the defense of basic democratic rights cannot be entrusted to the official institutions of the capitalist state, including the courts and the Democratic Party.

An independent political struggle must be mounted by the working class to defend democratic rights and defeat the threat of fascism. The turn by the ruling class to mass repression and fascism is rooted in the acute crisis of the capitalist system, intensified by the coronavirus pandemic, the economic impact of inflation and the widening war against Russia in Ukraine.

Above all, the ruling class fears the growing movement of the working class in opposition to increasingly intolerable conditions, and is preparing dictatorial methods to defend its wealth and power.

There is no defense of democratic rights outside of the unity of the working class against the capitalist ruling elite in the fight for socialism.

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