

Two men to be retried in Grand Rapids for kidnap plot against Michigan Governor Whitmer in 2020

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On Thursday, US District Judge Robert Jonker set August 9 for the start of a second trial of two men charged with plotting to kidnap and kill Michigan Governor Gretchen Whitmer over pandemic restrictions in the months before the 2020 presidential election.

The men, Adam Fox and Barry Croft Jr., were originally tried in April along with two others, but the jury could not reach a unanimous verdict against them, and Judge Jonker declared a mistrial. The two other men, Daniel Harris and Brandon Caserta, were found not guilty on all charges by the jury after five days of deliberations.

Judge Jonker made his ruling in Grand Rapids, Michigan federal court after he denied a request by attorneys for Fox, 38, of Wyoming, Michigan and Croft, 46, of Bear, Delaware to have the federal kidnap conspiracy charges dropped. The attorneys argued that since Harris and Caserta were acquitted and because there was “insufficient evidence” presented by government prosecutors in the first trial, the two should be released.

Originally, a total of fourteen men, most of whom were affiliated with a paramilitary organization called the Wolverine Watchmen, were arrested for plotting to kidnap and murder Governor Whitmer at the height of a fascist campaign against government pandemic policies in Michigan and other states. Far-right groups and individuals had been mobilized by then-President Donald Trump who had repeatedly denounced Governor Whitmer and others and called for the states of Michigan, Wisconsin and Virginia to be “liberated.”

Six of those who were arrested were charged with federal kidnap and terrorism offenses for plotting to storm Governor Whitmer’s summer home, engage in a

gunfight with her security detail, set off a bomb and either take her out in the middle of Lake Michigan and leave her there or transport her to Wisconsin where she would appear before a tribunal and be executed.

Two of the six men, Kaleb Franks and Ty Garbin, pleaded guilty to the federal charges and testified against the other four during the April trial. The other eight defendants were charged with state felony offenses including terrorism, gang membership and firearms violations. Three of the eight are scheduled for trial in October in Jackson County and the other five are awaiting a preliminary exam in August in Antrim County, Michigan.

Judge Jonker explained his decision to move forward with a second trial for Fox and Croft based on his view that there was sufficient evidence presented against them in the first trial. The judge said, “We don’t know what the jury was thinking. ... There’s enough here to say that a rational jury could still go against Mr. Fox, go against Mr. Croft, even considering the outcome with respect for Mr. Harris and Mr. Caserta.”

However, it was Judge Jonker himself who, by preventing the prosecution from entering any of the broader political context and motivation of the kidnappers into trial evidence, aided the defense and their primary argument that the kidnap plotters were goaded into the conspiracy by several FBI informants who had posed as members of the Wolverine Watchmen.

As the *World Socialist Web Site* explained at the conclusion of the first trial, an enormous amount of evidence—including eyewitness testimony and taped conversations—was presented against the defendants. However, the acquittal of Harris and Caserta along with

the inability of the jury to arrive at a unanimous decision on Fox and Croft was bound up with the fact that the location of the trial and the jury pool were drawn from a part of Michigan where opposition to Whitmer and the state's pandemic restrictions was strong and played a role.

Chris Gibbons, attorney for Adam Fox, told Fox17 after the hearing on Thursday that the defense strategy would not change from that of the first trial. "All signs point to the federal government having manipulated and conceived a fictional crime here." Gibbons said the new jury and the public at large will agree that the defendants were victims of "a grave injustice."

Joshua Blanchard, attorney for Barry Croft, said the previous acquittals will impact a new trial because the first jury found, "there wasn't enough evidence that these other guys were involved." Blanchard added that this fact is compelling and that the government's case is weak.

The essential narrative of the defense is that the men were habitual marijuana smokers and big talkers who never planned to carry out any violence against the Michigan governor. They claim that the kidnapping plot was planted by the FBI informants who stoked up the discussions which were recorded in phone calls and in meetings of the group where the agents were wearing wires.

The prosecution argued during the April trial that the men were not just talking about what they were planning to do but cased the governor's residence twice, mapped it out, bought night vision goggles and were "drifting around armed to the teeth, making homemade bombs."

Assistant US Attorney Nils Kessler told the jurors, "If you don't like the government's policies, you can protest them. If you don't like elected leaders, you can vote them out at the ballot box. What you can't do is kidnap them, kill them or blow them up."

Andrew Birge, the US Attorney for the Western District of Michigan in April, has been replaced by Mark A. Totten, who was sworn in on May 5. Totten has since filed a motion with the district court saying he would not be participating in the new trial of Fox and Croft. No explanation has been provided for why Totten has withdrawn from the case. Kessler was one of two prosecutors in court on Thursday.

The arguments for acquitting the kidnapping

defendants are similar to those being advanced about the fascistic mob which participated in the January 6 insurrection in Washington D.C. aimed at overturning the results of the 2020 elections and keeping Donald Trump in the White House as dictator-president. While it can no longer be denied that Trump was at the center of a conspiracy to prevent the certification of Biden as president, the Democrats have been covering up the relationship between his inner circle and a substantial section of the Republican Party.

Many questions about the Whitmer plot remain unresolved and have not been raised by prosecutors. Who else was involved in encouraging the kidnap conspiracy and knew about the discussions among the Wolverine Watchmen and other paramilitary groups in Michigan during the spring and summer months of 2020? What Republican politicians in Michigan were working with these paramilitary groups during the armed entry of the State Capitol Building in Lansing in April and May 2020?

These critical political questions will not be answered by the Democratic Party, which fears a movement by the working class against the threat to democratic rights more than it does the acts of violence by the far right. The fight to bring out the truth about the full extent of the conspiracy against Governor Whitmer and to stop the rise of fascism requires the independent mobilization of the working class against the capitalist system and for socialism.



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