Retrial opens of two men who plotted to kidnap the governor of Michigan in 2020

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The retrial of two men accused of planning to kidnap and kill Michigan Governor Gretchen Whitmer in 2020 began on Tuesday in a US District Court in Grand Rapids, Michigan. Their first trial ended last April after a jury could not reach a verdict and also acquitted two others facing the same charges.

In their opening statement, federal prosecutors told the jury that Adam Fox, 39, and Barry Croft, 46, sought to touch off a "second American revolution" by kidnapping the governor prior to the 2020 presidential elections. The prosecutors said they will present evidence in the trial that the men, who were active in a right-wing militia group, were serious about their plan to kidnap Whitmer.

Assistant US Attorney Christopher O'Connor said that the men had trained at gun drills in a handmade "shoot house," made two trips to Whitmer's northern Michigan summer home to stake out the kidnapping location and went to a nearby bridge where they planned to place explosives to divert the governor's security detail during the kidnapping.

As they did in the first trial, the defense lawyers are trying to convince the jury that the two men are down-and-out big talkers who had no intention of ever going through with what they discussed. Meanwhile, attorneys for Fox and Croft also told the jury that their clients were being egged on by federal informants who had infiltrated their militia group—called the Wolverine Watchmen—and were intent on entrapping them.

Fox's lawyer, Christopher Gibbons, said that his client was poor, lonely, practically homeless and incapable of following through on anything. He said that it is not a crime to dislike elected officials and it is not a crime to be an empty talker, "no matter how ugly or offensive the subject matter is to you personally or anyone else."

Fox, who is from Grand Rapids, and Croft, who is from Bear, Delaware, came together during the first year of the coronavirus pandemic as they both opposed Governor Whitmer's imposition of public health restrictions. They were arrested on October 8, 2020, along with 12 others when they attempted to purchase explosives. Six of the men, including Fox and Croft, were charged with federal crimes ranging from kidnapping to multiple weapons offenses. The other eight were charged with state offenses. If convicted, the men face possible life sentences.

Two of the six federal defendants, Ty Garbin and Kaleb Franks, pleaded guilty and testified against the other four in the first trial and have agreed to testify against Fox and Croft in the second trial. The jury found Daniel Harris and Brandon Caserta not guilty in April.

The Michigan kidnapping plot developed throughout the summer and into the fall of 2020 during the campaign by then-President Donald Trump to whip up a right-wing and fascistic response to any efforts to mitigate the impact of COVID-19 on the population. Trump tweeted on April 17, 2020, "LIBERATE Michigan" and "save your great 2nd amendment. It is under siege!"

To these calls, right-wing individuals—such as those in and around the Wolverine Watchmen—responded and participated in protests at the state Capitol in Lansing, Michigan, in April and May 2020 and, on one occasion, armed themselves and went into the state legislature. It was within this atmosphere that the plot to kidnap the governor got started.

On Wednesday, Prosecutor O'Connor said that the men, "wanted to violently overthrow elected government officials because they believed those officials were tyrants who were constantly violating

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their rights.” In the first trial, defendant Ty Garbin told the jury that the goal of the group was to cause national chaos with a kidnapping close to the election that would prevent Joe Biden from being elected as president.

During the start of witness testimony on Wednesday, prosecutors played a recording of Adam Fox expressing his hatred for the governor and saying, “I’m not building a militia, bro. I’m building an army.”

The first witness to testify was FBI special agent Todd Reineck who discussed the recordings, voicemails and Facebook posts of the defendants. Reineck presented evidence that Croft, who was complaining about gun control, said “brute force” was the only way to protect rights.

Croft is recorded saying in 2020, “It’s a new game out here. I don’t think you understand the patriot movement has a role. We understand exactly the enemy that confronts us, and we ain’t playing with it anymore.” Prosecutors displayed a photo of Croft in a tricorn hat with “Expect Us” tattooed on his arm.

Although media coverage and Judge Robert Jonker of the US District Court for the Western District of Michigan have consistently presented the plot as that of a kidnapping, it is clear from the facts that emerged in the first trial, as well as the events in Washington D.C. on January 6, 2021, that their goal was to kill Governor Whitmer.

This was acknowledged by the governor herself in a July 9 interview with the *Washington Post*. In a lengthy profile piece, Whitmer questioned the use of the term “kidnapping” and said, “Does anyone think these kidnappers wanted to keep me or ransom me? No. They were going to put me on a trial and then execute me. It was an assassination plot, but no one talks about it that way. Even the way people talk about it has muted the seriousness of it.”

Whitmer will not be called as a witness in the trial. She disclosed on Monday that she has tested positive for COVID-19 for the first time and is experiencing mild symptoms. Prosecutor O’Connor and the defense attorneys expect the trial to go on for about two weeks.

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