

CAPITOL NEWS UPDATE

WEEK OF OCTOBER 5, 2020

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DOMESTIC TERRORISM IN MICHIGAN: FBI UNCOVERS PLOT TO KIDNAP WHITMER, OVERTHROW GOVERNMENT

The FBI and Michigan Attorney General Dana Nessel announced charges against 13 men on Thursday for terrorism, conspiracy, and weapons charges in a detailed plot to storm the Michigan state Capitol, abduct Governor Gretchen Whitmer, and take her to a remote Wisconsin location to put her on “trial” for “treason.”

The details of the conspiracy were released at a joint press event with Nessel, U.S. Attorney for the Western District of Michigan Andrew Birge, and U.S. Attorney for the Eastern District of Michigan Matthew Schneider.

The criminal complaints were filed at the U.S. District Court for the Western District of Michigan. Law enforcement issued search warrants and arrests in Cadillac, Canton, Charlotte, Clarkston, Grand Rapids, Luther, Munith, Orion Township, Ovid, Portage, Shelby Township, and Waterford.

According to an FBI affidavit filed in federal court, the group discussed the violent plan at a June 6 meeting in Dublin Ohio, where they discussed creating a new society and overthrowing “certain governments.” They decided to recruit more members, and later added members of a militia known, according to Nessel, as the “Wolverine Watchmen.”

Nessel said the members made plans to attack law enforcement, overthrow the government and instigate a “civil war.” Reports show another secretive meeting was held in Wyoming, Mich. in June where members talked about “Snatch grab, man. Grab the ... Governor. Just grab the ... Because at that point, we do that, dude -- it’s over.”

U.S. Attorney Andrew Birge said the FBI first learned of the violent plans earlier this year through social media. The case came together with the help of social media, paid informants, and undercover agents.

Several members of the group were identified as participants at armed protests held at the Michigan capitol on April 30 and in downtown Grand Rapids on May 18 in reaction to Whitmer’s orders that closed businesses and organizations, and limited public gatherings in an effort to control the coronavirus pandemic.

Officials said that all of the federal and state suspects were in custody as of Oct. 8.

According to Birge, the federal complaint charges Adam Fox, Barry Croft, Ty Garbin, Kaleb Franks, Daniel Harris, and Brandon Caserta with conspiring to kidnap the governor of Michigan from her vacation home prior to the November election. The federal charges will be prosecuted in the U.S. District Court for the Western District of Michigan.

The Michigan Department of Attorney General is handling the cases of the seven additional suspects charged with crimes under Michigan's anti-terrorism laws including: Paul Bellar, 21, of Milford; Shawn Fix, 38, of Belleville; Eric Molitor, 36, of Cadillac; Michael Null, 38, of Plainwell; William Null, 38, of Shelbyville; and roommates Pete Musico, 42, and Joseph Morrison, 42, of Munith.

Musico and Morrison were arraigned Thursday in Jackson County and orderd to be held in the Jackson County Jail on a \$10 million bond.

A preliminary hearing for the federal cases has been scheduled for 9:30 a.m. Tuesday at the U.S. District Court in Grand Rapids. Four of the state cases were filed in Antrim County and the other three were filed in Jackson County.

Whitmer said in a speech from her office, that when she took the oath of office, she "could not have imagined anything like this."

"As a mom with two teenage daughters and three stepsons, my husband and I are eternally grateful to everyone who put themselves in harm's way to keep our family safe," she said.

Senate Majority Leader Mike Shirkey (R-Clarklake) called the plot "un-American."

"These people are not patriots. There is no honor in their actions. They are criminals and traitors and they should be prosecuted to the fullest extent of the law," Shirkey said.

SENATE PANDEMIC BILLS FILL GAPS LEFT BY NULLIFIED EXECUTIVE ORDERS

The state Senate passed four out of five bills scheduled for Thursday addressing COVID-19 related policies for nursing homes, unemployment benefits, pensions, and electronic public meetings in the wake of a Supreme Court ruling declared Governor Whitmer's COVID-19 executive orders null and void last week.

Driven by Republican-leadership priorities, most of the bills passed with wide-margins despite criticism.

The most controversial of the bills was SB 886, passing 38-0 after the Senate Republicans tie-barred the unemployment extension bill (enabling eligible individuals to be able to receive up to 26 weeks of unemployment versus 20 for the next several months) to a group of House Bills (HB 6101, HB 6030-32) that protect businesses from lawsuits stemming from COVID-19 exposure.

In order to be protected under the bills, businesses would need to be in compliance with government regulations and orders, and would not be protected if the business "willfully exposed" an employee

to COVID-19, unless the employee was, at the time of the exposure, working in a health care setting.”

Opponents to the immunity bill, including the AFL-CIO, said that by tie-barring the unemployment benefits to the business protections, Republicans were rewarding businesses who fail to protect workers.

Other bills passed by the Senate include:

- SB 911 (38-0) would allow retirees from the Unemployment Insurance Agency and the Michigan Occupational Safety and Health Administration to be rehired without losing retirement benefits.
- SB 1094 (38-0), would require the state to implement dedicated facilities to house COVID-19 positive nursing home patients. The final bill included an addition of provisions for a monthly reporting requirement to House and Senate committees on COVID-19 cases, deaths and recoveries in nursing facilities involving residents and staff, among others.
- SB 1108 (36-2) would amend the Open Meetings Act to allow local public bodies to meet remotely without the need for an executive order to be issued by the governor. The final SB 1108 bill included changes that require a note to be made in meeting minutes if a member of the board or commission is participating in the meeting from outside of the state for reasons other than a medical issue.
- HB 6159 was tentatively scheduled but did not come up for a vote on Thursday. The bill would provide health care workers immunity from lawsuits based on their work to provide care to patients infected with COVID-19.

POLITICAL OPERATIVES FACE CHARGES FOR ROBOCALLS

Two political operatives, Jacob Wohl, 22, from Los Angeles and Jack Burkman, 54, from Arlington, Va., are facing a series of felony charges related to voter suppression for a robocall allegedly attempting to intimidate urban voters, including in Detroit.

The charges, filed in the 36th District Court in Detroit, include intimidating voters, conspiracy to commit an election law violation, using a computer to commit the crime of intimidating voters, and using a computer to commit the crime of conspiracy.

The men allegedly attempted to discourage voters from participating in the general election with robocalls made in late August which went out to nearly 12,000 residents with phone numbers from the 313 area code. Attorney General Dana Nessel said that attorney general offices in New York, Pennsylvania, Ohio and Illinois, all reported similar robocalls being made to residents of urban areas in their states, with a total of around 85,000 calls made nationally.

The maximum amount of prison time each defendant could receive under the law if convicted is 12 years. Bail was set at \$100,000 for each.

DHHS ANNOUNCES COVID-19 ORDERS

Using powers under the Public Health Code, the Department of Health and Human Services Director Robert Gordon announced new orders this week in an effort to reinstate some of Gov. Whitmer's nullified COVID-19 executive orders. The orders are similar to Whitmer's, and include mask requirements, restrictions on gatherings and limited crowd sizes at outdoor events like high school sports.

The DHHS also announced new orders for schools, nursing homes, juvenile detention centers, and other congregate care facilities that:

- Require local health departments to notify within 24 hours a school with a school associated case of COVID-19 and the affected school to notify the public of the diagnosis.
- Require residential care, congregate care, and juvenile justice facilities to notify employees and residents of confirmed COVID-19 cases with a resident or employee within 12 hours and residents' legal guardians or health proxies within 24 hours.
- Also require these facilities to post a conspicuous notice indicating the presence of a resident or staffer who has tested positive and contacting the local health department when someone has tested positive.

Senate Majority Leader Mike Shirkey and House Speaker Lee Chatfield both voiced opposition to Gordon's public health order.

"The governor could hardly wait to attempt an end-run around the Supreme Court," Shirkey said in a statement earlier this week.

MM&A Briefs

Gilchrist asks House, Senate Republican Leaders to Enforce Mask Requirement

Lt. Gov. Garlin Gilchrist II sent a letter this week to House Speaker Lee Chatfield (R-Levering) and Senate Majority Leader Mike Shirkey (R-Clarklake) asking them to enforce a mask requirement in the House and Senate legislative chambers. Currently, masks are required for some employees and areas around the Capitol, but not for lawmakers.

Consumers Energy to use \$12 million to Help Customers with Energy Costs

Consumers Energy announced that it will be using \$12 million to help about 25,000 residential customers and 1,000 small business customers pay energy bills. Of the funds, \$3 million will be used for the utility's CARE Program which helps qualified customers address bill forgiveness and arrears and the program will be expanded to include those customers making up to 400 percent of the federal poverty level; \$1 million will go to the nonprofit The Heat and Warmth Fund in southeast Michigan which also helps income-eligible residents with their energy bills; and \$8 million will be used to help customers affected by the pandemic but who may not meet the eligibility requirements of the other programs.

Calendar of Important Events

- Oct. 12 House Speaker Lee Chatfield (R-Levering) PAC Fundraiser**
Location: 10 a.m., Boyne Highlands Resort, 600 Highland Dr., Harbor Springs
- Oct. 14 Rep. Bradley Slagh (R-Zeeland) Fundraiser**
Location: 7:30 a.m., Wolverine Power Systems, 3229 80th Ave., Zeeland
- Rep. Eric Leutheuser (R-Hillsdale) PAC Fundraiser**
Location: 8 a.m., Grand Traverse Pie Company, Lansing
- Rep. Steve Marino (R-Harrison Twp.) Fundraiser**
Location: 9 a.m., Karoub Associates, Lansing
- Michigan House Democratic Fund Fundraiser**
Location: 11:30 a.m., Karoub Associates, Lansing
- Oct. 17 Rep. Brenda Carter (D-Pontiac) Fundraiser**
Location: 6 p.m., Virtual