



Violence in the Capitol, Dangers in the Aftermath

From the Cold War to the War on Terror: the harms from authoritarian "solutions" are often greater than the threats they are ostensibly designed to combat.



Glenn Greenwald

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Members of the National Guard and the Washington D.C. police stand guard to keep demonstrators away from the U.S. Capitol on January 06, 2021 in Washington, DC. (Photo by Samuel Corum/Getty Images)

In the days and weeks after the 9/11 attack, Americans were largely united in emotional horror at what had been done to their country as well as in their willingness to endorse repression and violence in response. As a result, there was little room to raise concerns about the possible excesses or dangers of the American reaction, let alone to dissent from what political leaders were proposing in the name of vengeance and security. The psychological trauma from the

carnage and the wreckage at the country's most cherished symbols swamped rational faculties and thus rendered futile any attempts to urge restraint or caution.

Nonetheless, a few tried. Scorn and sometimes worse were universally heaped upon them.

On September 14 — while bodies were still buried under burning rubble in downtown Manhattan — Congresswoman Barbara Lee cast a lone vote against the Authorization to Use Military Force (AUMF). “Some of us must urge the use of restraint,” she said seventy-two hours after the attack, adding: “our country is in a state of mourning” and thus “some of us must say: let's step back for a moment, let's pause just for a minute, and think through the implications of our actions today so that this does not spiral out of control.”

Barbara Lee's 9/14/01 Speech



For simply urging caution and casting a single “no” vote against war, Lee's Congressional office was deluged with threats of violence. Armed security was deployed to protect her, largely as a result of media attacks suggesting that she was anti-American and sympathetic to terrorists. Yet twenty years later — with U.S. troops still fighting in Afghanistan under that same AUMF, with Iraq destroyed, ISIS spawned, and U.S. civil liberties and privacy rights permanently crippled — her solitary admonitions look far more like courage, prescience and wisdom than sedition or a desire to downplay the threat of Al Qaeda.

Others also raised similar questions and issued similar warnings. On the left, people like Susan Sontag and Noam Chomsky, and on the right people such as Ron Paul and Pat Buchanan — in different ways and at different times — urged U.S. politicians and Americans generally to resist unleashing an orgy of domestic assaults on civil liberties, foreign invasions, and an endless war posture. They warned that such a cycle, once initiated, would be very difficult to control, even more difficult to reverse, and virtually guaranteed to provoke even greater violence.

These few who dissented from the instant consensus were, like Congresswoman Lee, widely vilified. Both Sontag and Chomsky were branded anti-American Fifth Columnists, while David Frum, writing in *National Review*, denounced Buchanan and others questioning the excesses of the War on Terror from the right as “Unpatriotic Conservatives”: no different, proclaimed the neocon, than “Noam Chomsky, Ted Rall, Gore Vidal, Alexander Cockburn, and other anti-Americans of the far Left.”

NR Unpatriotic Conservatives

WHITE HOUSE

Unpatriotic Conservatives

By DAVID FRUM | March 25, 2003 2:00 PM



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“I respect and admire the French, who have been a far greater nation than we shall ever be, that is, if greatness means anything loftier than money and bombs.”

— *Thomas Fleming, “Hard Right,” March 13, 2003*

From the very beginning of the War on Terror, there has been dissent, and as the war has proceeded to Iraq, the dissent has grown more radical and more vociferous. Perhaps that was to be expected. But here is what never could have

David Frum, *National Review*, Mar. 25, 2003

In retrospect, it is hard to deny that those who defied, or at least questioned, the potent 2001 emotional consensus by urging deliberation in lieu of reactionary rage were vindicated by subsequent events: the two-decade expansion of the war in Afghanistan to multiple countries, the enactment of the Patriot Act, the secret implementation of mass surveillance systems, the trillions of dollars of taxpayer wealth transferred to weapons manufacturers, and the paramilitarization of the domestic security state. At the very least, basic rationality requires an acknowledgement that when political passions and rage-driven emotions find their most intense expression, calls for reflection and caution can only be valuable even if ultimately rejected.

Yesterday's invasion of the Capitol by a Trump-supporting mob has certainly generated intense political passion and pervasive rage. It is not hard to understand why: the introduction of physical force into political protest is always lamentable, usually dangerous, and, except in the rarest of circumstances that are plainly inapplicable here, unjustifiable. It was foreseeable that an action of this type would result in deaths. The most surprising outcome is that “only” four people died: an unarmed woman, a Trump supporter and Air Force veteran, who was shot in the neck by a law enforcement officer, and three other protesters who died from unspecified “medical emergencies” (one reportedly died due to accidentally tasing himself, inducing a heart attack).

The U.S. Capitol remains a potent and cherished symbol even for Americans who are deeply cynical about the ruling class and political system. Its nobility is something continually engrained deep into our collective psyche since childhood, and that meaning endures even when our rational faculties reject it. It is therefore not hard to understand why watching a marauding band of hooligans invade and deface both the House and the Senate, without any identifiable objective other than venting grievances, reflexively engenders a patriotic disgust across the political spectrum.

It is unhinged to the point of being obscene to compare yesterday's incursion to the 9/11 attack or (as Sen. Chuck Schumer did last night) to Pearl Harbor. By every metric, the magnitude and destructiveness of those two events are in an entirely different universe. But that does not mean there are no applicable lessons to be drawn from those prior attacks.

One is that striking at cherished national symbols — the World Trade Center, the Pentagon, the Capitol — ensures rage and terror far beyond body counts or other concrete harms. That is one major reason that yesterday's event received far more attention and commentary, and will likely produce far greater consequences, than much deadlier incidents, such as the still-motive-unknown 2017 Las Vegas mass shooting that killed 59 or the 2016 Orlando shooting that left 49 dead at the Pulse nightclub. Unlike even horrific indiscriminate shooting sprees, an attack on a symbol of national power will be perceived as an attack on the state or even the society itself.

There are other, more important historical lessons to draw not only from the 9/11 attack but subsequent terrorism on U.S. soil. One is the importance of resisting the coercive framework that demands everyone choose one of two extremes: that the incident is either (a) insignificant or even justifiable, or (b) is an earth-shattering, radically transformative event that demands radical, transformative state responses.

This reductive, binary framework is anti-intellectual and dangerous. One can condemn a particular act while resisting the attempt to inflate the dangers it poses. One can acknowledge the very real existence of a threat while also warning of the harms, often far greater, from proposed solutions. One can reject maximalist, inflammatory rhetoric about an attack (a War of Civilizations, an attempted coup, an insurrection, sedition) without being fairly accused of indifference toward or sympathy for the attackers.

Indeed, the primary focus of the first decade of my journalism was the U.S. War on Terror — in particular, the relentless erosions of civil liberties and the endless militarization of American society in the name of waging it. To make the case that those trends should be opposed, I frequently argued that the threat posed by Islamic radicalism to U.S. citizens was being deliberately exaggerated, inflated and melodramatized.

I argued that not because I believed the threat was nonexistent or trivial: I lived in New York City on 9/11 and remember to this day the excruciating horror from the smell and smoke emanating throughout Lower Manhattan and the haunting “missing” posters appended by desperate families, unwilling to accept the obvious reality of their loved ones' deaths, to every lamp post on every street corner. I shared the same disgust and sadness as most other Americans from the Pulse massacre, the subway bombings in London and Madrid, the workplace mass shooting in San Bernardino.

My insistence that we look at the other side of the ledger — the costs and dangers not only from such attacks but also the “solutions” implemented in the name of the stopping them —

did not come from indifference towards those deaths or a naive views of those responsible for them. It was instead driven by my simultaneous recognition of the dangers from rights-eroding, authoritarian reactions imposed by the state, particularly in the immediate aftermath of a traumatic event. One need not engage in denialism or minimization of a threat to rationally resist fear-driven fanaticism — as Barbara Lee so eloquently insisted on September 14, 2001.

Human memories are usually short and the dominance of social media has abridged them even further. Many have forgotten that the Clinton administration seized on the 1995 courthouse bombing in Oklahoma City to radically expand law enforcement powers and escalate its demands for full-scale backdoor access to all encrypted internet communications. The fear necessary to justify such draconian measures was fueled by incessant media hyping of weekend citizen militias in places like Idaho and Montana said to be plotting armed insurrection against the federal government.

One of the first major War on Terror attacks on core Constitutional rights which I wrote about was Newt Gingrich's 2006 speech suggesting that the First Amendment's free speech guarantee to fight terrorism should be “modified”.

The Sun

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Gingrich: Free Speech Should Be Curtailed To Fight Terrorism

By **JOSH GERSTEIN**, Staff Reporter of the Sun | November 29, 2006

A FORMER HOUSE SPEAKER, NEWT GINGRICH, IS CAUSING A STIR BY proposing that free speech may have to be curtailed in order to fight terrorism.

"We need to get ahead of the curve rather than wait until we actually literally lose a city, which I think could literally happen in the next decade if we're unfortunate," Mr. Gingrich said Monday night during a speech in New Hampshire. "We now should be

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The former House Speaker approvingly cited a [Commentary](#) article by former federal prosecutor Andrew McCarthy — entitled “Free Speech for Terrorists?” — insisting that some ideas are so dangerous, especially in the era of terrorism and the internet, that the First Amendment must be limited to permit greater censorship powers:

With an enemy committed to terrorism, the advocacy of terrorism—the threats, the words—are not mere dogma, or even calls to “action.” They are themselves weapons—weapons of incitement and intimidation, often as effective in achieving their ends as would be firearms and explosives brandished openly. . . .

Do we so lack confidence (except in the sacrosanct status of speech itself) that we are unable to say with assurance that some things are truly evil, and that advocating them not only fails to serve any socially desirable purpose but guarantees more evil? Must our historical deference to opinion, however noxious, defer as well to a call to arms against innocents, or a call to destroy a form of representative government that *protects* religious and political freedom? May we not even ban and criminalize the advocacy of militant Islam and its *métier*, which is the indiscriminate slaughter of civilians? . . .

In America's bumptious, bounteous marketplace, there are no limits on words as the building blocks of ideas, or on ideas as the legitimate instruments of persuasion. Terror has no place in such discourse. It is the function of law to express our society's judgments. Ours should be simple and humane: words that kill are not words we need abide.

As a free speech advocate and civil libertarian, I was naturally repelled by this notion that some political ideas could be deemed so dangerous by the state that they can be legally suppressed. In response, I asked rhetorically in 2006: “Are there *any* American values at all in which Bush followers and neocons actually believe -- any constitutional principles that are sacrosanct and whose violations they would oppose if undertaken in the name of fighting The Terrorists?” I concluded: “It certainly doesn't appear so.”

Beyond raising alarms about civil liberties erosions, I also often insisted that the underlying causes of terrorism aimed at the U.S. should be considered if for no other reason than to understand how to address it without destroying core liberties for Americans.

While religious fanaticism may sometimes be the cause, far more often, I argued, such attacks were motivated by rage over the killing of innocent people, including children, by the U.S. Government's bombs, drones and tanks in Muslim-majority countries. Right-wing advocates often demonized such arguments as pro-terrorist or as “justifying” terrorist attacks, but the left largely supported the inquiry into motivating causes, just as they have long supported the attempts to understand what motivates violent crime, on the ground that misguided actions are often driven by valid or at least widely shared redressible grievances. But the view that we should attempt to identify the core motives of terrorist acts or violent crime, rather than just label them evil and vow to destroy their perpetrators, was largely deemed taboo in mainstream discourse.

It is stunning to watch now as every War on Terror rhetorical tactic to justify civil liberties erosions is now being invoked in the name of combatting Trumpism, including the aggressive exploitation of the emotions triggered by yesterday's events at the Capitol to accelerate their implementation and demonize dissent over the quickly formed consensus. The same framework used to assault civil liberties in the name of foreign terrorism is now being seamlessly applied — often by those who spent the last two decades objecting to it — to the threat posed by “domestic white supremacist terrorists,” the term preferred by liberal elites,

especially after yesterday, for Trump supporters generally. In so many ways, yesterday was the liberals' 9/11, as even the most sensible commentators among them are resorting to the most unhinged rhetoric available.

Within hours of the Capitol being cleared, we heard truly radical proposals from numerous members of Congress. Senators and House members who objected to Electoral College certification, or questioned its legitimacy, should be formally accused of sedition and removed from expelled from the House if not prosecuted, argued Rep. Cori Bush (D-MO), with other House members expressing support. Even those unarmed protesters who peacefully entered the Capitol should, many argued, be hunted by the FBI as domestic terrorists.

Calls proliferated for the banning of the social media accounts of instigators and protest participants. Journalists and politicians cheered the decision by Facebook and Twitter to temporarily bar the President from using their service, and then cheered again when Facebook's CEO Mark Zuckerberg announced on Tuesday that the ban on Trump extended through Biden's inauguration. Some journalists, such as CNN's Oliver Darcy, complained that Facebook had not gone far enough, that more mass censorship was needed of right-wing voices. The once-radical 2006 Gingrich argument — that some opinions are too dangerous to allow to be expressed because they are pro-terrorist and insurrectionary — is now thriving, close to a consensus.

These calls for censorship, online and official, are grounded in the long-discredited, oft-rejected and dangerous view that a person should be held legally accountable not only for their own illegal actions but also for *the consequences of their protected speech*: meaning the actions others take when they hear inflammatory rhetoric. That was the distorted mentality used by the State of Mississippi in the 1970s to try to hold NAACP leaders liable for the violent acts of their followers against boycott violators after hearing rousing pro-boycott speeches from NAACP leaders, only for the Supreme Court in 1982 to unanimously reject such efforts on the ground that "while the State legitimately may impose damages for the consequences of violent conduct, it may not award compensation for the consequences of nonviolent, protected activity," adding that even "advocacy of the use of force or violence does not remove speech from the protection of the first amendment."

The complete reversal in mentality from just a few months ago is dizzying. Those who spent the summer demanding the police be defunded are furious that the police response at the Capitol was insufficiently robust, violent and aggressive. Those who urged the abolition of prisons are demanding Trump supporters be imprisoned for years. Those who, under the

banner of “anti-fascism,” demanded the firing of a top *New York Times* editor for publishing an op-ed by Sen. Tom Cotton (R-AR) advocating the deployment of the U.S. military to quell riots — a view deemed not just wrong but unspeakable in decent society — are today furious that the National Guard was not deployed at the Capitol to quash pro-Trump supporters. Antifa advocates are working to expose the names of Capitol protesters to empower the FBI to arrest them on terrorism charges. And while Rep. Cori Bush’s proposal to unseat members of Congress for their subversive views went mega-viral, many forget that in 1966, the Georgia State Legislature refused to seat Julian Bond after he refused to repudiate his anti-war work with the Student Non-Violent Coordinating Committee, then considered a domestic terrorist group.

Those who argued in the summer that property damage is meaningless or even noble are treating smashed windows and looted podiums at the Capitol as treason, as a coup. One need not dismiss the lamentable actions of yesterday to simultaneously reject efforts to apply terms that are plainly inapplicable: *attempted coup, insurrection, sedition*. There was zero chance that the few hundred people who breached the Capitol could overthrow the U.S. Government — the most powerful, armed and militarized entity in the world — nor did they try.

Perhaps many view it as more upsetting to see august members of Congress hiding in fear of a riot than to watch ordinary small-business owners weep as their multi-generational store burns to the ground. Undoubtedly, national reporters who spend much time in the Capitol and who have long-time friendships with Senators and House members are more horrified, far more so, by violent gangs in the Capitol rotunda than on the streets of Portland or Kenosha. But that does not mean that rational restraint is unnecessary when searching for sober language to accurately describe these events.

There is a huge difference between, on the one hand, thousands of people shooting their way into the Capitol after a long-planned, coordinated plot with the goal of seizing permanent power, and, on the other, an impulsive and grievance-driven crowd more or less waltzing into the Capitol as the result of strength in numbers and then leaving a few hours later. That the only person shot was a protester killed by an armed agent of the state by itself makes clear how irresponsible these terms are. There are more adjectives besides “fascist treason” and “harmless protest,” enormous space between those two poles. One need not be forced to choose between the two.



Tweet of Rep. Jason Crow (D-CO), Jan. 6, 2021

It has long been clear that, in the post-Trump era, media outlets looking to keep viewers hooked, and government officials looking to increase their power, will do everything possible to center and inflate the threat posed by right-wing factions. I've said this more times than I can count over the last year at least.

Like all inflated threats, this one has a kernel of truth. As is true of every faction, there are right-wing activists filled with rage and who are willing to do violence. Some of them are dangerous (just as some Muslims in the post-9/11 era, and some Antifa nihilists, were and are genuinely violent and dangerous). But as was true of the Cold War and the War on Terror and so many other crisis-spurred reactions, the other side of the ledger — the draconian state powers clearly being planned and urged and prepared in the name of stopping them — carries its own extremely formidable dangers.

Refusing to consider those dangers for fear of standing accused of downplaying the threat is the most common tactic authoritarian advocates of state power use. Less than twenty-four hours after the Capitol breach, one sees this tactic being wielded with great flamboyance and potency, and it is sure to continue long after January 20.

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