

IV. United States

'1/6' THE NEW '9/11'

Demagogues' Manipulation of Fear Threatens Constitutional Government

by David Shavin

Nov. 6—In his Oct. 17 [article](#), “Civil Liberties Are Being Trampled by Exploiting ‘Insurrection’ Fears. Congress’ 1/6 Committee May Be the Worst Abuse Yet,” investigative journalist Glenn Greenwald makes the case that Congress’ present Select Committee To Investigate the January 6th Attack on the United States Capitol (“1/6”) is not only acting unconstitutionally, but its very enabling resolution is unconstitutional on its face. He describes the Committee as a product of the deliberate and cynical manipulation of fear, minimally on behalf of short-term political advantage, but also as the *modus operandi* of would-be demagogues.

This article will summarize his 35-page analysis and then address the warning that he issues.

Greenwald begins by comparing the reaction to the three hours of rioting at the U.S. Capitol on Jan. 6, 2021—especially as that reaction is incarnated in the Congressional “1/6 Committee”—to the manipulation of “grave fear and anger” after the 9/11 attacks that cost almost 3,000 lives. He makes the case that this pushes the Constitution, the law, and morality into the back seat. The need for revenge justifies everything:



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Rep. Liz Cheney (R-WY), Vice Chair, and Rep. Bennie Thompson (D-MS), Chair of the House Select Committee to Investigate the January 6 [2021] Attack on the U.S. Capitol Building.

For many liberals and Democrats in the U.S., 1/6 is the equivalent of 9/11.... Some prominent Democrats in politics and media have even insisted that 1/6 was worse than 9/11. [President Biden’s characterization of 1/6] is the worst attack on our democracy since the Civil War.

The enabling resolution of the Select Committee on 1/6 officially pronounces it “one of the darkest days of our democracy.”

Committee member Rep. Liz Cheney, perhaps in an attempt to outdo her father’s exploitation of the 9/11 attacks, called the forces behind 1/6 “a threat America has never seen before.” Greenwald adds that the intelligence community had argued, prior to 1/6, “for a new War on Terror” and that Biden’s “senior advisers” had pushed Rep. Adam Schiff’s bill “to import the first War on Terror onto domestic soil.” Just as “neo-cons wanted to invade and engineer regime change in Iraq prior to 9/11 and then exploited 9/11 to achieve that long-held goal,” such cynical exploitation is going on now.

‘Shock and Awe’ Applied Against Americans

It would not be the first time that a terrible public event was exploited to undermine the deliberative capacities of a country. The prototype for modern times is perhaps the infamous 1933 “Reichstag fire,” employed to enable Hitler’s consolidation of power under emergency conditions. Today, the vaunted “shock and awe” of Dick Cheney’s colleague, Donald Rumsfeld—a modern translation of the Nazis’ “blitzkrieg”—is found to work, not on the poor Iraqis, but on the poor citizens of the United States.

Given this climate, Greenwald addresses the obvious: No public debate on serious constitutional abuses is allowed, lest one be accused of “harboring sympathy for the plotters and their insurrectionary cause.” Liberals are now pushing the same crackdowns they formerly attacked as “abusive and excessive, if not unconstitutional.”

Participants in the protest, prior to any convictions, are placed on the no-fly list—an action that had been the subject of bitter public protests by liberals for years after 9/11, as a terrible abuse of the rights of individuals. Over 600 have now been charged, but “not one person has been charged with conspiracy to overthrow



cc/Elvert Barnes

The FBI was “actively involved” in a number of groups it claims were most responsible for the January 6 protest, including the Proud Boys, photographed here in front of the U.S. Supreme Court Building, Jan. 6, 2021.

the government, incite insurrection, conspiracy to commit murder or kidnapping of public officials,” or the like. Based upon the charges filed, one could only conclude that there were simply various rioters out of control; hence, no planners, no greater threat to, or assault upon the republic.

However, dozens have been imprisoned for months, some under “harsh and bizarrely cruel conditions.” The ACLU has gone silent. Arrests are now routinely carried out by Special Weapons and Tactics (SWAT) teams, and judges are handing out prison time for misdemeanors—to set an example.

So, the dark and threatening coloration is of sedition and treason, though apparently neither is to be found.

Importantly, Greenwald does acknowledge that “serious questions about FBI involvement in the 1/6 events linger.” As part of this, he cites the example of the plot to kidnap Michigan Governor Gretchen Whitmer, where the proponents of the conspiracy were the ones working for the FBI, while their followers were the ones indicted. Then he points out that the FBI was actively involved in the Proud Boys, the Oath Keepers, and the Three Percenters—the precise three groups that it claims were most responsible for the 1/6 protest. Greenwald concludes that, to the extent that there was any planning, it was “far closer to an FBI-induced plot than a centrally organized right-wing insurrection.”

Unconstitutional Actions and Unconstitutional Intent

Greenwald then looked at the initial activities of the 1/6 Committee. It subpoenaed eleven private citizens who had no involvement with any rioting, but simply had applied for and received a permit to protest. That is somewhat chilling in itself.

Then it issued “preservation notices” to providers of email, cell, telecom, and social media, for any and all electronic traces—metadata and content—for over 100 citizens, all unnamed. (CNN asserts that “many members of Congress” are on the secret list.) It requested that the providers not notify their customers as to these steps, but rather solicited “voluntary compliance” with their gag order.

Greenwald pointed out that such electronic sweeps are something the FBI can do (supposedly limited by judicial supervision), but something Congress simply does not have the authority to do. That is, the Committee knows it doesn’t have such power, but is attempting to steamroll “voluntary” compliance. However, they added the safeguard, that should a provider think that it is obligated to inform the target of the proposed action, it is instructed to inform the committee first—giving the committee the ability to withdraw the request. This both maintains the secrecy and deniability of the Committee’s operations, and pre-empts legal challenges.

Beyond such unconstitutional practices, Greenwald argued that the Committee is unconstitutional in its stated mission. Since it is only the executive and judicial branches that have the power to investigate criminal suspects and adjudicate guilt, there are safeguards in place for them, which are not in place for Congress. Rather, Congress is supposed to be able to investigate and issue subpoenas only “to gather information to help lawmakers write or rewrite laws, or ... to assert oversight over executive branch agencies as part of the constitutional design of checks and balances.” It can’t investigate private citizens to determine if they committed crimes or even “simply to satisfy a desire ‘to know what happened.’ But this is exactly what the Select Committee on 1/6, *by its own admission*, is seeking to do.”

Both the Supreme Court (from the 1880 *Kilbourn v. Thompson* decision onwards) and the recent report by Congress’s own Research Service agree that—

Congress does not act with a legislative purpose when investigating private conduct that has no nexus to the legislative function. [T]he mantra that “we need to know” is a classic example of an *invalid* motive for a congressional investigation into the acts of private citizens.”

But hear the descriptions of Reps. Bennie Thompson and Liz Cheney at their Sept. 16, 2021 press conference.

Thompson: [T]he Select Committee is dedicated to telling the complete story of the unprecedented and extraordinary events of January 6th, including all steps that led to what happened that day....

Cheney: We’re telling the American people the story of what happened.

Otherwise, the only reference to a legal reform issue in the enabling resolution of the Select Committee is to make an evaluation of “the structure, authorities, training, manpower utilization, equipment, operational planning, and use of force policies of the United States Capitol Police.” Ironically, Congress could legitimately investigate “what role FBI agents and informants played in the events themselves” as this “would be a valid exercise of congressional investigative power, since their targets would be the government agencies over which they have oversight responsibilities.” But that avenue seems to hold no interest for the committee.

1/6 Committee and McCarthyism

In an October 5, 2021 [letter](#) to the 1/6 Committee, the Project On Government Oversight (POGO), a non-partisan independent government watchdog, warns of the McCarthyite nature of the Committee’s activities:

Most infamously, during the Red Scare of the 1940s and 1950s, Senator Joseph McCarthy and the House Un-American Activities Committee [HUAC] both used congressional powers to collect private information on, expose, and demonize communist sympathizers.... [W]e urge the committee to be especially cautious in its demands for records that could implicate First Amendment rights....

Greenwald relied upon an [analysis](#) by Elizabeth Goitein, Co-Director of the Liberty and National Security Program of the Brennan Center for Justice, entitled “Congress’ Access to Individuals’ Private Communications: The Jan. 6 Committee’s Troubling Precedent.” Her analysis appears on the anti-Trump “Just Security” site. Greenwald summarized Goitein’s study as finding that third-party subpoenas are dangerous, especially for “individuals who were listed on permit applications or were otherwise involved in organizing, funding, or speaking” at the 1/5 or 1/6 rallies “relating to objecting to the certification.”

She also researched Joe McCarthy and his HUAC operation’s use of “congressional powers to collect private information ... [on] communist sympathizers.” In particular, the Supreme Court decisions of 1955 and 1957 explicitly ruled that McCarthy, or anyone in Congress, did not have the excuse of informing itself about threats to the government. That was the duty of law enforcement. At the time, the Court overturned the convictions of union officials who had refused to name others suspected of being part of a communist conspiracy. The language in the Supreme Court’s 1957 *Watkins v. United States* case was clear: “[T]he mere semblance of legislative purpose would not justify an inquiry in the face of the Bill of Rights.”

Returning to Greenwald’s own argument: He compared Special Prosecutor Robert Mueller’s over-puffed “Rus-siagate” investigation, when no one was charged with a



U.S. Senate

U.S. Senator Joe McCarthy (R-WI) interrogates Joseph Welsh, Chief Senate Counsel representing the United States Army, regarding alleged communists and other subversives in defense plants, at a Senate Subcommittee on Investigations (Army-McCarthy) hearing, June 9, 1954. Supreme Court decisions in 1955 and 1957 explicitly ruled that Congress does not have the power to investigate private individuals on the excuse of informing itself about threats to the government.

criminal conspiracy with Russia, with the present 1/6 investigation, where no one is charged with anything close to the narrative appearing in the media. He concluded that there is a “complete dissonance between the narrative fed to the citizenry by Democrats and their media allies on the one hand, and the legal realities on the other.” Instead, a few “hapless and impoverished lost souls” are sent to prison. But they are sent for only a token few months, because the 1/6 Committee “is designed to be cathartic theater for liberals, and a political drama” for everyone else. “They have staffed the committee with their most flamboyant and dishonest drama queens,” such as Adam Schiff, Jamie Raskin, Liz Cheney, and Adam Kinzinger; and they’ll run the show with a reckless disregard for any civil liberties. Hence, the new pattern for liberals in their Trump-hating has become the



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Rep. Adam Schiff (D-CA), January 6 Select Committee member.



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Investigative journalist Glenn Greenwald expects the January 6 Select Committee to run the show with a reckless and unconstitutional disregard for civil liberties, leading to state and corporate censorship of the internet, greater reverence for “security state” agencies such as the CIA and FBI, and a love for and trust in corporate media.

“overwhelming support for state and corporate censorship of the internet, increasing reverence for security state agencies such as the CIA and FBI, [and] love for and trust in corporate media.”

How Liberals Become Fascists

Thus concluded Greenwald’s analysis and warning. But how did this very real danger come to pass? In McCarthy’s days, one can lay the blame on the failure to pick up the mantle of FDR. Put simply, the same capacity President Franklin Roosevelt used to mobilize for war, existed for a massive mobilization for peacetime economic development of the United States and of the world, a world exhausted with colonial empires and the conflicts that ensued. But rather than harnessing that demonstrated power, the productive capacity in 1945/6 was largely down-sized, and people were not provided answers for that strange behavior. In lieu of discussing the obvious, new enemies were conjured up. Joe McCarthy was just more garrulous than some of the others in pushing the “commies are about to take over our country” narrative.

In November 2016, when the political and financial elites were shocked that an “outsider” had won the U.S. Presidential election, Lyndon LaRouche immediately put things into context: Decades of financial speculation, divorced from any serious investment in major infrastructure projects and in productive capacity, had run into a rebellion of the former middle classes; and this showed up in various places in the Western world in 2015/6—including in England’s Brexit vote and in the Trump victory. (Ask Bill Clin-

ton whether his advice to address the economic woes of the formerly industrial states of Pennsylvania, Ohio, etc., was heard by the Democratic strategists of 2016.)

What is not to understand about the anger that built up around the 2020 election, after four years of insulting narratives about Russiagate, etc.? Or about the complete insult of witnessing a fringe part of the 1/6 demonstration go berserk in physically assaulting the Capitol?

The dumbing-down of the 9/11 investigation to the “lone assassin,” Osama bin Laden, and the present games being played with the 1/6 investigation, are indeed dangerous. The first ended up with an idiotic, genocidal murder of millions of Iraqis, Syrians, and Afghans. The second already threatens to cement Washington, D.C. into a silly “kabuki” theater, while a hyper-inflationary blowout drives the country to increasingly blustering measures toward a military showdown with Russia and China. The unspoken reality is that neither of the two “shock and awe” operations would have been conceivable, but for the much more reckless trashing of the Constitution in the 1980s operation against LaRouche.

One can and should be outraged at the hypocrisy involved in the 1/6 Committee. However, there is no deep mystery as to how ostensible liberals can be turned into fascists. A proper sequel to Greenwald’s important and considered argument, would be to pursue a way of pre-empting the next tragedy. [LaRouche’s approach](#) has been available all along.

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