

THE CAPITOL INVASION AND THE FRAMING OF POLITICAL VIOLENCE

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In the wake of the invasion of the Capitol on January 6, 2021, the media, political leaders, and scholars sought the right term to capture the violence that had occurred: was this a protest, a riot, an insurrection, a seditious conspiracy, an autogolpe (“self-coup”), or domestic terrorism? Some of the debate over language stemmed from the challenge of conceptualizing a problem that seemed to have few domestic analogues in recent memory; it is not often that U.S. presidents instigate protestors to march on the Capitol to disrupt the certification of an election with false claims of election fraud and rhetoric licensing violence. Moral outrage also drove the search for the most stigmatic label imaginable for those who stormed the Capitol, as if the blunt force of an epithet could bludgeon them into submission.

The problem with painting that political violence with a single brushstroke is, in part, that it simplifies several problems into one. The Capitol invasion was the product of at least three problems, none of which has ended after President Biden’s inauguration. First is the problem of Donald Trump and his political enablers in the Republican Party, who sought to retain power and subvert the democratic process with false narratives delegitimizing a fair election. Second is the problem of right-wing militant groups like the Proud Boys and Oath Keepers—many of whose members participated in the invasion of the Capitol—that have organized in paramilitary fashion to support a far-right and often white supremacist agenda. Third is the problem of the large numbers of Americans who bought into the false narrative of election fraud and various right-wing conspiracy theories—and still do. All three of these problems must be addressed, but doing so requires greater nuance than much of the discussion has shown to date, and more careful attention to the long-term consequences of immediate responses.

A more nuanced, careful discussion of the events at the Capitol, and ongoing threats, would consider the historical and contemporary implications of selecting particular “frames” for political violence. As sociologists, political scientists, media scholars, and others have studied, the “framing” of a problem can generate social, political, and legal consequences. In this context, the discussion should begin with an understanding of “terrorism” and “domestic terrorism”—the categories that many now advocate applying, and expanding, to address the storming of the Capitol and the ongoing threat of white supremacist and far-right violence.

There is no question that much of the violence at the Capitol, and a good number of white supremacist attacks in places like Charleston, Pittsburgh, and El Paso, meets common legal and academic definitions of “terrorism.” Much of that violence, for instance, involves criminal acts dangerous to human life that are intended to intimidate a civilian population or influence government policy through coercion—falling within a leading, if broad, U.S. [legal definition of terrorism](#). In addition, security and law enforcement agencies for many years ignored or downplayed the threat, in part because of political pressure from the right and the privileged social status of white suspects. These political and racial dynamics play a significant role in the bifurcated response to “international” and “domestic” terrorism in the United States—categories

that I have [previously argued](#) security agencies interpreted according to the racial identity of perpetrators and the ideology of threats, rather than their actual geography.

But expanding the “terrorism” frame—especially through the creation of new terrorism crimes or enhanced law enforcement powers—creates grave risks. First, it risks essentializing complex social and political challenges as problems of “national security,” thereby shifting power to security agencies and self-identified terrorism experts. A response to political violence requires the experience and knowledge of multiple sectors of society and government, including those with backgrounds in law enforcement. But security agencies have long operated with greater secrecy and less accountability than other institutions of government, aided by courts that have [deferred to claims of security expertise](#) and [licensed invidious discrimination](#) in the name of national security. Moreover, as sociologist Lisa Stampnitzky has [argued](#), when it comes to terrorism expertise, there is “little regulation of who may become an expert.” A “politics of anti-knowledge” has surrounded the field, where “all we need to know about [people defined as terrorists] is that they are evil.” Framing the problem as “terrorism” risks empowering agencies that operate with little transparency or oversight and “experts” with [dubious claims](#) to expertise—exacerbating a problem that has already characterized the two-decade-old war on terror.

Second, counterterrorism since 9/11 has embraced an aggressively preventative logic that overstates the ability of law enforcement to identify “real” threats, infringes on civil liberties in a quest to eliminate risk, and operates through far-reaching programs like terrorist watchlists and FBI-driven sting operations. Those on terrorist watchlists, including U.S. citizens, can be detained at U.S. borders for hours, interrogated and searched, or flagged for scrutiny during ordinary traffic stops or when applying for jobs—all despite a [notoriously low “reasonable suspicion” standard](#) for inclusion on the main list and insufficient mechanisms to challenge one’s inclusion. FBI sting operations involve federal undercover agents or informants approaching individuals, often on the basis of online speech, and presenting opportunities to conduct a violent act to see if they will take the bait. Such operations ignore the likelihood that the [government’s own actions](#)—which have included financial incentives, moral suasion, and psychological prodding—induce crimes that individuals would not have committed on their own. The premises and programs of post-9/11 counterterrorism need reining in, not expansion.

Third, any expansion of terrorism charges or surveillance powers is concerning in light of the government’s disparate historical response to political threats and the systemic racial inequalities in the criminal legal system. The FBI’s sweeping surveillance and infiltration of the civil rights and anti-war movements in the 1960s is well-known, but often blamed on the prejudices of then-FBI Director J. Edgar Hoover rather than anything more fundamental. But the lessons of the past are still relevant. Historian David Cunningham has [argued](#) that, compared to the broad targeting of perceived threats on the left, the FBI in the 1960s conducted a more limited campaign against the Ku Klux Klan and other white supremacist groups because FBI officials opposed the groups’ violence but sympathized with their beliefs. It is likewise easy to imagine some law enforcement agencies or officials today treating far-right militants as misguided for embracing violence, but otherwise legitimate in their belief in an America under assault from immigrants, racial minorities, and socialists. Indeed, paramilitary groups such as

the Oath Keepers have [actively recruited](#) military members, veterans, and law enforcement officers to their ranks because they know that many share such beliefs.

The concern today is that, even if political leaders authorizing new domestic terrorism powers have white supremacists in their sight, those powers will land most heavily on members of subordinated communities or those perceived to be threatening the existing racial or socioeconomic order. Thus far, U.S. Muslims and Muslim communities have borne the brunt of counterterrorism practices at home. But industry groups and political leaders have also advocated treating other groups, especially activists of color—such as those protesting oil pipelines or police brutality—as terrorists. More than 80 members of Congress [wrote](#) to the Justice Department in 2017 inquiring whether damaging energy pipelines qualifies as domestic terrorism. Last summer, in the face of nationwide racial justice protests, some members of Congress called for a harsh military response, with Rep. Matt Gaetz [tweeting](#), “Now that we clearly see Antifa as terrorists, can we hunt them down like we do those in the Middle East?”

A prioritization of the threat of white supremacist and far-right violence is essential. But proposals to create new terrorism offenses or expand surveillance authorities are misguided. The existing legal framework for addressing terrorism needs greater accountability, not expansion—no matter how tempting some might find it to excoriate those who stormed the Capitol as “terrorists.”

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