

January 6, 2021
A Clarification of Protesters and Rioters

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For this article, two words need clarification in relation to the January 6, 2021 events at the National Mall and the US Capitol building in Washington, DC: *protesters* and *rioters*.

The *protesters* on the Mall of that day were exercising their rights, a freedom guaranteed by the nation's Constitution and Bill of Rights. The country's law enforcement bodies (such as the police) were obligated to protect the protesters exercising this freedom. Regardless of the protesters' acts being inoffensive or offensive, they had every right to their actions.

The *rioters*, upon removing the outside barriers, breaking the doors and windows of the Capitol building, and forcibly entering the building, were not exercising their rights. They violated the laws of the land, also established in the Constitution and Bill of Rights. By doing so, they relinquished their freedom and the rights that came with that freedom. They acted in a dangerous manner, and law enforcement was not only duty-bound, but required to stop their actions, as the actions were demonstrably doing harm to others.

Yet the nation's laws protect citizens who are clearly engaged in harmful acts. For example, if rioters must be held in restraint for purposes of safety to property or people, this restriction must be temporary. The Constitution's first amendment, section 9 states: "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

TV programs and movies routinely remind us of this vital aspect of our society, "Book me or release me."

Freedom!



The modern freedom fighter.

During the Mall protests and the Capitol riots the man dressed in a horn-adorned costume, seen in this figure (from AP), was particularly vocal about rights and being denied freedom. The modern-day version of a *Freedom Fighter*.

He was arrested and while in jail, expressed these views: He regrets "...storming the building [and] apologized for causing fear in others." He said he "...has re-evaluated his life since being jailed..." He said he is "coming to terms with events leading to the riot." He said, " 'We are good people who care deeply about our country.' "

We can only hope he will alter the nihilistic behavior he displayed on January 6 which, along with others of his persuasion, has further revealed a deeply anarchic and dangerous vein in America's body.

But we should not be optimistic. The man's comments while in jail were opportunistic. For deeply committed zealots of any cause, a month of incarceration...even years in a federal prison, are not going to change their spots, their deeply held beliefs.

Freedom and the Rule of Law. Many of the January 6 rioters were shouting slogans, words and epitaphs of protests against what they called the “elites of the country” and seemingly, at least to this writer, the country itself. One word bellowed often during the pandemonium was “Freedom!” Many in the crowd appeared to use the word as if they did not have freedom or they wanted more freedom.

If I were to stand on a street corner and yell “Freedom!” it would be my way of celebrating this country’s laws that are in place to make sure I do indeed have that freedom. But then, I’ve been around enough corners of this earth to appreciate that many street corners do not have freedom of speech, freedom to protest or habeas corpus.

Freedom is based on the Rule of Law. It’s a simple phrase representing a complex set of values, and vitally important, a set of norms for behavior. With freedom comes responsibility. In a seeming irony, freedom, if it really exists in a country, permits us to actually act irresponsibly. But only to a point. If our behavior does harm to others, the Rule of Law draws a line: No!

In many countries, demonstrators do not have the freedom to act as the protesters and rioters did on January 6 in Washington. In many countries, they would have been shot by the nation’s constabulary.

In this country, clearly, the rioters of January 6 (not the protesters) violated the Rule of Law. It was not a trivial violation. Their acts led to deaths and could have led to more.

The January 6 “Freedom Fighters.” The rioters and likely many of the protesters of January 6 have no idea of what freedom really means. They are so accustomed to having freedom, they think of it as an entitlement.

While watching the events of January 6 unfold, I took a break and retrieved a picture I had saved of the 1975 fall of Saigon, Vietnam to the communists. It is shown in the first figure below, depicting a crowd climbing the walls of the US embassy to try to escape possible death, certainly loss of freedom, from the hands of the communists during the Vietnam War.

On the evening of January 6, I copied an image of the near-fall of the Capitol to the rioters. It is shown in the second picture below, depicting a crowd climbing the walls of the US Capitol to attack an American institution that gives them the freedom to demonstrate their ire. But only to a point.

I have titled the first figure: “Vietnamese citizens seeking the sanctity of America’s freedom.” I have titled second figure: “American citizens attacking the citadel of America’s freedom.”



Two images that speak for themselves.

Protecting Freedom

The rioters at the nation's Capitol likely do not understand the irony of those two images, of the existential dangers their American forebearers withstood to permit all citizens to live in a nation of freedom. For over two hundred years America's citizens have fought not only to give protesters and demonstrators their freedom, they have fought to protect it as well. The Freedom Fighters of the past possessed tolerant but resolute beliefs and behavior. These traits are all too rare in our human race and the governments of many nations. They were noticeably absent in the January 6 Capitol Hill mob.

We American citizens had best remember our history and how precious, yet perilous freedom can be. It means more than mounting a set of horns on one's head and shouting "Freedom!" It means protecting it. It means nurturing it. It means changing the rules of law if they are no longer just. It does not mean destroying the rules of law, for that means destroying freedom.