



March 22, 2021

Alabama State Bar  
Disciplinary Commission  
P.O. Box 671  
Montgomery, AL 36101-0671

Dear Disciplinary Commission:

The Southern Poverty Law Center Action Fund (SPLC Action Fund) submits this bar complaint against Morris “Mo” Brooks, the United States Representative for Alabama’s 5th congressional district, for prolific violations of the Alabama Rules of Professional Conduct, as well as apparent violations of state and federal law. The facts below evince Rep. Brooks violated these standards and laws in his efforts to prevent the United States Congress from complying with its constitutional duties to count the votes of the Electoral College and certify Joseph R. Biden and Kamala D. Harris as the forty-sixth President and Vice President of the United States of America. He promoted unsubstantiated claims of election fraud, mobilized domestic extremists, and marshalled a failed coup of the U.S. government that resulted in multiple deaths and arrests, including two of his constituents. In the aftermath of the deadly insurrection, he has doubled down on his lies and relied upon his position as a member of this Bar in support thereof. His conduct resurrects the South’s dark tradition of politicians orchestrating political and extrajudicial violence with impunity.\* This must stop. Accordingly, the Alabama Bar Association should disbar Rep. Brooks for violating Alabama Rules for Professional Conduct 8.4(b), (c), and (g).

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\* See, e.g., Francisco M. Ugarte, *Reconstruction Redux: Rehnquist, Morrison, and the Civil Rights Cases*, 41 Harv. Civil Rights & Civil Liberties L. Rev. 481, 489, 494 n.83 (2006) (recounting the events of the 1876 Hamburg Massacre, led by a future South Carolina governor and U.S. senator, and concluding that “[t]he failure of federal and state authorities to contain organized and systematic incidents of racial violence . . . was understood by whites throughout the South as a license to pursue its terrorist strategies in fighting Reconstruction”); see also Appendix B: Partial Historical Record of Impunity for Southern Public Officials Orchestrating Political and Extrajudicial Violence, *infra* p. viii.

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## I. Jurisdiction

The Alabama Bar Association has jurisdiction to discipline Rep. Brooks. The state bar investigates complaints of professional misconduct “of any person who has been, or may hereafter be, admitted to the practice of law,” including inactive members of the bar like Rep. Brooks.<sup>1</sup>

Rep. Brooks is “answerable . . . for offenses that indicate [a] lack of those characteristics relevant to law practice,”<sup>2</sup> even when “misconduct occur[s] outside the lawyer-client relationship” and traditional practice of law.<sup>3</sup> “Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category.”<sup>4</sup> Holding an elected office is no shield from suspension or disbarment for misconduct.<sup>5</sup> Indeed, a lawyer’s professional obligations are *heightened* when a lawyer holds public office.<sup>6</sup>

As discussed more fully herein, Rep. Brooks abused his office by inciting violence, propagating false statements about the election, breaching the public’s trust in him as an elected official, and interfering with the certification of the results of the 2020 presidential election. These “abuse[s] of public office . . . suggest an inability to fulfill the professional role of attorney.”<sup>7</sup>

## II. Standing

The signatories have standing to submit this complaint. All lawyers who possess “unprivileged knowledge of a violation of Rule 8.4 shall report such knowledge.”<sup>8</sup> The Alabama legal profession relies on self-regulation, which “requires that members of the profession initiate [a] disciplinary investigation when they know of a violation.”<sup>9</sup> “The failure to report a violation [is] itself . . . a professional offense.”<sup>10</sup> Accordingly, the Alabama Rules of Professional Conduct compel SPLC Action Fund’s attorneys to report Rep. Brooks’ recent transgressions to the State Bar.

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<sup>1</sup> See Ala. Code §§ 34-3-43(a)(3), 34-3-80; *see also* Exhibit A, *infra* p. xiv (Rep. Brooks’ Bar Membership Screenshot).

<sup>2</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>3</sup> Rule 1(a)(1), Ala. R. Disciplinary P.; *see also id.* r. 2(b) (discipline can be imposed for “violation of a rule of professional conduct...whether or not the violation occurred in the course of the lawyer-client relationship”); *Ala. State Bar v. Giardini*, \_\_ So.3d \_\_, 2020 WL 2298363, at \*11–\*12 (Ala. 2020) (upholding disbarment of prosecutor of sex crimes against children for initiating lewd online communications with non-party teenagers, or people who claimed to be teenagers, reasoning that the misconduct spoke to his unfitness to handle sex crimes prosecutions and represent victimized youth); *Ex parte Grace*, 244 Ala. 267, 268 (Ala. 1943) (upholding suspension of an attorney for attempting to bribe an incumbent judge to withdraw from the upcoming election).

<sup>4</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>5</sup> See *Kentucky State Bar Ass’n v. Lewis*, 282 S.W.2d 321, 326 (Spec. Ct. App. 1955).

<sup>6</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>7</sup> *Id.*

<sup>8</sup> Rule 8.3(a), Ala. R. Prof. Cond.

<sup>9</sup> Rule 8.3 cmt., Ala. R. Prof. Cond.

<sup>10</sup> *Id.*

### III. Factual Background

Rep. Brooks engaged in a public relations and media campaign to discredit the 2020 General Elections from fall 2020 to the present.<sup>11</sup> He pursued this goal by misrepresenting campaign statements made by then-candidate Joseph Biden and falsely asserting that former President Donald Trump lost the election due to voter fraud. These misrepresentations and falsehoods encouraged his own constituents and others to attack the U.S. Capitol on January 6, 2020.<sup>12</sup> Furthermore, in the aftermath of the deadly insurrection on January 6, Rep. Brooks continued to incite his supporters and constituents to violence and lawlessness, reiterating lies about the 2020 General Election and specifically relying upon his “profession [] as a litigator in a courtroom, as a prosecutor, as a defense attorney or [in] commercial disputes” in support of his false claims to the public.<sup>13</sup>

#### A. Rep. Brooks Spread Misinformation to Organize and Galvanize the Insurrectionists

Rep. Brooks was discrediting the validity of the November 2020 election before it ever took place. As early as August 2020, Rep. Brooks spread misinformation about the election, claiming that voting by mail was inherently fraudulent.<sup>14</sup> In September 2020, he repeatedly raised the specter of a “stolen” election, claiming “Dems seek to steal White House.”<sup>15</sup> On October 21, 2020, Rep. Brooks warned his Facebook followers:

*There’s going to be more voter fraud this election than any election in the history of the United States. There are going to be more ballots that were cast and not counted, and there are going to be more people voting two, three, four or five times than has ever occurred before because of the lack of ballot-box safeguards against the kind of voter fraud that is always conducted in elections but never so easily and so massively as I anticipate it will be conducted in this election. Who knows how much voter fraud there is going to be when it is made easier, where no voter identification is required, or where ballots are mailed to a residence, which may or may not be the correct address. Or, if it is a Republican neighborhood, those ballots just might be delayed at the post office. The postal union, if I recall correctly,*

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<sup>11</sup> See Exhibits B, C, D, *infra*.

<sup>12</sup> See generally Rebecca Ballhaus, Joe Palazzolo, and Andrew Restuccia, *Trump and His Allies Set the Stage for Riot Well Before January 6*, Wall St. J. (Jan. 8, 2021), <https://www.wsj.com/articles/trump-and-his-allies-set-the-stage-for-riot-well-before-january-6-11610156283>.

<sup>13</sup> See Kyle Whitmire, *Here’s the scariest thing about Mo Brooks*, Ala. Media Group (Jan. 27, 2021), <https://www.al.com/news/2021/01/heres-the-scariest-thing-about-mo-brooks.html>.

<sup>14</sup> See, e.g., Mo Brooks (@repmobrooks), Twitter (Aug. 30, 2020, 8:36 PM), <https://twitter.com/RepMoBrooks/status/1300246117771345921>; see also Exhibit B, *infra*.

<sup>15</sup> Mo Brooks (@repmobrooks), Twitter (Sept. 4, 2020, 8:25 AM), <https://twitter.com/RepMoBrooks/status/1301873934418272256>; see also Mo Brooks (@repmobrooks), Twitter (Sept. 26, 2020, 11:56 AM), <https://twitter.com/RepMoBrooks/status/1309899536647827458>; Exhibit B, *infra*.



*endorsed the socialist Democrats this election just about across the board. That's scary.*<sup>16</sup>

Only a few days after the election, Rep. Brooks was already promising not to certify the election results if Joseph R. Biden was declared the winner, threatening instead to use Congress to elect Donald Trump regardless of the outcome of the election.<sup>17</sup> He then proceeded to give a series of House floor speeches on “Congress’s decisive role in determining the outcome of presidential elections,”<sup>18</sup> emphasizing to his colleagues and the public that “House Republicans control the election of the next President of the United States.”<sup>19</sup> In his third speech on the topic, Rep. Brooks warned of the perils of election theft by Democrats and noted that his experience as an attorney and former prosecutor helped him investigate and “prove” that Democrats had previously “rigged” voting machines.<sup>20</sup>

On December 1, 2020, former U.S. Attorney General William Barr confirmed there was no evidence of widespread election fraud.<sup>21</sup>

Nonetheless, Rep. Brooks ignored Attorney General Barr’s findings, stating from the Floor of the U.S. House of Representatives on December 3:

*A presidential candidate on national TV promises amnesty and citizenship to illegal aliens in hopes of inspiring them to illegally register to vote and vote for that candidate! If that brazen solicitation of illegal voting by up to 22 million illegal*

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<sup>16</sup> Congressman Mo Brooks, Facebook (Oct. 21, 2020), <https://www.facebook.com/RepMoBrooks/posts/3359724974076136>; see also Jeff Poor, *Mo Brooks: ‘There’s going to be more voter fraud this election than any election in the history of the United States’*, Breitbart (Oct. 19, 2020), <https://www.breitbart.com/clips/2020/10/19/mo-brooks-theres-going-to-be-more-voter-fraud-this-election-than-any-election-in-the-history-of-the-united-states>; Exhibit B, *infra*.

<sup>17</sup> See, e.g., Congressman Mo Brooks, Facebook (Nov. 5, 2020), <https://fb.watch/4jwnxUBgPn/>; Jeff Poor, *Mo Brooks says presidential election stolen, argues house Republicans could allow Trump to retain presidency under the constitution*, Breitbart (Nov. 6, 2020), <https://www.breitbart.com/clips/2020/11/06/mo-brooks-says-presidential-election-stolen-argues-house-republicans-could-allow-trump-to-retain-presidency-under-the-constitution>.

<sup>18</sup> Press Release, Congressman Mo Brooks, *Congressman Mo Brooks kicks off House floor speech series on election integrity’s importance to a properly functioning republic* (Nov. 17, 2020), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-kicks-house-floor-speech-series-election-integrity>.

<sup>19</sup> Press Release, Congressman Mo Brooks, *Congressman Mo Brooks: House, not Supreme Court, decides presidential elections* (Nov. 18, 2020), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-house-not-supreme-court-decides-presidential>.

<sup>20</sup> Press Release, Congressman Mo Brooks, *Congressman Mo Brooks House floor speech on voter fraud describes when he was election theft target* (Nov. 19, 2020), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-house-floor-speech-voter-fraud-describes-when-he>.

<sup>21</sup> See Michael Balsamo, *Disputing Trump, Barr Says No Widespread Election Fraud*, Associated Press (Dec. 1, 2020), <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

*aliens is not criminal solicitation of voter fraud and election theft, it darn well ought to be!*<sup>22</sup>

His allegations were falsehoods; then-candidate Biden never promised citizenship in exchange for illegal votes.<sup>23</sup> And neither the federal courts nor the U.S. Department of Justice found evidence of 22 million non-citizen residents fraudulently voting in the election.<sup>24</sup>

On December 3, Rep. Brooks also alleged election fraud contributed to Donald Trump's failed reelection:

*Unfortunately, America's election system is so riddled with systemic flaws that far too many elections are stolen from candidates and the American people. In my judgment, that is exactly what happened in the 2020 presidential election, where the election theft was so massive as to favorably compare to the old adage that "you can't see the forest for the trees." Again, in my judgment, if only lawful votes cast by eligible American citizens are counted, President Trump handily won the electoral college and a second term as president.*<sup>25</sup>

Rep. Brooks concluded "it is my duty, under the U.S. Constitution, on January 6 . . . to object to and later vote to reject electoral college submissions from states whose election systems are so badly flawed as to render their vote submissions unreliable, untrustworthy, and unworthy of acceptance."<sup>26</sup> This was his fourth speech on the House Floor alleging election theft.<sup>27</sup>

On December 10, 2020, Rep. Brooks and numerous other House Republicans filed an amicus brief with the United States Supreme Court in support of a claim to invalidate the electoral college votes from Pennsylvania, Georgia, Michigan, and Wisconsin, all of which were states that Joseph R. Biden had won.<sup>28</sup> The Supreme Court promptly dismissed the complaint.<sup>29</sup>

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<sup>22</sup> Press Release, Congressman Mo Brooks, *Congressman Mo Brooks Highlights Systemic Election Flaw That Lets Millions of Noncitizens Vote in American Elections* (Dec. 3, 2020), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-highlights-systemic-election-flaw-lets-millions> [hereinafter Brooks, *Millions of Noncitizens Vote*].

<sup>23</sup> At the October 22, 2020, presidential debate, then-candidate Biden stated, "[W]ithin 100 days, I'm going to send to the United States Congress a pathway to citizenship for over 11 million undocumented people." See *supra* note 22 (citing a transcript of the presidential debate printed by The Tennessean).

<sup>24</sup> See Zoe Tillman, *Trump and His Allies Have Lost Nearly 60 Election Fights in Court (and Counting)*, BuzzFeed News (Dec. 14, 2020), <https://www.buzzfeednews.com/article/zoetillman/trump-election-court-losses-electoral-college>; Balsamo, *supra* note 21.

<sup>25</sup> Brooks, *Millions of Noncitizens Vote*, *supra* note 22.

<sup>26</sup> See Brooks, *Millions of Noncitizens Vote*, *supra* note 22.

<sup>27</sup> See WBRC Staff, *Rep. Mo Brooks Said He Would Vote to Reject Some Electoral College Submissions*, WLBT 3 (Dec. 3, 2020), <https://www.wlbt.com/2020/12/03/rep-mo-brooks-said-he-would-vote-reject-some-electoral-college-submissions/>.

<sup>28</sup> Press Release, Congressman Mo Brooks, *Congressman Mo Brooks joins amicus brief to help Texas stop illegal voting* (Dec. 10, 2020), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-joins-amicus-brief-help-texas-stop-illegal-voting>.

<sup>29</sup> *Texas v. Pennsylvania, et al.*, No. 155 ORIGINAL, 2020 WL 7296814 (U.S. Dec. 11, 2020).

Despite numerous authorities dismissing Rep. Brooks' claims of voter fraud, he then demanded federal investigations into his unsubstantiated claims on December 17, 2021.<sup>30</sup>

Rep. Brooks partnered with Ali Alexander—a founder of the Stop the Steal Movement—sometime after the general election to organize and promote the January 6 “Save America Rally” turned-insurrection. Mr. Alexander revealed their working relationship in a widely reported livestreamed video. “So I want to let you guys know how we’re responding, because I was the person who came up with the January 6th idea, with Congressman Gosar, Congressman Mo Brooks and then Congressman Andy Biggs,” Alexander shared. “We four schemed up of putting maximum pressure on Congress, while they were voting, so that who we couldn’t lobby, we could change the hearts and the minds of Republicans who were in that body, hearing our loud roar from outside.”<sup>31</sup>

Mr. Alexander publicly credited Rep. Brooks in multiple speeches building up to the insurrection, including December 19, 21, and 29, 2020.<sup>32</sup> At a December 19 rally in Phoenix, Arizona, Mr. Alexander played a video message from Rep. Andy Biggs who also confirmed Rep. Brooks' role. In the recording, Rep. Biggs lamented his absence from the rally and vowed to challenge the certification of President-elect Joe Biden's victory. “When it comes to January 6, I will be right down there in the well of the House with my friend from Alabama Representative Mo Brooks,” Biggs said in the recording.<sup>33</sup> A week later then-President Trump retweeted the statements to his millions of followers.<sup>34</sup>

By January 6, 61 lawsuits challenging the presidential election in state and federal courts had failed.<sup>35</sup> Scores of judges—including Trump-appointees—had determined that no systemic voter fraud occurred to deny former President Trump another term as president.<sup>36</sup> Yet Rep. Brooks disregarded these findings and continued disseminating fictitious propaganda via official government outlets through the eve of the January 6 certification. In a press release issued on January 4, he asserted that “honest American citizens have been victims of the largest voter fraud

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<sup>30</sup> See Letter from Mo Brooks & Mike Rogers to Congressional Leadership (Dec. 17, 2020), <https://www.dropbox.com/s/356mg7ov14rmg0a/%5BUntitled%5D.pdf?dl=0>.

<sup>31</sup> See Eddie Burkhalter, *Brooks Helped Plan Jan. 6 Event, Activist and Organizer of Rally Says*, Ala. Pol. Rep. (Jan. 12, 2021), <https://www.alreporter.com/2021/01/12/brooks-helped-plan-jan-6-event-activist-and-organizer-of-rally-says/>; see also Teo Armus, *A ‘Stop the Steal’ Organizer, Now Banned by Twitter, Said Three GOP Lawmakers Helped Plan His D.C. Rally*, Wash. Post (Jan. 13, 2021), <https://www.washingtonpost.com/nation/2021/01/13/ali-alexander-capitol-biggs-gosar/>.

<sup>32</sup> See Burkhalter, *supra* note 31; Ryan Grim & Aída Chávez, *Freedom Caucus Chair Andy Biggs Helped Plan January 6 Event, Lead Organizer Says*, Intercept (Jan. 11, 2021), <https://theintercept.com/2021/01/11/capitol-plot-andy-biggs-paul-gosar/>; Jason Paladino (@jasonpaladino), Twitter (Dec. 26, 2020, 3:50 PM), [https://twitter.com/jason\\_paladino/status/1347647000922230784](https://twitter.com/jason_paladino/status/1347647000922230784).

<sup>33</sup> Armus, *supra* note 31.

<sup>34</sup> See Armus, *supra* note 31.

<sup>35</sup> William Cummings, et al., *By the Numbers: President Donald Trump’s Failed Efforts to Overturn the Election*, USA Today (Jan. 6, 2021), <https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/>.

<sup>36</sup> See Cummings, et al., *supra* note 35.

and election theft scheme in American history” and accused “Socialist Democrats” of “steal[ing] 2020 elections.”<sup>37</sup>

## **B. Rep. Brooks Ushered in the Insurrection**

On the morning of January 6, 2021, Rep. Brooks delivered the opening remarks at the “Save America Rally.”<sup>38</sup> Well-documented extremist and hate groups, including the Proud Boys,<sup>39</sup> QAnon,<sup>40</sup> Boogaloo Boys,<sup>41</sup> and Oath Keepers,<sup>42</sup> attended the march.<sup>43</sup> The Proud Boys, recently designated a terrorist group,<sup>44</sup> boasted on social media that they intended to storm the U.S. Capitol to forcibly stop the certification of the Presidential election.<sup>45</sup> Some referred to January 6 as the date when the “final battle” in a “revolution” would take place. Others threatened violence, promising to give their lives to overturning the election.<sup>46</sup>

Rep. Brooks instructed members of these groups and other attendees to forcefully prevent Congress from performing its duty to certify the Electoral College vote. Brooks ended his speech with the following exhortation:

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<sup>37</sup> Press Release, Mo Brooks, *Congressman Mo Brooks Officially Objects to Tainted Arizona, Georgia, Michigan, Nevada, Pennsylvania, & Wisconsin Electoral College Submissions* (Jan. 4, 2021), <https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-officially-objects-tainted-arizona-georgia-michigan>.

<sup>38</sup> See Paul Gattis, *Mo Brooks: Today Patriots Start ‘Kicking Ass’ in Fighting Vote Results*, Ala. Media Group (Jan. 6, 2021), <https://www.al.com/news/2021/01/mo-brooks-today-patriots-start-kicking-ass-in-fighting-vote-results.html>; see Aaron Rupar (@atrupar), Twitter (Jan. 6, 2021, 8:16AM), <https://twitter.com/atrupar/status/1346823072612036608>.

<sup>39</sup> *Proud Boys*, Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys> (last visited Feb. 4, 2021).

<sup>40</sup> Hatewatch Staff, *What You Need to Know About QAnon*, Southern Poverty Law Center (Oct. 27, 2020), <https://www.splcenter.org/hatewatch/2020/10/27/what-you-need-know-about-qanon>.

<sup>41</sup> Hatewatch Staff, *Who are Boogaloos, Who Were Visible at the Capitol and Later Rallies?*, Southern Poverty Law Center (Jan. 27, 2021), <https://www.splcenter.org/hatewatch/2021/01/27/who-are-boogaloos-who-were-visible-capitol-and-later-rallies>.

<sup>42</sup> *Oath Keepers*, Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/group/oath-keepers> (last visited Feb. 4, 2021).

<sup>43</sup> Masood Farivar, *Researchers: More Than a Dozen Extremist Groups Took Part in Capitol Riots*, Voice of America (Jan. 16, 2021), <https://www.voanews.com/2020-usa-votes/researchers-more-dozen-extremist-groups-took-part-capitol-riots>.

<sup>44</sup> N’dea Yancey-Bragg, *Canada Becomes First Nation to Declare the Proud Boys A Terrorist Organization*, USA Today (Feb. 3, 2021), <https://www.usatoday.com/story/news/world/2021/02/03/canada-declares-proud-boys-terrorist-organization/4372307001/>.

<sup>45</sup> Emmanuel Felton, *Black Police Officers Describe the Racist Attacks They Faced As They Protected The Capitol*, BuzzFeed News (Jan. 9, 2021), <https://www.buzzfeednews.com/article/emmanuelfelton/black-capitol-police-racism-mob>. The Proud Boys fulfilled their threats by coordinating and initiating the insurrection’s initial violence. See Wall St. J., *Video Investigation: Proud Boys Were Key Instigators in Capitol Riot*, YouTube (Feb. 21, 2021), <https://www.youtube.com/watch?v=n0MA5GjR6Zo>.

<sup>46</sup> David D. Kirkpatrick, et al., *Before the Capitol Riot, Calls for Cash and Talk of Revolution*, N.Y. Times (Jan. 16, 2021), <https://www.nytimes.com/2021/01/16/us/capitol-riot-funding.html>.

*America does not need and cannot stand, cannot tolerate, any more weakling, cowering, wimpy Republican Congressmen and Senators who covet the power and prestige the Swamp has to offer while groveling at the feet and the knees of the special interest group masters.*

*As such, today is important in another way. Today is the day American patriots start taking down names and kicking ass!*

*Now our ancestors sacrificed their blood, their sweat, their tears, their fortunes and sometimes their lives to give us, their descendants, an America that is the greatest nation in world history.*

*Are you willing to do the same?*

*My answer is yes!*

*Louder!*

*Are you willing to do what it takes to fight for America?*

*Louder!*

*Will you fight for America?<sup>47</sup>*

His remarks primed the crowd for then-President Donald Trump's subsequent appearance. He continued engaging extremists while then-President Trump stoked the crowd. At 12:16 p.m. Rep. Brooks tweeted "BATTLE JOINED! Now we will find who supports, and who fights, voter fraud & election theft! FIGHT FOR AMERICA'S REPUBLIC IS ON!"<sup>48</sup> Within an hour—and armed with firearms, metal rods, bats, bear spray, flag poles, and two-way radios—hundreds of attendees began grappling with police on the U.S. Capitol steps.<sup>49</sup> The following event transpired:

- Capitol police ordered the evacuation of the Library of Congress, Madison Building and Cannon House Office Building across from the U.S. Capitol (1:26 p.m.).<sup>50</sup>

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<sup>47</sup> *Rally on Electoral College Vote Certification*, C-SPAN (January 6, 2021), <https://www.c-span.org/video/?507744-1/rally-electoral-college-vote-certification> (the cited text begins at 37:55).

<sup>48</sup> Rep. Morris Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021, 12:16 PM), <https://twitter.com/RepMoBrooks/status/1346883347189026816>. See also Exhibit D, *infra* p. cl.

<sup>49</sup> See George Petras, et al., *Timeline: How a Trump Mob Stormed the US Capitol, Forcing Washington into Lockdown*, USA Today (Jan. 6, 2021, updated Jan. 15, 2021), <https://www.usatoday.com/in-depth/news/2021/01/06/dc-protests-capitol-riot-trump-supporters-electoral-college-stolen-election/6568305002/>; CNN Staff, *Pro-Trump Rioters Have Stormed the Capitol. Here's What We Know Now.*, CNN Politics (Jan. 6, 2021), <https://www.cnn.com/politics/live-news/congress-electoral-college-vote-count-2021/index.html>.

<sup>50</sup> Petras, *supra* note 49.

- Law enforcement started evacuating federal legislators from the U.S. Capitol after rally attendees tried forcing their way inside, gunfire sounded in the building, and law enforcement received reports of a pipe bomb outside the building (1:46 p.m.).<sup>51</sup>
- Rally attendees breached police lines on the west side of the building, and some began scaling the walls (2:11 p.m.).<sup>52</sup>
- C-SPAN reported rioters crossed Statuary Hall inside the Capitol, heading for the House and Senate chambers (2:33 p.m.).<sup>53</sup>
- Shots were fired in the House chamber (2:44 p.m.).<sup>54</sup>
- Security removed legislators from the House chamber. The lawmakers were given escape hoods, respiratory hoods, and masks for protection from potential fires or chemical discharges (2:53 p.m.).<sup>55</sup>
- A police officer fatally shot rally attendee Ashli Babbitt, an Air Force veteran, as she attempted to infiltrate the building through a broken window (3:34 p.m.).<sup>56</sup>

While the insurrectionists occupied both chambers and destroyed, damaged, and stole federal property, Congress was forced to halt the certification of the electoral votes.

Mr. Alexander proclaimed in a video clip filmed during the insurrection—and while sirens wailed in the background—“I don’t disavow this” and “I do not denounce this.”<sup>57</sup> Similarly, Rep. Brooks failed to publicly denounce the insurrection as it transpired.

Around 8:00 p.m., after law enforcement expelled the rioters from the Capitol Building, the U.S. Senate and House of Representatives reconvened to resume counting Electoral College votes and certified the election results.<sup>58</sup>

Rep. Brooks only distanced himself after the insurrection failed. He did not condemn the violence for at least an hour after Ms. Babbitt’s death.<sup>59</sup> And he only disavowed his collaboration with Mr. Alexander days later.<sup>60</sup> Yet when asked if he regretted his inflammatory speech at the

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<sup>51</sup> Petras, *supra* note 49.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Graig Graziosi, *Organiser of Capitol Riot Ali Alexander Claims He Had Help from Three Republican Congressmen*, Independent (Jan. 13, 2021), <https://www.independent.co.uk/news/world/americas/us-election-2020/ali-alexander-capitol-riot-republican-congressmen-b1786793.html>; *see also* Kristen Doerer (@k2doe), Twitter (Jan. 6, 2021, 6:11 PM), <https://twitter.com/k2doe/status/1346957709900455937>.

<sup>58</sup> Petras, *supra* note 49.

<sup>59</sup> *See* Mo Brooks (@RepMoBrooks), Twitter (Jan 6, 2021, 4:16 PM), <https://twitter.com/RepMoBrooks/status/1346944599735074817>; *see also* Exhibit D.

<sup>60</sup> *See* Burkhalter, *supra* note 31.

rally, Rep. Brooks answered, “Absolutely not.”<sup>61</sup> “I make no apology for doing my absolute best to inspire patriotic Americans.”<sup>62</sup>

### C. Rep. Brooks Continues to Promote Falsehoods about the 2020 General Election

On January 23, 2021, Rep. Brooks told a crowd of 500 supporters in Priceville, Alabama, that “I want you to know as the leader of the fight on this issue, I’ve done my homework. I’ve done my research . . . . Let me assure you that as a result of that homework, that investigation, I have been convinced for 2 ½ months, the United States of America has just endured the worst voter fraud in history.”<sup>63</sup> He then lied to the crowd that 200,000 more votes were counted in Pennsylvania than there were people who voted<sup>64</sup>—a debunked claim that arose immediately after the election from incomplete voting data because tallies in two Pennsylvania election databases did not match.<sup>65</sup> Rep. Brooks omitted that the certified final vote count had definitively disproved this claim.<sup>66</sup>

During the same speech, he alleged that 130,000 illegal votes were counted in Arizona, citing to congressional testimony from a Trump campaign attorney.<sup>67</sup> That misrepresentation was two-fold. First, the campaign lawyer testified about votes in Nevada, not Arizona. Second, the Nevada Supreme Court unanimously refused to overturn the state election, finding neither credible nor reliable evidence of voter fraud.<sup>68</sup> Even if Rep. Brooks meant to allege voting fraud in Arizona, the Arizona Supreme Court unanimously ruled there was no evidence of misconduct, illegal voting, fraud, or a sufficient error rate in ballot counting in the 2020 General Election.<sup>69</sup>

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<sup>61</sup> See Interview, Rep. Morris Brooks, Matt Murphy radio show, 99.5 Ala. (Jan. 7, 2021), <https://soundcloud.com/the-intercept/rep-mo-brooks-r-ala-010721-on-matt-murphy-show-995-alabama>.

See also Lee Fang, *Republican Congressman Legitimizes Violence as Response to Election Dispute*, Intercept (Jan. 7, 2020), <https://theintercept.com/2021/01/07/capitol-violence-republican-mo-brooks/>.

<sup>62</sup> Paul Gattis, *Mo Brooks on ‘kick ass’ speech: ‘I make no apology’ for inspiring patriotic Americans*, Ala. Media Group (Jan. 8, 2021), <https://www.al.com/news/2021/01/mo-brooks-on-kick-ass-speech-i-make-no-apology-for-inspiring-patriotic-americans.html>.

<sup>63</sup> Paul Gattis, *‘Mo Brooks knows no fear’: Republicans rally for embattled Alabama congressman*, Ala. Media Group (Jan. 23, 2021), <https://www.al.com/news/2021/01/mo-brooks-knows-no-fear-republicans-rally-for-embattled-congressman.html>.

<sup>64</sup> See Gattis, *supra* note 63.

<sup>65</sup> See Kyle Whitmire, *Here’s the scariest thing about Mo Brooks*, Ala. Media Group (Jan. 27, 2021), <https://www.al.com/news/2021/01/heres-the-scariest-thing-about-mo-brooks.html>.

<sup>66</sup> See Jonathan Lai, *Fact-checking Trump’s false claims about Pennsylvania’s election before his supporters attacked the Capitol*, Phila. Inquirer (Jan. 6, 2021), <https://www.inquirer.com/politics/election/trump-washington-rally-pennsylvania-fact-check-20210106.html>; Ali Swenson, *There were not more votes than voters in Pennsylvania*, Associated Press (Dec. 29, 2020), <https://apnews.com/article/fact-checking-afs:Content:9887147615>.

<sup>67</sup> See Whitmire, *supra* note 65.

<sup>68</sup> See Alison Durkee, *Nevada Supreme Court Rejects Trump Campaign’s Election Lawsuit and Voter Fraud Claims*, Forbes (Dec. 9, 2020), <https://www.forbes.com/sites/alisondurkee/2020/12/09/nevada-supreme-court-rejects-trump-campaign-election-lawsuit-and-voter-fraud-claims/?sh=182f6d946f48>.

<sup>69</sup> See EJ Montini, *Arizona Supreme Court crushes GOP chair Kelli Ward’s coup attempt*, AZ Republic (Dec. 9, 2020), <https://www.azcentral.com/story/opinion/op-ed/ej-montini/2020/12/09/arizona-supreme-court-crushes-kelli-ward-coup-attempt/6504197002/>.

Rep. Brooks *specifically relied* on his “profession [] as a *litigator* in a courtroom, as a *prosecutor*, as a *defense attorney* or [in] commercial disputes” as support for his false claims to the public, claiming that his role as an attorney meant he had “a little bit of an idea as to what evidence is and how to conduct an investigation.”<sup>70</sup>

#### **D. Rep. Brooks’ Dishonesty Devastates American Lives and Undermines the U.S. Government and Legal Profession**

Rep. Brooks’ public conduct since the November 2020 General Election continues to spawn dire consequences for this nation, especially for his constituents and law enforcement.

*First*, five people lost their lives during and shortly after the insurrection at the U.S. Capitol. One of the dead is Kevin Greeson, a resident of Athens, Alabama, and a constituent in Rep. Brooks’ Congressional district. He drove from Alabama to Washington, D.C., excited to attend the Stop the Steal events. Mr. Greeson suffered a fatal heart attack outside on the Capitol grounds minutes before other participants burgled the federal building.<sup>71</sup>

*Second*, federal law enforcement identified more than 400 suspects and, as of March 9, 2021, charged 316 people from the insurrection Rep. Brooks helped inspire.<sup>72</sup> Among the arrestees are Lonnie Coffman of Falkville, Alabama, another of Rep. Brooks’ constituents;<sup>73</sup> Joshua A. James of Arab, Alabama;<sup>74</sup> Joshua Black of Leeds, Alabama;<sup>75</sup> and William Watson of Auburn,

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<sup>70</sup> See Whitmire, *supra* note 65 (emphases added).

<sup>71</sup> See Madeleine Ngo, *Fact Check: Alabama man at Capitol riot died from a heart attack*, USA Today (Jan. 13, 2021), <https://www.usatoday.com/story/news/factcheck/2021/01/13/fact-check-alabama-man-capitol-riot-died-heart-attack/6624232002/>; see also Connor Sheets, *How an Alabama man went from Obama supporter to dying in the Capitol insurrection*, Ala. Media Group (Jan 15, 2021), <https://www.al.com/news/2021/01/how-an-alabama-man-went-from-obama-supporter-to-dying-in-the-capitol-insurrection.html>.

<sup>72</sup> See Fed. Bureau of Investigation, *FBI Assistant Director in Charge Steven M. D’Antuono’s Remarks on Press Call Regarding Violence at U.S. Capitol* (Jan. 26, 2021), <https://www.fbi.gov/contact-us/field-offices/washingtondc/news/press-releases/fbi-assistant-director-in-charge-steven-m-dantuonos-remarks-on-press-call-regarding-violence-at-us-capitol-012621>; Rebecca Harrington, *More than 315 people have been charged in the Capitol insurrection so far. This searchable table shows them all.*, Insider (Mar. 9, 2021), <https://www.insider.com/all-the-us-capitol-pro-trump-riot-arrests-charges-names-2021-1>.

<sup>73</sup> See Sheets, *supra* note 71.

<sup>74</sup> David K. Li, *Alabama man with ties to Oath Keepers militia arrested in connection to Capitol riot*, NBC News (Mar. 10, 2021), <https://www.nbcnews.com/news/us-news/alabama-man-ties-oath-keepers-militia-arrested-connection-capitol-riot-n1260499>.

<sup>75</sup> See Brian Lyman, *Investigators: Alabama man says he joined Capitol riot to ‘plead the blood of Jesus’*, Montgomery Advertiser (Jan. 14, 2021), <https://www.montgomeryadvertiser.com/story/news/2021/01/14/alabama-man-joined-deadly-capitol-riot-plead-blood-jesus/4166430001/>; Cameron Jenkins, *Capitol rioters scramble to trash photos and social media posts showing they were part of mob: report*, The Hill (Feb. 13, 2021), <https://thehill.com/homenews/news/538737-capitol-rioters-scramble-to-trash-photos-and-social-media-posts-showing-they>.



Alabama.<sup>76</sup> Mr. Coffman possessed almost a dozen Molotov cocktails and five illegal firearms—including an AR-15—in his pick-up truck. Police found his weapons near homemade bombs planted at the Republican and Democratic party headquarters near the U.S. Capitol. A federal grand jury indicted Rep. Brooks’ constituent with 17 felonies for weapons and explosives offenses.<sup>77</sup>

*Third*, Rep. Brooks’ actions facilitated the injuring and deaths of law enforcement officers who defended the U.S. Capitol from insurrectionists. Officer Brian Sicknick succumbed to fatal injuries inflicted by the mob.<sup>78</sup> Officer Howard Liebengood died by suicide days after surviving the insurrection.<sup>79</sup> Officer Jeffrey Smith took his life days after receiving injuries while defending the U.S. Capitol.<sup>80</sup> Black officers suffered racial epithets as well as violent attacks that day.<sup>81</sup> Troublingly, CBS journalist Michael Kaplan reported that U.S. Capitol Police responded to

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<sup>76</sup> See Carol Robinson, *William Watson, Alabama man shown with ‘QAnon Shaman,’ says he was directed by radio host Alex Jones*, Ala. Media Group (Jan. 21, 2021), <https://www.al.com/news/2021/01/william-watson-alabama-man-pictured-with-qanon-shaman-says-he-was-directed-by-radio-host-alex-jones.html>; Alex Hosey, *Auburn man arrested after Capitol riot said he wasn’t Antifa, contradicting claims by Alabama lawmaker*, Opelika-Auburn News (Jan. 14, 2021), [https://oanow.com/news/local/crime-and-courts/auburn-man-arrested-after-capitol-riot-said-he-wasn-t-antifa-contradicting-claims-by-alabama/article\\_8a4439f8-5535-11eb-92dc-0b328abaad4a.html](https://oanow.com/news/local/crime-and-courts/auburn-man-arrested-after-capitol-riot-said-he-wasn-t-antifa-contradicting-claims-by-alabama/article_8a4439f8-5535-11eb-92dc-0b328abaad4a.html).

<sup>77</sup> See Paul Gattis, *Huntsville mayor offers no support to Mo Brooks: ‘Words have meaning,’* Ala. Media Group (Jan. 12, 2021), <https://www.al.com/news/2021/01/huntsville-mayor-offers-no-support-to-mo-brooks-words-have-meaning.html>. See also Exhibit E, *infra* p. cliii (Federal complaint, affidavit, and indictment for Lonnie Coffman).

<sup>78</sup> See Jessica McBride, *Brian Sicknick: DC Police Officer Dies After Injuries at Capitol Riot*, Heavy (Jan. 14, 2021), <https://heavy.com/news/brian-sicknick/>. Authorities charged two men for assaulting Officer Sicknick, though not for his death. See Spencer S. Hsu, Peter Herman, and Emily Davies, *Two arrested in assault on police officer Brian D. Sicknick, who died after Jan. 6 Capitol riot*, The Washington Post (Mar. 15, 2021), [https://www.washingtonpost.com/local/legal-issues/two-arrested-in-assault-on-police-officer-brian-d-sicknick-who-died-after-jan-6-capitol-riot/2021/03/15/80261550-84ff-11eb-bfdf-4d36dab83a6d\\_story.html](https://www.washingtonpost.com/local/legal-issues/two-arrested-in-assault-on-police-officer-brian-d-sicknick-who-died-after-jan-6-capitol-riot/2021/03/15/80261550-84ff-11eb-bfdf-4d36dab83a6d_story.html).

<sup>79</sup> See Claudia Koerner & Julia Reinstein, *A Capitol Police Officer On Duty During The Coup Attempt Has Died By Suicide*, BuzzFeed News (Jan. 11, 2021), <https://www.buzzfeednews.com/article/claudiakoerner/capitol-police-suicide>.

<sup>80</sup> See Samantha Mitchell, *‘Constant trauma’: After 2 post-insurrection suicides, DC’s top cop has mental health woes*, WJLA ABC7 (Jan. 27, 2021), <https://wjla.com/news/local/2-post-insurrection-suicides-dcs-top-cop-mental-health-woes>.

<sup>81</sup> See Cameron Jenkins, *Black officer on Capitol rioters: ‘They hated us and they hated our skin color’*, The Hill (Mar. 18, 2021), [https://thehill.com/homenews/news/543946-black-officer-on-capitol-rioters-they-hated-us-and-they-hated-our-skin-color?utm\\_source=thehill&utm\\_medium=widgets&utm\\_campaign=es\\_recommended\\_content](https://thehill.com/homenews/news/543946-black-officer-on-capitol-rioters-they-hated-us-and-they-hated-our-skin-color?utm_source=thehill&utm_medium=widgets&utm_campaign=es_recommended_content); Luke Broadwater, *Battling the Mob, a Black Officer Came Face to Face With Racism*, N.Y. Times (Feb. 25, 2021), <https://www.nytimes.com/2021/02/25/us/politics/capitol-riot-harry-dunn.html>; Leila Fadel, *Why Black Officers Find Breach Of U.S. Capitol Particularly Upsetting*, NPR (Jan. 14, 2021), <https://www.npr.org/2021/01/14/956705022/why-black-officers-find-breach-of-u-s-capitol-particularly-upsetting>; Emmanuel Felton, *Black Police Officers Describe The Racist Attacks They Faced As They Protected The Capitol*, BuzzFeed News (Jan. 9, 2021), <https://www.buzzfeednews.com/article/emmanuelfelton/black-capitol-police-racism-mob>.

multiple incidents of officers threatening to harm themselves in the wake of the insurrection, including an officer who turned in her own weapon for fear of self-harm.<sup>82</sup>

In addition, violent insurrectionists injured nearly 140 law enforcement officers from the U.S. Capitol Police and Metropolitan Police Departments. The physical toll includes brain injuries, cracked ribs, two smashed spinal discs, loss of an eye, and a stab wound from a metal fence stake.<sup>83</sup> As of March 15, 2021, more than 40 people are accused of assaulting law enforcement officers during the insurrection.<sup>84</sup>

*Fourth*, Rep. Brooks' misrepresentations and dishonesty threaten national security. On January 27, 2021, the U.S. Department of Homeland Security issued a National Terrorism Advisory System Bulletin due to fallout from the insurrection. "Information suggests that some ideologically-motivated violent extremists with objections to the exercise of governmental authority and the presidential transition, as well as other perceived grievances fueled by false narratives, could continue to mobilize to incite or commit violence...and some DVEs [Domestic Violent Extremists] may be emboldened by the January 6, 2021[,] breach of the U.S. Capitol Building in Washington, D.C. to target elected officials and government facilities." The domestic terrorism advisory will not expire until April 30, 2021.<sup>85</sup>

*Fifth*, national leaders have lost faith in Rep. Brooks ability to uphold his governmental responsibilities. Cori Bush (MO) sponsored House Resolution 25 to request the House Ethics Committee investigate whether the aforementioned actions by Rep. Brooks (and other sympathetic members of Alabama's congressional caucus) "violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives."<sup>86</sup> Reps. Tom Malinowski (NJ) and Debbie Wasserman Schultz (FL) cosponsored House Resolution 31 calling for Rep. Brooks' censure.<sup>87</sup> Rep. Hank Johnson (GA) went further in House Resolution 46 and demanded his expulsion from Congress.<sup>88</sup> Recently, Rep. Pramila Jayapal (WA) urged both the Office of Congressional Ethics

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<sup>82</sup> Michael Kaplan (@mkaplantv), Twitter (Jan. 11, 2021, 8:46 AM), <https://twitter.com/mkaplantv/status/1348642565650862084>.

<sup>83</sup> See Alana Wise, 'Unconscionable': Capitol Police Union Says Leadership Failed Officers in Riot, NPR (Jan. 27, 2021), <https://www.npr.org/sections/insurrection-at-the-capitol/2021/01/27/961268306/unconscionable-capitol-police-union-says-leadership-failed-officers-in-riot>.

<sup>84</sup> Hsu, *supra* note 78.

<sup>85</sup> See U.S. Dep't Homeland Security, National Terrorism Advisory System Bulletin (Jan. 27, 2021), <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-january-27-2021>.

<sup>86</sup> See Kate Smith, *Congresswoman proposes legislation to remove house members; including six Alabama congressmen*, WAFF 48 (Jan. 8, 2021), <https://www.waff.com/2021/01/08/congresswoman-proposes-legislation-remove-house-members-including-six-alabama-congressmen/>; see also Exhibit F, *infra* p. clxiv (U.S. House Resolutions and Ethics Letters).

<sup>87</sup> See Paul Gattis and John Sharp, *Mo Brooks facing censure resolution in House of Representatives*, Ala. Media Group (Jan. 11, 2021), <https://www.al.com/news/2021/01/mo-brooks-facing-censure-resolution-in-house-of-representatives.html>; see also Exhibit F, *infra* p. clxiv.

<sup>88</sup> See Paul Gattis, *Georgia lawmaker wants to kick Mo Brooks out of Congress*, Ala. Media Group (Jan. 13, 2021), <https://www.al.com/news/2021/01/georgia-lawmaker-wants-to-kick-mo-brooks-out-of-congress.html>; see also Exhibit F, *infra* p. clxiv.

and the House Committee on Ethics to thoroughly investigate Rep. Brooks’ “involvement in instigating and aiding the deadly attack at the Capitol that took place on January 6” and “refer any appropriate findings to the [United States] Department of Justice.”<sup>89</sup>

*Finally*, Rep. Brooks threatens the public’s faith in the legal profession. In promoting false claims of massive voter fraud, Rep. Brooks repeatedly used his credentials as an attorney and former prosecutor to bolster his credibility with the public.<sup>90</sup>

#### **IV. Rep. Brooks Violated the Alabama Rules of Professional Conduct**

As a licensed Alabama attorney and elected public servant, Rep. Brooks “play[s] a vital role in the preservation of [U.S.] society.”<sup>91</sup> The Alabama Rules of Professional Conduct mandate that Rep. Brooks conform to the requirements of state and federal law in both his professional and personal affairs.<sup>92</sup> The Rules also require him to use the law “only for legitimate purposes and not to harass or intimidate others.”<sup>93</sup> For reasons discussed below, Rep. Brooks violated Rules 8.4(b), (c), and (g) by promoting misrepresentations and falsehoods about the 2020 General Election as well as engaging in unconstitutional and likely criminal conduct.

##### **A. Rep. Brooks Violated Rule 8.4(b) When He Likely Broke Several State and Federal Criminal Laws Between November 2020 and January 2021.**

Alabama Rule of Professional Conduct 8.4(b) states that “[i]t is professional misconduct for a lawyer to . . . [c]ommit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.”<sup>94</sup> A lawyer is professionally answerable for offenses that indicate deficiencies in characteristics necessary to practice law. “Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category,”<sup>95</sup> including egregious political speech or campaign conduct.<sup>96</sup> Patterns

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<sup>89</sup> See Paul Gattis, *Rep calls for ethics investigation over Alabama Congressman Mo Brooks’ speech before Capitol riots*, Ala. Media Group (Mar. 11, 2021), <https://www.al.com/news/2021/03/mo-brooks-facing-more-heat-for-role-in-jan-6-capitol-takeover.html>; see also Exhibit F, *infra* p. clxiv.

<sup>90</sup> See *supra* text accompanying notes 20, 70.

<sup>91</sup> Ala. R. Prof. Conduct, Preamble: A Lawyer’s Responsibilities 2, <https://judicial.alabama.gov/docs/library/rules/condpre.pdf>.

<sup>92</sup> *Id.* at 1.

<sup>93</sup> See *supra* note 91, at 1.

<sup>94</sup> Rule 8.4(b), Ala. R. Prof. Cond.

<sup>95</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>96</sup> See, e.g., Robert F. Housman, *The Ethical Obligations of a Lawyer in a Political Campaign*, 26 U. Mem. L. Rev. 3, 17–19 (1995) (listing cases where lawyers were disciplined for campaign statements violating ethics rules); *People v. Casias*, 646 P.2d 391 (Colo. 1982) (en banc) (enforcing public censure against attorney for creating, publicly disseminating, and hampering a police investigation into his potentially libelous political speech against a candidate for district attorney); *Segretti v. State Bar of California*, 544 P.2d 929 (Cal. 1976) (en banc) (suspending President Nixon’s campaign operative for orchestrating false communications, false accusations of sexual impropriety, and false allegations of mental illness against the president’s political detractors as well as promoting these falsehoods in the news media).

of repeated offenses, even minor ones, indicate a lawyer's indifference to his legal obligations.<sup>97</sup> Notably, a criminal conviction is not required to discipline attorneys for acts of a criminal nature.<sup>98</sup>

Rep. Brooks violated Rule 8.4(b) when he may have committed multiple federal and state crimes in his months-long effort to delegitimize the 2020 General Election results. His conduct promoted dishonest statements as fact, catalyzed a violent insurrection at the U.S. Capitol, and breached the public's trust in America's 200-year-old tradition of peacefully transferring executive power. His conduct reflects poorly on his honesty, trustworthiness, and fitness as a lawyer.<sup>99</sup>

### *1. Treason (18 U.S.C. § 2381)*

Rep. Brooks may have committed *Treason* by levying war against the United States of America or adhering to its enemies, giving them aid and comfort.<sup>100</sup> “[T]he effects of domestic insurrection...strike at the root of [the community's] existence; and, in free countries above all, must be prevented, or corrected, by the most vigilant and efficient sanctions of the law.”<sup>101</sup> When any citizen conspires to and resists the execution of any federal statute by force, “they are guilty of the treason of levying war, and the quantum of the force employed neither lessens nor increases the crime—whether by 100 percent or one thousand persons, is wholly immaterial.”<sup>102</sup> The law of treason recognizes all acts—minor or major—as principal contributions to the crime.<sup>103</sup> Even broadcasted communications, like radio transmissions meant to impair morale and dissuade support of the U.S. Constitution, constitute treason.<sup>104</sup>

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<sup>97</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>98</sup> See *Giardini*, 2020 WL 2298363, at \*11–\*12; *Ex parte Wall*, 107 U.S. 265, 287 (1883) (“[O]ther causes may operate to shield a gross offender from a conviction of crime...and yet, all the time, the offender may be so covered with guilt, perhaps glorying in it, that it would be a disgrace to the court to be obliged to receive him as one of its officers, clothed with all the prestige of its confidence and authority. It seems to us that the circumstances of the case, and not any iron rule on the subject, must determine whether, and when, it is proper to dispense with a preliminary conviction.”).

<sup>99</sup> A more detailed application of the facts recited in Section III to each enumerated crime can be found in Appendix A: Full Description of Likely Criminal Offenses, *infra* p. i.

<sup>100</sup> See 18 U.S.C. § 2381.

<sup>101</sup> *U.S. v. Mitchell*, 2 U.S. 348, 348–49, 1 L. Ed. 410, Whart. St. Tr. 176 (C.C.D. Pa. 1795).

<sup>102</sup> *U.S. v. Fries*, 9 F. Cas. 924, 931, Whart. St. Tr. 610 (C.C.D. Pa. 1800) (convicted of treason for leading insurrection that forcefully opposed two federal acts to assess and collect taxes of land, homes, and enslaved people); see also, e.g., *U.S. v. Greiner*, 26 F. Cas. 36, 40 (E.D. Pa. 1861) (finding ample evidence of treason at preliminary/bond hearing on eve of Civil War when Confederate sympathizer from Pennsylvania participated in armed occupation of U.S. fort in Georgia); *Mitchell*, 2 U.S. at 348–49 (convicted of treason for leading insurrection that forcefully opposed federal tax on alcohol); *U.S. v. Vigol*, 2 U.S. 346, 346–47, Whart. St. Tr. 175 (C.C.D. Pa. 1795) (convicted of treason for leading insurrection that forcefully opposed federal tax on alcohol).

<sup>103</sup> See *Fries*, 9 F. Cas. at 931 (“In treason, all the participes criminis are principals; there are no accessaries to the crime. Every act, which, in the case of felony, would render a man an accessory, will, in the case of treason, make him a principal.”); see also *Mitchell*, 2 U.S. at 349 (“[F]or in Treason all are principals . . .”).

<sup>104</sup> E.g., *Burgman v. U.S.*, 188 F.2d 637, 639–40 (D.C. Cir. 1951); *Chandler v. U.S.*, 171 F.2d 921, 939 (1st Cir. 1948).

## **2. *Rebellion/Insurrection* (18 U.S.C. § 2383)**

Rep. Brooks may have committed *Rebellion/Insurrection* when he incited attendees of the January 6, 2021, “Save America Rally” to engage in a rebellion or insurrection against the authority of the United States and the laws thereof, specifically the U.S. Congress and their efforts to effectuate the transfer of presidential power pursuant to the Twelfth Amendment of the U.S. Constitution and 3 U.S.C. §§ 15–18.<sup>105</sup>

## **3. *Seditious Conspiracy* (18 U.S.C. § 2384)**

Rep. Brooks may have committed *Seditious Conspiracy* when he, with the aid of Alexander Ali, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ), and possibly others, conspired to delay the execution of the Twelfth Amendment of the U.S. Constitution and 3 U.S.C. §§ 15–18, and when he aided attendees of the “Save America Rally” in seizing, by force, the property of the United States of America without due authority.<sup>106</sup>

## **4. *Advocating Overthrow of Government* (18 U.S.C. § 2385)**

Rep. Brooks may have committed the offense of *Advocating Overthrow of Government* by two methods. First, through his public statements, social media posts, House floor speeches, and statements at the “Save America Rally,” he knowingly or willingly advocated, abetted, advised, or taught the duty, necessity, desirability, or propriety of overthrowing the duly elected government of the United States of America by force or violence.<sup>107</sup> Second, through the use of his social media accounts and official press releases, he printed, published, edited, issued, circulated, sold, distribute, or publicly displayed written or printed matter that advocated, advised, or taught the duty, necessity, desirability, or propriety of overthrowing the duly elected government of the United States of America by force or violence.<sup>108</sup>

## **5. *Inciting a Riot* (18 U.S.C. § 2101)**

Rep. Brooks may have committed *Inciting a Riot* when he used “the mail, telegraph, telephone, radio, or television” or any other facility of interstate commerce to incite a riot;<sup>109</sup> organize, promote, encourage, participate in, or carry on a riot; commit any act of violence in furtherance of a riot; or aid or abet any person in inciting or participating in or carrying out a riot.<sup>110</sup>

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<sup>105</sup> See 18 U.S.C. § 2383.

<sup>106</sup> See 18 U.S.C. § 2384.

<sup>107</sup> See 18 U.S.C. § 2385 (paragraph 1).

<sup>108</sup> See 18 U.S.C. § 2385 (paragraph 2).

<sup>109</sup> The federal code defines “riot” as a “public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.” 18 U.S.C. § 2102(a).

<sup>110</sup> See 18 U.S.C. § 2101.

#### 6. *Incitement to Riot (Ala. Code § 13A-11-4)*

Rep. Brooks may have committed *Incitement to Riot* when, during his remarks at the “Save America Rally,” he commanded, solicited, incited, or urged another person to engage in tumultuous and violent conduct that was likely to create a grave risk of public terror or alarm.<sup>111</sup>

#### 7. *Criminal Conspiracy (Ala. Code § 13A-4-3)*

Rep. Brooks may have committed *Criminal Conspiracy* by agreeing with Alexander Ali, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ), and possibly others, to engage in treason, rebellion, insurrection, sedition, or advocating the overthrow of government, and to effect these crimes.<sup>112</sup>

#### 8. *Criminal Solicitation (Ala. Code § 13A-4-1)*

Similarly, Rep. Brooks may have committed *Criminal Solicitation* when he, within the state of Alabama or in directing his actions there, intentionally solicited, requested, commanded, or importuned another person to engage in conduct constituting a crime.<sup>113</sup>

\* \* \*

In summary, preliminary reports and evidence indicate Rep. Brooks may have committed at least eight federal and state crimes. The commission of any of these crimes would prove Rep. Brooks violated Alabama Rule of Professional Conduct 8.4(b). “When such a case is shown to exist, the courts ought not to hesitate, from sympathy for the individual, to protect themselves from scandal and contempt, and the public from prejudice, by removing grossly improper persons from participation in the administration of laws.”<sup>114</sup>

These acts warrant permanent revocation of his Alabama bar license.

### **B. Rep. Brooks Violated Rule 8.4(c) When He Repeatedly Promoted Misrepresentations and Falsehoods about the 2020 General Election.**

Alabama Rule of Professional Conduct 8.4(c) prohibits an Alabama lawyer from “[e]ngag[ing] in conduct involving dishonesty, fraud, deceit or misrepresentation.”<sup>115</sup> Patterns of repeated offenses, even minor offenses, indicate a lawyer’s indifference to his legal obligations.<sup>116</sup> Furthermore, a lawyer holding public office assumes legal responsibilities going beyond those of

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<sup>111</sup> See Ala. Code § 13A-11-4(a).

<sup>112</sup> See *id.* § 13A-4-3.

<sup>113</sup> See *id.* § 13A-4-1(a).

<sup>114</sup> *Ex parte Wall*, 107 U.S. 265, 288 (1883). See also *Ex parte Thompson*, 152 So. 229, 235 (Ala. 1933) (citing *Ex parte Wall* to affirm the state supreme court’s jurisdiction to uphold the state bar’s recommendation to discipline an attorney).

<sup>115</sup> Rule 8.4(c), Ala. R. Prof. Cond.

<sup>116</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

other citizens. The abuse of public office suggests the attorney cannot fulfill their professional role.<sup>117</sup>

Rule 8.4(c) also regulates a lawyer's dishonest political remarks "that are made with knowledge of their falsity or with reckless disregard of the truth."<sup>118</sup> This should extend to political criticisms that are carried beyond the limits of truth and fairness.<sup>119</sup> State bar associations have held lawyers to the ordinary meanings of their words and "unless he limits or restricts it, **his language must be taken in the sense in which it appears to have been used, and as it naturally would be understood by those who heard it.**"<sup>120</sup> "The guarantee of freedom of speech will not protect him from disciplinary action as a lawyer if he is guilty of known falsehood intentionally used and published for the purpose of misleading the voters and gaining personal advantage for himself or his candidate."<sup>121</sup>

Rep. Brooks violated Rule 8.4(c) when he committed a series of public misrepresentations and deceitful acts regarding the 2020 General Election. These false statements violated his legal obligations to uphold the United States and Alabama constitutions. His dishonest actions helped to inspire a day-long violent insurrection at the U.S. Capitol on January 6, 2020. At least one dead protester and one indicted insurgent spurred to action by Rep. Brooks' deceit are his own Congressional constituents.

These misrepresentations and falsehoods warrant disbarment.

### **C. Rep. Brooks Violated Rule 8.4(g) By Abusing his Status as a Congressman to Promote Lies about the Election.**

Alabama Rule of Professional Conduct 8.4(g) prohibits an Alabama lawyer from engaging in any conduct that "adversely reflects on his fitness to practice law."<sup>122</sup> The lawyer is professionally answerable for offenses that indicate character deficiencies to sustain legal practice.<sup>123</sup> And lawyers holding public office are held to a higher standard than other citizens.<sup>124</sup>

Rep. Brooks exhibited his unfitness when he promoted misrepresentations and falsehoods about the 2020 General Election, starting as early as August 2020 and continuing to the present.

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<sup>117</sup> *Id.*

<sup>118</sup> *Dowling v. Ala. State Bar*, 539 So.2d 149, 152 (Ala. 1988) (Bar disciplined a lawyer for creating and disseminating misleading campaign materials in his campaign for judge).

<sup>119</sup> *See State v. Russell*, 610 P.2d 1122, 1127 (Kan. 1980) ("[W]hen derogatory factual allegations are false and with ordinary care should have been known to be false, discipline may be imposed."); *In re Donohoe*, 580 P.2d 1093, 1096–98 (Wash. 1978); *Kentucky State Bar Ass'n v. Lewis*, 282 S.W.2d 321, 322–24 (Ky. 1955); *In re Thatcher*, 89 N.E. 39 (Ohio 1909).

<sup>120</sup> *In re Troy*, 111 A. 723, 725 (R.I. 1920) (upholding two-year suspension of lawyer who made inflammatory proclamations at a large public gathering that state supreme court justices won their seats through electoral fraud) (emphasis added).

<sup>121</sup> *Russell*, 610 P.2d at 1127 (Bar disciplined a lawyer for intentionally publishing and using known falsehoods during his electoral campaign with the intent to gain personal advantage by misleading the voting public).

<sup>122</sup> Rule 8.4(g), Ala. R. Prof. Cond.

<sup>123</sup> Rule 8.4 cmt., Ala. R. Prof. Cond.

<sup>124</sup> *Id.*

Dozens of state and federal courts dismissed as unsubstantiated the claims and theories he espouses. Outside of the courts, he abuses his status as a Congressman by amplifying these dishonest allegations in public speeches, statements, and rallies. Lastly, he brandishes his 40-year legal career to shield and whitewash his conduct. People who trusted his words faced dire and fatal consequences.

For these reasons, the Alabama Bar should disbar Rep. Brooks for violating Rule 8.4(g).

## **V. Conclusion**

Morris Brooks' substantial contributions to the insurrection of January 6, 2021, warrant disbarment. His behavior threatens the credibility of the U.S. legal profession and Alabama's legal communities.

Submitted on behalf of the **SPLC Action Fund** by:

s/ Jonathan Barry-Blocker

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**Appendix A:**

**Full Description of Likely Criminal Offenses**

## **1. *Treason* (18 U.S.C. § 2381)**

Rep. Brooks may have committed *Treason* by levying political war against the democratic United States of America.<sup>126</sup> From fall 2020 to present he has promoted misrepresentations and falsehoods about the existence of voter fraud and election irregularities in a subversive effort to delegitimize the 2020 General Election and its results. Rep. Brooks litigated these dangerous, unsubstantiated claims in public discourse and federal court.<sup>127</sup> When those ploys failed, he incited thousands of election protesters, many armed with weapons, to invade the U.S. Capitol on January 6, 2021, in a last-ditch effort to thwart the U.S. Congress from conducting the transfer of political power from then-President Donald Trump to then-President-elect Joseph Biden pursuant to the Twelfth Amendment of the U.S. Constitution and 3 U.S.C. §§ 15 (date and location of joint Congressional session to count electoral votes), 16 (complete joint session expeditiously), and 18 (preservation of order during the joint session).<sup>128</sup> The invasion led to the immediate deaths of five U.S. citizens, physical injuries to more than 100 law enforcement officers, two suicides and other mental health crises amongst the officers who defended the U.S. Capitol, and a months-long domestic terrorism alert from the U.S. Department of Homeland Security. Rep. Brooks continues to spread lies in an attempt to undermine the lawful transition of executive power.<sup>129</sup>

*Treason* is a capital crime and a Class A felony<sup>130</sup> punishable by death, imprisonment of not less than five years, and a fine. Furthermore, federal law prohibits anyone convicted of *Treason* from holding office in the United States of America.<sup>131</sup>

## **2. *Rebellion/Insurrection* (18 U.S.C. § 2383)**

Rep. Brooks may have committed *Rebellion/Insurrection* when he incited, assisted, and/or engaged in a rebellion or insurrection against the authority of the United States or the laws thereof.<sup>132</sup> From fall 2020 to present he has intentionally misconstrued then-candidate Joseph Biden’s campaign promises as voter fraud solicitation via press releases, social media posts, and radio interviews. Prior to the election, Rep. Brooks used these misrepresentations to urge U.S. citizens to doubt the 2020 General Election.<sup>133</sup> After the election occurred, he escalated his rhetoric to incite and urge U.S. citizens to reject the election results and halt the certification of Electoral College votes on January 6, 2021. He did this in collaboration with activist Ali Alexander, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ) via coordinated or coinciding social media posts,

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<sup>126</sup> See 18 U.S.C. § 2381 (“Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.”).

<sup>127</sup> See Section III.A.

<sup>128</sup> See Section III.B.

<sup>129</sup> See Section III.C.

<sup>130</sup> See 18 U.S.C. § 3559(a)(1).

<sup>131</sup> 18 U.S.C. § 2381.

<sup>132</sup> See 18 U.S.C. § 2383 (“Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.”).

<sup>133</sup> See *supra* Section III.A; Exhibit B, *infra*.

public speeches, media interviews, and public rallies from November 2020 to January 6, 2021, collectively attributed to Mr. Alexander’s Stop the Steal Movement. Furthermore, he filed *amicus* briefs to several federal courts, including the United States Supreme Court, promoting his false claims, all of which the courts dismissed as unsubstantiated.<sup>134</sup> In a final effort, on the morning of January 6, 2021, Rep. Brooks delivered an incendiary speech at Mr. Alexander’s “Save America Rally” near the U.S. Capitol, commanding and soliciting the thousands of attendees to “start taking down names” of federal legislators, “kick ass,” and stand ready to sacrifice blood and tears like the nation’s founders in order to thwart the transfer of presidential power from then-President Donald Trump to then-president-elect Joseph Biden pursuant to the Twelfth Amendment of the U.S. Constitution and 3 U.S.C. §§ 15, 16, 18.<sup>135</sup>

*Rebellion/Insurrection* is a Class C felony<sup>136</sup> punishable by fine, imprisonment of not more than ten years, or both. Furthermore, federal law prohibits anyone convicted of *Rebellion/Insurrection* from holding office in the United States of America.<sup>137</sup>

### **3. *Seditious Conspiracy (18 U.S.C. § 2384) and Criminal Conspiracy (Ala. Code § 13A-4-3)***

Rep. Brooks may have committed *Seditious Conspiracy* when he and at least one other person within the jurisdiction of the United States of America conspired to delay the execution of any U.S. law or by force to seize, take, or possess any property of the United States of America without due authority.<sup>138</sup> Sometime in October 2020, or soon after, Rep. Brooks worked with activist Alexander Ali, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ) to delegitimize the 2020 General Election, urge U.S. citizens to reject the election results, and encourage citizens to halt the certification of Electoral College votes on January 6, 2021.<sup>139</sup> Rep. Brooks and others made inflammatory speeches at Mr. Alexander’s “Save America Rally,” which in turn galvanized thousands of citizens to invade the U.S. Capitol and successfully delay Congress’ certification of Electoral College votes won by then-President-elect Joseph Biden. Rep. Brooks and his collaborators also galvanized the invading protesters to temporarily take physical possession of the U.S. Capitol and its contents, all of which are owned by the United States of America.

*Seditious Conspiracy* is a Class B felony<sup>140</sup> punishable by fine, imprisonment of not more than twenty years, or both.<sup>141</sup>

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<sup>134</sup> See, e.g., text accompanying note 28.

<sup>135</sup> See Section III.B.

<sup>136</sup> See 18 U.S.C. § 3559(a)(3).

<sup>137</sup> 18 U.S.C. § 2383.

<sup>138</sup> See 18 U.S.C. 2384 (“If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.”).

<sup>139</sup> See *supra* notes 31–32 & accompanying text.

<sup>140</sup> See 18 U.S.C. § 3559(a)(2).

<sup>141</sup> See 18 U.S.C. 2384.

Considering these facts, Rep. Brooks may have also committed a *Criminal Conspiracy* by agreeing with at least one other person to engage in or cause an offense to be performed, and a party to this agreement acted to effect an objective of the agreement.<sup>142</sup>

*Criminal Conspiracy* constitutes a felony or misdemeanor, depending on the conspiracy's target offense.<sup>143</sup>

#### **4. *Advocating Overthrow of Government (18 U.S.C. § 2385)***

Rep. Brooks may have committed the offense of *Advocating Overthrow of Government* by two methods.<sup>144</sup> First, he may have knowingly or willingly advocated, abetted, advised, or taught the duty, necessity, desirability, or propriety of overthrowing the duly elected government of the United States of America by force or violence. Before and after the 2020 General Election, Rep. Brooks told his constituents and other U.S. citizens that the election results were illegitimate. He often advocated for overthrow as the patriotic and constitutional duties of the Congress.<sup>145</sup> On January 6, 2021, he exhorted thousands of attendees at the “Save America Rally” to violently halt the transfer of presidential power if Congress chose to certify the Electoral College votes that confirmed then-President-elect Joseph Biden as the forty-sixth President of the United States of America. The crowd followed Rep. Brooks’ unlawful advice in a violent invasion of the U.S. Capitol.

Second, Rep. Brooks may have printed, published, edited, issued, circulated, sold, distributed, or publicly displayed written or printed matter that advocated, advised, or taught the duty, necessity, desirability, or propriety of overthrowing the duly elected government of the United States of America by force or violence.<sup>146</sup> From fall 2020 to present he repeatedly printed, promoted on social media, or otherwise publicly displayed written matter to his constituents and other U.S. citizens for the delegitimizing of the election results.<sup>147</sup> He often advocated for overthrow as the patriotic and constitutional duties of the Congress.<sup>148</sup>

*Advocating Overthrow of the Government* is a Class C felony<sup>149</sup> punishable by fine, imprisonment not to exceed 20 years, or both. Federal law prohibits employment by the US government of anyone convicted of *Advocating Overthrow of the Government* for five years following the conviction.<sup>150</sup>

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<sup>142</sup> See Ala. Code § 13A-4-3.

<sup>143</sup> See *id.* § 13A-4-3(g).

<sup>144</sup> See 18 U.S.C. § 2385 (defining the crime in three distinct ways).

<sup>145</sup> See notes 17–20, 22, 25–27 & accompanying text.

<sup>146</sup> See 18 U.S.C. § 2385 (paragraph 2).

<sup>147</sup> See, e.g., Exhibits B, C, D.

<sup>148</sup> See notes 17–20, 22, 25–27 & accompanying text.

<sup>149</sup> See 18 U.S.C. § 3559(a)(3).

<sup>150</sup> See 18 U.S.C. § 2385 (paragraph 4).

## 5. *Inciting a Riot* (18 U.S.C. § 2101)

Rep. Brooks may have committed *Inciting a Riot* when he used “the mail, telegraph, telephone, radio, or television” or any other facility of interstate commerce to: (1) incite a riot;<sup>151</sup> (2) organize, promote, encourage, participate in, or carry on a riot; (3) commit any act of violence in furtherance of a riot; or (4) aid or abet any person in inciting or participating in or carrying out a riot.<sup>152</sup> Rep. Brooks used electronic mail to constituents, radio interviews, television, and social media to incite the insurrection of January 6, 2021; organized, promoted, and encouraged the insurrection of January 6, 2021, and aided and abetted activist Ali Alexander, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ) in inciting, participating, or carrying out the insurrection of January 6, 2021. Rep. Brooks engaged in this behavior from fall 2020 to present by intentionally misconstruing then-candidate Biden’s campaign promises as voter fraud solicitation via press releases, social media posts, and radio interviews. He used these misrepresentations to urge U.S. citizens to doubt the upcoming 2020 General Election.<sup>153</sup> After the election occurred, he escalated his rhetoric to incite and urge U.S. citizens to reject the election results and halt the certification of Electoral College votes on January 6, 2021. He did this in collaboration with activist Ali Alexander, Rep. Paul Gosar (AZ), and Rep. Andy Biggs (AZ) via coordinated or coinciding social media posts, public speeches, media interviews, and public rallies from November 2020 to January 6, 2021; collectively attributed to Mr. Alexander’s Stop the Steal Movement. On the morning of January 6, 2021, Rep. Brooks culminated these actions by traveling to Washington, D.C., and delivering an incendiary speech at Mr. Alexander’s “Save America Rally” near the U.S. Capitol, commanding and soliciting the thousands of attendees to “start taking down names” of federal legislators, “kick ass,” and stand ready to sacrifice blood and tears like the nation’s founders in order to thwart the Constitutionally prescribed procedure to transfer presidential power from then-President Donald Trump to then-President-Elect Joseph Biden. Television station C-SPAN broadcast live this speech nationwide. Rep. Brooks’ fiery exhortations incited rally attendees to invade the U.S. Capitol, resulting in the deaths of five people that day, injuries to at least 140 responding law enforcement officers, and extensive property damage to the federal building.

*Riot* is a Class D felony<sup>154</sup> punishable by up to \$10,000 fine, imprisonment up to 5 years, or both.<sup>155</sup>

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<sup>151</sup> The federal code defines “riot” as a “public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.” 18 U.S.C. § 2102(a).

<sup>152</sup> See 18 U.S.C. § 2101.

<sup>153</sup> See, e.g., Exhibit B, *infra*.

<sup>154</sup> See 18 U.S.C. § 3559(a)(4).

<sup>155</sup> See 18 U.S.C. § 2101(a).

## 6. *Incitement to Riot* (Ala. Code § 13A-11-4)

Rep. Brooks may have committed *Incitement to Riot* when he commanded, solicited, incited, or urged another person to engage in tumultuous and violent conduct that was likely to create a grave risk of public terror or alarm.<sup>156</sup> Incorporating Rep. Brooks' aforementioned conduct, his fiery exhortations incited the rally attendees to invade the U.S. Capitol resulting in the deaths of five U.S. citizens—one of whom was Rep. Brooks' constituent from north Alabama—, injuries to more than 100 responding police officers, the evacuation of the entire U.S. Congress from the U.S. Capitol, and a nationwide panic that the transfer of power would not occur. Notably, Rep. Brooks' actions urged another constituent to commit at least 17 felonious weapons crimes near the U.S. Capitol that same day, further stoking public terror of additional violence, property damage, and unnecessary deaths.<sup>157</sup> Public terror or alarm will not abate any time soon as the U.S. Department of Homeland Security issued a National Terrorism Advisory System Bulletin warning of additional violence from January to April 30, 2021, due to ideological extremists invigorated by the January 6, 2021 insurrection.

*Incitement to Riot* is a class A misdemeanor.<sup>158</sup>

## 7. *Criminal Solicitation* (Ala. Code § 13A-4-1)

Similarly, Rep. Brooks may have committed *Criminal Solicitation* when he, within the state of Alabama or in directing his actions there, intentionally solicited, requested, commanded, or importuned another person to engage in conduct constituting a crime.<sup>159</sup> From November 2020 to January 6, 2021, Rep. Brooks may have violated this law when his aforementioned behavior incited thousands of U.S. citizens to commit insurrection or rebellion<sup>160</sup> at the U.S. Capitol on January 6, 2021. Furthermore, he may have violated this law when his months-long conduct commanded or solicited thousands of U.S. citizens to burgle,<sup>161</sup> unlawfully enter,<sup>162</sup> violently enter,<sup>163</sup> or aid and abet others to steal or impede an official proceeding,<sup>164</sup> at the U.S. Capitol on January 6, 2021. Additional violations of this law may have occurred when he solicited or

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<sup>156</sup> See Ala. Code § 13A-11-4(a).

<sup>157</sup> See *supra* note 77; Exhibit E, *infra*.

<sup>158</sup> See *id.* § 13A-11-4(b).

<sup>159</sup> See *id.* § 13A-4-1(a).

<sup>160</sup> See 18 U.S.C. § 2383.

<sup>161</sup> See Ala. Code § 13A-7-6 (Burglary in the 2<sup>nd</sup> Degree).

<sup>162</sup> See 18 U.S.C. § 1752.

<sup>163</sup> See 40 U.S.C. § 5104(e)(2). *E.g.*, Carol Robinson, *Joshua Black, Alabama man arrested and shot in D.C. riot, ordered held until trial*, Ala. Media Group (Jan. 26, 2021), <https://www.al.com/news/birmingham/2021/01/joshua-black-alabama-man-arrested-and-shot-in-dc-riot-ordered-held-until-trial.html> (noting Black was charged with “violent entry,” “a felony punishable by up to 10 years in federal prison”).

<sup>164</sup> See 18 U.S.C. § 1512(c)(2). *E.g.*, Holden Walter-Warner, *Prosecutors want to ban Capitol rioter who ‘stole Pelosi’s laptop’ from using the internet because she is ‘encouraging people to destroy evidence’ related to insurrection*, Daily Mail (Jan. 25, 2021), <https://www.dailymail.co.uk/news/article-9186027/Prosecutors-try-stop-rioter-stole-Pelosis-laptop-using-internet.html> (discussing Riley Williams, who was charged with violating 18 U.S.C. § 1512(c)(2)).

importuned at least one U.S. citizen to possess an unregistered firearm,<sup>165</sup> carry a pistol without a license,<sup>166</sup> carry a rifle or shotgun,<sup>167</sup> possess a large capacity feeding device,<sup>168</sup> or unlawfully possess ammunition<sup>169</sup> near the U.S. Capitol in Washington, D.C. on January 6, 2021. Further violations may have occurred when these same citizens battered, resisted with violence,<sup>170</sup> or obstructed<sup>171</sup> the law enforcement officers who protected the U.S. Capitol on January 6, 2021. At least two people Rep. Brooks solicited are Alabama citizens.<sup>172</sup>

*Criminal Solicitation* constitutes a felony or misdemeanor, depending on the underlying crime(s) solicited.<sup>173</sup>

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<sup>165</sup> See, e.g., 26 U.S.C. §§ 5861(d), 5871; D.C. Code § 7-2502.01(a).

<sup>166</sup> See D.C. Code § 22-4504(a).

<sup>167</sup> See *id.* § 22-4504(a-1).

<sup>168</sup> See D.C. Code § 7-2506.01(b).

<sup>169</sup> See *id.* § 7-2506.01(a)(3).

<sup>170</sup> See 18 U.S.C. § 111.

<sup>171</sup> See 18 U.S.C. § 231(a)(3).

<sup>172</sup> See generally Section III.D.

<sup>173</sup> See Ala. Code § 13A-4-1(f).

**Appendix B:**  
**Partial Historical Record of Impunity for  
Southern Public Officials Orchestrating  
Political and Extrajudicial Violence**



While modern scholars often focus on the political violence of the mid-20th century Civil Rights Era, the insurrection of January 6, 2021, echoes the violence riddling the U.S. Reconstruction between 1865 and 1877. Reconstruction’s conservative political movements used violence and electoral fraud to wrest back political control in southern states. A third of Reconstruction’s major race massacres or “riots” occurred “within two weeks of an election and five erupted on election days.”<sup>174</sup> Prominent attorneys orchestrated many of these terror-fueled campaigns.

### 1. *Mississippi Plan of 1875*

One effective campaign was the Mississippi Plan of 1875 (“Mississippi Plan”), developed by that state’s Democrats.<sup>175</sup> It sprung from the success of “tax-payer’s leagues” in the 1874 municipal elections of Vicksburg, MS, and Columbus, MS.<sup>176</sup> The Mississippi Plan used several concurrent strategies:

1. *White conservatives were encouraged to organize into paramilitary clubs and openly parade in public streets and Republican neighborhoods, presaging the unrest to come.* These included “torchlit processions with banners..., fired anvils and even cannons.”<sup>177</sup> The Democrats and sympathizers would furnish the paramilitary clubs, such as the Red Shirts—akin to the Ku Klux Klan—with decommissioned military equipment, firearms, and cannons.
2. *Democrat leaders would deploy operatives and esteemed orators to speak at “monster open-air meetings” throughout the state and encourage a return to white supremacist governments.*<sup>178</sup> Popular speakers included Judge Wiley P. Harris and attorney Lucius Q.C. Lamar II.<sup>179</sup>

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<sup>174</sup> Melinda Meek Hennessy, *Racial Violence during Reconstruction: The 1876 Riots in Charleston and Cainhoy*, 86 *The S. Carolina Hist. Mag.* 100, 100 (1985), at <https://www.jstor.org/stable/27567894?seq=1> (accessed Mar. 19, 2021).

<sup>175</sup> See James W. Lee, *The Mississippi Plan in Action, 1876*, in *The Civil War and Reconstruction: A Documentary Collection* 408 (William E. Gienapp ed., 2001) (Republican sheriff for Monroe County, MS, recounting the campaign’s success via letter to Republican governor Adelbert Ames). See also *Testimony As to Denial of Elective Franchise in Mississippi at the Elections of 1875 and 1876, Taken Under the Resolution of the Senate of December 5, 1876: Testimony Before the Comm. on Privileges and Elections*, 44th Cong., 2nd sess. (1877).

<sup>176</sup> James Wilford Garner, *Reconstruction in Mississippi* 329–34 (1901), <https://books.google.com/books?id=o3AOAAAIAAJ&printsec=frontcover#v=onepage&q&f=false> (accessed Mar. 18, 2021).

<sup>177</sup> Garner, *supra* note 176, at 374. Mr. Garner published this doctoral dissertation while a member of the Mississippi Historical Society. His scholarship relied extensively upon primary source material including news articles, federal records, public correspondence between Reconstruction leaders, interviews, Congressional testimonies, and private correspondence between Mississippi’s Reconstruction leaders.

<sup>178</sup> Garner, *supra* note 176, at 375.

<sup>179</sup> Lamar’s participation launched an illustrious political career from attorney to U.S. Representative (1873–1877), U.S. Senator (1877–1885), U.S. Secretary of the Interior (1885–1888), and Associate Justice of the U.S. Supreme Court (1888–1893). See *Lucius Q.C. Lamar*, in *The Supreme Court Justices: Illustrated*

3. *Prominent allies in state and local press would curate race-fueled and anti-Reconstruction narratives for dissemination to the largely white, literate citizenry.*
4. *Democrat leaders and paramilitary clubs used serious violence to deter or permanently thwart uncommitted Blacks and whites from voting for Republicans.* This included lynching, forced banishment, and armed encounters with Black Republicans in multiple communities throughout 1875.<sup>180</sup>
5. *Democrat leaders persuaded local employers to terminate or refrain from hiring any citizen who voted for Republicans.*<sup>181</sup>
6. *Democrat leaders would contrive and manipulate subsequent negotiations about electoral conflicts with Republican state and federal leaders to avoid repercussions for their unlawful actions.*<sup>182</sup>

Democrats financially supported paramilitary clubs like the Red Shirts, a violent late 19th century extremist group, to implement the Mississippi Plan's violent strategies. Unlike the Ku Klux Klan, the Red Shirts openly and without disguises served as the party's paramilitary arm. The Red Shirts chose their name in macabre homage to a widely reported incident wherein Ku Klux Klan members whipped Mississippi teacher John Huggins within an inch of his life for teaching Black children. The press then widely reported that abolitionist and U.S. Senator Benjamin Butler waved Huggins' bloodied shirt on the senate floor during debates over the Ku Klux Klan Act of 1871.<sup>183</sup> The Red Shirts and other paramilitary clubs perpetrated extensive political violence leading up to the statewide elections of 1875 including encounters with Black Republicans at Vicksburg (July 4, 1875), Yazoo City (Sept. 1, 1875), Clinton (Sept. 4, 1875), Friars Point (Oct. 9, 1875), and Rolling Fork (Dec. 1875).<sup>184</sup> More alarmingly, these groups and their Democrat leaders coerced the resignation of Republican Governor Adelbert Ames under threat of violence at the governor's mansion.<sup>185</sup>

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Biographies, 1789–2012 (Clare Cushman ed., 2013), [https://www.google.com/books/edition/The\\_Supreme\\_Court\\_Justices\\_Illustrated\\_B/02IshbCXeHYC?hl=en&gbpv=1&pg=PA216](https://www.google.com/books/edition/The_Supreme_Court_Justices_Illustrated_B/02IshbCXeHYC?hl=en&gbpv=1&pg=PA216) (accessed Mar. 18, 2021).

<sup>180</sup> Garner, *supra* note 176, at 375–80, 392–96.

<sup>181</sup> Garner, *supra* note 176, at 329–30, 392–96.

<sup>182</sup> Garner, *supra* note 176, at 387–89.

<sup>183</sup> David Neiwert, *Red MAGA hats are actually the new Red Shirts, and their defenders the new Confederate revisionists*, Daily Kos (Feb. 6, 2019), <https://www.dailykos.com/stories/2019/2/6/1832592/-Red-MAGA-hats-are-actually-the-new-Red-Shirts-and-their-defenders-the-new-Confederate-revisionists>. See also Stephen Budiansky, *The Bloody Shirt: Terror After the Civil War* (2008).

<sup>184</sup> Garner, *supra* note 176, at 375–80. Attorney and U.S. Senator James Alcorn led the paramilitary forces at Friars Point, MS, that killed five Black citizens. *Id.* Alcorn served as Senator from 1871–1877. Before his senate term he briefly served as governor of Mississippi from 1870 to 1871. See U.S. Congress, *Alcorn, James Lusk (1816–1894)*, Bio. Directory of the U.S. Congress, <https://bioguideretro.congress.gov/Home/MemberDetails?memIndex=a000079>.

<sup>185</sup> Garner, *supra* note 176, at 406–07. The armed mob also extracted a Peace Agreement from Gov. Ames with terms including disbanding of state militias and refraining from creating more and disarmament of standing militias with the weapons to be guarded by federal troops or men of James Z. George's choosing. *Id.* at 388–89. This coerced capitulation effectively ended Reconstruction in Mississippi.

Within a decade of Red Shirts enforcing the Mississippi Plan, red was first used to denote conservative-dominated counties and states post-election.<sup>186</sup>

Prominent attorney and former Confederate military leader James Z. George oversaw the Mississippi Plan.<sup>187</sup> His successful campaign leadership catapulted him to the Mississippi Supreme Court in 1879, where he was promptly elected chief justice.<sup>188</sup> Subsequently he served as U.S. Senator from 1881 until his death in 1897.<sup>189</sup> There is no indication he was ever professionally disciplined for his conduct executing the Mississippi Plan.

Conservatives adopted and implemented terror campaigns like the Mississippi Plan to immense success in Alabama, South Carolina, and North Carolina.<sup>190</sup>

## **2. Alabama 1874**

Decades before rising to Governor of Alabama, Braxton Bragg Comer organized, fomented, and participated in the bloody Eufaula Election Massacre of 1874, including the attack on Judge Elias Kiels in neighboring Spring Hill, AL, in an unlawful campaign to thwart Black citizens voting in a General Election during Reconstruction. Alabama law enforcement and courts never punished him, even though a Black victim identified Comer “as a perpetrator of the massacre.”<sup>191</sup> It is believed Comer was never professionally disciplined.

## **3. South Carolina 1876 - Plan of the Campaign of 1876**

On July 4, 1876, Benjamin Tillman led Red Shirts of South Carolina (and some from Georgia) in violent conflicts with South Carolina’s newly manumitted Black citizens. These Red Shirts followed the Plan of the Campaign of 1876—a modified Mississippi Plan developed by attorney and former Confederate military leader Martin Gary—which sanctioned election fraud, bribery, intimidation, and murder to disenfranchise Black voters.<sup>192</sup> In Hamburg, SC, Tillman and

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<sup>186</sup> See Susan Schulten, *The Story Behind the Ancient Map That Invented Red and Blue States*, The New Republic (Aug. 9, 2014), <https://newrepublic.com/article/119018/19th-century-map-shows-uss-political-polarization>.

<sup>187</sup> Garner, *supra* note 176, at 373.

<sup>188</sup> See U.S. Congress, *George, James Zachariah (1826–1897)*, Bio Directory of the U.S. Congress, <https://bioguideretro.congress.gov/Home/MemberDetails?memIndex=g000127>.

<sup>189</sup> *Id.*

<sup>190</sup> See H. Leon Prather, Sr., *The Red Shirt Movement in North Carolina 1898–1900*, 62 The J. of Negro Hist. 174, 174–84 (Apr. 1977); David Neiwert, *Confederate Heritage Month: Red Shirts and Whitewashes*, Orcinus: Spyhopping the Right (Apr. 21, 2016), <http://dneiwert.blogspot.com/2016/04/confederate-heritage-month-red-shirts.html>.

<sup>191</sup> Equal Justice Initiative, *Reconstruction in America: Racial Violence after the Civil War, 1865–1867* 100–01 (July 2020), <https://eji.org/wp-content/uploads/2020/07/reconstruction-in-america-report.pdf> [hereinafter Equal Justice Initiative, *Reconstruction in America*]; see also Dan. T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics* 35–37 (Baton Rouge: Louisiana State University Press, 2000) (recounting Comer’s armed attack at the ballot office that fatally wounded Judge Kiels’ 15 year old son).

<sup>192</sup> See Patrick Dean Kent, *Red Shirt Revisited: The Politics of Martin Gary 1868–1881* 24, 32–34 (2015) (M.A. thesis, Clemson University),

the Red Shirts attacked and lynched Black members of the town militia, including state legislator Simon Coker and the town marshal.<sup>193</sup> A coroner's jury indicted 94 white men for the Hamburg Massacre, including Tillman and attorney Matthew C. Butler, but none were convicted.<sup>194</sup>

A subsequent massacre occurred in the neighboring town of Ellenton, South Carolina, from September 15 to 21, 1876. White paramilitary groups including the Red Shirts killed an estimated 100 Black citizens. These two massacres severely depressed Black participation in the 1876 election and ensured the conservative gubernatorial candidate won.<sup>195</sup>

Tillman later served as governor in 1890 and U.S. Senator from 1895 to 1918, where he notoriously boasted on the senate floor of lynching Black citizens. Butler immediately became U.S. Senator from 1877 until 1895, when Tillman supplanted him.<sup>196</sup> Gary's efforts helped him oust attorney and manumitted Black citizen Lawrence Cain as State Senator in 1876 which he kept until 1881.<sup>197</sup> Moderate Democrats, embarrassed by Gary's zealotry for pure white supremacy and extreme conduct in 1876, thwarted his subsequent ambitions for the U.S. Senate (1877 and 1879) and governorship (1880).<sup>198</sup> South Carolina's legal community never disciplined these men.

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[https://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=3145&context=all\\_theses](https://tigerprints.clemson.edu/cgi/viewcontent.cgi?article=3145&context=all_theses) (accessed March 19, 2021); John S. Reynolds, *Reconstruction in South Carolina, 1865–1877* 356–57 (Negro Universities Press 1969) (1905), at <https://archive.org/details/reconstructioni00reyngoog/page/n356/mode/2up> (accessed Mar. 19, 2021); No. 1 Plan of the Campaign of 1876 from Martin Gary, to white South Carolina militias (1876),

[https://web.archive.org/web/20141105180816/http://www.screconstruction.org/Reconstruction/Citations\\_files/GaryCampaign.pdf](https://web.archive.org/web/20141105180816/http://www.screconstruction.org/Reconstruction/Citations_files/GaryCampaign.pdf) (accessed Mar. 19, 2021) (annotated transcription of Gary's original handwritten campaign plan); Henry H. Lesesne, *Gary, Martin Witherspoon*, University of South Carolina, Institute for Southern Studies (May 17, 2016), <https://www.scencyclopedia.org/sce/entries/gary-martin-witherspoon/>.

<sup>193</sup> See Reynolds, *supra* note 192, at 344–47; Equal Justice Initiative, *Reconstruction in America*, *supra* note 191, at 49; *Hamburg Massacre*, Wikipedia, [https://en.wikipedia.org/wiki/Hamburg\\_massacre](https://en.wikipedia.org/wiki/Hamburg_massacre).

<sup>194</sup> See Reynolds, *supra* note 192, at 347.

<sup>195</sup> See Mark M. Smith, “*All Is Not Quiet in Our Hellish County*”: *Facts, Fiction, Politics, and Race: The Ellenton Riot of 1876*, 95 *The S. Carolina Hist. Mag.* 142, 144, 152, 155 (1994), <http://www.scpronet.com/modjeskaschool/wp-content/uploads/2016/03/AllIsNotQuietInOurHellishCountry.pdf>.

<sup>196</sup> Francisco M. Ugarte, *Reconstruction Redux: Rehnquist, Morrison, and the Civil Rights Cases*, 41 *Harv. Civil Rights & Civil Liberties L. Rev.* 481, 489, 494 n.83 (2006); see also *Hamburg Massacre*, Wikipedia, [https://en.wikipedia.org/wiki/Hamburg\\_massacre](https://en.wikipedia.org/wiki/Hamburg_massacre); Stephen Kantrowitz, *Tillman, Benjamin Ryan*, University of South Carolina, Institute for Southern Studies (June 28, 2016) <https://www.scencyclopedia.org/sce/entries/tillman-benjamin-ryan/>; Paul R. Begley, *Butler, Matthew Culbraith*, University of South Carolina, Institute for Southern Studies (May 17, 2016), <https://www.scencyclopedia.org/sce/entries/butler-matthew-calbraith/>.

<sup>197</sup> See *Edgefield County Historical Society spring meeting scheduled for Sunday*, Aiken Standard (Mar. 6, 2019), [https://www.postandcourier.com/aikenstandard/news/edgefield-county-historical-society-spring-meeting-scheduled-for-sunday/article\\_c933e02d-7351-599b-a03e-1a15c642d741.html](https://www.postandcourier.com/aikenstandard/news/edgefield-county-historical-society-spring-meeting-scheduled-for-sunday/article_c933e02d-7351-599b-a03e-1a15c642d741.html).

<sup>198</sup> See Lesesne, *supra* note 192; *Martin Witherspoon Gary*, Wikipedia, [https://en.wikipedia.org/wiki/Martin\\_Witherspoon\\_Gary](https://en.wikipedia.org/wiki/Martin_Witherspoon_Gary).

#### 4. North Carolina 1898

In 1898, several prominent white citizens organized and led a violent and deadly insurrection in Wilmington, NC, that usurped political control from an interracial political coalition, killed approximately 60 Black citizens, and forced nearly 2,000 Black citizens to permanently abandon their homes and businesses. They did so with the use of local Red Shirts.<sup>199</sup> Subsequently, four attorney-organizers/orators of the insurrection served North Carolina as governors (Charles Aycock 1901-1905, Robert Glenn 1905-1909, William Kitchin 1909-1913, and Cameron Morrison 1921-1925); one as lieutenant governor (Francis D. Winston 1904-1905); one as U.S. Senator (Cameron Morrison 1930-1932); and four as U.S. Representatives (John D. Bellamy 1899-1903, William Kitchin 1897-1909, Claude Kitchin 1901-1923, and Cameron Morrison 1943-1945).<sup>200</sup> The North Carolina Bar never disciplined these men.

#### 5. Florida 1882

Unrelated to unlawful interference with Reconstruction, a prominent Florida attorney participated in extrajudicial violence without lasting consequences. In 1882, attorney Joseph B. Wall—a former State Attorney of Florida—encouraged, advised, and participated in a mob that kidnapped a purported immigrant from a jail in Tampa, FL, and lynched him in front of the courthouse. The federal district court revoked Wall’s license to practice before it. The U.S. Supreme Court upheld his federal disbarment.<sup>201</sup> Nonetheless, the Florida Bar permitted him to practice in state courts. He subsequently became president of the Florida Senate in 1886, president of the Florida Bar Association in 1887, inaugural president of the Hillsborough County Bar Association in 1896, and a criminal court judge until his death in 1912.<sup>202</sup>

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<sup>199</sup> See Prather, *supra* note 190.

<sup>200</sup> See 1898 Wilmington Race Riot Comm’n, *1898 Wilmington Race Riot Report* 35-46 (May 31, 2006), <https://digital.ncdcr.gov/digital/collection/p249901coll22/id/5842>; Equal Justice Initiative, *Political Violence and Racial Inequality in America* (Jan. 19, 2021), <https://eji.org/news/political-violence-and-racial-inequality-in-america/>; U.S. Congress, *Bellamy, John D. (1842–1942)*, Bio. Directory of the U.S. Congress, <https://bioguide.congress.gov/search/bio/B000349>; U.S. Congress, *Kitchen, William (1866–1924)*, Bio. Directory of the U.S. Congress, <https://bioguide.congress.gov/search/bio/K000252>; U.S. Congress, *Kitchen, Claude (1869–1923)*, Bio. Directory of the U.S. Congress, <https://bioguide.congress.gov/search/bio/K000250>; U.S. Congress, *Morrison, Cameron A. (1869–1953)*, Bio. Directory of the U.S. Congress, <https://bioguide.congress.gov/search/bio/M000993>; *Wilmington Insurrection of 1898*, [https://en.wikipedia.org/wiki/Wilmington\\_insurrection\\_of\\_1898#State\\_politics](https://en.wikipedia.org/wiki/Wilmington_insurrection_of_1898#State_politics).

<sup>201</sup> See *Ex parte Wall*, 107 U.S. 265 (1883).

<sup>202</sup> Robert P. Ingalls, *General Joseph B. Wall and Lynch Law in Tampa*, 63 Fla. Historical Quarterly 51, 51–70 (July 1984); Kyle S. VanLandingham, “To Faithfully Discharge My Duty”: *The Life and Career of Perry Green Wall*, 23 Sunland Tribune, 15 (1997); Leland Hawes, *Light shed on Tampa’s “legal lights,”* Tampa Tribune (Aug. 4, 1996), <http://fl-genweb.org/hillsb/cems/robles/Research/InfoWeb10.htm>.

## **Exhibit A**

### **Rep. Brooks' Bar Membership Screenshot**

https://www.alabar.org/find-a-member/

Most Visited

Getting Started

AL Code

Legislative Bill Trackin...

Other Bookmarks

Home

About

News & Events

Programs

Members

CLE

Office of General Counsel

For the Public

## Find a Member

The best way to search is to type in just the last name and leave all other fields blank. If the last name is common, you may want to add a first initial or name.

Your search returned 1 results.

Search Again

Brooks, Mr. Morris Jackson, Jr.

Inactive – not authorized to practice law in Alabama.

University of Alabama School of Law

Date Admitted: 09/26/1978

Help with Search Issues

## **Exhibit B**

### **Rep. Mo Brooks' Social Media Posts Prior to the November 2020 Election**





**Mo Brooks** ✓ @RepMoBrooks · Aug 30, 2020

#VotebyMail is voter fraud. Think not? Read the words of an expert vote by mail fraudster who personally helped steal elections:

[nypost.com/2020/08/29/pol...:](https://nypost.com/2020/08/29/pol...)



Confessions of a voter fraud: I was a master at fixing mail-in ballots  
A top Democratic operative says voter fraud, especially with mail-in ballots, is no myth. And he knows this because he's been doing it, on a ...  
[nypost.com](https://nypost.com)

26

61

82



**Mo Brooks** ✓ @RepMoBrooks · Aug 31, 2020

Kate: Don't deceive.

If in Alabama, your daughter voted an absentee ballot, WILDLY different from vote by mail. Absentee voting has safeguards, including proof of Identification.

Vote by mail is sending out ballots en masse, WITHOUT ANY SAFEGUARDS, thus election theft ease.



**Kate Elmore** @KateElmore · Aug 30, 2020

Replying to @RepMoBrooks

My daughter is voting by mail from her out-of-state college. I checked with the office of @JohnHMerrill to make sure it was legal and safe, they confirmed that it was and instructed us how to do it.

29

23

83





**Mo Brooks** @RepMoBrooks · Sep 4, 2020

History rebuts [#Socialist](#) [#Democrat](#) "there is no voter fraud" via [#VoteByMail](#) propaganda. Per 2005 bipartisan commission, including liberals Jimmy Carter & Tom Daschle: "Vote by mail is...likely to increase the risks of fraud and of contested elections"



Long before Trump, bipartisan group of elder statesmen flagged mail ...  
Forgotten 2005 report warned a small amount of fraud could swing close elections, urged voter ID requirements.  
[justthenews.com](#)

16

9

13



**Mo Brooks** @RepMoBrooks · Sep 4, 2020

19 more noncitizens (mere iceberg tip) prosecuted in North Carolina for voting in AMERICAN elections, yet [#Socialist](#) [#Democrats](#) deny voter fraud exists.

OF COURSE Socialists say that ... since they do it!

USA beware. Dems seek to steal White House.



Federal Authorities Charge Nineteen with Voter Fraud  
[justice.gov](#)

15

11

15



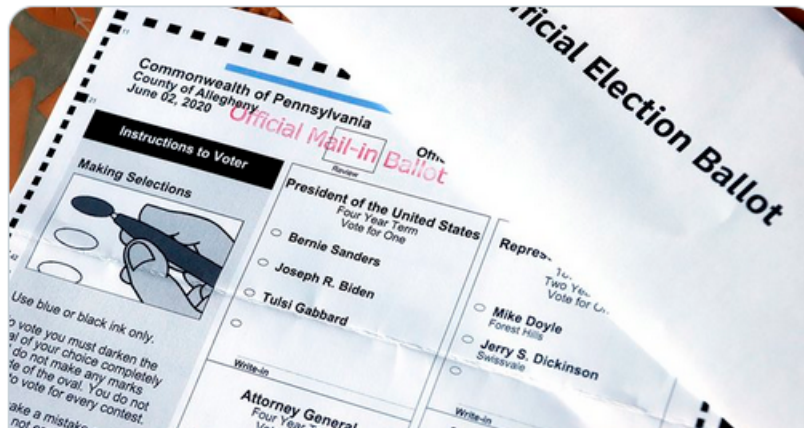


**Mo Brooks** @RepMoBrooks · Sep 26, 2020

And so the election uncertainty (Voter fraud?) begins.

9 military ballots illegally discarded by election officials. As expected from military voters, 7 of 9 discarded ballots were for Trump.

Stolen election risks are REAL! I've personally seen it.



PA county official: DOJ identified discarded ballots as being for Trump  
Election experts have accused the Justice Department of politicizing a still-pending investigation.

[politico.com](https://www.politico.com)

17

19

34





**Congressman Mo Brooks** ✓

October 21, 2020 · 🌐



There's going to be more voter fraud this election than any election in the history of the United States. There are going to be more ballots that were cast and not counted, and there are going to be more people voting two, three, four or five times than has ever occurred before because of the lack of ballot-box safeguards against the kind of voter fraud that is always conducted in elections but never so easily and so massively as I anticipate it will be conducted in this election. Who knows how much voter fraud there is going to be when it is made easier, where no voter identification is required, or where ballots are mailed to a residence, which may or may not be the correct address. Or, if it is a Republican neighborhood, those ballots just might be delayed at the post office. The postal union, if I recall correctly, endorsed the socialist Democrats this election just about across the board. That's scary.



BREITBART.COM

**Mo Brooks: 'There's Going to Be More Voter Fraud This Election Than Any Election in the History of the United...**

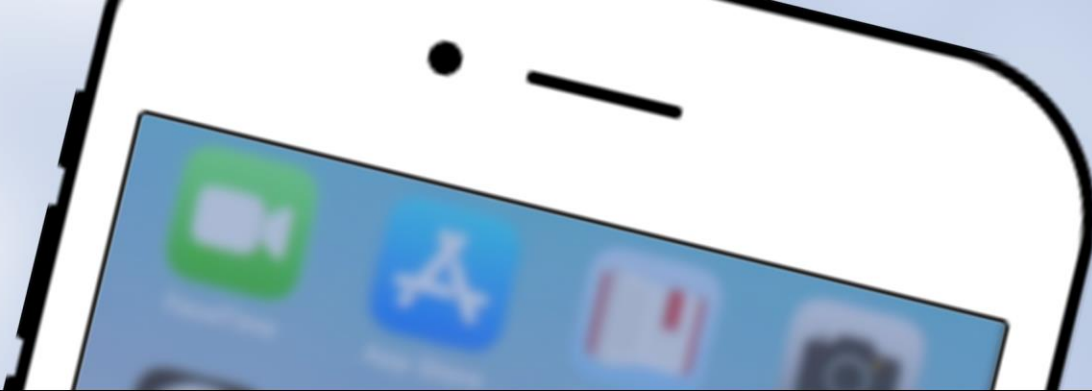
👍👎👤 415

283 Comments 76 Shares

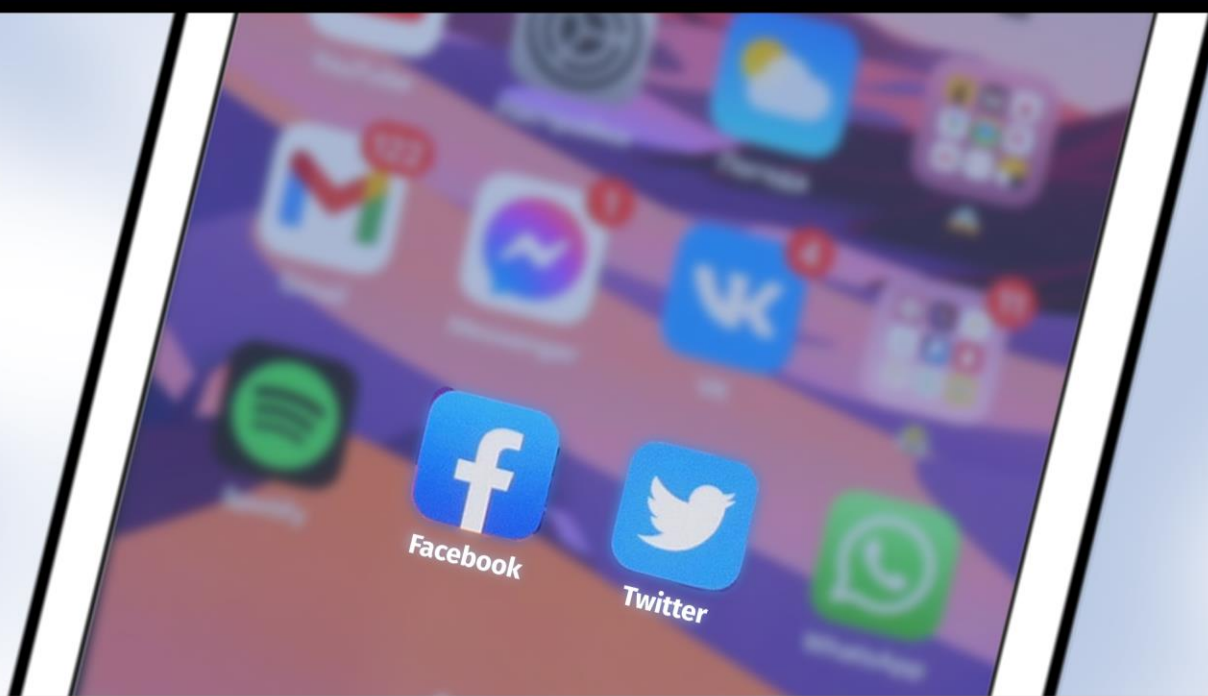
## **Exhibit C**

# **Excerpts from Social Media Review: Members of the U.S. House of Representatives who Voted to Overturn the 2020 Presidential Election**





# SOCIAL MEDIA REVIEW



**Members of the  
U.S. House of Representatives  
who Voted to Overturn the  
2020 Presidential Election**

# FOREWORD

BY REP. ZOE LOFGREN –

On January 6, 2021, both chambers of Congress convened in a joint session for what should have been a demonstration of a fundamental feature of our democracy: the peaceful transition of power. Instead, domestic terrorists attacked the U.S. Capitol, and January 6<sup>th</sup> will now forever be remembered as one of the darkest days in our nation's history.

I have deep concerns about the behavior of former President Trump and the actions he took which incited and encouraged the domestic terrorists who attacked the Capitol. I agree with the bipartisan and historic majorities in the House and Senate which concluded that it was both constitutional and necessary to impeach and convict former President Trump for those actions, including his false statements, and to disqualify him from holding future office. The Article of Impeachment expressly discussed the prohibition of Section 3 of the 14<sup>th</sup> Amendment to the Constitution on any person who has “engaged in insurrection or rebellion against” the United States from “hold[ing] any office ... under the United States.”

Like former President Trump, any elected Member of Congress who aided and abetted the insurrection or incited the attack seriously threatened our democratic government. They would have betrayed their oath of office and would be implicated in the same constitutional provision cited in the Article of Impeachment. That provision prohibits any person who has previously taken an oath as a member of Congress to support the Constitution but subsequently engaged in insurrection or rebellion from serving in Congress.

This is my fourteenth term representing most of the City of San Jose and Santa Clara County in Congress. I have been serving as a Member of the House Judiciary Committee since 1995, I served as Chair of the House Committee on Standards of Official Conduct (now named the House Ethics Committee) from 2009 to 2011, and I am the current Chair of the Committee on House Administration. I also participated, either as a Member or as staff, in all four modern presidential impeachment proceedings. As a Member, I participated in three of the four proceedings in our nation's history in which a President was impeached. I have participated in congressional proceedings to consider the removal of officials in all three branches of the federal government, including serving as an Impeachment Manager in the Senate trial for former President Trump's first impeachment; serving as an Impeachment Manager in the Senate trial for former federal judge G. Thomas Porteous, Jr., who was convicted and removed from office; and helping to lead the investigation of and subsequent debate in expulsion proceedings of former Representative James Traficant, the only Member of the House to be expelled in the last 40 years. In view of this experience, colleagues and constituents alike have asked my opinion about possible recourse for and appropriate action regarding Members' involvement in the January 6<sup>th</sup> attempt to overthrow the lawful government of the United States.

Some have asked about the criteria related to expulsion where there are violations of the 14<sup>th</sup> Amendment provisions related to insurrection. Although scholars can disagree, from reading the Constitution, it appears that a two-thirds vote of the U.S. House of Representatives would be required, if it were determined that a Member(s) violated the 14<sup>th</sup> Amendment's prohibition of

## Social Media Review

the support of insurrection. In addition to the 14<sup>th</sup> Amendment, Congress has broad and express authority under Article I to “punish its Members for disorderly Behaviour.” More research on this question is warranted. Additionally, actions that incited, encouraged, and/or coordinated the attack on the Capitol – which among other things delayed Congress from completing its constitutional responsibilities with respect to the Electoral College – could also violate a number of criminal statutes, although the decision about whether to file such charges is outside the purview of Congress.

Any appropriate disciplinary action is a matter not only of the Constitution and law, but also of fact. Many of former President Trump’s false statements were made in very public settings. Had Members made similar public statements in the weeks and months before the January 6<sup>th</sup> attack?

Statements which are readily available in the public arena may be part of any consideration of Congress’ constitutional prerogatives and responsibilities. Accordingly, I asked my staff to take a quick look at public social media posts of Members who voted to overturn the 2020 presidential election. Below is the social media review they shared with me, and I am now sharing it with you.



Zoe Lofgren  
Member of Congress



## NOTES & METHODOLOGY

### INCLUSION PARAMETERS –

This review lists public social media posts from Members of the U.S. House of Representatives who were sworn-in to office in January 2021 and who voted to overturn the 2020 presidential election.

This review includes public social media posts relevant to assessing the potential of Congress' constitutional prerogatives and responsibilities, including actions pursuant to the 14<sup>th</sup> Amendment and/or House rules. This includes posts directly related to the violence on January 6, 2021 and claims regarding the legitimacy of the 2020 presidential election, as well as posts indirectly related to the lead-up to the insurrection or post-mortem thereof, including the second impeachment of former President Trump and efforts or proposals to invoke the 25<sup>th</sup> Amendment. Some indirect posts are listed because of how they fit in to a larger related narrative. Additionally, posts about censorship, 2020 riots, Russian collusion, and other topics are listed if they are used as false equivalencies or attempted misinformation.

This review is representative, but not exhaustive. There may be some posts included or omitted that are similar in nature and tenor despite efforts to use identical parameters when listing content. The severity and tone of the posts listed vary, and not all posts included implicate questions under the 14<sup>th</sup> Amendment and/or House rules. Active public accounts were searched if they contained posts related to the set of facts described above. If identical or near-identical content was posted on multiple mediums and/or accounts, it was only included in the review once.

Members are listed in alphabetical order by state delegation and name, and the posts themselves are listed in chronological order.

Some sitting Members of the U.S. House of Representatives who voted to overturn the 2020 presidential election are not listed at all. Reasons a Member is not listed in the review may include:

- they did not post on social media at all during the observed time frame, or
- they did not post related content on social media during the observed time frame.

There are a few posts included that are about a sitting Member of Congress, posted by a member of the media. These infrequent inclusions are part of this document because of their relevance, severity, and/or prevalence in the social media landscape.

This review **only** includes publicly available social media content on selected publicly accessible platforms and does not reflect the entirety of a sitting Members' conduct related to the attack on January 6, 2021, and/or claims regarding the legitimacy of the 2020 presidential election.

## TIME FRAME –

This review is generally limited to public social media content posted between **November 3, 2020** and **January 31, 2021**. A few posts from sitting Members of Congress or reporters that fall outside that nearly-three-month time frame and are still listed because the content is acutely related to the 2020 presidential election and/or the violence that occurred on January 6, 2021 in the nation's capital.

## MISCELLANEOUS –

Almost all posts have a corresponding, active hyperlink. A few screenshots that showcase posts that are no longer readily available are included, and that is noted in the review as appropriate.

For video and audio content, the quotes are full or partial verbatim transcriptions. For linked statements and articles, screenshots are pulled directly from the original content, and any/all added highlights are noted. Not all external post links are expanded upon, particularly if the text in the Member's post or the external content's headline summarizes the main message.

# MEMBER INDEX

EVERY NAME IS HYPERLINKED TO THE MEMBER'S SECTION

<a href="#"><u>ROBERT ADERHOLT (R-AL-04)</u></a>	<a href="#"><u>13</u></a>
<a href="#"><u>MO BROOKS (R-AL-05)</u></a>	<a href="#"><u>20</u></a>
<a href="#"><u>JERRY CARL (R-AL-01)</u></a>	<a href="#"><u>143</u></a>
<a href="#"><u>BARRY MOORE (R-AL-02)</u></a>	<a href="#"><u>150</u></a>
<a href="#"><u>MIKE ROGERS (R-AL-03)</u></a>	<a href="#"><u>179</u></a>
<a href="#"><u>ANDY BIGGS (R-AZ-05)</u></a>	<a href="#"><u>188</u></a>
<a href="#"><u>PAUL GOSAR (R-AZ-04)</u></a>	<a href="#"><u>242</u></a>
<a href="#"><u>DEBBIE LESKO (R-AZ-08)</u></a>	<a href="#"><u>419</u></a>
<a href="#"><u>RICK CRAWFORD (R-AR-01)</u></a>	<a href="#"><u>443</u></a>
<a href="#"><u>DARRELL ISSA (R-CA-50)</u></a>	<a href="#"><u>474</u></a>
<a href="#"><u>DOUG LAMALFA (R-CA-01)</u></a>	<a href="#"><u>476</u></a>
<a href="#"><u>KEVIN MCCARTHY (R-CA-23)</u></a>	<a href="#"><u>485</u></a>
<a href="#"><u>DEVIN NUNES (R-CA-22)</u></a>	<a href="#"><u>505</u></a>
<a href="#"><u>LAUREN BOEBERT (R-CO-03)</u></a>	<a href="#"><u>507</u></a>
<a href="#"><u>DOUG LAMBORN (R-CO-05)</u></a>	<a href="#"><u>578</u></a>
<a href="#"><u>KAT CAMMACK (R-FL-03)</u></a>	<a href="#"><u>579</u></a>
<a href="#"><u>BYRON DONALDS (R-FL-19)</u></a>	<a href="#"><u>590</u></a>
<a href="#"><u>MATT GAETZ (R-FL-01)</u></a>	<a href="#"><u>600</u></a>

## MO BROOKS (R-AL-05)

Member, House Armed Services Committee; Member, House Science, Space & Technology Committee

### PRE-INSURRECTION –

<https://twitter.com/RepMoBrooks/status/1324462101675606025>



**Mo Brooks**   
@RepMoBrooks

...

Count every LEGAL vote!

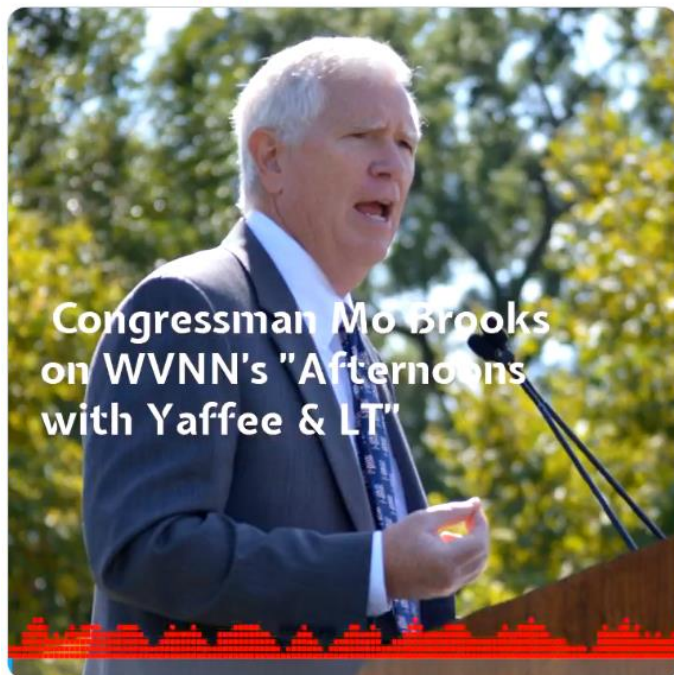
4:22 PM · Nov 5, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1324501794328875009>

**Audio:** “But in a bigger sense, part of the problem is the uncertainty interjected into the election process by this early mailing of ballots en masse... The only weakness in the Alabama system is that you don’t really know if a person is an American citizen who can lawfully vote, and that’s because the Democrats out of Washington, D.C. have made it extraordinarily difficult for election officials to determine if a person is a United States citizen when they register to vote... Well of course Democrats want that kind of process because it has more vulnerabilities to election fraud. And the Democrats are renown for engaging in election fraud, voter fraud, election theft, however you want to categorize it... You don’t see the Democrats doing anything at all that minimizes the risk of election fraud, of non-citizens voting. Everything that the Democrats seemingly push for, creates another weakness that the criminal element that wants to steal elections can exploit... I have concerns about all of them... I’ll tell you right now, I don’t have confidence, if Joe Biden is reportedly elected President of the United States, I do not have confidence that the person who would be sworn in, was sworn in because that person in fact got the lawful votes needed to win the electoral college... based on all of the things I know about election theft and voter fraud from the past, coupled with how much easier it is to steal an election or engage in voter fraud with this system that the Democrats have been so successful in implementing around the country that has weakened my and a lot of other[s’] faith in the system.”



As a U.S. House member, I’m going to be very hesitant to certify the results of this election if Joe Biden is declared the winner under these circumstances b/c I lack faith that this was an honest election. Listen to my interview on @WVNN where I explain why.



7:00 PM · Nov 5, 2020 · Twitter Media Studio

<https://twitter.com/yhn/status/1324700778435661824> (retweet)

↻ Mo Brooks Retweeted



**Yellowhammer News**  
@yhn

...

.@RepMoBrooks: 'Democrats are renowned for engaging in election fraud'

By @sean\_yhn



U.S. Rep. Mo Brooks: 'Democrats are renowned for engaging in election fraud'  
"Because I simply lack faith that this was an honest election, based on all of the things that I know about election theft and voter fraud..."  
[yellowhammernews.com](https://yellowhammernews.com)

8:10 AM · Nov 6, 2020 · Twitter for iPhone

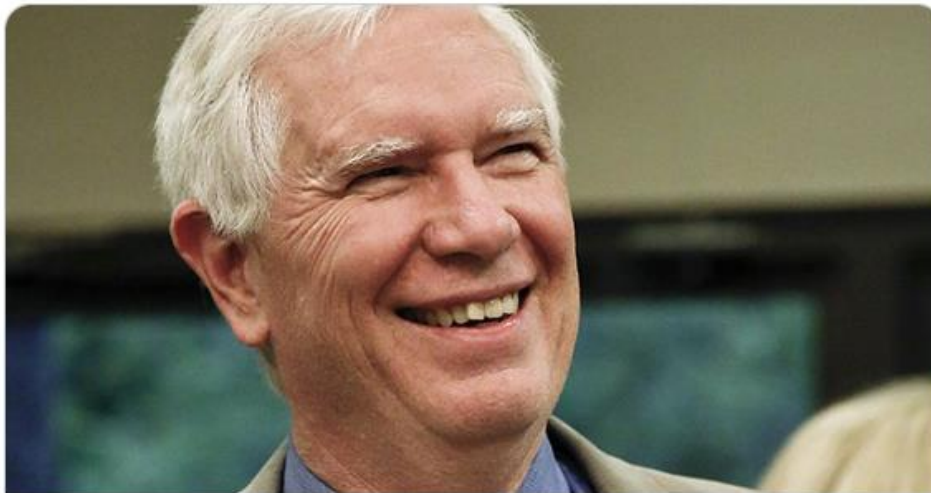
<https://twitter.com/RepMoBrooks/status/1325178622802448384>



**Mo Brooks** ✓  
@RepMoBrooks

...

I urge [@realDonaldTrump](#) & Republicans to fight Biden's unlawful victory claims. There's no way I'll vote in the House to ratify the Electoral College votes of states where illegal votes distorted the will of the people in those states who voted legally.



Mo Brooks Says Presidential Election Stolen, Argues House Republicans Could All...  
During an interview that aired Friday on Huntsville, AL radio's WVNN, Rep. Mo Brooks (R-AL) called into question the presidential election results and raised the...  
[↻ breitbart.com](#)

3:49 PM · Nov 7, 2020 · Twitter for iPhone



<https://twitter.com/RepMoBrooks/status/1326959691969257473>



**Mo Brooks** ✓  
@RepMoBrooks

...

Georgia hand recount worthless if illegal ballots are AGAIN counted, this time by hand.

History: recounts help [#Socialist](#) [#Democrats](#) far more often than half the time statistical probability says they should. Never forget Norm Coleman v Al Franken, etc.



Georgia to conduct full by-hand count of presidential race ballots, secretary of st...  
Georgia's secretary of state announced Wednesday that the state will conduct an audit of the 2020 presidential race, recounting by hand the millions of ballots cas...  
[cnn.com](#)

1:46 PM · Nov 12, 2020 · Twitter for iPad



## Social Media Review

<https://twitter.com/RepMoBrooks/status/1328754949694631945>

**Video:** “The United States Constitution and federal law make Congress, not the Supreme Court, the judge of who wins presidential elections. Congress must first accept or reject state submissions of electoral college votes. If no candidate wins an electoral college vote majority, Congress, not the Supreme Court, votes on and elects the next President and Vice President of the United States.”



**Mo Brooks**   
@RepMoBrooks

...

I kicked off a House Floor speech series today on election integrity's importance to a properly functioning republic. The first speech in this series focuses on Congress's decisive role in determining the outcome of presidential elections. More to come so stay tuned.



12:40 PM · Nov 17, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1328789043736358912>



**Mo Brooks** ✓  
@RepMoBrooks

...

#FakeNewsMedia claims no facts supporting @realDonaldTrump election challenges.

Another one: Georgia "finds" 2,600 uncounted ballots in conservative county for 800 vote net Trump gain.

USA elections need safeguards #Socialist #Democrats oppose.



Georgia Recount Finds 2,600 Uncounted Ballots in Floyd County

The Georgia secretary of state announced Monday that Floyd County had discovered 2,600 uncounted ballots during the statewide recount.

🔗 [breitbart.com](https://www.breitbart.com)

2:56 PM · Nov 17, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1328814226652225538>



**Mo Brooks** ✓  
@RepMoBrooks

...

#FakeNewsMedia claims no facts supporting @realDonaldTrump election challenges.

Another one: TWO Californians arrested for MORE THAN 8,000 fraudulent voter registration applications!

Two #Socialist #Democrats. How many of the 8,000 did they vote for?



California: 2 Charged with Voter Fraud, Allegedly Submitted Registration Applicat...  
Two individuals have been charged with voter fraud after allegedly submitting fraudulent voter registration applications on behalf of homeless people.  
[breitbart.com](#)

4:36 PM · Nov 17, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1329166754979991554>

**Video:** “But in choosing the President, the vote shall be taken by states. The representation from each state having one vote and the majority of all the states shall be necessary to a choice... A majority of congressmen does not elect the President, rather the House votes by state delegations to elect the next President of the United States. If Congress rejects electoral college votes from states with election processes that are so badly flawed as to be unreliable and unworthy of acceptance, House Republicans control the election of the next President of the United States... In sum, the history and law are clear. Congress, not the Supreme Court, determines who wins or loses presidential elections.”



**Mo Brooks**   
@RepMoBrooks

...

This morning, I delivered the latest in my House floor speech series on Constitutional and federal statutory law that gives Congress (NOT the Supreme Court) final and total control over who wins, and who loses, presidential elections.



3:57 PM · Nov 18, 2020 · Twitter Media Studio



<https://twitter.com/JanJekielek/status/1329193499086950400> (retweet)

Mo Brooks Retweeted



**Jan Jekielek**  
@JanJekielek

...

"Congress has the absolute right to reject the submitted electoral college votes of any state..." @RepMoBrooks told me.

"And I'm not going to put my name in support of any state that employs an election system that I don't have confidence in."



Rep. Brooks: Congress Has 'Absolute Right' to Reject a State's Electoral College V...  
Rep. Mo Brooks (R-Ala.) said that the final outcome of the presidential election may be decided according to ...  
[theepochtimes.com](https://theepochtimes.com)

5:43 PM · Nov 18, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1329513311138967555>

**Video:** “All Republics depend on election processes that give candidates and citizens confidence that results accurately reflect voter will. Unfortunately, America’s election process has systemic weaknesses that too often allow voter fraud and election theft and fail America... Today, I share my personal experience as a voter fraud and election theft target... Naively trusting America’s election system. That trust was soon shattered... Democrats had motive. Democrats had opportunity. Democrats had control. Democrats rigged the voting machines. Fortunately, despite the attempted election theft, we still won with 57 percent of the vote. Every candidate and every American has an absolute right to an election system that stops voter fraud, prevents election theft, and accurately records only lawful votes cast by eligible American citizens.”



**Mo Brooks** ✓  
@RepMoBrooks

...

In my most recent House Floor speech, I share my personal experience as a voter fraud & election theft target when, in 1982, as a Republican candidate for Alabama House District 18, Democrats sought to steal the election by rigging voting machines.



2:54 PM · Nov 19, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/JanJekielek/status/1329568385068396547> (retweet)

**Video:** “The United States Congress has the absolute right to reject the submitted electoral college votes of any state, which we believe has such a shoddy election system that you can’t trust the election results that those states are submitting to us – that they’re suspect. And I’m not going to put my name in support of any state that employs an election system that I don’t have confidence in.

Mo Brooks Retweeted



Jan Jekielek  
@JanJekielek

"Congress has the absolute right to reject the submitted electoral college votes of any state...[if we] can't trust the election results that those states are submitting to us," says @RepMoBrooks on @AmThoughtLeader

PREMIERE 7pm ET: [ept.ms/repbrooks](http://ept.ms/repbrooks)



Rep. Mo Brooks on American Thought Leaders!

6:32 PM · Nov 19, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/RepMoBrooks/status/1329783804697976834>



**Mo Brooks** ✓  
@RepMoBrooks

...

MORE presidential election voter fraud evidence.  
Expert witness & mathematician Stephen Miller SWORN  
AFFIDAVIT re Pennsylvania:

40,875+ ballots requested for registered Republicans  
BY SOMEONE ELSE!

48,522+ Republican returned ballots NOT COUNTED!

[justthenews.com/sites/default/...](https://justthenews.com/sites/default/...)

8:48 AM · Nov 20, 2020 · Twitter for iPad

<https://twitter.com/SecretsBedard/status/1329815831329517571> (retweet)

Mo Brooks Retweeted



**Paul Bedard** ✓  
@SecretsBedard

...

Here's how Trump wins: Take fight to House where rules  
favor GOP.

@RepMoBrooks -- "We know the results are wrong.  
What we don't know is how bad wrong."



Here's how Trump wins: Take fight to House where rules favor GOP  
Alabama Rep. Mo Brooks knows all about election fraud.  
[washingtonexaminer.com](https://www.washingtonexaminer.com)

10:56 AM · Nov 20, 2020 · Twitter Web App



<https://twitter.com/RepMoBrooks/status/1332357064635637762>



**Mo Brooks** ✓  
@RepMoBrooks

...

IMHO, Joe Biden DID NOT win lawful vote majority in Georgia.

Per its right & duty, Congress should reject any Georgia submission of 16 electoral college votes for Joe Biden.

That is EXACTLY what I hope to help do.

See below lawsuit for more! SORDID!

[docdroid.com/e3rhDCz/compla...](https://docdroid.com/e3rhDCz/compla...)



Election officials have certified Joe Biden as the winner of the U.S. Presidential election

11:14 AM · Nov 27, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1334215729579773953>



**Mo Brooks** ✓  
@RepMoBrooks

...

Yep 😊



**Sarah Ferris** ✓ @sarahnferris · Dec 2, 2020

"Rep. Mo Brooks (R-Ala.) has been telling colleagues and allies that he plans to challenge the Electoral College votes when Congress officially certifies Joe Biden's victory on Jan. 6"

extra-scoopy huddle today from @MZanona  
[politico.com/newsletters/hu...](https://politico.com/newsletters/hu...)

2:19 PM · Dec 2, 2020 · Twitter Web App

<https://twitter.com/billineastala/status/1334181996894019591> (retweet)

Mo Brooks Retweeted



**William Thornton** ✓  
@billineastala

...

Mo Brooks plans to challenge Electoral College vote



Mo Brooks plans to challenge Electoral College vote

The Alabama Congressman said he is looking for a Senate Republican to join with him.

[al.com](#)

12:05 PM · Dec 2, 2020 · Twitter Web App

<https://twitter.com/carriesheffield/status/1334190420411244544> (retweet)

Mo Brooks Retweeted



**Carrie Sheffield** ✓  
@carriesheffield



REPORT: Rep. Mo Brooks plans to challenge Electoral College vote on January 6 due to claims of ballot fraud. Effort requires at least one member from House and Senate to challenge the results of the Electoral College. Read @JustTheNews @RealAmVoice here: [justthenews.com/politics-polic...](https://justthenews.com/politics-polic...)



Mo Brooks and 7 others

12:39 PM · Dec 2, 2020 · Twitter Web App

<https://twitter.com/dcexaminer/status/1334199369587896321> (retweet)

↻ Mo Brooks Retweeted



**Washington Examiner** ✓  
@dcexaminer

...

.@RepMoBrooks is preparing a challenge to the Electoral College returns when Congress counts the votes:

"In my judgment, if only lawful votes by eligible American citizens were cast, @realDonaldTrump won the Electoral College by a significant margin..."



Republican prepares challenge to Electoral College votes in Congress  
A Republican member of Congress is preparing a challenge to the Electoral College returns when Congress counts the votes next month.  
[washingtonexaminer.com](https://www.washingtonexaminer.com)

1:14 PM · Dec 2, 2020 · SocialFlow

<https://twitter.com/realDailyWire/status/1334210107840741376> (retweet)

Mo Brooks Retweeted



**The Daily Wire** ✓  
@realDailyWire

...

Report: Rep. Mo Brooks Says He'll Challenge Electoral College Vote If It Confirms Joe Biden As President

[dlvr.it/RmsQsQ](https://dlvr.it/RmsQsQ)



1:57 PM · Dec 2, 2020 · [dlvr.it](https://dlvr.it/RmsQsQ)



## Social Media Review

<https://twitter.com/OANN/status/1334213363258122240> (retweet)

Mo Brooks Retweeted



One America News   
@OANN

...

GOP Rep. Mo Brooks to challenge certification of electoral college votes - [oann.com/gop-rep-mo-bro...](https://oann.com/gop-rep-mo-bro...)  
#OANN



2:10 PM · Dec 2, 2020 · Twitter Web App

## Social Media Review

<https://twitter.com/JustTheNews/status/1334229582250209287> (retweet)

Mo Brooks Retweeted



**Just the News**  
@JustTheNews

...

.@RepMoBrooks plans to challenge Electoral College vote on Jan. 6, report [#JustTheNews](#) @S0phieMann1



Rep. Mo Brooks plans to challenge Electoral College vote on Jan. 6, report "This election was stolen by the socialists engaging in extraordinary voter fraud and election theft measures," said the Alabama Republican.  
[justthenews.com](https://justthenews.com)

3:14 PM · Dec 2, 2020 · Hootsuite Inc.

<https://twitter.com/alldotcom/status/1334230719481176068> (retweet)

Mo Brooks Retweeted



**AL.com**  
@alldotcom

...

Alabama Congressman Mo Brooks plans to challenge Electoral College vote. [trib.al/VVHwgsd](https://trib.al/VVHwgsd)



3:19 PM · Dec 2, 2020 · SocialFlow

<https://twitter.com/thehill/status/1334500917622796290> (retweet)

Mo Brooks Retweeted



**The Hill** ✓  
@thehill

...

Mo Brooks planning to challenge Electoral College votes, claims "Donald Trump won the Electoral College by a significant margin, and Congress's certification should reflect that." [hill.cm/QDns05h](https://hill.cm/QDns05h)



9:13 AM · Dec 3, 2020 · SocialFlow

<https://twitter.com/RepMoBrooks/status/1334502577262702593>



**Mo Brooks** ✓  
@RepMoBrooks

...

BIG House floor speech by me on Socialist Democrat election theft shortly after 10 am ET today. 4th in my speech series on the presidential election. Watch on [@cspan](https://c-span.org) TV or online. [c-span.org](https://c-span.org)

9:19 AM · Dec 3, 2020 · Twitter Web App



<https://twitter.com/TheDaleJackson/status/1334507355095101443> (retweet)

↻ Mo Brooks Retweeted



**DaleJacksonBooks.com**  
@TheDaleJackson

...

Dale: You are a no on certification of the Electoral College votes, what could change your mind?

@RepMoBrooks: Nothing at this point.

NOW ON @WVNN.

#alpolitics

9:38 AM · Dec 3, 2020 · TweetDeck

<https://twitter.com/RepMoBrooks/status/1334526700105904129>



**Mo Brooks** ✓  
@RepMoBrooks

...

My pleasure, Mr. President. Joe Biden must not be allowed to "win" election by "buying" illegal alien block votes via amnesty & citizenship promise to 11+ million illegal aliens.

IMHO, if only lawful votes by eligible Americans counted, you won electoral college & reelection.  
[twitter.com/realDonaldTrump...](https://twitter.com/realDonaldTrump)

This Tweet is unavailable.

10:55 AM · Dec 3, 2020 · Twitter Web App

<https://twitter.com/foxnewsradio/status/1334625850310807552> (retweet)

Mo Brooks Retweeted



**FOX News Radio**   
@foxnewsradio

...

Rep. Mo Brooks (R-AL): We Have Some Leads In The Senate To Challenge Electoral College Vote  
[dlvr.it/RmxkL8](https://dlvr.it/RmxkL8)



5:29 PM · Dec 3, 2020 · [dlvr.it](https://dlvr.it/RmxkL8)

<https://twitter.com/yhn/status/1334623873749438464> (retweet)

↻ Mo Brooks Retweeted



**Yellowhammer News**  
@yhn

...

. @RepMoBrooks on Thursday received public plaudits from @realDonaldTrump after a fiery floor speech.



Mo Brooks speech draws Trump's praise — 'Very likely' millions of illegal aliens v...  
Congressman Mo Brooks (AL-05) on Thursday received public plaudits from President Donald J. Trump after a fiery floor speech.

🔗 [yellowhammernews.com](https://yellowhammernews.com)

5:21 PM · Dec 3, 2020 · AgoraPulse Manager

<https://twitter.com/RepMoBrooks/status/1334630944624562184>



**Mo Brooks** ✓  
@RepMoBrooks

...

Joined [@foxnewsradio](#)'s Fox Across America with [@jimmyfailla](#) today to discuss how Democrats have made it illegal for America's voter registrars to request information needed to prevent illegal voting by illegal aliens.



Rep. Mo Brooks' Electoral College Challenge & Emily Compag...  
On Fox Across America with Jimmy Failla, Rep. Mo Brooks (R-AL) explains why he plans to challenge the results of the ...  
[omny.fm](#)

5:49 PM · Dec 3, 2020 · Twitter Web App

## Social Media Review

<https://twitter.com/EpochTimes/status/1334651132866666496> (retweet)

Mo Brooks Retweeted



**The Epoch Times** ✓  
@EpochTimes

...

"This election was stolen by the socialists engaging in extraordinary voter fraud and election theft measures."

@RepMoBrooks confirmed he is planning to challenge the #ElectoralCollege's votes when Congress certifies the #Election on Jan. 6.



Rep. Mo Brooks Plans to Challenge Electoral College Votes in Congress  
Rep. Mo Brooks (R-Ala.) confirmed that he's planning to challenge the Electoral College's votes when Congress certifies the ...  
[theepochtimes.com](https://theepochtimes.com)

7:10 PM · Dec 3, 2020 · Buffer



## Social Media Review

<https://twitter.com/newsmax/status/1334660649381715969> (retweet)

Mo Brooks Retweeted

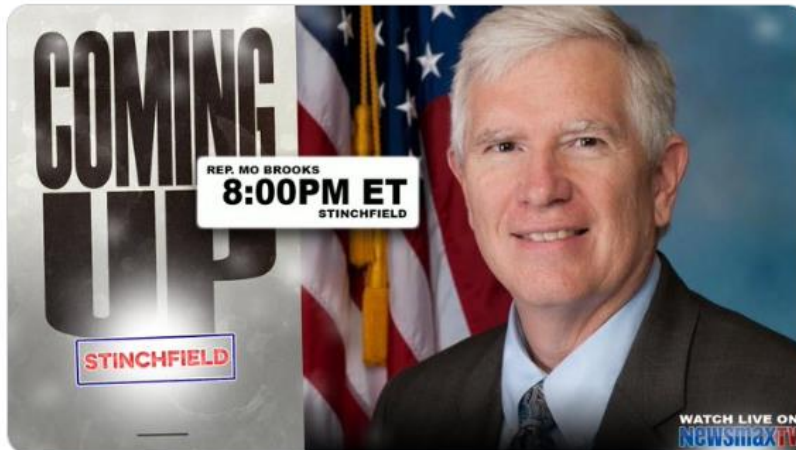


**Newsmax**  
@newsmax

...

NOW [8:00PM ET]: Rep. Mo Brooks plans to challenge Electoral College votes if they certify Joe Biden. The Congressman lays out his plan on STINCHFIELD:

[nws.mx/tv](https://nws.mx/tv)



Mo Brooks and Grant Stinchfield

7:47 PM · Dec 3, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1334676923847471109>



**Mo Brooks**  
@RepMoBrooks

...

And [#Socialist](#) [#Democrats](#) & [#FakeNewsMedia](#) want to deceive America into believing "there is no evidence of voter fraud". [#Nevada](#) court evidence has identified, SO FAR: 90,000 illegal votes cast. PART OF TOTAL:



**Nevada GOP** @NVGOP · Dec 3, 2020

Update:

We have submitted the following evidence to the court:

- Almost 8k ballots cast by voters with addresses that are physically non-existent
- Appx 15k voters registered to vacant or commercial properties that cast ballots

[Show this thread](#)

8:52 PM · Dec 3, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1334677420494958593>



**Mo Brooks** ✓  
@RepMoBrooks



Will **#Socialist** **#Democrats** confess? Or **#FakeNewsMedia** tell the truth?

The remaining itemization of 90,000 votes ILLEGALLY cast in Nevada, that have been identified in court SO FAR:



**Nevada GOP** ✓ @NVGOP · Dec 3, 2020

- 2,468 votes by voters that legally changed their address to another state or country
- Appx 42k voters who voted twice in NV
- Appx 1,500 voters listed as deceased by the SSA
- Almost 20k NV voters with a non NV mailing address
- Appx 6k USPS flags on vacant addresses

[Show this thread](#)

8:54 PM · Dec 3, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1334684222167060481>



**Mo Brooks** ✓  
@RepMoBrooks



HORRID!

In [#Georgia](#), [#Socialist](#) [#Democrat](#) "poll workers" order GOP poll watchers to leave & THEN CAUGHT ON VIDEO dragging out suitcases hidden under table, full of ballots. They then STUFF ballots into voting machines for TWO HOURS!

[#FakeNewsMedia](#) question: See voter fraud yet?



**Rep. Jody Hice** ✓ @CongressmanHice · Dec 3, 2020

Caught on candid camera...

Fulton County supervisors in Georgia tell poll workers, press and observers to leave the room...

And then pull out SUITCASES of ballots.

Say it with me... F R A U D.

WHERE IS THE DEPARTMENT OF JUSTICE?"



9:21 PM · Dec 3, 2020 · Twitter for iPad



<https://twitter.com/newsmax/status/1334686360205053955> (retweet)

**Video:** “No vote from any state in the electoral college is official until it’s submitted by that state to the United States Congress. And for emphasis, while the federal courts and the Supreme Court have a role to play, they are not the final decision makers. ... It’s the United States Congress that has total domain over all election disputes involving races for the House of Representatives, United States Senate, and the President of the United States. ... Whatever we decide governs no matter what the federal courts have decided.”

↻ Mo Brooks Retweeted



**Newsmax** ✓  
@newsmax

...

"It will get to Congress" - Representative Mo Brooks details his plan to challenge the Electoral College.

[@realDonaldTrump](#) [with Newsmax TV's [@Stinchfield1776](#) [nws.mx/tv](https://www.newsmax.com)]



**'Fight for the White House' | Mo Brooks**

via Newsmax TV's 'STINCHFIELD' weekly 8PM ET

9:30 PM · Dec 3, 2020 · Twitter Media Studio

<https://twitter.com/ChadPergram/status/1334828625259089922> (retweet)

Mo Brooks Retweeted



**Chad Pergram** ✓  
@ChadPergram

...

GOP AL Rep Mo Brooks on Fox on challenging electoral college results on Hse flr: I'm going to do it, quite frankly, because in my judgment, we are witnesses to the largest voter fraud and election theft, theft effort in the history of the United States of America.

6:55 AM · Dec 4, 2020 · Twitter for iPhone

<https://twitter.com/yhn/status/1334841150688137219> (retweet)

Mo Brooks Retweeted



**Yellowhammer News**  
@yhn

...

Rep. Mo Brooks draws Trump's praise on Thursday after delivering another fiery floor speech.



Mo Brooks speech draws Trump's praise — 'Very likely' millions of illegal aliens v...  
Congressman Mo Brooks (AL-05) on Thursday received public plaudits from President Donald J. Trump after a fiery floor speech.  
[yellowhammernews.com](https://yellowhammernews.com)

7:45 AM · Dec 4, 2020 · AgoraPulse Manager

<https://twitter.com/FoxFriendsFirst/status/1334860643636289541> (retweet)

**Video:** “Well, I’m going to do it quite frankly because, in my judgement, we are witnesses to the largest voter fraud and election theft effort in the history of the United States of America. ... The evidence that I’ve seen is overwhelming that the socialist Democrats have gone nonstop to engage in voter fraud and election theft and we have to stop it on behalf of our country. ... who also want to protect the sanctity of the election system in the United States of America, which has been horribly undermined by Joe Biden, his campaign, and the socialist Democrat effort to take over this country away from us freedom loving Americans.”

↻ Mo Brooks Retweeted



**Fox & Friends First** ✓  
@FoxFriendsFirst

...

“THIS IS THE WORST ELECTION THEFT IN THE HISTORY OF THE UNITED STATES.” - Alabama Congressman [@RepMoBrooks](#) says he’ll challenge the Electoral College vote when Congress convenes after the holidays to finalize the election results.



Trump thanks Rep. Brooks after congressman vows to challen...  
Rep. Mo Brooks joins 'Fox & Friends First' to discuss contesting certification if Trump loses legal battle  
[video.foxnews.com](https://video.foxnews.com)

9:02 AM · Dec 4, 2020 · Hootsuite Inc.

<https://twitter.com/RepMoBrooks/status/1334868489870462979>

**Video:** “I think it’s getting to be pretty clear that this election has more voter fraud than any presidential election in the history of the United States of America. And, quite frankly, it’s by design on the part of the Democrats. They have created these huge weaknesses that have made it so easy for them to steal votes – and you went through some just a moment ago. ...



**Mo Brooks** ✓  
@RepMoBrooks

...

It is the duty of the United States Congress to be the final judge and jury of whether to accept or reject Electoral College submissions by states, and to elect who the president and vice president of the United States.



9:33 AM · Dec 4, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/SecretsBedard/status/1334926246820651015> (retweet)

Mo Brooks Retweeted



**Paul Bedard** ✓  
@SecretsBedard

...

20 House GOP demand AG Barr investigate 'suitcases' of ballots in Georgia.

@RepMoBrooks 'The evidence is overwhelming that Georgia's election process has been corrupted by voter fraud and election theft.'



20 House Republicans demand Barr investigate 'suitcases' of ballots in Georgia  
Some 20 House Republicans, showing dissatisfaction with the Justice Department's lax approach to national charges of voting fraud, demanded today...  
washingtonexaminer.com

1:23 PM · Dec 4, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1334929771126542339>



**Mo Brooks** ✓  
@RepMoBrooks

...

Read this!



**Paul Bedard** ✓ @SecretsBedard · Dec 4, 2020

20 House GOP demand AG Barr investigate 'suitcases' of ballots in Georgia.

@RepMoBrooks 'The evidence is overwhelming that Georgia's election process has been corrupted by voter fraud and election theft.'  
washex.am/37yNsZe

1:37 PM · Dec 4, 2020 · Twitter for iPhone



<https://twitter.com/dcexaminer/status/1334929753611100162> (retweet)

↻ Mo Brooks Retweeted



**Washington Examiner** ✓  
@dcexaminer

...

.@RepMoBrooks is leading some 20 House Republicans demanding Attorney General William Barr open an investigation into the Georgia election.



20 House Republicans demand Barr investigate 'suitcases' of ballots in Georgia  
Some 20 House Republicans, showing dissatisfaction with the Justice Department's lax approach to national charges of voting fraud, demanded today...  
[washingtonexaminer.com](https://www.washingtonexaminer.com)

1:37 PM · Dec 4, 2020 · SocialFlow

<https://twitter.com/EpochTimes/status/1334947112749060097> (retweet)

Mo Brooks Retweeted



**The Epoch Times** ✓  
@EpochTimes

...

"This election was stolen by the socialists engaging in extraordinary voter fraud and election theft measures."

@RepMoBrooks confirmed he plans to challenge the #ElectoralCollege's votes when Congress certifies the #Election on Jan. 6.



Rep. Mo Brooks Plans to Challenge Electoral College Votes in Congress  
Rep. Mo Brooks (R-Ala.) confirmed that he's planning to challenge the Electoral College's votes when Congress certifies the ...  
[theepochtimes.com](https://theepochtimes.com)

2:46 PM · Dec 4, 2020 · Buffer

<https://twitter.com/cnsnews/status/1334950372356579332> (retweet)

Mo Brooks Retweeted



**CNSNews** ✓  
@cnsnews

...

The evidence I've seen is overwhelming that the Socialist Democrats have gone nonstop to engage in voter fraud & election theft & we have to stop it on behalf of our country. @RepMoBrooks  
@FoxFriendsFirst @FoxNews



Ala. Rep.: 'Growing Number' of House Members Contesting 'Socialist Democrat E...  
Rep. Mo Brooks (Screenshot) Due to what he believes is "the largest voter fraud and election theft effort" in U.S. history, Congressman Mo Brooks (R-Ala.) says he...  
cnsnews.com

2:59 PM · Dec 4, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1334973210895462400>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: Tonight at 7:10 pm ET I'll join @marthamaccallum live on @FoxNews to discuss what I'm confident is the largest election theft in US history & my objection to the House certifying Electoral College votes on Jan 6. #StopTheSteal2020

4:29 PM · Dec 4, 2020 · Twitter for iPhone



## Social Media Review

[https://twitter.com/jeff\\_poor/status/1334976075219300360](https://twitter.com/jeff_poor/status/1334976075219300360) (retweet)

Mo Brooks Retweeted



**Jeff Poor**  
@jeff\_poor

...

.@RepMoBrooks: 'Momentum Is Building Strongly in Favor of Fighting Various State Submissions of Electoral College Votes' [breitbart.com/clips/2020/12/...](https://breitbart.com/clips/2020/12/...) via @BreitbartNews



Rep. Mo Brooks: 'Momentum Is Building Strongly in Favor of Fighting Various Sta...  
Friday, during an interview with Mobile, AL radio's FM Talk 106.5, Rep. Mo Brooks (R-AL) explained his plan to challenge the Electoral College vote, which | Clips  
🔗 [breitbart.com](https://breitbart.com)

4:41 PM · Dec 4, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1334998843633635329>



**Mo Brooks** ✓  
@RepMoBrooks

...

😂 laughing but it's really not funny



**Paul Bedard** ✓ @SecretsBedard · Dec 4, 2020

Hey, our guy's losing. Go get the suitcases.

20 House Republicans demand Barr investigate 'suitcases' of ballots in Georgia, led by @RepMoBrooks with @RepAndyBiggsAZ and new Rep. @mtgreenee  
[washex.am/37yNsZe](https://www.washex.am/37yNsZe)



6:11 PM · Dec 4, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1335006407909924864>



**Mo Brooks** ✓  
@RepMoBrooks

...

Glad to have [@RepBarryMoore](#) as an ally in the fight to restore election integrity in America!



Barry Moore to support Mo Brooks in Electoral College challenge  
Moore defeated Phyllis Harvey-Hall to win the House seat representing the Second Congressional District in Montgomery and southeast Alabama last month.  
[al.com](#)

6:41 PM · Dec 4, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1335227862631256068>



**Mo Brooks** ✓  
@RepMoBrooks

...

Watch this episode of Capitol Journal where I explain to host [@DonDaileyAPT](#) why I object to certifying Electoral College votes from states that have bad systemic flaws in their election processes.



**Don Dailey** @DonDaileyAPT · Dec 5, 2020

Latest (12/4) @CapitolJournal now online: @RepMoBrooks on opposing Electoral College vote ratification; @ALPublicHealth Officer Dr. Scott Harris & @ALhospitals CEO Dr. Don Williamson on virus fears; Jason Isbell with @ALBankers on biz strains. #alpolitics [video.aptv.org/video/deceMBER...](https://video.aptv.org/video/deceMBER...)

9:21 AM · Dec 5, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1335367567079247872>



**Mo Brooks** ✓  
@RepMoBrooks

...

I've looked at the circumstances and I firmly believe this election has been stolen by the Socialist Democrats. I'm going to fight!



Republican congressman explains planned challenge to Electoral College results  
A 133-year-old law intended to fix the problems raised by a previous contested presidential election could be employed to hand the 2020 presidential vote to ...  
[foxnews.com](https://foxnews.com)

6:36 PM · Dec 5, 2020 · Twitter for iPhone

<https://twitter.com/FRCdc/status/1335353762605649920> (retweet)

**Video:** “There are a number of systemic flaws in our election system that the general public is not aware of. ... voter registrars are powerless to stop them due to the conduct of the socialist Democrats, who, in their quest for political power, are willing to support illegal voting and election theft. ... what makes it even more egregious is that Joe Biden, on the October 22<sup>nd</sup> national presidential debate, solicited the support of that illegal alien block vote...”

↻ Mo Brooks Retweeted



**Family Research Council** ✓  
@FRCdc

...

.@RepMoBrooks Explains Why He Plans to Challenge the Electoral College Vote.



Rep. Mo Brooks Explains Why He Plans to Challenge the Elect...  
Mo Brooks, U.S. Representative for the 5th district of Alabama, joins Tony Perkins to discuss his plan to challenge the electora...  
[youtube.com](#)

5:42 PM · Dec 5, 2020 · Sprout Social



<https://twitter.com/RepMoBrooks/status/1335584374910140419>



**Mo Brooks** ✓  
@RepMoBrooks

...

Some people can't see the forest for the trees.

Left complains that "only" 10% of GOP Senators & Congressmen acknowledge Joe Biden won election.

I ask why do that 10% ignore compelling & overwhelming evidence of massive voter fraud & election theft?



Just 27 congressional Republicans acknowledge Biden's win, Washington Post su...  
Of the 249 Republicans in the House and Senate, 220 will not say who won the election, largely hiding from answering questions about Trump's loss.  
[🔗 washingtonpost.com](https://www.washingtonpost.com)

8:58 AM · Dec 6, 2020 · Twitter for iPad

## Social Media Review

<https://twitter.com/aldotcom/status/1335597336509239296> (retweet)

Mo Brooks Retweeted



Rep. Mo Brooks says he plans to challenge the Electoral College vote when Congress is expected to officially certify President-Elect Joe Biden's victory on Jan. 6.  
[trib.al/gS1MqjA](http://trib.al/gS1MqjA)

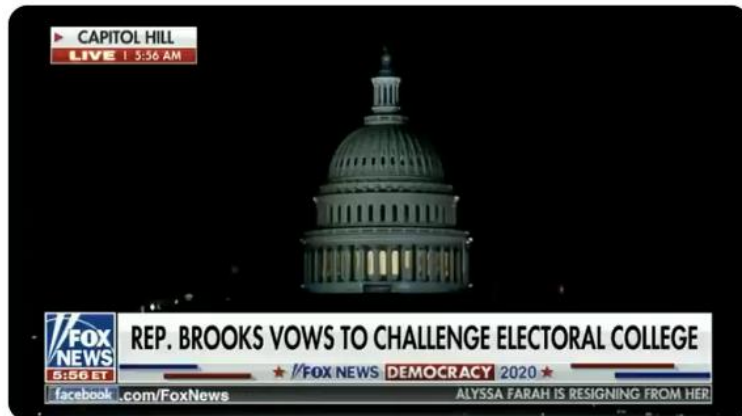


9:49 AM · Dec 6, 2020 · SocialFlow

<https://twitter.com/RepMoBrooks/status/1335602909476777984>



I'm going to object to Electoral College certification in the House because in my judgement we are witness to the largest voter fraud and election theft effort in the history of the United States. Watch my interview on [@FoxFriendsFirst!](https://twitter.com/FoxFriendsFirst)



10:12 AM · Dec 6, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1335603812153896960>

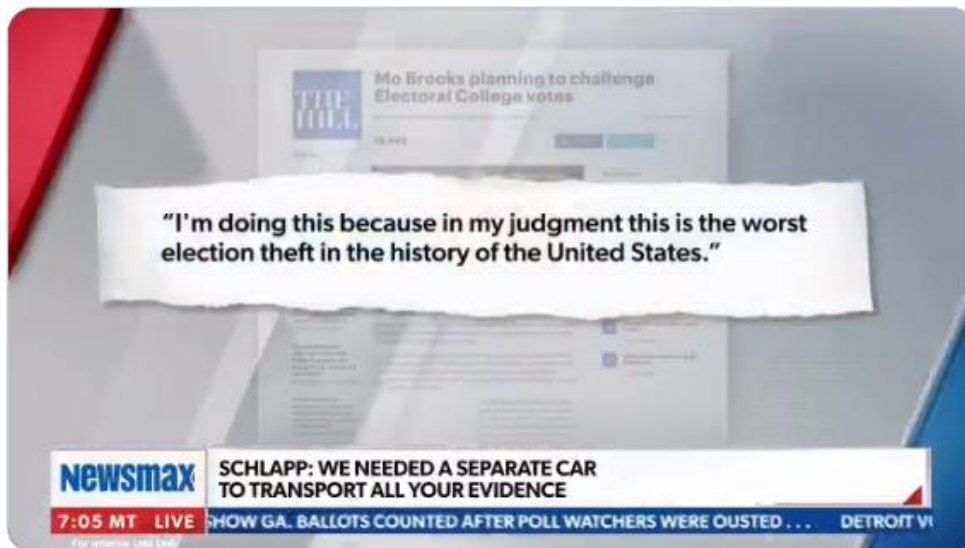
**Video:** “The evidence is absolutely overwhelming in Nevada. Donald Trump won the state of Nevada if you only count lawful votes cast by eligible American citizens. Same thing is true in Georgia, same thing is true in Pennsylvania. In my judgement, if you could only count lawful votes cast by eligible American citizens, Donald Trump easily won the electoral college and is [in] line to be the next President of the United States. The evidence is there, you just have to look at it. I tend to focus on systemic problems associated with the election process... they’re willing to steal elections in order to acquire that dictatorial power, and by golly, it’s time for the American people to fight back.”



**Mo Brooks** ✓  
@RepMoBrooks

...

I’m absolutely convinced that this is the largest voter fraud and election theft in American history. I will object to the Electoral College vote certification in the House to protect our Republic from the Socialist Democrat take over. Watch my fiery interview on [@newsmax](#) TV!



! This claim about election fraud is disputed

10:15 AM · Dec 6, 2020 · Twitter Media Studio



<https://twitter.com/RepMoBrooks/status/1335611625705967624>

**Video:** “I firmly believe this election has been stolen by the socialist Democrats, and I believe we ought to fight. And one Congressman from Alabama is going to fight. ... We cannot allow this kind of massive election theft that we have seen across the board. And, I’m going to fight. Will there be others that join me? I sure hope so. ... There are systemic flaws in our election system that have been very badly taken advantage of by the Joe Biden team and by the socialist Democrats that have resulted in a travesty of an election.”



**Mo Brooks** ✓  
@RepMoBrooks

...

No question it's an uphill climb to do what is necessary to protect the sanctity of America's election system. But, we never know who will win these political fights until we fight them. I'm going to fight! Watch my interview on [@FoxNews!](#)



10:46 AM · Dec 6, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/carriesheffield/status/1335946884985352194> (retweet)

Mo Brooks Retweeted



**Carrie Sheffield** ✓  
@carriesheffield

LIVE NOW 9-10am EST: Congressman [@RepMobrooks](#) planning to challenge Electoral College with me this morning. Join our "Just the News AM" lineup as we break down latest headlines, including [#votecount](#) [@josephweber19](#) [@KayaJones](#)

WATCH LIVE HERE, 9-10am EST: [americasvoice.news](https://americasvoice.news)



Just the News and 4 others

8:58 AM · Dec 7, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1335978459529678849>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: I'll appear on @OutnumberedOT with @HARRISFAULKNER on Fox News today at 1:20 pm ET to explain my objection to certifying the Electoral College votes in the US House on Jan 6. I'm convinced we witnessed the largest election theft in American history.

11:04 AM · Dec 7, 2020 · Twitter for iPhone

<https://twitter.com/FaulknerFocus/status/1336036115913060353> (retweet)

**Video:** "Because the election is being stolen and we should do everything we possibly can to prevent election theft and voter fraud. To me, from where I sit and the information I have at hand, the evidence is overwhelming that if only lawful votes cast by eligible American citizens were counted, then Donald Trump won the electoral college and hence would've prevailed for a second term as President of the United States."

↻ Mo Brooks Retweeted



**The Faulkner Focus** ✓  
@FaulknerFocus

...

Did President Trump earn a second term? Here's why @RepMoBrooks says yes. WATCH #stopthesteal #OutnumberedOT



2:53 PM · Dec 7, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/FaulknerFocus/status/1336037162844827652> (retweet)

**Video:** “I’m focused on ones that have election systems that are so badly flawed so as to render the reported results untrustworthy, in which case we should not ratify an untrustworthy election system.”

↻ Mo Brooks Retweeted



**The Faulkner Focus** ✓  
@FaulknerFocus

...

“If you don’t fight, you’re guaranteed to lose.” That’s what [@RepMoBrooks](#) told [@HarrisFaulkner](#) when discussing whether Congress should reject some state electoral college votes. Watch more here [#stopthesteal](#) [#OutnumberedOT](#)



2:57 PM · Dec 7, 2020 · Twitter Media Studio



<https://twitter.com/RepMoBrooks/status/1336041578662666242>



**Mo Brooks** ✓  
@RepMoBrooks



"....if you were to count only lawfully cast votes by eligible American citizens then Donald Trump won the Electoral College and is due to be reelected President of the United States."



3:15 PM · Dec 7, 2020 · Twitter Media Studio

<https://twitter.com/RepAndyBiggsAZ/status/1336359636119633921> (retweet)

Mo Brooks Retweeted



Rep Andy Biggs  
@RepAndyBiggsAZ

If CNN calls you names, you must be doing something right.

I'm honored to stand beside my colleagues like @Jim\_Jordan, @RepMattGaetz, @RepGosar, & @RepMoBrooks in the fight for election integrity and freedom.

We will not be intimidated from doing our jobs.



12:19 PM · Dec 8, 2020 · TweetDeck

<https://twitter.com/RepMoBrooks/status/1336389647216349185>

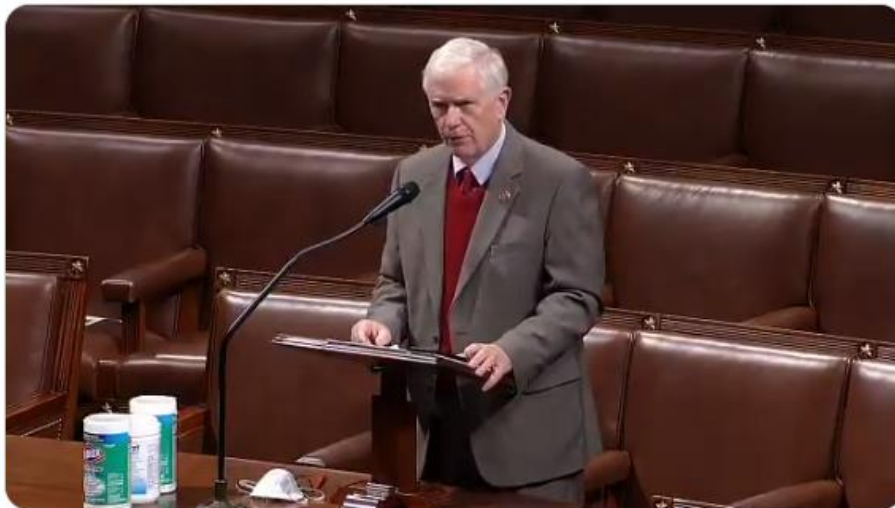
**Video:** “Congress is the judge, jury, and final arbiter of the 2020 presidential election contest. Further, America’s election system is plagued by systemic flaws that promote voter fraud and election theft. Joe Biden exploited one such flaw when he brazenly promised more than 10 million illegal aliens that he will give them amnesty and citizenship if they help elect Joe Biden President. ... In contrast, socialist Democrats used bureaucratic allies or engaged rigged lawsuits involving conspiratorial parties and inattentive judges to obtain sham settlement agreements that blatantly violate the Constitution and federal law to promote voter fraud and election theft with the singular goal of stealing the United States presidency. In particular, all en masse vote by mail schemes promote voter fraud and election theft and are illegal because they violate Congress’ election procedures and 24-hour voting mandate. As such, all votes cast pursuant to these vote by mail schemes are illegal, void, and should not be counted. The evidence is overwhelming, compelling, and irrefutable. If only lawful cast by eligible American citizens are counted, President Trump won the electoral college and a second term as President. Congress can either support illegal voting, voter fraud, and election theft, or not.”



**Mo Brooks** ✓  
@RepMoBrooks

...

MUST WATCH: Today’s House Floor speech focused on en masse vote by mail schemes that are rife with voter fraud employed by many states in violation of federal law that sets an election day, not an election week, month, or season.



! Learn how voting by mail is safe and secure

2:18 PM · Dec 8, 2020 · Twitter Media Studio

## Social Media Review

<https://twitter.com/foxnewsradio/status/1336660637716537346> (retweet)

**Audio:** “You know, we have a choice. We can either fight for fair, honest, and accurate elections or we can surrender. It does not make any difference what the odds are of success. The question is, do you surrender? Do you duck in your foxhole and wait till the fighting is over with? Or do you stand tall and fight for the Republic of the United States of America and what underpins it, which is our election system. So, I don’t really know how to evaluate the odds of whether we’re going to win or lose. Except I do know this: if you surrender, you’re guaranteed to lose. If you fight, you have a chance to win.”

Mo Brooks Retweeted



FOX News Radio  
@foxnewsradio

...

.@RepMoBrooks (R-AL) tells The #FOXNewsRundown his plan to fight the election results on the House floor in January.

Listen and subscribe below:

[open.spotify.com/show/7A4YfyFtN...](https://open.spotify.com/show/7A4YfyFtN...)



8:15 AM · Dec 9, 2020 · Hootsuite Inc.



<https://twitter.com/RepMoBrooks/status/1336663076750372871>



Mo Brooks ✓  
@RepMoBrooks

...

Catch me on [@cspanwj](#) this morning at 8:30 am CT! I'll discuss objecting to Electoral College votes in the House on Jan 6 and Socialist Democrat election theft.

[@cspan](#)

8:24 AM · Dec 9, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1336688794997813255>

**Video:** "I can either surrender or I can fight to protect the integrity, honesty, and accuracy of our election system, and I've chosen to fight. In my judgement, we have very serious systemic flaws with our election system that have resulted in millions of votes being cast through voter fraud, and millions of illegal ballots being voted and counted. And it is my intention to fight to protect our Republic and the underlying foundation of any Republic is the right to vote and to have that vote accurately counted."



Mo Brooks ✓  
@RepMoBrooks

...

MUST WATCH: I took the fight for American election integrity to [@cspanwj](#) this morning. Watch this first clip where I discuss in detail my objection to certifying the Electoral College votes from Georgia, Nevada, Pennsylvania, Wisconsin, & maybe more.



10:06 AM · Dec 9, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1336702442306727939>



Mo Brooks  
@RepMoBrooks

...

Better to be in fabricated "Cult Caucus" than very real & evil #FakeNewsMedia that so badly deceives American people. #CNNisFakeNews

#CNN attack = Patriotism Medal!

I fight for honest & accurate elections.

#CNN lies to protect voter fraud, illegal voting & election theft.



11:01 AM · Dec 9, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1336741139001520134>

**Video:** “That floor speech is going to quote extensively from a Democrat, professionally paid, election thief expert out of New Jersey, and he detailed how he’d help steal elections through this en masse mailout of ballots. ... What I have said is factually incontrovertible. It’s overwhelming, it’s compelling. And I am more than happy to engage in a public debate in a forum with enough audience to defend my position. And I’ll tell you what, I’ll tear apart the other side. Because the other side has unfortunately been blinded by propaganda. They haven’t done their homework, they haven’t done the research, they have not studied the law. But the law and the facts are clearly in support of what I say.”



I joined [@cspanwj](#) this morning & fielded questions from callers about my objection to certifying the Electoral College votes of states that have systemic flaws in their elections systems.



1:34 PM · Dec 9, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1336786838837751808>



**Mo Brooks** ✓  
@RepMoBrooks



Being asked about the possibility of voter fraud in my own election on [@cspanwj](#) gave me the opportunity to point out that AL's election system is vastly superior to other states'. AL's system isn't perfect but other states would do well to replicate AL's election safeguards.



4:36 PM · Dec 9, 2020 · Twitter Media Studio



<https://twitter.com/RepMoBrooks/status/1336807121258745856>

**Video:** “That quotes extensively from a New Jersey, professional, Democrat, election theft expert’s description of how he steals elections using the en masse mail ballot voting system. ... The fraudster and his minions would then take the sealed envelopes home and hold them over boiling water. ... 5 minutes per ballot tops is how long he says it takes to steal a vote. ... sometimes postal employees are in on the scam. ... Democrat board of election counters would know the fix was in and not to object. ... President Trump handily won the electoral college and reelection. Hence, on January 6, 2021, provided the required one Senator joins me, I will object to and vote to reject electoral college submissions of Nevada, Georgia, Wisconsin, Pennsylvania, and all other states whose election systems are so badly flawed as to render their vote submissions, unreliable, untrustworthy, and unworthy of acceptance.”



**Mo Brooks** ✓  
@RepMoBrooks

...

My House Floor speech today quotes extensively a professional New Jersey Democrat election theft expert’s description of how he steals elections using the en masse mailed ballot voting system. WATCH:



5:57 PM · Dec 9, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1336808896598511618>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@LouDobbs, heard you were sick of Republicans not fighting Socialist Democrat election theft. I'm fighting, I've been fighting, and I'll keep fighting to ensure Socialist Democrats don't steal this election from @realDonaldTrump.



**Mo Brooks** ✓ @RepMoBrooks · Dec 9, 2020

My House Floor speech today quotes extensively a professional New Jersey Democrat election theft expert's description of how he steals elections using the en masse mailed ballot voting system. WATCH:



6:04 PM · Dec 9, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1337065705708134401>

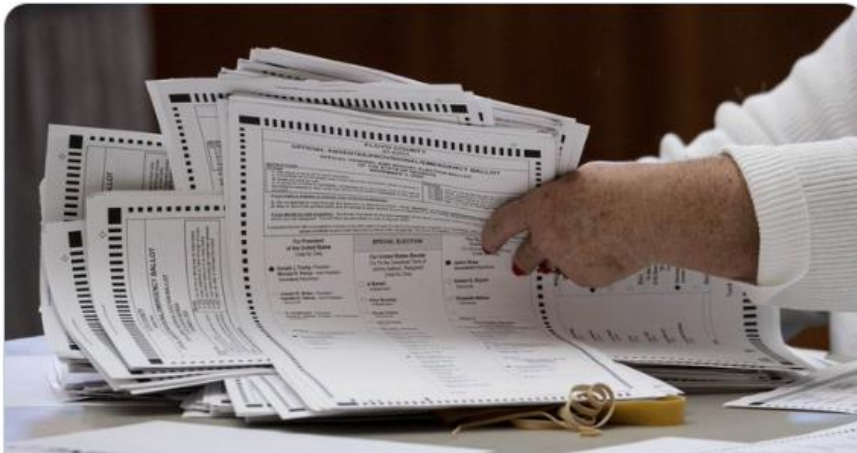


**Mo Brooks** ✓  
@RepMoBrooks



.@AnnCoulter, brilliant writer & political thought leader, election theft article: "Voter Fraud NEVER Happens! (Except in these 10,000 Cases)" SPOT ON, ANN!

America: read, learn & act or lose our Republic. A republic is nothing without honest elections.



Voter Fraud Never Happens! (Except in These 10,000 Cases)

The media have been lying about voter fraud for 20 years. The New York Times and The Washington Post will tell you: Let's get something straight. There are onl...

townhall.com

11:04 AM · Dec 10, 2020 · Twitter Web App



<https://twitter.com/RepMoBrooks/status/1337072662867218435>



**Mo Brooks** ✓  
@RepMoBrooks

...

The American people deserve to know to what extent our elections results are tainted with illegal votes. I joined @Lancegooden in urging the appointment of a special counsel investigator so we can get to the bottom of voter fraud claims.



11:32 AM · Dec 10, 2020 · Twitter Web App

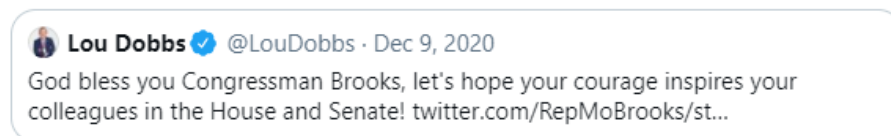
<https://twitter.com/RepMoBrooks/status/1337133960414031874>



**Mo Brooks** ✓  
@RepMoBrooks

...

It's time other GOPers get out of their foxholes and join the fight. Our Republic is at stake!



3:35 PM · Dec 10, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1337206448288395266>



**Mo Brooks** ✓  
@RepMoBrooks

...

Honest & accurate elections are the bedrock of any republic. Sadly, our republic has been undermined by officials who illegally violated the Constitution. I support TX's challenge to illegal voting schemes, & I hope SCOTUS decides this case correctly.



Three Alabama GOP congressmen join Texas lawsuit  
U.S. Reps. Mo Brooks, Gary Palmer and Bradley Byrne are among the 106 Republican House members challenging the outcome of the presidential election...  
[al.com](#)

8:23 PM · Dec 10, 2020 · Twitter for iPhone

<https://twitter.com/yhn/status/1337376753690550272> (retweet)

Mo Brooks Retweeted



**Yellowhammer News**  
@yhn

...

Four Alabama congressmen support Texas' lawsuit  
against presidential swing states

By @sean\_yhn



Four Alabama congressmen support Texas' lawsuit against presidential swing sta...  
Four Alabama congressmen are among a group of more than 100 U.S. House  
Republicans who are joining an amicus brief with  
[yellowhammernews.com](https://yellowhammernews.com)

7:40 AM · Dec 11, 2020 · Twitter for iPhone

<https://twitter.com/ALGOP/status/1337428184141352960> (retweet)

Mo Brooks Retweeted



**ALGOP** ✓  
@ALGOP

...

Thank you @Robert\_Aderholt @RepMoBrooks  
@RepByrne and @USRepGaryPalmer!



**Yellowhammer News** @yhn · Dec 11, 2020

Four Alabama congressmen support Texas' lawsuit against presidential swing  
states  
By @sean\_yhn [yellowhammernews.com/four-alabama-c...](https://yellowhammernews.com/four-alabama-c...)

11:05 AM · Dec 11, 2020 from Alabama, USA · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1337750276854460419>



**Mo Brooks** ✓  
@RepMoBrooks

...

Supreme Court declines to decide Texas case merits. Constitution is clear: CONGRESS, NOT SCOTUS, has primary duty to investigate & decide presidential election contests.

Bad news: Congress shirking its duty to investigate voter fraud & election theft.



Supreme Court rejects Texas's push to overturn Biden victory

The Supreme Court on Friday rejected a widely panned bid by Texas to overturn President-elect Joe Biden's election win, delivering a devastating blow to the lon...

thehill.com

8:24 AM · Dec 12, 2020 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1337752792954527745>



Mo Brooks  
@RepMoBrooks

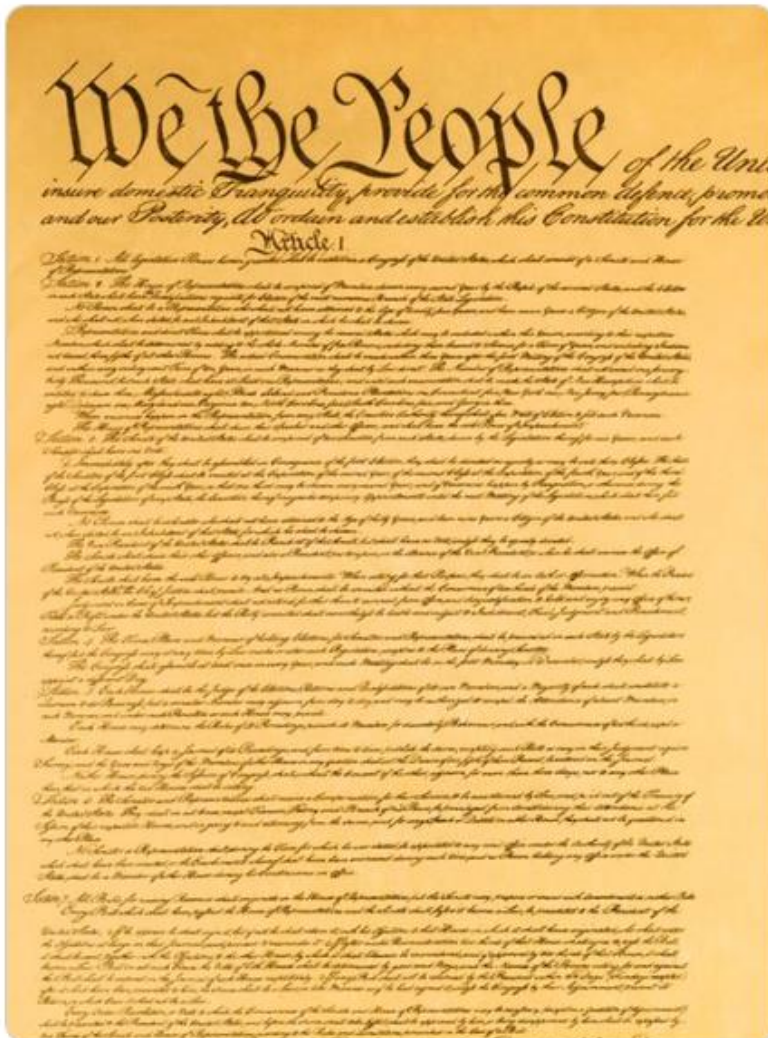
...

Constitution Article 1, Section 5 states [#Senate](#) is "Judge of the Elections, Returns and Qualifications of its own Members".

[#Georgia](#) voter fraud & election theft is massive.

If only lawful American citizen votes counted,  
[#DavidPerdue](#) WON on November 3.

Senate should so rule.



8:34 AM · Dec 12, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1337765868156178435>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@laurenboebert is right! Congress is the ultimate arbiter of who wins presidential contests, not the Supreme Court.

America's Founders didn't want unelected, dictatorial judges making these decision. Judiciary isn't equipped or empowered to decide contested federal elections.



**Lauren Boebert** ✓ @laurenboebert · Dec 11, 2020

I told the president to keep fighting & use every bit of authority our Constitution grants.

The Supreme Court does not decide the winner of the election. Congress does.

[Show this thread](#)



2:17 343K views

9:26 AM · Dec 12, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1338257959974019073>



**Mo Brooks** ✓  
@RepMoBrooks

...

In presidential election contests, Congress has a superior role under the 12th Amendment to the Constitution than the Supreme Court, any federal court, or any state court. Congress is empowered to certify electoral college vote submissions, or not.



Mo Brooks: Congress has 'final verdict' in election fight  
The New York Times is reporting that the Alabama Congressman met last week with about a half-dozen senators, including Mike Lee of Utah, and separately wit...  
[al.com](#)

6:02 PM · Dec 13, 2020 · Twitter for iPhone



<https://twitter.com/RepMoBrooks/status/133832248068822212>



**Mo Brooks** ✓  
@RepMoBrooks



Cleisthenes: You are 100% correct. My staff screwed up & sent bad tweet out without my prior knowledge. The 12th Amd covers House electing president if no candidate has electoral college majority. Art 1, Art 2, 3 USC 15, etc., define Congress election contest powers & processes.



**Cleisthenes: Lost in Time** @atheniandemos · Dec 13, 2020

I don't see the part of the 12th were congress gets to vote on whether or not to accept the certifications

10:18 PM · Dec 13, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1338325021333344257>



**Mo Brooks** ✓  
@RepMoBrooks



Emiliano: [#Socialist](#) [#Democrats](#) misquote 14th Amd & reveal their shallowness.

14th Amd targeted Confederate Civil War veterans.

I stand for honest, legal & accurate elections. Those who support voter fraud & election theft undermine Constitution & America's Republic. PERIOD!!!

[twitter.com/EMILIAN0701099...](https://twitter.com/EMILIAN0701099...)

This Tweet is unavailable.

10:28 PM · Dec 13, 2020 · Twitter for iPad

<https://twitter.com/LouDobbs/status/1338618823902187526> (retweet)

**Video:** “Well, it’s happened many times in the past. Apparently, some folks have not done their history. By way of example, the Democrats in the House tried it in 2017 when they tried to strike Alabama’s votes for Donald Trump. Georgia the same way. Barbara Boxer tried to strike Ohio for George Bush back in 2005. So, this is not unusual. The law is very clear. The House of Representatives in combination with the United States Senate has the lawful authority to accept or reject electoral college vote submissions from states that have such flawed election systems that they’re not worthy of our trust. ... You’ve lost the control of your government. And under those circumstances, those who can steal the most votes, who can engage the most voter fraud and get away with it, are going to be the ones to rule the roost in Washington, D.C. ... I can either sit back and surrender and be a part of the surrender caucus, or I can fight for our country.”

↻ Mo Brooks Retweeted



**Lou Dobbs** ✓  
@LouDobbs

...

Congressional Challenge: @RepMoBrooks calls out the GOP’s Surrender Caucus, who refuse to join in with his plan to challenge fraudulent electoral college votes.

#MAGA #AmericaFirst #Dobbs



5:56 PM · Dec 14, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1338952080061554691>



**Mo Brooks** ✓  
@RepMoBrooks

...

A republic is nothing without honest & accurate elections.

Heroic patriots fought & died to give America a republic.

Media reports Senate ducks election fraud theft ...because it requires a "terrible vote"?!?

I can only hope that is "Fake News".



McConnell warns Senate Republicans against challenging election results  
His guidance comes one day after the Electoral College officially affirmed Biden's win.

[politico.com](#)

4:00 PM · Dec 15, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1339589705751429128>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@RandPaul is SPOT ON: "The courts never looked at the facts. The courts don't like elections, hence they stayed out of it by finding an excuse, standing or otherwise, to stay out of it. But the fraud happened, the election in many ways was stolen."



Ken Starr: 'You Cannot Have Changes in Election Laws After the Fact'  
Judge Kenneth Starr testified states that had gone outside their legislatures to change election laws and violated the U.S. Constitution.  
[breitbart.com](https://www.breitbart.com)

10:14 AM · Dec 17, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1339623798866407425>



**Mo Brooks**   
@RepMoBrooks

...

18 House colleagues joined me in sending a letter to @senatemajldr, @SpeakerPelosi, and various House & Senate committee chairs seeking election fraud hearings ahead of the Jan 6th Electoral College vote submissions.



12:29 PM · Dec 17, 2020 · Twitter Web App



**Mo Brooks**   
@RepMoBrooks · Dec 17, 2020

...

Replying to @RepMoBrooks

Under the Constitution and federal statutes, Congress is responsible for resolving all federal election contests for President, the Senate and the House.



Congressman Mo Brooks Leads 18 Colleagues in Sen...  
Washington, DC— Thursday, Congressman Mo Brooks (AL-05), joined by 18 House Conservative colleagues,...  
[brooks.house.gov](https://brooks.house.gov)



**Mo Brooks**   
@RepMoBrooks · Dec 17, 2020

...

Our letter requests the recipients do their jobs & conduct voter fraud & election theft hearings & investigations so that Congressmen & Senators will be better informed when Congress faces questions about the legitimacy of various federal elections held on November 3, 2020.



<https://twitter.com/RepMoBrooks/status/1339696928729264129>

**Video:** “In 2020, hundreds of thousands, and more likely millions of illegal aliens and other non-citizens illegally voted for Joe Biden after he promised them amnesty and citizenship, if he is elected President. Second, vote by mail schemes are horribly prone to voter fraud and are illegal... In 2020, socialist Democrats foisted vote by mail schemes on America in order to more easily engage in voter fraud and election theft. ... If elections are defective, the entire democratic system is at risk. ... I can’t speak for anyone else, but as for me, Mo Brooks of Alabama’s 5<sup>th</sup> congressional district, I choose to fight for America.”



**Mo Brooks** ✓  
@RepMoBrooks

...

My House Floor speech today focused on the 105 page report of the bipartisan Commission on Federal Election Reform that specifically forewarned America of the very same systemic election flaws the Socialist Democrats used in 2020 to steal elections.



5:20 PM · Dec 17, 2020 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1339972078745870336>

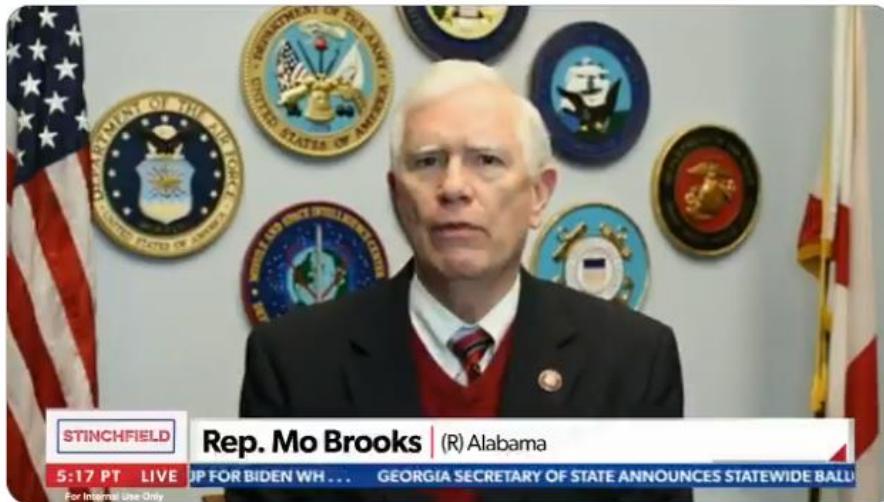
**Video:** “The Socialist Democrats have successfully stolen votes from the American people in 2020 and we need to fight and take it back.”



**Mo Brooks** ✓  
@RepMoBrooks

...

All throughout American history, time after time, American men and women have stood strong and fought for their country. That's what we need to do now!



11:33 AM · Dec 18, 2020 · Twitter Media Studio



[https://twitter.com/jeff\\_poor/status/1339999544948518912](https://twitter.com/jeff_poor/status/1339999544948518912) (retweet)

↻ Mo Brooks Retweeted



**Jeff Poor**  
@jeff\_poor

...

.@RepMoBrooks on 2020 Election: Massive Voter Fraud, Election Theft 'to a Degree Never Before Seen in the History' of the U.S. [breitbart.com/clips/2020/12/...](https://www.breitbart.com/clips/2020/12/...) via @fmtalk1065



Mo Brooks on 2020 Election: Massive Voter Fraud, Election Theft 'to a Degree Ne...  
Thursday, during an interview that aired on FM Talk 106.5 in Mobile, AL, Rep. Mo Brooks (R-AL) laid out his plan to challenge the results of the 2020 election when...  
[breitbart.com](https://www.breitbart.com)

1:22 PM · Dec 18, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1340013896820768769>



**Mo Brooks** ✓  
@RepMoBrooks

...

In 2005, a bipartisan Commission on Federal Election Reform co-chaired by Dem President Jimmy Carter and Reagan White House Chief of Staff James Baker issued a 105 page report specifically warning about the very same systemic flaws the Socialist Dems used steal 2020 elections.

## Report of the Commission on Federal Election Reform



2005

### Co-Chairs:

**Democrat President Jimmy Carter & Reagan  
Chief of Staff James Baker**

2:19 PM · Dec 18, 2020 · Twitter Web App



**Mo Brooks** ✓ @RepMoBrooks · Dec 18, 2020  
Replying to @RepMoBrooks

...

The Commission recommended that, "all states should use their best efforts to obtain proof of citizenship before registering voters." That means repealing the Socialist Democrat law that makes it illegal to require proof of citizenship to register to vote.



**Mo Brooks** ✓ @RepMoBrooks · Dec 18, 2020

...

The Commission warned: "Vote by mail is ... likely to increase the risks of fraud and of contested election," adding it "remain(s) the largest source...."



**Mo Brooks** ✓ @RepMoBrooks · Dec 18, 2020

...

"...of potential voter fraud [because it] is vulnerable to abuse in several ways: Blank ballots mailed to the wrong address or to large residential buildings might get intercepted. Vote buying schemes are far more difficult to detect when citizens vote by mail."

## Social Media Review



**Mo Brooks** ✓ @RepMoBrooks · Dec 18, 2020

The Commission warned that the lack of photo ID eases voter fraud, noting "Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check, [that] [v]oting is equally important, [and that] [v]oters in nearly 100 democracies use photo identification."



**Mo Brooks** ✓ @RepMoBrooks · Dec 18, 2020

The Comm said, "[C]itizens should identify themselves as the correct person on the registration list when they vote. ...The problem...is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference."

<https://twitter.com/IvanPentchoukov/status/1341115356551778307> (retweet)

Mo Brooks Retweeted



**Ivan Pentchoukov**  
@IvanPentchoukov

Rep. Mo Brooks: Americans Must Urge Congressmen to Block Electors From Disputed States

@EpochTimes @RepMoBrooks



Rep. Mo Brooks: Americans Must Urge Congressmen to Block Electors From Disputed States  
The outcome of the count of the Electoral College votes in Congress during the joint session on Jan. ...

[theepochtimes.com](https://theepochtimes.com)

3:16 PM · Dec 21, 2020 · Twitter Web App

<https://twitter.com/MarkMeadows/status/1341157317451124745> (retweet)

↻ Mo Brooks Retweeted



**Mark Meadows** ✓  
@MarkMeadows

...

Several members of Congress just finished a meeting in the Oval Office with President [@realDonaldTrump](#), preparing to fight back against mounting evidence of voter fraud.

Stay tuned.



This claim about election fraud is disputed

---

6:03 PM · Dec 21, 2020 · Twitter for iPhone

<https://twitter.com/replouiegohmert/status/1341473888685928450>

**Note:** Tweeted by Rep. Gohmert. Includes audio from Rep. Brooks

**Audio:** “On Jan. 6<sup>th</sup>, this is somewhat akin to the Alamo, although I hope we will survive. But it was the Alamo where you had courageous people stand tall.”



**Louie Gohmert** ✓  
@replouiegohmert

...

Honored to host the @seanhannity radio show today from 2-5 p.m. CT. We will have wall to wall coverage on the rampant fraud that took place in the 2020 presidential election. #StopTheSteal #SaveTheRepublic



This claim about election fraud is disputed

**Sean  
Hannity**

Find a Station | Sean Hannity  
hannity.com

3:01 PM · Dec 22, 2020 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1341527994863652864>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: I'll appear on The Story with @marthamaccallum on @FoxNews tonight at 7:00 ET to discuss the growing momentum behind my objection to certifying Electoral College votes from states with flawed election systems.

6:36 PM · Dec 22, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1343250418772680704>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@AdamKinzinger says fight for honest & accurate elections is a "scam" with no Constitutional basis. Const. Art. I, Section 4 and 3 U.S.C. 15 differ.

AK says many citizens will be disappointed. YEP - BECAUSE SO MANY POLITICIANS SURRENDER TO VOTER FRAUD!



This claim about election fraud is disputed



Rep. Kinzinger calls efforts to overturn election 'a scam'  
"It is a scam and it is going to disappoint the people that believe this election was stolen."  
[politico.com](https://www.politico.com)

12:40 PM · Dec 27, 2020 · Twitter for iPad



## Social Media Review

<https://twitter.com/RepMoBrooks/status/1343389615139467265>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: I'll join @foxandfriends tomorrow morning at 7:15 am ET to discuss the growing effort to reject electoral college votes on Jan 6th from states with badly flawed election systems!

9:53 PM · Dec 27, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1343942474285404166>



**Mo Brooks** ✓  
@RepMoBrooks

...

#Socialist #Democrat = voter fraud!

17 #Pennsylvania legislators & CPA examine govt election docs & find that 200,000+/- MORE votes COUNTED in election returns than people who actually voted!

Legally impossible.

See voter fraud yet, #FakeNewsMedia?



DOS responds to Republican lawmakers' claim of election numbers discrepancy  
A group of Republican lawmakers say they've performed an extensive analysis of election day data and they've found "troubling" discrepancies. According to Stat...  
wjactv.com

10:30 AM · Dec 29, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1344053545893556227>



**Mo Brooks** ✓  
@RepMoBrooks



TUNE IN: I'll join the [@IngrahamAngle](#) tonight at 9:05 CT to explain Socialist Dem election theft tactics & preview the January 6th objection to Electoral College votes from states with flawed election systems and rampant voter fraud. Don't miss!

5:51 PM · Dec 29, 2020 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1344313511774724097>



**Mo Brooks**   
@RepMoBrooks

...

SENATOR JOSH HAWLEY (R-MO) JOINS 30+ CONGRESSMEN IN OBJECTING to electoral college vote submissions from states with such flawed election systems as to render their election results untrustworthy.

BAM! The fight for America's Republic IS ON!

WATCH JANUARY 6, STARTING 1PM ET.

**Hawley Statement On Objecting During Electoral College Certification Process on Jan. 6**

"Following both the 2004 and 2016 elections, Democrats in Congress objected during the certification of electoral votes in order to raise concerns about election integrity. They were praised by Democratic leadership and the media when they did. And they were entitled to do so. But now those of us concerned about the integrity of this election are entitled to do the same.

"I cannot vote to certify the electoral college results on January 6 without raising the fact that some states, particularly Pennsylvania, failed to follow their own state election laws. And I cannot vote to certify without pointing out the unprecedented effort of mega corporations, including Facebook and Twitter, to interfere in this election, in support of Joe Biden. At the very least, Congress should investigate allegations of voter fraud and adopt measures to secure the integrity of our elections. But Congress has so far failed to act.

"For these reasons, I will follow the same practice Democrat members of Congress have in years past and object during the certification process on January 6 to raise these critical issues."

11:04 AM · Dec 30, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1344778998124072960>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@JakeTapper quotes others saying 140+ House GOPers will vote against voter fraud, illegal ballots & election theft. For once, I hope #CNN & Jake Tapper are not #FakeNewsMedia! 140+ is a WHOLE LOT MORE than the ONE we started with the week of November 3rd. ;-)



**The Lead CNN** ✓ @TheLeadCNN · Dec 31, 2020

Two House Republicans tell CNN they expect at least 140 House GOPers to vote against counting Electoral College votes @JFKucinich @seungminkim @kaitlancollins discuss



5:54 PM · Dec 31, 2020 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1345428958196740097>



**Mo Brooks** ✓  
@RepMoBrooks

...

.@SenTedCruz & TEN Senators join fight against voter fraud, illegal ballots & election theft!

Momentum to protect honesty & accuracy of America's elections is gaining steam as more & more elected officials fully grasp the depravity of election theft.



GOP senators, led by Cruz, to object to Electoral College certification, demand e...  
A group of GOP senators led by Sen. Ted Cruz, R-Texas, will object to the Jan. 6 certification of the presidential election results next week unless there is an ...  
[foxnews.com](https://www.foxnews.com)

12:57 PM · Jan 2, 2021 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1345524710751268868>



**Mo Brooks** ✓  
@RepMoBrooks

...

Our fight for honest & accurate elections gains momentum!

@Jim\_Jordan & I co-lead conference call w 50+ Congressmen who join & fight for America's Republic!

Conf. call began 6PM ET. Now 715PM & continuing.

President Trump & CoS Mark Meadows speaking.

Morale is HIGH! FIGHT!

7:17 PM · Jan 2, 2021 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1345746732504776706>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: I'll be on Sunday Morning Futures with @MariaBartiromo on @FoxNews today at 9:10 CT to discuss growing momentum for Jan 6 objection effort!

9:59 AM · Jan 3, 2021 · Twitter for iPhone



<https://twitter.com/MariaBartiromo/status/1345516523075600387> (retweet)

Mo Brooks Retweeted



**Maria Bartiromo** ✓  
@MariaBartiromo

...

Join us tomorrow @SenTedCruz @SundayFutures  
@FoxNews 10am et #Exclusive also w us- @Jim\_Jordan  
@RepMoBrooks @mtgreenee @RepVernonJones  
@sendavidperdue @Perduesenate



6:45 PM · Jan 2, 2021 · Twitter for iPhone

<https://twitter.com/RepMoBrooks/status/1345782686963691522>

**Video:** “Oh, no question. The evidence is overwhelming and compelling. In my judgment, if you were to get a nonbiased jury that listened to the evidence, they would find 99 percent of the time that there was massive voter fraud and election theft in the November 3<sup>rd</sup> election.”



It was great to join Sunday Morning Futures w/ @MariaBartiromo today alongside stalwart fighter @Jim\_Jordan to discuss the growing movement in Congress to reject unreliable electoral college votes from Nevada, Arizona, Pennsylvania, Georgia, Wisconsin, & Michigan. WATCH PART 1:



12:22 PM · Jan 3, 2021 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1345783259872047109>

**Video:** “Well, how it plays out, quite frankly, is dependent on the American people. This is an organic movement that has risen up from angry American voters, 70+ million, who have been disenfranchised by voter fraud and election theft. To the extent they contact their senators and their congressmen and demand honest and accurate elections, then we’re going to win this fight on January 6<sup>th</sup>. But if the American people do not rise up, if they don’t contact their senators, if they don’t contact their congressmen, demanding that their congressmen and senators do the right thing for our Republic, well then, we’re not going to win on January 6<sup>th</sup>. So I urge all Americans to participate in this fight on behalf of their country, on behalf of their Republic, and of course, the election system that is the underpinning of any Republic.”



It was great to join Sunday Morning Futures w/ [@MariaBartiromo](#) today alongside stalwart fighter [@Jim\\_Jordan](#) to discuss the growing movement in Congress to reject unreliable electoral college votes from Nevada, Arizona, Pennsylvania, Georgia, Wisconsin, & Michigan. WATCH PART 2:



12:25 PM · Jan 3, 2021 · Twitter Media Studio

## Social Media Review

<https://twitter.com/MariaBartiromo/status/1345786773469884416> (retweet)

Mo Brooks Retweeted



**Maria Bartiromo** ✓  
@MariaBartiromo

...

GOP group, including Reps. Brooks and Jordan, to challenge electoral college results [ow.ly/onCB30rr4hY](https://ow.ly/onCB30rr4hY)  
[@SundayFutures](#) [@FoxNews](#) [@Jim\\_Jordan](#)  
[@RepMoBrooks](#)



GOP group, including Reps. Brooks and Jordan, to challenge e...  
Reps. Jim Jordan, R-Ohio, and Mo Brooks, R-Ala., are spearheading the effort in the House of Representatives, ...  
[video.foxnews.com](https://video.foxnews.com)

12:39 PM · Jan 3, 2021 · Hootsuite Inc.

<https://twitter.com/FoxFriendsFirst/status/1345965033688281088> (retweet)

Mo Brooks Retweeted



**Fox & Friends First** ✓  
@FoxFriendsFirst

...

Tune in on [#FoxFriendsFirst](#) as [@RepMoBrooks](#) discusses his movement to object the Electoral College results this week.



12:27 AM · Jan 4, 2021 · Twitter Web App



<https://twitter.com/TheDaleJackson/status/1346130522322464769> (retweet)

**Audio:** “It’s going to be a difficult road to hoe, unless the American citizens are able to be more persuasive with some of our surrender caucus congressmen and senators. We have to get all Republicans on board in order to prevail. And right now, there is some obvious and unfortunate opposition within Republican ranks. Some, because they’re soft on the issue, others because they believe that Congress should play no role in this whatsoever. ... I would hate to think that only Democrats are entitled to challenge presidential election electoral college submittals but Republicans aren’t. ... So the Georgia Secretary of State did a huge disservice to the American people by doing what he did in the fashion in which he did it.”

↻ Mo Brooks Retweeted



DaleJacksonBooks.com  
@TheDaleJackson

...

Dale and Congressman Mo Brooks Discuss Fighting the Election Results - 1-4-21

[audioboom.com/posts/7764102-...](https://audioboom.com/posts/7764102-...) via @Audioboom



Dale and Congressman Mo Brooks Discuss Fighting the Electi...  
An Audioboom post by The Dale Jackson Show  
[audioboom.com](https://audioboom.com)

11:25 AM · Jan 4, 2021 · audioBoom

<https://twitter.com/newsmax/status/1346134293668532224> (retweet)

**Video:** “It’s a distraction. That phone call has nothing to do with rather in fact, Georgia’s election results accurately reflect the lawful votes cast by eligible American citizens in the state of Georgia. And that is the issue we ought to be focusing on. And quite simply stated, if only lawful votes were counted in Georgia, Donald Trump won.”

↻ Mo Brooks Retweeted



**Newsmax** ✓  
@newsmax

...

“It’s a distraction! That phone call has nothing to do with whether in fact Georgia’s election results accurately reflect the lawful votes casts by eligible American citizens,” @RepMoBrooks tells Newsmax TV. [nws.mx/tv](https://nws.mx/tv)



**Newsmax** Rep. Mo Brooks | House Armed Services Committee Member

0:24 | 76.4K views | ROOTS HIM DEAD, INJURES 2... | AARP CEO CALLS FOR MORE 'CLARITY' ON VACCIN

**Newsmax TV's 'National Report' - Rep. Mo Brooks**

Rep. Mo Brooks comments on a leaked phone call between Trump and the Georgia secretary of state.

! This claim about election fraud is disputed

11:40 AM · Jan 4, 2021 · Twitter Media Studio



## Social Media Review

<https://twitter.com/RepMoBrooks/status/1346179614230650886>



**Mo Brooks** ✓  
@RepMoBrooks

...

Promises made. Promises kept.

Today I signed objections to tainted electoral college vote submissions of Arizona Georgia Michigan Nevada Pennsylvania Wisconsin.

Senators? Time to sign on, too!

America must not tolerate voter fraud & election theft that undermines our Republic!



⚠ This claim about election fraud is disputed

2:40 PM · Jan 4, 2021 · Twitter Web App

<https://twitter.com/LouDobbs/status/1346212046090752000> (retweet)

Mo Brooks Retweeted



**Lou Dobbs** ✓  
@LouDobbs

...

This is it: Join Lou at 5 & 7 PM/ET as the fate of the republic hangs in the balance this week @TomFitton @EdRollins @Jim\_Jordan @RepMoBrooks @VoterGA and Georgia citizen, David Cross #MAGA #AmericaFirst #Dobbs

4:48 PM · Jan 4, 2021 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1346215864979382272>



**Mo Brooks** ✓  
@RepMoBrooks

...

TUNE IN: don't miss me on @LouDobbs Tonight on Fox business right now. I'll discuss the Wednesday challenge of Electoral College votes from states with flawed election systems. 50+ House members & 12+ Senators have joined the movement.



5:04 PM · Jan 4, 2021 · Twitter for iPhone

<https://twitter.com/LouDobbs/status/1346227814278848512> (retweet)

**Video:** “Well, let me sum it up: this vote on Wednesday is about the underpinnings of a Republic. Are we going to have an honest and accurate election system? And those who vote to fight for America and our Republic, who show that kind of courage, they’re going to do the right thing. But I’m very much concerned that far too many congressmen and senators who have yet to do their homework. Who have yet to perceive that the evidence is overwhelming and compelling of voter fraud and election theft, and who are more apt to duck and run, cower in their foxhole, rather than do the right thing for our country. If the American people who demanded their senators and their congressmen to stand up and fight for America, then we’ll do fine and we’ll win this vote on Wednesday. But if we have Republicans who are afraid to fight, who are unwanting to do so, who are halfhearted in their measures, well then, of course, we’re going to lose and voter fraud’s going to win. I’m going to fight to protect the integrity of our election system. I hope others will join me.”

Mo Brooks Retweeted



**Lou Dobbs** ✓  
@LouDobbs

...

Protecting Election Integrity: @RepMoBrooks slams the cowering Republicans ignoring overwhelming evidence of electoral fraud, and vows to stand up for election integrity on January 6. #MAGA #AmericaFirst #Dobbs



5:51 PM · Jan 4, 2021 · Twitter Media Studio

## Social Media Review

<https://twitter.com/alexsalvinews/status/1346260265805910016> (retweet)

Mo Brooks Retweeted



**Alex Salvi**  
@alexsalvinews

...

Tonight on After Hours on @OANN:

January 6th Vote - @RepMoBrooks

117th Congress - @CawthornforNC

Georgia Runoffs - @sethweathers

Assange/Iran Conflict - @LisaDaftari

Starting later due to the Trump rally!



8:00 PM · Jan 4, 2021 · Twitter Web App



<https://twitter.com/RepMoBrooks/status/1346484193140879361>

**Video:** “Well, on the House side, we’re very strong. I would anticipate that we will have over 100 United States congressmen who will support this effort on the House floor, either by cosponsoring the objections or speaking to reject to these electoral college votes from tainted states, or from voting. Voting, speaking, cosponsoring. On the Senate side though, I’m a little bit disheartened.”



**Mo Brooks** ✓  
@RepMoBrooks

...

I’m confident we’ll have a significant number of House GOPers who will fight for & protect America’s election system. I’m less confident in GOP Senators. Now is the time to call on Senators to demand they stand for honest & accurate elections, and support House members on Jan. 6.



10:50 AM · Jan 5, 2021 · Twitter Media Studio

<https://twitter.com/RepMoBrooks/status/1346536275273244673>



**Mo Brooks** ✓  
@RepMoBrooks

...

Progress made. NEED more!

LOTS of Congressmen object to AZ GA MI NV PA WI electoral college votes.

In Senate, Hawley=PA Cruz=AZ Loeffler=GA, so battle engaged there. STILL NEED SENATORS FOR MI NV WI!

America - urge your senators to fight voter fraud & election theft!

2:17 PM · Jan 5, 2021 · Twitter for iPad



## Social Media Review

<https://twitter.com/RepMoBrooks/status/1346559504058638344>



**Mo Brooks** ✓  
@RepMoBrooks

...

Update: So far, 36+ patriotic Congressmen signing ALL six objections to AZ GA MI NV PA WI electoral college votes.

YET, only 3 Senators (Cruz-AZ, Hawley-PA, Loeffler-GA) signing ONE objection apiece.

GOP House Members are FIGHTING for honest & accurate elections! Senate: HELP!



3:49 PM · Jan 5, 2021 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1346652076840005632>

**Note:** This video has been removed since staff initially watched and quoted. YouTube notes that the video violates community guidelines.

**Video:** “Stop at the Capitol!” “Our ancestors sacrificed their blood, their sweat, their tears, their fortunes, and sometimes their lives! And what did they sacrifice for? They sacrificed for foundational principles that have combined to make us the greatest nation in world history.” “We are here today because American is at risk unlike it has been in decades.” “We are not going to let the socialists rip the heart out of our country. We are not going to let them continue to corrupt our elections.” “Today [Georgia runoff elections] is a time of choosing, and tomorrow is a time for fighting!” “Now our ancestors sacrificed their blood, their sweat, their tears, their fortunes, and sometimes their lives to give us, their descendants, an America that is the greatest nation in world history. So I have a question for you: Are you willing to do the same? My answer is yes. Louder! Are you willing to do what it takes to fight for America? Louder! [yelling] Will you fight for America?!”



**Mo Brooks** ✓  
@RepMoBrooks

...

BIG DAY: I speak at tomorrow’s [#StoptheSteal](#) rally @ 7:50 am CT. [@realDonaldTrump](#) asked me personally to speak & tell the American people about the election system weaknesses that the Socialist Democrats exploited to steal this election. Watch:



● TRUMP RALLY LIVE IN DC: President Donald Trump at Sav...  
Wednesday, January 6, 2021: Join the RSBN crew LIVE from The  
Ellipse at The President's Park as millions of President Trump ...  
[youtube.com](#)

9:57 PM · Jan 5, 2021 · Twitter for iPhone

## DAY OF –

<https://twitter.com/RepMoBrooks/status/1346864412725022725> (before riot)

**Note:** video is a clip from pre-insurrection rally included in previous section.



**Mo Brooks** ✓  
@RepMoBrooks

...

Is America the greatest nation in world history because we're lucky? NO! I would submit that we are great because our ancestors sacrificed their blood, sweat, tears, and lives for America's foundational principles.



12:01 PM · Jan 6, 2021 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1346883347189026816> (before riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

BREAKING FROM HOUSE FLOOR!

Congressman Paul Gosar (R, AZ) & Sen. Ted Cruz (R, TX)  
join to object to the electoral college submission of  
Arizona.

BATTLE IS JOINED!

Now we will find who supports, and who fights, voter  
fraud & election theft!

FIGHT FOR AMERICA'S REPUBLIC IS ON!

1:16 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346886654343192578> (before riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@SteveScalise is first GOP speaker.

Excellent outline of 2020 voter fraud, Congress's  
presidential election contest role & #Socialist  
#Democrat obstruction to legislative efforts that  
promote policies that will guarantee the honest &  
accurate elections that Americans deserve.

1:29 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346888766674391050> (before riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@Jim\_Jordan 2nd GOP Speaker.

GREAT speech re questionable election won by  
"Basement Man".

70 million Americans think election suspect.

Why House refuse election investigations?

Russia Hoax investigated . . . But not election system  
essential to Republic's functioning?

1:38 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346894529971027968> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@laurenboebert = GOP #4.

Boebert hammers on legislature duty to determine  
electors & blatant violations of AZ legislature election  
laws.

Passionate.

@BrianMastFL = GOP #5. Asks question about validity  
of electors contested in pending court cases. Pelosi  
refuses to answer.

2:00 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346897265802280962> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@MikeJohnson GOP #6.

Covers Constitution Art. 1, Sec. 4, which reserves 100% control of election rules & laws to Congress & legislatures.

Judges blatantly violated Election Clause & usurped power by dictating election laws in conflict with legislative & Congressional acts.

2:11 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346898992844648450> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@RepGosar OF ARIZONA = Objection sponsor. GOP #7.

Details massive AZ election fraud compounded by AZ officials refusing to investigate fraud allegations, thus aiding voter fraud & election theft.

DOORS LOCKED! CAPITOL COMPLEX BREACHED!  
CHAMBER DOORS LOCKED. SPEAKER LEAVES!

2:18 PM · Jan 6, 2021 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1346899440989310980> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks



HOUSE RECESSED UNTIL ORDER & SAFETY CAN BE ASSURED.

Rumor: ANTIFA fascists in backwards MAGA hats. Time will tell what truth is.

Capitol Police Announcement: Capitol breach. Locked down! DO NOT LEAVE CHAMBER!

2:20 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346904240988499972> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks



At least [#Socialist](#) [#Democrats](#) have NOT defunded Capitol police.

Evacuating chamber.

2:39 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1346944599735074817> (during riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

## MY FULL STATEMENT ON CAPITOL VIOLENCE:

### CONGRESSMAN MO BROOKS CONDEMNS CAPITOL VIOLENCE

**Washington, DC—** Wednesday, Congressman Mo Brooks (AL-05) unequivocally condemned the violent mobs who stormed the U.S. Capitol.

**Congressman Brooks said,** "The violence at the U.S. Capitol today is despicable, un-American, and tears at the fabric of our great republic. The scenes of United States Capitol Police being violently attacked and mobs occupying the American seat of government are highly disturbing. Consistent with my history, I ALWAYS condemn lawlessness and violence of any kind and in the strongest terms. As a strong supporter of the Rule of Law, and as a former target of Socialist Democrat gunfire myself, I don't care what political views motivate the violence, I hope law enforcement and our judicial system prosecute these thugs to the fullest extent of the law."

**Brooks continued,** "In America, the appropriate way to achieve political goals, the place to beat the stew out of disagreeable political philosophies, is via free speech, vigorous public debate, and at the ballot box, while always being respectful of the Rule of Law and Law Enforcement. While our election system has major, systemic flaws that Socialist Democrats egregiously exploited in 2020, that election system is still far and away the best place to change the direction and destiny of America."

###|

5:19 PM · Jan 6, 2021 · Twitter Web App

[https://twitter.com/paul\\_gattis/status/1346966123279892481](https://twitter.com/paul_gattis/status/1346966123279892481) (retweet during riot)

↻ Mo Brooks Retweeted



**Paul Gattis** ✓  
@paul\_gattis

...

Updated with new statement from [@RepMoBrooks](#) condemning violence at the Capitol and advocating for U.S. election system even as he maintains Democrats "exploited" flaws in it.



Mo Brooks describes Capitol protests, police tear gassing  
Both the House and the Senate have gone into recess while debating election results.

[al.com](#)

6:45 PM · Jan 6, 2021 · Twitter Web App

<https://twitter.com/RepMoBrooks/status/1347010354635804675> (after riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

Evidence mounts that fascist ANTIFA infiltrated Trump rally & stormed Capitol.

I don't know the true facts yet, and neither does 99.99% of public.

I suggest no rush to judgment until an investigation reveals whatever the truth may be.

Then Prosecute!



Facial recognition identifies extremists storming the Capitol  
Trump supporters say that Antifa members disguised as one of them infiltrated the protesters who stormed the U.S. Capitol on Wednesday.

[washingtontimes.com](https://www.washingtontimes.com)

9:41 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1347023819710603268> (after riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

Retired Huntsville Police Officer at Capitol today: "We were approached several times by individuals stating the police had tear gassed elderly people & abused them & asked for our support & attack the police. No one in the large group supported him and states he was ANTIFA."

10:34 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1347024790931070976> (after riot)



**Mo Brooks** ✓  
@RepMoBrooks

...

.@TTuberville -

Way to go Alabama freshman Senator Tommy Tuberville!

You make Alabama proud, fighting for honest and accurate elections!



**Andrew Solender** ✓ @AndrewSolender · Jan 6

The senators who voted YES to the Arizona objection:

Cruz  
Hawley  
Hyde Smith  
Kennedy  
Marshall  
Tuberville

The objection fails 6-93

10:38 PM · Jan 6, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1347033099373334529> (after riot)



**Mo Brooks** ✓  
@RepMoBrooks



House Vote on rejection of Arizona electoral college  
vote submission:

GOP: Reject = 121; Accept = 83

**#Socialist** **#Democrats**: Reject = 0; Accept = 219

**DIMINISHED BIDEN & SOCIALISM MANDATE!**

11:11 PM · Jan 6, 2021 · Twitter for iPad



## POST-INSURRECTION –

<https://twitter.com/RepMoBrooks/status/1347171347043115008>



**Mo Brooks** ✓  
@RepMoBrooks

...

Please, don't be like [#FakeNewsMedia](#), don't rush to judgment on assault on Capitol. Wait for investigation. All may not be (and likely is not) what appears. Evidence growing that fascist ANTIFA orchestrated Capitol attack with clever mob control tactics.

Evidence follows:

8:20 AM · Jan 7, 2021 · Twitter for iPad



**Mo Brooks** ✓ @RepMoBrooks · Jan 7  
Replying to [@RepMoBrooks](#)

...

1. A Congressman warned me on MONDAY of a growing ANTIFA threat & advised that I sleep in my office rather than leaving Capitol complex & sleeping in my condo. I heeded that advice & have slept on office floor for 4 straight nights.



**Mo Brooks** ✓ @RepMoBrooks · Jan 7

...

2. Congressman told me he was warned on TUESDAY by Capitol Police officer that intelligence suggested fascist ANTIFA was going to try to infiltrate the Trump rally by dressing like Trump supporters.

3. Capitol Police advised TUESDAY that it best not to leave Capitol complex.



**Mo Brooks** ✓ @RepMoBrooks · Jan 7

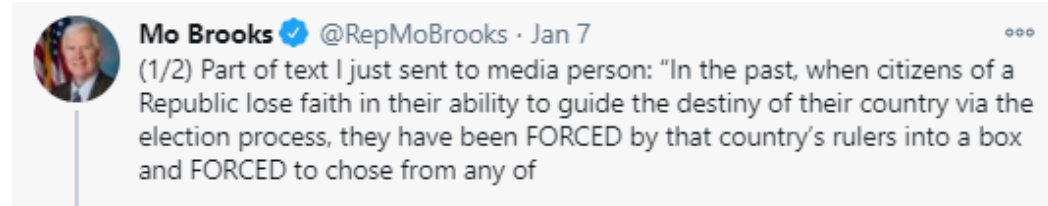
...

4. Evidence, much public, surfacing that many Capitol assaulters were fascist ANTIFAs, not Trump supporters.

Again, time will reveal truth. Don't rush to judgment. Don't be fooled by [#FakeNewsMedia](#) whose political judgment drives their reporting.

My view: fully prosecute all!

<https://twitter.com/RepMoBrooks/status/1347183302176878593>



Replying to @RepMoBrooks

(2/2) 3 bad options:

1. Flee (emigrate).
2. Submit.
3. Fight back with violence.

THAT is why we must fight for honest & accurate elections.

We don't ever want citizens in America feeling they have been forced into the aforesaid box, with 3 bad options."

9:08 AM · Jan 7, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1347406730066620418>



**Mo Brooks** ✓  
@RepMoBrooks

...

Did USA Patriots protest at Capitol? Yes. AS IS THEIR RIGHT!

Did SOME Trump supporters illegally break into Capitol? Yes. Prosecute!

But don't blindly accept [#FakeNewsMedia](#) claim fascist ANTIFA not there. Investigation will reveal what truth may be.



Known Antifa members posed as pro-Trump to infiltrate Capitol riot: sources  
At least two known Antifa members were spotted among the throngs of pro-Trump protesters at the Capitol on Wednesday, a law enforcement source told T...  
[nypost.com](#)

11:56 PM · Jan 7, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1347650892225519616>



**Mo Brooks** ✓  
@RepMoBrooks

...

Again, don't rush to judgment, but evidence below is not distributed by major [#FakeNewsMedia](#). Investigation & time will divulge truth.

[#BLM](#) & fascist [#ANTIFA](#) supporter arrested for role in Capitol assaults, "standing next to" killed Trump supporter.



Utah Man With a History of Organizing Violent Antifa, BLM Protests, Was Inside t...  
We're beginning to learn more about the individuals who were inside the U.S. Capitol on Wednesday. A young man named John Sullivan was there. He's from ...  
[townhall.com](#)

4:06 PM · Jan 8, 2021 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1349085208411332610> – Excerpts selected by staff.  
Highlights added by staff.



Mo Brooks ✓  
@RepMoBrooks

...

I defend my honor and reputation. Read my statement:



Congressman Mo Brooks Rebuts Vicious & Scurrilous Fake Ne...  
Washington, DC— Tuesday, Congressman Mo Brooks (AL-05)  
issued the below statement in response to scurrilous Fake Ne...  
[brooks.house.gov](https://brooks.house.gov)

3:05 PM · Jan 12, 2021 · Twitter Web App

**Washington, DC—** Tuesday, Congressman Mo Brooks (AL-05) issued the below statement in response to scurrilous Fake News Media and Socialist Democrat attacks related to his January 6th “Save America” rally speech:

As one of America's most effective conservative leaders, I defend my honor and reputation against scurrilous, George Orwellian, 1984, Socialist Democrats Politics of Personal Destruction, the same attack strategy used in 2012 against then-presidential candidate Mitt Romney, and nonstop against President Trump with false Russian Collusion charges and the 2019 sham impeachment effort.

Let's be clear, this entire smear campaign is about intimidating, censoring and suppressing the ability of American citizens to fight at the ballot box the efforts of Socialist Democrats to seize control of the United States of America.

So that I am unambiguously clear, American citizens' recourse is at the ballot box (maybe this comment will deter Socialist Democrats and Fake News Media from again shrilly shouting false claims of violence advocacy).

Before I get into the meat of my remarks, let me add that January 6 was supposed to be a day of great debate on the floors of the House and Senate about voter fraud and election theft that is supposed to propel America to more honest or accurate elections.

Instead, our message was hijacked by people whose illegal breach of the Capitol did a great disservice to our cause and America.

Those who engaged in illegal conduct should be ashamed of themselves because their attack on the U.S. Capitol destroyed two months of debate and work.

Those who engaged in the illegal breach of the U.S. Capitol could not have done more damage if they had followed any script written by the Democrat National Committee.

I take great offense at anyone who suggests I am so politically inexperienced as to want to torpedo my honest and accurate election system effort I spent months fighting on.



### Accusation Flaw #1:

Mr. Malinowski, in his Censure Resolution, alleges that "Representative Mo Brooks addressed a rally in Washington, DC, attended by numerous members of known extremist and anti-government groups, including the Proud Boys, QAnon, Boogaloo Boys, and Oathkeepers, who would shortly thereafter march to seize the United States Capitol"

That statement is meaningless because it omits a key fact. Mr. Malinowski fails to allege I knew any of that!

Why? Because I did not know any of that.

For the record, I have never knowingly associated or communicated with any of those groups in my life and I certainly had no inkling any of these groups were a part of the Trump rally at the Ellipse. Perhaps, at some political event, I have had a photo with one, or a five second conversation with another, but, if so, I don't recall it and paid no attention to it.

Per my cell phone records, on Tuesday morning, January 5, I had a telephone call with Brian Jack, White House Political Director. He asked me to speak at the Trump rally the next day, Wednesday morning.

I had never attended a Trump rally in my life but had seen many on TV, and thought it an honor for the White House to invite me to address Trump volunteers and supporters, so I readily agreed.

Due to lack of time, I did not draft my speech from scratch.

The bulk of my January 6 White House Ellipse speech comes from my often-used "America is Great" political speeches that I have given dozens of times, perhaps hundreds of times, in my 34 years of public service as a Tuscaloosa assistant district attorney, an Alabama legislator, the Madison County District Attorney, a county commissioner, and U.S. Congressman.

Further, I spoke very early in the political rally. There was music, there was my speech, there was more music, then there was some number of speakers, then a couple hours or so later, President Trump began speaking.

I ask this question, if my remarks were as inspirational as the Socialist Democrats and their Fake News Media allies want the public to believe, why didn't the Trump rally participants, after my remarks, immediately get up and storm the Capitol?

Why not indeed! The answer is simple. No one at the rally interpreted my remarks to be anything other than what they were: A pep talk after the derriere kicking conservatives suffered in the dismal 2020 elections.

But know this, I am from the Great State of Alabama, where our motto is "We Dare Defend our Rights".

Socialist Democrats and their Fake News Media Allies won't get an apology from me because my remarks were not wrong. Conversely, the Socialist Democrats and their Fake News Media Allies should be apologizing to the public for the egregiously and manipulative way they have deceived the public on this issue.

Rest assured; I will never apologize for fighting to win our causes at the ballot box. That is the American way!



<https://twitter.com/dcexaminer/status/1349113126931881988> (retweet)

Mo Brooks Retweeted



Washington Examiner  
@dcexaminer

...

"This entire smear campaign is about intimidating, censoring and suppressing the ability of American citizens to fight at the ballot box."

@RepMoBrooks releases a fiery defense after Democrats push for him to face censure.



Mo Brooks blows the whistle on his 'fake' censure

Alabama Republican Rep. Mo Brooks, who was on the House floor last Wednesday leading the push to reject Electoral College votes when protesters stormed the ...

🔗 [washingtonexaminer.com](https://www.washingtonexaminer.com)

4:56 PM · Jan 12, 2021 · SocialFlow

## Social Media Review

<https://twitter.com/SecretsBedard/status/1349108232606916610> (retweet)

Mo Brooks Retweeted



**Paul Bedard** ✓  
@SecretsBedard

...

Ala. @RepMoBrooks blows the whistle on his 'fake' censure.

'I will never apologize for fighting to win our causes at the ballot box. That is the American way!'



Mo Brooks blows the whistle on his 'fake' censure

Alabama Republican Rep. Mo Brooks, who was on the House floor last Wednesday leading the push to reject Electoral College votes when protesters stormed the ...

🔗 [washingtonexaminer.com](https://www.washingtonexaminer.com)

4:37 PM · Jan 12, 2021 · Twitter Web App

## Social Media Review

<https://twitter.com/yhn/status/1349122749923520513> (retweet)

Mo Brooks Retweeted



**Yellowhammer News**  
@yhn

...

.@RepMoBrooks releases lengthy statement defending himself from censure resolution #alpolitics

By @sean\_yhn



Mo Brooks releases lengthy statement defending himself from censure resolution  
Congressman Mo Brooks released an almost 3,000-word statement defending his speech that is now the focus of a censure resolution.

[yellowhammernews.com](https://yellowhammernews.com)

5:35 PM · Jan 12, 2021 · AgoraPulse Manager

<https://twitter.com/RepMoBrooks/status/1351541888130686978>



**Mo Brooks** ✓  
@RepMoBrooks



.@RepCohen & other Socialists should prove their wild, off-the-wall, panicky statements . . . Or apologize.

Proof is simple. What do Capitol security cameras show?

Where is news media? If a Republican had said the same about a Democrat....



**Lauren Boebert** ✓ @laurenboebert · Jan 18

Today @RepCohen went on CNN and spread lies about me to further a left-wing conspiracy theory targeting me and my family.

The only people I have ever had in the Capitol with me are my young children, husband, mom, aunt and uncle.

I guess having a big family is a scandal now.

[Show this thread](#)

9:47 AM · Jan 19, 2021 · Twitter for iPad

<https://twitter.com/RepMoBrooks/status/1352621970886688769>



**Mo Brooks** ✓  
@RepMoBrooks

...

What is more ethical? GOP Senators [#JoshHawley](#) & [#TedCruz](#) fight for honest & accurate elections?

Or [#Socialist](#) Senators Kaine Brown etc. (who support voter fraud) filing bogus ethics charges against Hawley & Cruz for OPPOSING voter fraud?

Orwellian 1984



Senate Democrats File Ethics Complaint Against Josh Hawley, Ted Cruz  
Senate Democrats filed an ethics complaint against Hawley and Cruz over their efforts to object to the 2020 presidential election results.  
[breitbart.com](https://www.breitbart.com)

9:19 AM · Jan 22, 2021 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1355169089233285120>



**Mo Brooks** ✓  
@RepMoBrooks

...

I PROUDLY stand with Senators Cruz & Hawley; Jim Jordan, Louie Gohmert & 130+ Congressmen fighting for honest elections.

Leadership = attacks by voter fraud profitters.

Read Jimmy Carter/James Baker 2005 election theft report for truth & warning.



10:01 AM · Jan 29, 2021 · Twitter for iPad



<https://twitter.com/RepMoBrooks/status/1355271971911704579>

**Video:** “To engage in this kind of name calling, without naming the names, I believe is counterproductive... Don’t be so hypocritical; that’s my message to them. If ya’ll can do it, if you can have that kind of healthy debate about whether we’re going to have an honest and accurate election system... why can’t we Republicans assert the same thing?”



**Mo Brooks** ✓  
@RepMoBrooks

...

Watch my @newsmax TV interview where I hammer President Biden’s damaging executive orders, Socialists’ costly and financially irresponsible COVID-19 spending bill and Nancy Pelosi’s dangerous and divisive proclamation that House Republicans are an “enemy within.”



4:49 PM · Jan 29, 2021 · Twitter Media Studio

## **Exhibit D**

**Tweets from Rep. Brooks on  
January 6, 2021**



**Mo Brooks** ✓  
@RepMoBrooks

...

BREAKING FROM HOUSE FLOOR!

Congressman Paul Gosar (R, AZ) & Sen. Ted Cruz (R, TX)  
join to object to the electoral college submission of  
Arizona.

BATTLE IS JOINED!

Now we will find who supports, and who fights, voter  
fraud & election theft!

FIGHT FOR AMERICA'S REPUBLIC IS ON!

1:16 PM · Jan 6, 2021 · Twitter for iPad



**Mo Brooks** ✓  
@RepMoBrooks

...

## MY FULL STATEMENT ON CAPITOL VIOLENCE:

### CONGRESSMAN MO BROOKS CONDEMNS CAPITOL VIOLENCE

**Washington, DC—** Wednesday, Congressman Mo Brooks (AL-05) unequivocally condemned the violent mobs who stormed the U.S. Capitol.

**Congressman Brooks said,** "The violence at the U.S. Capitol today is despicable, un-American, and tears at the fabric of our great republic. The scenes of United States Capitol Police being violently attacked and mobs occupying the American seat of government are highly disturbing. Consistent with my history, I ALWAYS condemn lawlessness and violence of any kind and in the strongest terms. As a strong supporter of the Rule of Law, and as a former target of Socialist Democrat gunfire myself, I don't care what political views motivate the violence, I hope law enforcement and our judicial system prosecute these thugs to the fullest extent of the law."

**Brooks continued,** "In America, the appropriate way to achieve political goals, the place to beat the stew out of disagreeable political philosophies, is via free speech, vigorous public debate, and at the ballot box, while always being respectful of the Rule of Law and Law Enforcement. While our election system has major, systemic flaws that Socialist Democrats egregiously exploited in 2020, that election system is still far and away the best place to change the direction and destiny of America."

###

5:19 PM · Jan 6, 2021 · Twitter Web App

## **Exhibit E**

### **Federal complaint, affidavit, and indictment for Lonnie Coffman**

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

United States of America  
v.  
Lonnie Leroy Coffman

Case: 1:21-MJ-00011  
Assigned to: Judge G. Michael Harvey  
Assigned Date: 1/7/2021  
Description: COMPLAINT W/ ARREST WARRANT

\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 06, 2021 in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ District of Columbia, the defendant(s) violated:

*Code Section*  
26 U.S.C. 5861(d)

*Offense Description*  
Possession of unregistered firearm destructive device)

D.C. Criminal Code 22-4504(a) Carrying a pistol without a license

This criminal complaint is based on these facts:  
SEE ATTACHED AFFIDAVIT


☒ Continued on the attached sheet.

\_\_\_\_\_  
*Complainant's signature*

\_\_\_\_\_  
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephone \_\_\_\_\_ (specify reliable electronic means).

Date: 01/07/2021

  
*Judge's signature*

G. Michael Harvey  
2021.01.07 14:13:16 -05'00'

City and state: Washington, DC

G. Michael Harvey, U.S. Magistrate Judge  
*Printed name and title*



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, Southeast, in Washington, D.C. Specifically, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Vice President Michael R. Pence was present and presiding in the Senate chamber.

Shortly before the joint session was scheduled to begin, at approximately 12:47 p.m. on January 6, 2021, officers of the United States Capitol Police responded to the report of a possible explosive device in the vicinity of the National Republican Club, which is located at 300 First Street, Southeast, in Washington, D.C.

Shortly after the initial report of the possible explosive device in the vicinity of the National Republican Club, United States Capitol Police received a report of an additional possible explosive device at the Democratic National Committee Headquarters, which is located at 430 South Capitol Street, Southeast, in Washington, D.C. This location is approximately three blocks from the National Republican Club. The bomb squad of the United States Capitol Police responded to both locations to provide assistance in the investigation and to render the possible explosive devices safe.

Also as part of its response to the two reports of explosive devices, United States Capitol Police officers established a secure perimeter in an effort to protect the public and to facilitate the investigation of the possible explosive devices and any others in the vicinity. In connection with securing the area, canine units of the United States Capitol Police conducted investigative sweeps of the area. These investigative sweeps included canine sniffs and visual inspection of vehicles in the vicinity of the possible explosive device. While conducting these canine sweeps, two United States Capitol Police officers observed the handle of what appeared to be a firearm on the front right passenger seat of a red GMC Sierra 1500 pickup truck with Alabama license plate 52HJ703. A law enforcement database check of the vehicle registration revealed that the vehicle was registered to Lonnie L. Coffman with a home address in Falkville, Alabama.

After addressing the explosive devices found in the vicinity of the National Republican Club and the Democratic National Committee Headquarters, the Bomb Squad responded to the location of the Red GMC Sierra Pickup truck. One black handgun was recovered from the right front passenger seat of the vehicle. After locating the black handgun, officers proceeded to search the rest of the pickup truck, including the bed of the truck, which was secured under a fabric top. During the search of the cab of the truck, officers recovered, among other things, one M4 Carbine assault rifle along with rifle magazines loaded with ammunition.

In addition, officers recovered the following items in the bed of the pickup truck in close proximity to one another: (i) eleven mason jars containing an unknown liquid with a golf tee in the top of each jar, (ii) cloth rags, and (iii) lighters. Upon finding these materials, bomb technicians observed that the items appeared to be consistent with components for an explosive or incendiary

device known as a “Molotov Cocktail.” Based on this discovery, additional personnel were called to the scene, including the United States Capitol Police Hazardous Materials Team. A preliminary test by the United States Capitol Police Hazardous Material Team determined that the liquid in the mason jars was an igniting substance and that it had a spectrograph profile consistent with gasoline.

An explosive enforcement officer and a certified explosive specialist, both with the Bureau of Alcohol Tobacco Firearms and Explosives, were consulted and each stated that, based on their training and experience, the (i) eleven mason jars containing an unknown liquid with a golf tee in the top of each jar, (ii) cloth rags, and (iii) lighters found in close proximity to one another constitute a combination of parts either designed or intended for use in converting any device into a “destructive device,” as defined in 26 U.S.C. § 5845(f), and from which a “destructive device” may be readily assembled. Possession of the above-referenced components without registering any “destructive devices” with the National Firearms Registration and Transfer Record violates 26 U.S.C. § 5861(d).

At approximately 6:30 p.m., a blue sedan with a female driver and a male front passenger, approached law enforcement officers in the 400 block of First Street, Southeast. Officers made contact with the vehicle, and the male passenger stated that he was trying to get to his vehicle that was parked in the 300 block of First Street, Southeast, which is the location that the Red GMC Sierra 1500 pickup truck had been located and searched. When the officers asked the man to provide a description of the vehicle, the male passenger stated that it was a red pickup truck. The officers then asked what the male passenger’s name was, and he stated that his name was “Lonnie.” As noted herein, officers had previously determined that the red GMC Sierra 1500 pickup truck with Alabama license plate 52HJ703 was registered to Lonnie L. Coffman. The man asked officers whether they had located the bombs, which officers initially understood to be a reference to the components to the destructive devices located in COFFMAN’s truck, but later understood to be a reference to the secure perimeter that had been set up by law enforcement, which perimeter had kept COFFMAN from returning to his car earlier.

Based on the man’s statements and their understanding of the statements at the time, the officers asked the male passenger if he would step out of the vehicle so that they could assist him further with locating his vehicle. Upon exiting the vehicle, the officers asked the male passenger if he had any weapons on his person, and he responded that he had a gun in his right front pants pocket. The officers then detained the male passenger—later confirmed to be Lonnie L. COFFMAN—and officers conducted a search of the right pocket which revealed a handgun, later fully identified as a 9mm Smith & Wesson handgun with serial number LFN2577, and a set of GMC vehicle keys. After securing the 9mm Smith & Wesson, officers conducted a further search of COFFMAN and recovered a 22 caliber derringer style handgun from his front left pocket along with another set of GMC vehicle keys. Both sets of keys matched the vehicle and were capable of unlocking its door. Officers also recovered a wallet from COFFMAN’s person, which contained an Alabama driver’s license with the name Lonnie Leroy Coffman and the same address in Falkville, Alabama, that was returned from database check of the vehicle registration for the red GMC Sierra Pickup.

According to records checks of the National Firearms Registration and Transfer Record database using COFFMAN’s name and date of birth, neither the firearms recovered from

COFFMAN's person or his pickup truck, nor the destructive devices described above, are registered to him. In addition, COFFMAN has not registered any firearms in accordance with D.C. law.

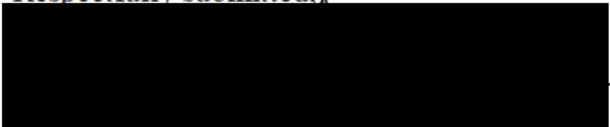
Thereafter, law enforcement asked COFFMAN a series of questions about possible explosive devices in an effort to further secure public safety. Among other things, law enforcement asked COFFMAN about the contents of the mason jars. COFFMAN stated that the mason jars contained "melted Styrofoam and gasoline." An explosive enforcement officer with the Bureau of Alcohol Tobacco Firearms and Explosives has advised that melted Styrofoam and gasoline are an explosive mixture that has the effect of napalm insofar as it causes the flammable liquid to better stick to objects that it hits upon detonation.

COFFMAN was later asked about his earlier statement to officers in which COFFMAN had asked officers if they had located bombs. COFFMAN denied that he was referring to any bombs that he had knowledge of, and he explained that he was simply referring to his understanding based on the perimeter that had been established, which had kept COFFMAN from returning to his pickup truck. At this point, the United States Capitol Police does not attribute the explosive devices at the National Republican Club and the Democratic National Committee Headquarters to COFFMAN.

Law enforcement reviewed video surveillance footage from the area where the vehicle was discovered. The video footage indicates that the vehicle was parked there at around 9:15 a.m., and that around five minutes later one and only one individual departed the vehicle from the driver's side door. The video footage reveals that the person who departed the vehicle was wearing a jacket with a patch consistent with clothing worn by COFFMAN when he was arrested.

Based upon the above information, there is probable cause to believe that Lonnie Leroy COFFMAN, on or about January 6, 2021 did possess destructive devices in violation of Section 5861(d) of Title 26 of the United States Code. In addition, there is probable cause to believe that Lonnie Leroy COFFMAN, on or about January 6, 2021 did carry a pistol without a license outside of a home or business in violation of D.C. Criminal Code 22-4504(a).

Respectfully submitted,



Special Agent  
United States Capitol Police

Subscribed and sworn before me by telephone pursuant to Fed. R. Crim. P. 4.1 on  
January 7, 2021:



G. Michael Harvey  
2021.01.07 14:12:47 -05'00'

HON. G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term  
Grand Jury Sworn in on January 8, 2021**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b>
	:	
<b>v.</b>	:	<b>MAGISTRATE NO. 1:21-MJ-00011</b>
	:	
	:	<b>VIOLATIONS:</b>
<b>LONNIE LEROY COFFMAN,</b>	:	
	:	<b>26 U.S.C. §§ 5861(d), 5841, 5845(f) &amp; 5871</b>
	:	<b>(Possession of an Unregistered Firearm)</b>
	:	
<b>Defendant.</b>	:	<b>22 D.C. Code § 4504(a)</b>
	:	<b>(Carrying a Pistol Without a License)</b>
	:	
	:	<b>22 D.C. Code § 4504(a-1)</b>
	:	<b>(Carrying a Rifle or Shotgun)</b>
	:	
	:	<b>7 D.C. Code § 2506.01(b)</b>
	:	<b>(Possession of a Large Capacity</b>
	:	<b>Feeding Device)</b>
	:	
	:	<b>7 D.C. Code § 2502.01(a)</b>
	:	<b>(Possession of an Unregistered Firearm)</b>
	:	
	:	<b>7 D.C. Code § 2506.01(a)(3)</b>
	:	<b>(Unlawful Possession of Ammunition)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN knowingly possessed a firearm, namely a destructive device, that is, eleven Molotov cocktails and any combination of parts designed and intended for use in converting any

device into a Molotov cocktail, not registered to him in the National Firearms Registration and Transfer Record.

**(Possession of an Unregistered Firearm**, in violation of Title 26, United States Code, Sections 5861(d), 5841, 5845(f), and 5871)

**COUNT TWO**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, namely, a 9mm Smith & Wesson handgun, without a license issued pursuant to law.

**(Carrying a Pistol Without a License (Outside Home or Place of Business)**, in violation of 22 D.C. Code § 4504(a) (2001 ed.))

**COUNT THREE**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, namely, a .22 caliber North American Arms revolver, without a license issued pursuant to law.

**(Carrying a Pistol Without a License (Outside Home or Place of Business)**, in violation of 22 D.C. Code § 4504(a) (2001 ed.))

**COUNT FOUR**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, namely, a 9mm Hi-Point handgun, without a license issued pursuant to law.

**(Carrying a Pistol Without a License (Outside Home or Place of Business)**, in violation of 22 D.C. Code § 4504(a) (2001 ed.))

**COUNT FIVE**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a Windham Weaponry rifle.

**(Carrying a Rifle or Shotgun (Outside Home or Place of Business))**, in violation of 22 D.C. Code § 4504(a-1) (2001 ed.))

**COUNT SIX**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a Hatfield Gun Company SAS shotgun.

**(Carrying a Rifle or Shotgun (Outside Home or Place of Business))**, in violation of 22 D.C. Code § 4504(a-1) (2001 ed.))

**COUNT SEVEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a large capacity ammunition feeding device.

**(Possession of a Large Capacity Ammunition Feeding Device)**, in violation of 7 D.C. Code § 2506.01(b) (2001 ed.))



**COUNT EIGHT**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a certain firearm, a 9mm Smith & Wesson handgun, without being the holder of a valid registration certificate.

**(Possession of an Unregistered Firearm)**, in violation of 7 D.C. Code § 2502.01(a) (2001 ed.))

**COUNT NINE**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a certain firearm, a .22 caliber North American Arms revolver, without being the holder of a valid registration certificate.

**(Possession of an Unregistered Firearm)**, in violation of 7 D.C. Code § 2502.01(a) (2001 ed.))

**COUNT TEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a certain firearm, a 9mm Hi-Point handgun, without being the holder of a valid registration certificate.

**(Possession of an Unregistered Firearm)**, in violation of 7 D.C. Code § 2502.01(a) (2001 ed.))

**COUNT ELEVEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a certain firearm, a Windham Weaponry rifle, without being the holder of a valid registration certificate.

**(Possession of an Unregistered Firearm)**, in violation of 7 D.C. Code § 2502.01(a) (2001 ed.))

**COUNT TWELVE**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess a certain firearm, a Hatfield Gun Company SAS shotgun, without being the holder of a valid registration certificate.

**(Possession of an Unregistered Firearm)**, in violation of 7 D.C. Code § 2502.01(a) (2001 ed.))

**COUNT THIRTEEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess certain ammunition, .22 caliber rounds, without being the holder of a valid registration certificate for a firearm.

**(Unlawful Possession of Ammunition)**, in violation of 7 D.C. Code § 2506.01(a)(3) (2001 ed.))

**COUNT FOURTEEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess certain ammunition, 9mm rounds, without being the holder of a valid registration certificate for a firearm.

**(Unlawful Possession of Ammunition)**, in violation of 7 D.C. Code § 2506.01(a)(3) (2001 ed.))

**COUNT FIFTEEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess certain ammunition, 5.56 x 45mm rounds, without being the holder of a valid registration certificate for a firearm.

**(Unlawful Possession of Ammunition)**, in violation of 7 D.C. Code § 2506.01(a)(3) (2001 ed.))

**COUNT SIXTEEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess certain ammunition, .223 caliber rounds, without being the holder of a valid registration certificate for a firearm.

**(Unlawful Possession of Ammunition)**, in violation of 7 D.C. Code § 2506.01(a)(3) (2001 ed.))

**COUNT SEVENTEEN**

On or about January 6, 2021, within the District of Columbia, the defendant LONNIE LEROY COFFMAN did possess certain ammunition, shotgun shells, without being the holder of a valid registration certificate for a firearm.

**(Unlawful Possession of Ammunition)**, in violation of 7 D.C. Code § 2506.01(a)(3) (2001 ed.))

A TRUE BILL:

FOREPERSON.

*Miss Geron / TG / MJF*

Attorney of the United States in  
and for the District of Columbia

## **Exhibit F**

### **U.S. House Resolutions and Ethics Letters**

117TH CONGRESS  
1ST SESSION

# H. RES. 25

Directing the Committee on Ethics to investigate, and issue a report on, whether any and all actions taken by Members of the 117th Congress who sought to overturn the 2020 Presidential election violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2021

Ms. BUSH (for herself, Ms. PRESSLEY, Ms. OCASIO-CORTEZ, Mr. BOWMAN, Ms. OMAR, Ms. TLAIB, Mr. JONES, Mr. PASCRELL, Ms. ADAMS, Ms. BARRAGÁN, Ms. CLARKE of New York, Ms. CHU, Mr. CICILLINE, Mr. COOPER, Mr. CONNOLLY, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Mr. DESAULNIER, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. HASTINGS, Mr. HORSFORD, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mrs. KIRKPATRICK, Ms. LEE of California, Mr. LIEU, Mr. MCNERNEY, Ms. MOORE of Wisconsin, Ms. NEWMAN, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SPEIER, Mr. SIRES, Mr. TAKANO, Mr. TORRES of New York, Ms. VELÁZQUEZ, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. VARGAS, Ms. JACOBS of California, and Mr. KAHELE) submitted the following resolution; which was referred to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## RESOLUTION

Directing the Committee on Ethics to investigate, and issue a report on, whether any and all actions taken by Members of the 117th Congress who sought to overturn the

2020 Presidential election violated their oath of office to uphold the Constitution or the Rules of the House of Representatives, and should face sanction, including removal from the House of Representatives.

Whereas nearly 160,000,000 people, or two-thirds of the United States voting population, voted in the November 2020, presidential election, electing President-elect Joseph R. Biden Jr. and Vice President-elect Kamala Harris, with the highest turnout in over 120 years;

Whereas despite losing the popular vote by more than 7,000,000 votes, Donald J. Trump, together with Republican Members of Congress, have commenced a near daily assault on the legitimacy of the 2020 election that includes filing frivolous lawsuits seeking to have election results invalidated and the outcome overturned, and making unsubstantiated claims of systematic election and voter fraud;

Whereas in a politically motivated and last-ditch effort to overthrow the election, over 140 Members of Congress, led by Representative Mo Brooks of Alabama, Senator Josh Hawley of Missouri, and Senator Ted Cruz of Texas, have taken unprecedented steps to defy the will of the American people who overwhelmingly voted for President-elect Joe Biden and Vice President-elect Kamala Harris by voting against the certification of the votes of the Electoral College;

Whereas the decision by Republican Members of Congress to join efforts to invalidate votes in Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin suppresses the votes of millions of people, including Black, Brown, and Indigenous people who turned out in historic numbers to deliver



this victory to President-elect Joe Biden and Vice President-elect Kamala Harris;

Whereas turnout of Black, Brown, and Indigenous voters was astounding considering the extraordinary COVID–19 pandemic that has stunted organizing in communities across the country, along with exhaustive delays in poll centers, mass closure of polling precincts in predominantly Black, Brown, and Indigenous communities, and deliberate efforts to discount mail-in ballots and spread misinformation on vote by mail;

Whereas refusing to concede the outcome of the 2020 Presidential election and raising baseless allegations of fraud in States in which Black, Brown, and Indigenous people have been instrumental to the election outcome suggests racial animus and a continuation of efforts by Republican Members of Congress to disenfranchise Black, Brown, and Indigenous voters;

Whereas senseless attacks on the results of the 2020 Presidential election that seek to question the credibility of and will of Black, Brown, and Indigenous voters betrays the text and spirit of the Constitution of the United States, which each Member swears to support and defend, and violates the Rules of the House of Representatives, which explicitly forbid Members from committing unbecoming acts that reflect poorly on our chamber;

Whereas section 3 of the Fourteenth Amendment to the Constitution posits that no individual can serve in the House of Representatives who has engaged in disloyalty or sedition against the United States, stating, “No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state,

who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”;

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives states, “A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”;

Whereas each Member of the House of Representatives must be dedicated to the United States, the Constitution of the United States, the Rules of the House of Representatives, and upholding the oath of office;

Whereas efforts by Republican Members of Congress to denounce the votes of millions of Americans is a continuation of Jim-Crow era measures to suppress Black, Brown, and Indigenous voters;

Whereas House Republicans have refused to vote in support of voter protections aimed at supporting disenfranchised Black, Brown, and Indigenous voters, including H.R. 1, the For the People Act and H.R. 4, the John Lewis Voting Rights Advancement Act, in the 116th Congress, and the Republican Senate majority has been a legislative graveyard for these critical efforts to empower and expand voting rights for the American people;

Whereas the House must rebuke the relentless assault on foundational democratic principles at the heart of our representative democracy and implement measures to

protect the will of American voters by abolishing the electoral college, providing resources and funding for poll centers in predominantly Black, Brown, and Indigenous communities, restoring key pieces to protect voters that were gutted in the *Shelby v. Holder* Supreme Court decision, and overturning Federal felony disenfranchisement laws; and

Whereas efforts by Members of Congress, regardless of party, that seek to undermine our democracy, disenfranchise Black, Brown, and Indigenous voters, erode faith in the Federal Government, and attack the popular will of the American public without merit must be condemned, and those Members should be held accountable for their actions: Now, therefore, be it

1       *Resolved*, That—

2               (1) the Committee on Ethics shall investigate,  
3               and issue a report on, whether any and all actions  
4               taken by Members of the 117th Congress who  
5               sought to overturn the 2020 Presidential election  
6               violated their oath of office to uphold the Constitu-  
7               tion or the Rules of the House of Representatives,  
8               and should face sanction, including removal from the  
9               House of Representatives; and

10              (2) the House of Representatives condemns all  
11              targeted and malicious efforts to disenfranchise  
12              Black, Brown, and Indigenous voters.

○

117TH CONGRESS  
1ST SESSION

# H. RES. 31

Condemning and censuring Representative Mo Brooks of Alabama.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2021

Mr. MALINOWSKI (for himself, Ms. WASSERMAN SCHULTZ, and Ms. KUSTER)  
submitted the following resolution; which was referred to the Committee  
on Ethics

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## RESOLUTION

Condemning and censuring Representative Mo Brooks of  
Alabama.

Whereas, on January 6, 2021, Representative Mo Brooks addressed a rally in Washington, DC, attended by numerous members of known extremist and antigovernment groups, including the Proud Boys, QAnon, Boogaloo Boys, and Oathkeepers, who would shortly thereafter march to seize the United States Capitol;

Whereas participants in the rally and march openly boasted on public social media sites well in advance that they intended to storm the Capitol to forcibly stop the certification of the Presidential election, often referring to January 6 as the day when the “final battle” in a “revolution” or “cleansing” would occur, threatening violence

against members of Congress, and promising to give their lives if necessary in the fight;

Whereas Representative Brooks said to participants in the rally, “Today is a time of choosing and tomorrow is a time of fighting. Today is also a day of revelation and separation . . . Today, by their votes, Americans will learn which Republican congressmen and senators love their bourbon, love their cigars, love their prestige, love their personal power, love their special interest group money more than they love America.”;

Whereas Representative Brooks then exhorted the audience, “Today is the day American patriots start taking down names and kicking ass”;

Whereas participants in the rally then proceeded to march to the United States Capitol, which they forcibly and unlawfully entered, many armed with metal rods, bats, and firearms, hoisting Confederate battle flags, assaulting police officers, leading to the murder of United States Capitol Police Officer Brian Sicknick and four other deaths, dozens of injuries, and causing physical damage to United States Capitol property;

Whereas Representative Brooks’ speech on January 6 encouraged and incited violence against his fellow Members of Congress, as part of an assault on the United States Capitol intended to prevent the House of Representatives and the Senate from discharging their Constitutional duties to count Electoral College votes;

Whereas after inciting these acts of insurrection that resulted in injuries and loss of life, Representative Brooks has shown no remorse or regret for his comments, instead

stating, “I make no apology for doing my absolute best to inspire patriotic Americans”; and

Whereas Representative Brooks’ actions encouraged and fueled the mob, brought shame on the House of Representatives, jeopardizing its reputation and institutional integrity, as well as the safety of its Members and staff: Now, therefore, be it

1       *Resolved*, That—

2               (1) Representative Mo Brooks of Alabama be  
3       censured;

4               (2) Representative Mo Brooks forthwith present  
5       himself in the well of the House of Representatives  
6       for the pronouncement of censure; and

7               (3) Representative Mo Brooks be censured with  
8       the public reading of this resolution by the Speaker.

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117TH CONGRESS  
1ST SESSION

# H. RES. 46

Removing Representative Mo Brooks from the House of Representatives.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2021

Mr. JOHNSON of Georgia (for himself, Mr. AUCHINCLOSS, Mr. BLUMENAUER, Ms. CHU, Mr. CICILLINE, Mr. COOPER, Mr. ESPAILLAT, Mr. HORSFORD, Mr. HUFFMAN, Ms. JAYAPAL, Mr. MCNERNEY, Mr. JONES, Ms. NORTON, Mr. PAYNE, Ms. SPEIER, Mr. SWALWELL, Mr. TORRES of New York, Mr. THOMPSON of Mississippi, Ms. ESCOBAR, Ms. BUSH, Mr. GARCÍA of Illinois, and Mr. HASTINGS) submitted the following resolution; which was referred to the Committee on Ethics

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## RESOLUTION

Removing Representative Mo Brooks from the House of  
Representatives.

Whereas, before the Presidential election of 2020, President Donald J. Trump repeatedly claimed without cause that if he lost on November 3, 2020, it would be because of election fraud;

Whereas, on November 3, 2020, voters went to the polls and, by a six-million vote majority and an Electoral College majority of 306 to 232, chose Joseph R. Biden to be the next President;

Whereas, since November 3, 2020, President Trump has orchestrated, through both his own words and those of his

surrogates, a public relations misinformation campaign to convince the American people of the lie that the election was stolen from him and that he actually won the election in a landslide;

Whereas Representative Mo Brooks of Alabama has continuously used his role as an elected official and presidential surrogate to publicly promote President Trump's baseless and dangerous election theft narrative;

Whereas Representative Brooks has baselessly alleged massive voter fraud in a safe, secure United States election in an attempt to overturn the valid results of that election and deprive the American people of their right to choose their representatives in Congress and the White House;

Whereas, on January 6, 2021, at a White House rally organized by supporters of the President and featuring President Trump himself, speakers repeatedly urged the thousands present to march to the United States Capitol to "stop the steal";

Whereas, on the morning of Wednesday, January 6, 2021, Representative Mo Brooks gave a profanity-laden speech to an angry crowd of supporters of President Trump, including language such as "Today is the day American patriots start taking down names and kicking ass";

Whereas, in this speech, Representative Brooks included the following incitement to violence: "Our ancestors sacrificed their blood, their sweat, their tears, their fortunes, sometimes their lives, to give us, their descendants, an America that is the greatest Nation in world history. So I have a question for you. Are you willing to do the same? My answer is yes. Louder, are you willing to do what it takes

to fight for America? Louder, will you fight for America?";

Whereas Representative Brooks' words and actions leading up to and including his speech on January 6, 2021, incited insurrection in the hearts and minds of members of the crowd by encouraging them to believe baseless conspiracy theories about the Presidential election, by taking the stage after other speakers had encouraged the mob to march on the Capitol, and by encouraging them to "do what it takes to fight for America";

Whereas, soon after those remarks, that crowd turned to march on the United States Capitol, seizing control of the Capitol, damaging government property, and endangering the lives of the Vice President, Speaker Pelosi, Members of Congress, and the staff working in the buildings;

Whereas members of the insurrectionist mob looking for Members of Congress were found with tactical gear designed for taking prisoners, including plastic handcuffs, bear spray, and other weapons;

Whereas a United States Capitol Police officer was killed by the mob during the assault on the Capitol and another lost his life as a result of this attack;

Whereas Representative Brooks has refused to apologize and doubled down on this hateful rhetoric; and

Whereas Representative Brooks has repeatedly and baselessly blamed others, including unnamed fascists, rather than accept responsibility for the weight of his words as a leader: Now, therefore, be it

- 1       *Resolved*, That Representative Mo Brooks of Alabama
- 2 is using the power of his office to subvert the will of the

1 American people and peddle baseless conspiracy theories  
2 at the expense of our Republic;

3       *Resolved*, That Representative Brooks' vitriol leading  
4 up to and during the events of January 6, 2021, incited  
5 the crowd to undertake an insurrection against the United  
6 States Government, in violation of section 3 of the 14th  
7 Amendment to the Constitution of the United States;

8       *Resolved*, That Representative Brooks continues to  
9 advocate for violence against the United States Govern-  
10 ment, and in doing so, continues to disgrace himself and  
11 bring dishonor to the House of Representatives; and

12       *Resolved*, That Representative Brooks shall hereby be  
13 removed from office as a Member of the House of Rep-  
14 resentatives.

○

HOUSE COMMITTEE ON THE JUDICIARY

VICE CHAIR, SUBCOMMITTEE ON  
IMMIGRATION AND CITIZENSHIP

MEMBER, SUBCOMMITTEE ON ANTITRUST,  
COMMERCIAL, AND ADMINISTRATIVE LAW

HOUSE COMMITTEE ON THE BUDGET

HOUSE COMMITTEE ON  
EDUCATION AND LABOR

MEMBER, SUBCOMMITTEE ON  
HIGHER EDUCATION AND WORKFORCE INVESTMENT

MEMBER, SUBCOMMITTEE ON  
WORKFORCE PROTECTIONS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4707**

March 10, 2021

The Honorable Theodore E. Deutch  
Chairman  
House Committee on Ethics  
1015 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Jackie Walorski  
Ranking Member  
House Committee on Ethics  
2015 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Deutch and Ranking Member Walorski:

I respectfully request the Committee on Ethics launch an investigation into Representative Mo Brooks (AL-05) for his involvement in instigating and aiding the violent riot at the Capitol Building on January 6, 2021.

On January 6, 2021, a mob of insurrectionists forcefully breached the Capitol Building, breaking windows and pounding down doors. At that same moment, Members of Congress and staff were confirming the results of the 2020 Presidential election. The violent insurgency forced Congress to adjourn and Members to shelter in place. The riot resulted in the deaths of five people, including Capitol Police officer Brian Sicknick.

Representative Brooks' role in encouraging this insurrection has been widely documented on social media and across new sources.<sup>1</sup>

- 1) Representative Brooks stated he would contest the counting of electoral ballots on January 6. *Politico* reported on December 2, 2020 that he stated in a phone interview, "In my judgement, if only lawful votes by eligible American citizens were cast, Donald Trump won the Electoral College by a significant margin, and Congress's certification should reflect that. This election was stolen by the socialists engaging in extraordinary voter fraud and election theft measures."<sup>2</sup>
- 2) While speaking at the January 6 rally that directly preceded the mob break-in, Representative Brooks told the crowd that he wanted them to take a message back home

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<sup>1</sup> In addition to the evidence presented in this letter, Republican elected officials alleged to have ties to the insurrection reportedly sought clemency from then-President Trump before he left office. See, e.g., Kaitlan Collins, Kevin Liptak & Pamela Brown, *Trump talked out of pardoning kids and Republican lawmakers*, CNN (Jan. 19, 2021) <https://www.cnn.com/2021/01/19/politics/trump-self-pardon-warning/index.html>.

<sup>2</sup> Melanie Zanona, *The GOP's electoral mischief*, POLITICO (Dec. 2, 2020) <https://www.politico.com/newsletters/huddle/2020/12/02/the-gops-electoral-mischief-491033>.

and “[...] along the way stop at the Capitol.”<sup>3</sup> He went on to say, “Today is the day that American patriots start taking down names and kicking ass.”<sup>4</sup> He asked the crowd, “Are you willing to do what it takes to fight for America? Louder! Will you fight for America?”<sup>5</sup>

- 3) At 12:01 PM on January 6, he tweeted video of his rally remarks with the caption, “Is America the greatest nation in world history because we’re lucky? NO! I would submit that we are great because our ancestors sacrificed their blood, sweat, tears, and lives for America’s foundational principles.”<sup>6</sup>
- 4) Representative Brooks was one of only two Members of Congress, the other being Representative Lauren Boebert (CO-03), who tweeted the location of Speaker Nancy Pelosi. At 2:18 PM, he tweeted, “DOORS LOCKED! CAPITOL COMPLEX BREACHED! CHAMBER DOORS LOCKED. SPEAKER LEAVES!”<sup>7</sup> He continued to live-tweet updates, including at 2:39 PM when he tweeted “Evacuating chamber.”<sup>8</sup>
- 5) He claimed on Twitter that Antifa was involved in the riot, tweeting “Evidence, much public, surfacing that many Capitol assaulters were fascist ANTIFAs, not Trump supporters. Again, time will reveal truth. Don’t rush to judgement.”<sup>9</sup> In a radio interview on January 7, Representative Brooks defended speaking at the January 6 rally and claimed there was “mounting evidence of fascist antifa’s involvement in all of this.”<sup>10</sup>
- 6) Following the riot, Representative Brooks continued to suggest violence on January 7, tweeting, “In the past, when citizens of a Republic lose faith in their ability to guide the destiny of their country via the election process, they have been FORCED by that country’s rulers into a box and FORCED to choose from any of 3 bad options: 1. Flee (emigrate). 2. Submit. 3. Fight back with violence. THAT is why we must fight for honest & accurate elections.”<sup>11</sup>
- 7) He has repeatedly said that he stands by his actions and words leading up to the insurrection. Soon after the rally, he told a local newspaper, “I make no apology for doing my absolute best to inspire patriotic Americans to not give up on our country and to fight back against anti-Christian socialists in the 2022 and 2024 elections. I encourage EVERY citizen to watch my entire rally speech and decide for themselves what kind of America they want: One based on freedom and liberty or one based on Godless dictatorial

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<sup>3</sup> Kim Chandler, *Mo Brooks won’t apologize despite resolution for his censure*, THE ASSOCIATED PRESS (Jan. 13, 2021) <https://apnews.com/article/donald-trump-censures-mo-brooks-capitol-siege-8a213b80ff208bb7f8588562f78e836c>.

<sup>4</sup> Catie Edmondson & Luke Broadwater, *Before Capitol Riot, Republican Lawmakers Fanned the Flames*, N.Y. TIMES (Jan. 11, 2021) <https://www.nytimes.com/2021/01/11/us/politics/republicans-capitol-riot.html>.

<sup>5</sup> *Id.*

<sup>6</sup> Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021) 12:01 PM.

<sup>7</sup> Rep. Mo Books (@RepMoBrooks), Twitter (Jan. 6, 2021) 2:18 PM.

<sup>8</sup> Rep. Mo Books (@RepMoBrooks), Twitter (Jan. 6, 2021) 2:39 PM.

<sup>9</sup> Rep. Mo Books (@RepMoBrooks), Twitter (Jan. 7, 2021) 8:20 AM.

<sup>10</sup> Lee Fang, *Republican Congressman legitimizes violence as response to election dispute*, THE INTERCEPT (Jan. 7, 2021) <https://theintercept.com/2021/01/07/capitol-violence-republican-mo-brooks> [hereinafter “Fang”].

<sup>11</sup> Rep. Mo Books (@RepMoBrooks), Twitter (Jan. 7, 2021) 9:08 AM.



power.”<sup>12</sup> He repeated his statement to kick Democrats’ “ass,” stating “For emphasis, an ‘ass’ is a donkey, the socialist Democrat’s mascot and symbol. I call again for kicking that ‘ass’ all the way back to the communist dictatorships that ‘ass’ now worships.”<sup>13</sup> He also stated, “I thought it was one of the best rally speeches I had ever given.”<sup>14</sup> When a radio host asked Representative Brooks “[I]f you regret saying what you said at the rally yesterday” he replied that he had no regrets.<sup>15</sup>

Members of the House have already taken actions to rebuke Representative Brooks. Representative Henry C. “Hank” Johnson, Jr. (GA-04) introduced a resolution to expel him from Congress.<sup>16</sup> Representatives Tom Malinowski (NJ-07) and Debbie Wasserman Schultz (FL-23) also introduced a resolution for censure.<sup>17</sup>

I am requesting this investigation pursuant to the House Ethics Rules. Rule 23, Clause 1 specifies that Members must conduct themselves at all times in a manner that reflects credibly on the House. The Committee previously found Representative Matt Gaetz (FL-01)<sup>18</sup> in violation of Clause 1, illustrating adequate precedent for this investigation. I urge the Committee to also investigate whether Representative Brooks’ conduct violates other applicable standards, provisions, or federal law statutes.

It is critical for the functioning of Congress—and therefore the functioning of our democracy—that this investigation is conducted. I urge the Committee to thoroughly investigate Representative Brooks’ conduct and refer any appropriate findings to the Department of Justice.

Sincerely,

PRAMILA JAYAPAL  
Member of Congress

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<sup>12</sup> Paul Gattis, *Mo Brooks on ‘kick ass’ speech: ‘I make no apology’ for inspiring patriotic Americans*, AL.COM (Jan. 8, 2021) <https://www.al.com/news/2021/01/mo-brooks-on-kick-ass-speech-i-make-no-apology-for-inspiring-patriotic-americans.html>.

<sup>13</sup> *Id.*

<sup>14</sup> Benjamin Fearnow, *GOP Rep. Mo Brooks defends fiery speech before Capitol attack: ‘We were depressed’*, NEWSWEEK (Jan. 24, 2021) <https://www.newsweek.com/gop-rep-mo-brooks-defends-fiery-speech-before-capitol-attack-we-were-depressed-1564000>.

<sup>15</sup> See Fang *supra* n. 10.

<sup>16</sup> Removing Representative Mo Brooks from the House of Representatives, H.Res. 46, 117th Cong. § 1 (2021). <https://www.congress.gov/bills/117/congress/house/resolution/46/text/r-2/s-2>.

<sup>17</sup> Condemning and censuring Representative Mo Brooks of Alabama, H.Res. 31, 117th Cong. § 1 (2021). [https://malinowski.house.gov/sites/malinowski.house.gov/files/Malinowski\\_Censuring%20Brooks%20Res.pdf](https://malinowski.house.gov/sites/malinowski.house.gov/files/Malinowski_Censuring%20Brooks%20Res.pdf).

<sup>18</sup> Comm. on Ethics. “In the Matter of Allegations Relating to Representative Matt Gaetz,” H. Rpt., 116<sup>th</sup> Congress, 2d Sess. 2 (2020) [https://ethics.house.gov/sites/ethics.house.gov/files/documents/Appendix%20A\\_6.pdf](https://ethics.house.gov/sites/ethics.house.gov/files/documents/Appendix%20A_6.pdf).

HOUSE COMMITTEE ON THE JUDICIARY

VICE CHAIR, SUBCOMMITTEE ON  
IMMIGRATION AND CITIZENSHIP

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COMMERCIAL, AND ADMINISTRATIVE LAW

HOUSE COMMITTEE ON THE BUDGET

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EDUCATION AND LABOR

MEMBER, SUBCOMMITTEE ON  
HIGHER EDUCATION AND WORKFORCE INVESTMENT

MEMBER, SUBCOMMITTEE ON  
WORKFORCE PROTECTIONS

Mr. David Skaggs  
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Office of Congressional Ethics  
U.S. House of Representatives  
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Mr. Paul Vinovich  
Co-Chairman  
Office of Congressional Ethics  
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Washington, D.C. 20024

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4707**

March 10, 2021

Dear Chairman Skaggs and Co-Chairman Vinovich:

I respectfully request the Office of Congressional Ethics launch an investigation into Representative Mo Brooks (AL-05) for his involvement in instigating and aiding the violent riot at the Capitol Building on January 6, 2021.

On January 6, 2021, a mob of insurrectionists forcefully breached the Capitol Building, breaking windows and pounding down doors. At that same moment, Members of Congress and staff were confirming the results of the 2020 Presidential election. The violent insurgency forced Congress to adjourn and Members to shelter in place. The riot resulted in the deaths of five people, including Capitol Police officer Brian Sicknick.

Representative Brooks' role in encouraging this insurrection has been widely documented on social media and across new sources.<sup>1</sup>

- 1) Representative Brooks stated he would contest the counting of electoral ballots on January 6. *Politico* reported on December 2, 2020 that he stated in a phone interview, "In my judgement, if only lawful votes by eligible American citizens were cast, Donald Trump won the Electoral College by a significant margin, and Congress's certification should reflect that. This election was stolen by the socialists engaging in extraordinary voter fraud and election theft measures."<sup>2</sup>
- 2) While speaking at the January 6 rally that directly preceded the mob break-in, Representative Brooks told the crowd that he wanted them to take a message back home and "[...] along the way stop at the Capitol."<sup>3</sup> He went on to say, "Today is the day that

<sup>1</sup> In addition to the evidence presented in this letter, Republican elected officials alleged to have ties to the insurrection reportedly sought clemency from then-President Trump before he left office. See, e.g., Kaitlan Collins, Kevin Liptak & Pamela Brown, *Trump talked out of pardoning kids and Republican lawmakers*, CNN (Jan. 19, 2021) <https://www.cnn.com/2021/01/19/politics/trump-self-pardon-warning/index.html>.

<sup>2</sup> Melanie Zanona, *The GOP's electoral mischief*, POLITICO (Dec. 2, 2020) <https://www.politico.com/newsletters/huddle/2020/12/02/the-gops-electoral-mischief-491033>.

<sup>3</sup> Kim Chandler, *Mo Brooks won't apologize despite resolution for his censure*, THE ASSOCIATED PRESS (Jan. 13, 2021) <https://apnews.com/article/donald-trump-censures-mo-brooks-capitol-siege-8a213b80ff208bb7f8588562f78e836c>.

American patriots start taking down names and kicking ass.”<sup>4</sup> He asked the crowd, “Are you willing to do what it takes to fight for America? Louder! Will you fight for America?”<sup>5</sup>

- 3) At 12:01 PM on January 6, he tweeted video of his rally remarks with the caption, “Is America the greatest nation in world history because we’re lucky? NO! I would submit that we are great because our ancestors sacrificed their blood, sweat, tears, and lives for America’s foundational principles.”<sup>6</sup>
- 4) Representative Brooks was one of only two Members of Congress, the other being Representative Lauren Boebert (CO-03), who tweeted the location of Speaker Nancy Pelosi. At 2:18 PM, he tweeted, “DOORS LOCKED! CAPITOL COMPLEX BREACHED! CHAMBER DOORS LOCKED. SPEAKER LEAVES!”<sup>7</sup> He continued to live-tweet updates, including at 2:39 PM when he tweeted “Evacuating chamber.”<sup>8</sup>
- 5) He claimed on Twitter that Antifa was involved in the riot, tweeting “Evidence, much public, surfacing that many Capitol assaulters were fascist ANTIFAs, not Trump supporters. Again, time will reveal truth. Don’t rush to judgement.”<sup>9</sup> In a radio interview on January 7, Representative Brooks defended speaking at the January 6 rally and claimed there was “mounting evidence of fascist antifa’s involvement in all of this.”<sup>10</sup>
- 6) Following the riot, Representative Brooks continued to suggest violence on January 7, tweeting, “In the past, when citizens of a Republic lose faith in their ability to guide the destiny of their country via the election process, they have been FORCED by that country’s rulers into a box and FORCED to choose from any of 3 bad options: 1. Flee (emigrate). 2. Submit. 3. Fight back with violence. THAT is why we must fight for honest & accurate elections.”<sup>11</sup>
- 7) He has repeatedly said that he stands by his actions and words leading up to the insurrection. Soon after the rally, he told a local newspaper, “I make no apology for doing my absolute best to inspire patriotic Americans to not give up on our country and to fight back against anti-Christian socialists in the 2022 and 2024 elections. I encourage EVERY citizen to watch my entire rally speech and decide for themselves what kind of America they want: One based on freedom and liberty or one based on Godless dictatorial power.”<sup>12</sup> He repeated his statement to kick Democrats’ “ass,” stating “For emphasis, an

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<sup>4</sup> Catie Edmondson & Luke Broadwater, *Before Capitol Riot, Republican Lawmakers Fanned the Flames*, N.Y. TIMES (Jan. 11, 2021) <https://www.nytimes.com/2021/01/11/us/politics/republicans-capitol-riot.html>.

<sup>5</sup> *Id.*

<sup>6</sup> Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021) 12:01 PM.

<sup>7</sup> Rep. Mo Books (@RepMoBrooks), Twitter (Jan. 6, 2021) 2:18 PM.

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'ass' is a donkey, the socialist Democrat's mascot and symbol. I call again for kicking that 'ass' all the way back to the communist dictatorships that 'ass' now worships."<sup>13</sup> He also stated, "I thought it was one of the best rally speeches I had ever given."<sup>14</sup> When a radio host asked Representative Brooks "[I]f you regret saying what you said at the rally yesterday" he replied that he had no regrets.<sup>15</sup>

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I affirm that to the best of my knowledge and ability all evidence submitted was not obtained in violation of any law, rule, or regulation. I acknowledge that Section 1001 of Title 18 of the United States Code (also known as the False Statements Act) applies to the information provided.

It is critical for the functioning of Congress—and therefore the functioning of our democracy—that this investigation is conducted. I urge the Committee to thoroughly investigate Representative Brooks' conduct and refer any appropriate findings to the Department of Justice.

Sincerely,



PRAMILA JAYARAM  
Member of Congress

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