

HOUSE COMMITTEE ON THE JUDICIARY

VICE CHAIR, SUBCOMMITTEE ON
IMMIGRATION AND CITIZENSHIP

MEMBER, SUBCOMMITTEE ON ANTI-TRUST,
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.¹

- 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."²
- 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

¹ 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>.

² 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.”³ He went on to say, “Today is the day that American patriots start taking down names and kicking ass.”⁴ He asked the crowd, “Are you willing to do what it takes to fight for America? Louder! Will you fight for America?”⁵

- 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.”⁶
- 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!”⁷ He continued to live-tweet updates, including at 2:39 PM when he tweeted “Evacuating chamber.”⁸
- 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.”⁹ 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.”¹⁰
- 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.”¹¹
- 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

³ 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>.

⁴ 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>.

⁵ *Id.*

⁶ Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021) 12:01 PM.

⁷ Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021) 2:18 PM.

⁸ Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 6, 2021) 2:39 PM.

⁹ Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 7, 2021) 8:20 AM.

¹⁰ 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”].

¹¹ Rep. Mo Brooks (@RepMoBrooks), Twitter (Jan. 7, 2021) 9:08 AM.

power.”¹² 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.”¹³ He also stated, “I thought it was one of the best rally speeches I had ever given.”¹⁴ 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.¹⁵

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.¹⁶ Representatives Tom Malinowski (NJ-07) and Debbie Wasserman Schultz (FL-23) also introduced a resolution for censure.¹⁷

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)¹⁸ 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

¹² 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>.

¹³ *Id.*

¹⁴ 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>.

¹⁵ See Fang *supra* n. 10.

¹⁶ 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>.

¹⁷ 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.

¹⁸ Comm. on Ethics. “In the Matter of Allegations Relating to Representative Matt Gaetz,” H. Rpt., 116th Congress, 2d Sess. 2 (2020) https://ethics.house.gov/sites/ethics.house.gov/files/documents/Appendix%20A_6.pdf.