Twitter Thread by Scott MacFarlane

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Wow

Just read through Rep Mo Brooks (R-AL) legal filing today defending himself in lawsuit filed by Rep Eric Swalwell (D-CA) alleging Brooks helped incite the US Capitol insurrection with "start taking down names and kicking ass" speech

It's quite something

(thread)



Rep Brooks specifies he was called by the White House on Jan 5 and invited to give the speech at Ellipse on Jan 6. And only did so because the White House invited him

He also says, at last minute, organizers tried to reduce the time he was allotted for speech

against Brooks were all issued pursuant to and within the scope of Brooks' employment as a United States Congressman.

2. **Swalwell Brooks' Ellipse Speech Allegations.**

On January 5, 2021, Brooks was in Brooks' Congressional Office at the Rayburn House Office Building when a White House employee contacted Brooks during regular office hours and asked Brooks to speak at the Ellipse Rally on January 6, 2021 (the

American people about the election system weaknesses that the Socialist Democrats exploited to steal this election. Watch: youtube.com/watch?v-HrGJfQ..."

[13] Brooks Affidavit, ¶¶ 29, 30, 31, 32, 33, 34

"Ellipse Speech"). Brooks asked the White House employee to work out the Brooks' speech start time and other details with Brooks' Congressional staff.[14]

Brooks only gave an Ellipse Speech because the White House asked him to, in his capacity as a United States Congressman, speak at the Ellipse Rally. But for the White House request, Brooks would not have appeared at the Ellipse Rally.

Later on January 5, 2021, Brooks' Congressional staff informed Brooks that they had reached an agreement with the White House concerning speech parameters, at which point Brooks informed his Congressional staff that he would take the time to prepare and give the Ellipse Speech.[15]

Brooks then drafted his January 6, 2021 Ellipse Speech in Brooks' Congressional Office using Brooks' Congressional Office computer during Congressional Office work time.[16]

Rep Brooks' court filing includes the vote tally in his District for Trump and Biden

Arguing he was "representing the will" of the Alabama 5th District that day

According to the Alabama Secretary of States' web site at sos.alabama.gov, the official November 3, 2020 election results for Donald J. Trump and Joseph R. Biden in Alabama's 5th Congressional District five counties are:[8]

	Donald J. Trump:	Joseph R. Biden:	Total:
Jackson County	19,670 (84%)	3,717	23,387
Lauderdale County	31,721 (73%)	11,915	43,636
Limestone County	34,640 (72%)	13,672	48,312
Madison County	102,780 (54%)	87,286	190,066
Morgan County	39,664 (75%)	13,234	52,898
Totals:	**228,475 (64%)**	**129,824**	**358,299**

The little amount of Brooks' conduct that is specifically and accurately alleged in Swalwell's Complaint was primarily motivated by:

A. Brooks' desire to represent the will of the citizens of Alabama's 5th Congressional District, who overwhelmingly preferred that Donald J. Trump serve as President of the United States from 2021 through 2025; and

B. Brooks' oath of office to the Constitution, and, hence, the laws of the United States of America (to include but not be limited to: Article I, Section 4's Election Clause; the 12th Amendment; 3 U.S.C. 15; 2 U.S.C. 7; and the like).[9]

About those words we've heard in video clips so many times since Jan 6: "Start taking down names and kicking ass"...

Rep Brooks argues the words "as such" at the start of the sentence were important modifiers or softeners of the language

But let's be clear, regardless of today's outcome[27] ***the 2022 and the 2024 elections are right around the corner****, and America does not need and cannot stand, cannot tolerate any more weakling, cowering, wimpy Republican Congressmen and Senators who covet the power and the prestige the swamp has to offer, while groveling at the feet and the knees of their 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.***[28]

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[26]Brooks again uses the word "fight" . . . "on the House floor"? What kind of fight? Again, with votes and words! Brooks never uses the word "fight" in the sense of physical violence against anyone.

[27] What outcome? The results of the votes and House and Senate floor fights on election theft to occur later that day.

[28] These two sentences in this one paragraph go together. The key "linkage" phrase is at the beginning of the 2nd sentence, to-wit: "As such". The phrase "As such" emphasizes that the second sentence is in the context of the first sentence's "2022 and 2024 elections" time frame . . . and the desire to beat offending Republicans in those elections! Whose names do we "take down" in the second sentence? Those Republicans who vote contrary to our desires. When do citizens "take down" names? Later in the day when the Senators and Congressmen cast their votes. When do

Rep Brooks added this nugget on info in his legal filing:

He believes the evidence is "overwhelming" that Nov 3 elections suffered from voter fraud, that Donald Trump won the electoral college and should be serving his 2nd term as President

To the best of Brooks' knowledge and belief, Brooks never asked a single supporter of his to go to Washington, D.C. on January 6, 2021 to either "Stop the Steal" rally or "be wild".[40]

Swalwell Complaint ¶ 2 alleges, "some were stirred to violence by the Defendants' words on that day." This Complaint allegation is false, a lie, and has zero evidentiary support insofar as it relates to Brooks.

Brooks never, on or before January 6, 2021, used any words designed to cause anyone to attack the U.S. Capitol or to engage in any form of violence.[41]

Swalwell Complaint ¶ 4 alleges Defendants used "false and incendiary allegations of fraud and theft". This Complaint allegation is false, a lie, and has zero evidentiary support insofar as it relates to Brooks.

In Brooks' judgment (a judgment Brooks is legally allowed to have in a free society, and a judgment Brooks has to make pursuant to his voting duties imposed by 3 U.S.C. 15), the evidence is overwhelming that the November 3, 2020 elections were the subject of voter fraud and election theft on a scale never before seen in America and that, if only lawful votes cast by eligible American citizens were counted, Donald Trump won the electoral college and should be serving his second term as President of the United States.[42]

Brooks welcomes public debate with anyone who ignorantly claims otherwise.

Rep Brooks' court filing acknowledges he and other Members of Congress met at White House with Rudy Giuliani after the election for a briefing... but that he "did not use anything of substance" said by Giuliani

(Note: Giuliani is a co-defendant in civil suit)

relates to Brooks.

While Brooks vaguely recalls a meeting at the White House in which a significant number of Congressmen were invited and briefed by Giuliani on Giuliani's view of November 3, 2020 election issues, to the best of Brooks' recollection, Brooks used

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[47] Brooks Affidavit, ¶ 22

[48] Brooks Affidavit, ¶ 23

different arguments and evidence supporting Brooks' belief of voter fraud and election theft and did not use anything of substance presented by Giuliani.

In any event, the limited communications Brooks had with Giuliani were made pursuant to Brooks' duties and job as a United States Congressman concerning presidential election dispute resolution obligations imposed on Congress by the U.S. Constitution, generally, the United States Code, generally, and 3 U.S.C. 15, in particular.[49]

Rep Brooks specifies on multiple occasions in his legal filings that he was working within the scope of his employment in challenging the electoral college submissions

Rep. Brooks asks judge to dismiss him as defendant in Rep Swalwell's civil suit