

Fani Willis' Testimony



by Gary Fouse

Thursday was not a good day for Fani Willis. I don't want to comment on the truthfulness of her testimony because I am not intimately familiar with all the facts of the case. Lawyers for the defense in the Trump et al case in Atlanta are charging that Willis and lead prosecutor Nathan Wade should be disqualified from the 2020 presidential election case in Atlanta because they were in a romantic relationship, which they (the lawyers) maintain began before Willis appointed Wade as lead prosecutor. They further charge that Wade was paid over \$600,000 dollars by the Willis's office and have brought into question funds that were used by the pair to pay for vacations in places like Belize, Aruba, and the Bahamas. On Thursday, Willis testified that she gave Wade sums of money at different times for expenses like these but always in cash.

She also refuted earlier testimony from a (former) female friend who testified that the romantic relationship between Willis and Wade began before she hired Wade as lead prosecutor. That is the backdrop, and the purpose of this article is not to pass judgment on the veracity of Willis' testimony or lack thereof. What I want to state here is that, as a retired federal law enforcement officer (DEA) who has testified hundreds of times in criminal trials, grand juries etc., I was incredulous and appalled at how Willis conducted herself on the witness stand. It was totally unprofessional.

As anyone who watched even parts of her testimony knows, Willis was combative and defiant. When asked questions that called for a simple yes or no response, she went off on tangents, obfuscating, calling people liars, and forcing the judge to repeatedly ask her just to answer the questions. At one point, he cautioned her that if she persisted, he would have to strike her testimony.

What I kept asking myself was if this woman never learned anything from the law enforcement witnesses she had put on the stand in her career as a prosecutor? My God, I thought I was watching a Judge Judy episode. I have never seen such an unprofessional performance by a law enforcement official on the witness stand. True, prosecutors are not often called to actually testify, but they know from their own courtroom experience what a professional testimony looks like.

Not to brag, but I was often complimented by prosecutors with whom I worked on my manner of testifying during my career with DEA and prior to that, US Customs. We are trained to answer the questions not just truthfully, but as shortly and succinctly as possible. (Yes, sometimes, explanations are necessary.) We are trained to be courteous to opposition attorneys even under withering cross-examination. It is not our job to argue points with opposition attorneys. That is the job of the prosecutor. We are not expected to lose our temper, act defiant, or make accusations at the defense attorneys or

anyone else. Our job is to answer the questions truthfully, even when the truthful answer may score a point for the other side. Most times I testified, the defense attorney was able to score a minor point here and there by asking certain questions designed to do just that. It is one of their tactics, and they are usually good at finding those kinds of questions to answer.

What I saw from Willis on Thursday was unprofessionalism from a district attorney that was, frankly, stunning.

Willis and Wade may very well be guilty of a conflict of interest at the very least and possibly worse. The idea that she oversaw the appointment of Wade as lead prosecutor (even though his felony trial experience was reportedly very limited) and the payment to him of over \$600,000 of official funds (of which she may have benefitted) clearly brings forth at least the appearance of impropriety, particularly if he was her paramour when she appointed him. This alone should require that both be disqualified from prosecuting this case. In the event that any of that \$600,000+ was being used for lavish vacations by the two and/or either of them has committed perjury in their sworn statements, they could be facing criminal charges as well.

The question begs: At what point does any of this require that in the interest of justice, the case against Trump and his co-defendants be dismissed entirely? Thursday was a good day for Trump and his co-defendants. While it may not be enough to get the case thrown out altogether, I think it brought their attorneys closer to showing that this prosecution, to say the least, is not serving the interests of justice.