

Testifying in Court and Before Congress

by Gary Fouse



Being at the gym today, I jumped on the treadmill and was able to watch the first hour of Corey Lewandowski's testimony before the House Judiciary Committee. Thus, I was able to hear the opening statements of Chairman Jerry Nadler (D-NY), Ranking Member Doug Collins (R-GA), and Lewandowski. I also got to watch the opening questions from Nadler, Collins, and Sheila Jackson Lee (D-TX) along with some interventions or interruptions by David Cicilline (D-RI). As reported, it was highly contentious. Lewandowski went along with the White House request to limit his testimony to that already documented in the Special Counsel's Investigation, in which Lewandowski was interviewed. The White House position is that Lewandowski's communications with President Trump are covered under executive privilege. It is Nadler's position that since Lewandowski was never an employee of the administration, there is no privilege. I am no lawyer or constitutional expert, but

I know conservative commentator Mark Levin is, and he maintains that the privilege belongs to the president. I will go along with that. The Democrats were trying to make the point that Trump was trying to get Lewandowski to arrange what other administration officials were unwilling to do-get Special Counsel Robert Mueller removed-which would have been perfectly legal to begin with.

Leaving aside the four hours I did not see, I would like to address a side issue. Being retired from law enforcement (DEA) and having testified hundreds of times, I always take an interest in watching when someone testifies. Testifying is an art, if you will, and that does not suggest for a minute that I mean anything other than 100% honest testimony. Law enforcement witnesses generally know that they should not argue or try to spar with hostile questioners (defense attorneys). It is considered proper to answer questions, honestly, briefly, and in a respectful, professional manner. That means, "Yes, Sir, No Sir, Yes, Ma'am, No Ma'am." When an open ended answer is called for, I always made it a point to turn to the jury and address my explanations to them. Even though I might be under attack by an aggressive defense attorney, I refused to allow myself to be drawn into an argument with him or her. My philosophy was always: do your job thoroughly, honestly, and be prepared to testify honestly. If you did that, the best defense attorney in the land couldn't lay a glove on you.

My question is whether that is the proper manner when appearing before a bunch of Marxist idiots in Congress who are attacking your very character while using lies and misrepresentations to make their points. Lewandowski was combative and gave as well as he got, something I never would have done testifying in a DEA drug trial. Similarly, former Customs and Immigration Enforcement chief Tom Homan refused to let himself be abused by the likes of Alexandria Ocasio-Cortez and others during his recent appearances. He vigorously

defended himself and his agency against their attacks, and he made me proud.

So my answer to the question is that if I were ever called to testify before Congress, I would try to be professional and show respect, but at the same time, I would follow the example set by Homan. Without trying to be partisan, this current crop of Democrats in Congress is a joke and a disgrace. No witness who comes before them should have to tolerate their insults and character assassinations. No doubt it is difficult because you have a TV audience of millions, and you want to make the right impression. But if you crawl under the table and shrivel up, it only makes them look more effective and possibly on the side of truth – which they are not. Thus, I will not criticize Mr Lewandowski for his combative attitude during his testimony.