

Pam Bondi's Testimony

By Gary Fouse

While I did not watch Pam Bondi's confirmation hearing live, I did watch replays of her testimony while being questioned by certain senators. I was especially interested in her exchanges with the Democrat senators on the Senate Judiciary Committee. The most contentious were with Mazie Hirono (D-HI), Alex Padilla (D-CA), and Adam Schiff (D-CA). As a retired DEA agent who testified under oath hundreds of times in court, grand juries, etc., I always pay critical attention to how people testify. I always felt, and still do, that when a law enforcement officer has done his or her work properly, competently, and is 100% honest in his/her testimony, they have nothing to fear from even the best of criminal defense attorneys. We were trained to address both counsels with respect even under withering cross-examination, not to argue, or fire back, but just to answer the questions. We were also taught that when giving a long answer to a question to address the jury and make eye contact with them.



So when I watched Pam Bondi, the attorney general nominee, under questioning from hostile senators like Hirono, Padilla, and Schiff, my initial reaction was that she shouldn't argue with them. Eventually, however, I remembered that testifying before Congress (something

I never did) is not the same as testifying in court even when under oath. True, both are adversarial proceedings, and in this case, the Republican senators' questions were friendly. That is the nature of congressional testimony. It is overwhelmingly partisan.

So I defend Bondi in the combative way she stood up to the Democrats' line of questioning. They basically had no ammunition to attack her personally with. Her career has been stellar and professional even though she is a partisan conservative and a Republican. There are no personal scandals that she could be attacked with. Instead, they tried to link her with the statements of others, like Donald Trump or Kash Patel, Trump's pick to head the FBI. Would she stand up to Trump if he asked her to do something illegal or unconstitutional? She effectively swatted them away. She refused to answer questions with a simple yes or no as they demanded. She reminded Hirono that she (Hirono) had refused to meet with her, as is customary in the run-up to the confirmation hearings. She repeated over and over again to both sides that under her, the Department of Justice would not

be used as a weapon to go after political enemies-as it had been the last 4 years against Trump and parents asking critical questions of their local school boards. She refused to state whether she would try to prosecute specific figures like Jack Smith or Liz Cheney. She rightfully pointed out that she had not examined the files (allegations) against them and had not been asked by anyone to pursue them. She gave the same answer when asked about whether she would recommend blanket pardons for (all of) the January 6 defendants.

The questioning by Alex Padilla (D-CA) was particularly obnoxious. He asked her questions about her previous claim that Trump had actually won Pennsylvania in the 2020 election and refused to let her answer the question by describing what she personally observed in Pennsylvania, insisting on a yes or no answer. He basically demagogued the entire allotment of time, by refusing to allow her to fully answer the questions. At one point, Bondi bluntly told Padilla that she was not going to be bullied by him. Going back to my original point, would I have said that to a defense attorney while testifying in a criminal trial? No, but I applaud Bondi for saying it in her confirmation hearing.

The questioning by the ever-odious Adam Schiff was similar in that he kept interrupting her. She shot back at Schiff several times, reminding him of the time he was censored by Congress for making claims about Trump and Russian interference in the 2016 election that were false and also reminding him of the crime problem in his home state of California. She also referred to the time when Schiff leaked a memo from fellow Congressman, Devin Nunes (R-CA). Again, would I have said those things to a defense attorney in a criminal trial? No, but I am not going to criticize Bondi for doing so in this particular venue.

Hirono also went over the same points; would she say no to Trump, would she recommend a blanket pardon for the January 6 defendants, would she prosecute Jack Smith and Liz Cheney,

who won the 2020 election, etc., etc., etc.? The only thing distinctive about Hirono is that she basically read everything she said and asked. Not impressive at all.

In summary, the Democrats, having nothing against Bondi, tried to get her to refute statements attributed to Trump, Patel, and others, to promise that she would not charge people like Jack Smith and Liz Cheney, and concede that there was no "massive fraud affecting the result of the 2020 election," to use Schiff's words. Bondi refused to take the bait, properly stating that she had not made the quoted statements, was not familiar with them, and would not pre-judge any prosecutorial decision, merely that she would follow the law. It is my belief that she has done exactly that during her years as a prosecutor and attorney general of Florida. She should be and I believe will be confirmed as US Attorney General, and the Justice Department will be better as a result. I look forward to the day when I can once again say I am proud to be retired from the Justice Department.