

United States v. El-Hage: Jury Questionnaire

Hon. Leonard B. Sand
Southern District of New York
January 3, 2001

The following questionnaire was prepared by the Southern District of New York's United States District Judge Leonard B. Sand to facilitate jury selection in the prosecution of Mohammed Odeh, Mohamed al-'Owhali, Wadih el-Hage, and Khalfan Khamis Mohamed for killing American citizens by bombing American embassies in Kenya and Tanzania on August 7, 1998, in *United States v. El-Hage*, No. 1:98-cr-1023 (S.D.N.Y. Sept. 21, 1998).

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions, write them on the form. If you do not know the answer to a question, then write, "I don't know." There are no right or wrong answers—only *truthful* answers. Do not discuss the case or your answers with anyone. It is important that the answers be yours alone. Remember, *you are sworn to give true and complete answers to all questions*. After reading your questionnaire, Judge Sand will personally interview you and give you the opportunity to discuss your answers.

During your jury service, the judge and the parties will not know your name. They will know you only by your juror number. Selecting an anonymous jury is not an unusual practice and has been followed in many cases in federal court. Anonymity will deter curiosity that might infringe on your privacy. Accordingly, do not reveal any information in the questionnaire that could be used to identify you, such as your employer's name or your address.

Use *black pen* only. Blue ink will not copy. You may borrow a black pen if necessary.

Write your juror number at the top of this page.

Do not write on the back of any page; only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Hardship Question

The Court and the parties estimate that the trial in this case will last approximately nine to twelve months. It is anticipated that the jury will sit four days per week during the bulk of the trial, when evidence is being taken, although the jury will have to be present five days a week during jury selection, opening and closing statements, and deliberations. Thus, for most of the trial jurors will not be re-

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quired to report on Fridays or holidays. If possible, the court plans to adjourn for a one-week recess in August. In addition, every effort will be made to accommodate special needs of individual jurors. Jurors will be paid an attendance fee of \$40 per day for the first 30 days of trial and \$50 per day thereafter. Lunch will be provided daily, and your transportation costs will be reimbursed.

Jury service is one of the highest duties and privileges of a citizen. The participation of people like yourself is essential to the proper administration of justice. The court recognizes that not everyone can serve on a case of this length. However, mere inconvenience or the usual financial hardships of jury service will not be enough to excuse you. You must show that service in this case would cause an unacceptable amount of personal hardship.

Would you have a serious hardship if chosen for this case?

_____ Yes, I would have a *serious* hardship if chosen for this case. Please answer the questions below and *fully* explain your hardship. You must still complete the entire questionnaire.

_____ No, I would *not* have a serious hardship if chosen for this case. Please move on to the next section of the questionnaire.

If yes, please explain the hardship and list your current occupation. Describe the type of job and business without giving details of your employer's name or address. For example, simply list "receptionist," "business executive," "school teacher," or "self-employed/freelance." If you are retired or unemployed, please indicate that fact and list your previous occupation. Please write legibly.

Occupation: _____ Your age: _____

Are you self-employed? _____ Are you retired? _____

Will you be paid your salary while you serve jury duty? _____

What is your hardship? _____

Description of the Case

In this case there are four defendants, two of whom face the death penalty. All four defendants are charged in an indictment with having been part of a conspira-

cy to commit various acts of terrorism and with committing certain federal crimes, including murder, attempted murder, the bombing of federal buildings, perjury, and making false statements to federal law enforcement officers. Specifically, the defendants are charged variously with crimes relating to an alleged agreement to kill American citizens, which resulted in the bombings of the United States embassies in Nairobi, Kenya, and Dar es Salam, Tanzania, on August 7, 1998. In the bombing in Tanzania, 11 people were killed and approximately 70 were injured. In the bombing in Kenya, 223 people were killed and thousands of people were injured.

The organization with which the defendants were allegedly associated is called “al-Qaeda,” or the “Base,” which the Government charges was engaged in international terrorism. While other people were allegedly involved, only four defendants are on trial in this case. Each of the accused is entitled to separate consideration, and the case against each person must be decided individually.

The Nature of an Indictment

An indictment is merely an accusation. It is proof of nothing. You may draw no inference against any defendant from the fact that he has been indicted. Each defendant has pleaded “not guilty” to each of the charges against him and is presumed to be innocent. A defendant does not have to prove anything. The government bears the burden of proving the guilt of a defendant beyond a reasonable doubt.

Personal Background

1. What is your age? _____
2. Are you: male _____ female _____
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?
Yes _____ No _____
4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?
Yes _____ No _____
5. Are you taking any prescription medication that may interfere with your ability to concentrate or serve as a juror in any way?
Yes _____ No _____
6. Have you recently been treated for a substance abuse problem (for example, alcohol or illegal or prescription drugs)?
Yes _____ No _____

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7. What is your place of birth? (Please list only the city and state, and, if outside the United States, the country.)

8. Are you?

Married _____

Single _____

Living with another person as a couple _____

Divorced/Separated _____

Widow/Widower _____

9. What is your ethnic background?

(a) If married, what is the ethnic background of your spouse?

10. What county do you live in? _____

(a) If you live in New York City, what neighborhood do you live in? (For example: Upper West Side, Morrisania, Throgs Neck.) Do not give your address.

(b) If you live in a suburban county, what part of the county do you live in (north or south)?

11. Do you read a newspaper regularly (at least two or three times a week)?

Yes _____ No _____

If yes, list the names of the newspapers you read and indicate how often you read each newspaper.

Name of Newspaper	Once a week	2-3 times a week	More than 4x a week	Daily	Sunday only

12. What magazines or periodicals do you read?

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13. Do you watch any television newscasts on a regular basis?

Yes _____ No _____

If yes, which ones?

14. Do you listen to any radio stations on a regular basis?

Yes _____ No _____

If yes, which ones?

15. Is English your first language?

Yes _____ No _____

16. What other languages do you speak, read, or understand?

17. Where were your parents born?

Mother _____

Father _____

18. Are you, your spouse, or a former spouse a naturalized U.S. citizen?

Yes _____ No _____

If yes, please tell us who and when the person became a citizen?

19. Are your parents, in-laws, or grandparents naturalized U.S. citizens?

Yes _____ No _____

If yes, please tell us your relationship to that person (for example, “mother-in-law”) and when (if you know) the person became a citizen.

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20. Do you speak Arabic (or any dialect of Arabic), or did you grow up in households where the Arabic language or any of its dialects were spoken?

Yes _____ No _____

(a) Do you read any Arabic language newspapers or publications?

Yes _____ No _____

If so, please list the Arabic language newspapers or publications:

(b) If you speak, read, or understand the Arabic language (or any of its dialects), would you have any difficulty relying solely upon the official interpreter's translation of testimony and witnesses' translations of Arabic language evidence?

Yes _____ No _____

21. Do you speak Swahili (or any dialect of Swahili), or did you grow up in households where the Swahili language or any of its dialects were spoken?

Yes _____ No _____

(a) Do you read any Swahili language newspapers or publications?

Yes _____ No _____

If so, please list the Swahili language newspapers or publications:

(b) If you speak, read, or understand the Swahili language (or any of its dialects), would you have any difficulty relying solely upon the official interpreter's translation of testimony and witnesses' translations of Swahili language evidence?

Yes _____ No _____

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22. Are you: Employed full-time Retired
 Employed part-time Student
 Homemaker Disabled & unable to work
 Unemployed/laid off
- (a) Without telling us the name of your employer, what kind of work do you do? (For example: electric utility, maintenance; teacher, high school.) *Please do not write anything that would reveal your identity.*
- _____
- (b) If retired or unemployed, what type of work had you been doing?
- _____
- (c) If homemaker or student, please tell us what jobs outside the home (if any) you have had in the past:
- _____
23. What is (was) your job title? _____
- (a) What are (were) your duties on that job?
- _____
- (b) Do (did) you supervise others in that job?
Yes _____ No _____
If yes, how many? _____
24. Do you have a second job?
Yes _____ No _____
If yes, what do you do?

25. How many children do you have, if any? _____
26. If your children are in school, what type of school do they attend?
- Public _____
Private _____
Religious _____
Home _____

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34. List any organizations to which you belong. Please do not write anything that would reveal your identity. (For example, "PTA President," not "PTA President, P.S. 123.")

Please tell us your role in the organization.

35. What charities or organizations have you contributed to in the last five (5) years?

36. Do you have any hobbies?

Yes _____ No _____

If yes, what are they?

37. Do you have any family, relatives, or friends in the military who are currently or were formerly stationed in the Middle East?

Yes _____ No _____

If yes, where is, or was, that person?

38. If you, a family member, or a friend served in the military, was that person ever in a combat situation?

Yes _____ No _____ Don't know _____

If yes, please tell us where and when.

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39. How closely did you follow the media coverage of the Gulf War?
- Very closely _____
Somewhat closely _____
Not too closely _____
Not at all _____
40. (a) How closely did you follow the media coverage of the events in Somalia in 1983?
- Very closely _____
Somewhat closely _____
Not too closely _____
Not at all _____
- (b) How closely did you follow the media coverage of Somalia after the United Nations and American troops left Somalia?
- Very closely _____
Somewhat closely _____
Not too closely _____
Not at all _____
41. (a) How closely have you followed the media coverage of the bombing of the U.S.S. Cole in Yemen?
- Very closely _____
Somewhat closely _____
Not too closely _____
Not at all _____
- (b) If you have followed the media coverage of this event, based on what you have heard or read, are you of the opinion that the bombing was carried out by any particular group?
- Yes _____ No _____
- If yes, which group?
- _____
42. The government is represented in this case by the United States Attorney, Mary Jo White, though the conduct of the case is in the immediate charge of the government attorneys appearing in the courtroom. Do you or does any relative or friend know or have any connection with Mary Jo White?
- Yes _____ No _____

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43. Do you, or does any relative or friend, know or have any connection with any of the following persons who will be seated at the counsel table for the government?

Assistant United States Attorney Patrick J. Fitzgerald
Assistant United States Attorney Kenneth M. Karas
Assistant United States Attorney Michael J. Garcia
Assistant United States Attorney Paul W. Butler
Assistant United States Attorney Andrew C. McCarthy
Gerard Francisco (Paralegal Specialist, U.S. Attorney's Office)
Lillie Grant (Paralegal Specialist, U.S. Attorney's Office)
Nozomi Maeyama (Records Examiner, U.S. Attorney's Office)

Yes _____ No _____

- (a) Have you seen, heard, or read anything about any of these individuals? This includes not only from the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

- (b) What have you seen, heard, or read?

44. Do you or does any relative or friend know or have an connection with any of the defendants?

Wadih el-Hage	Yes _____ No _____
Mohammed Sadeek Odeh	Yes _____ No _____
Mohamed al-'Owhali	Yes _____ No _____
Khalfan Khamis Mohamed	Yes _____ No _____

- (a) Have you seen, heard, or read anything about any of the defendants? This includes not only from the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

- (b) What have you seen, heard, or read?

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45. Several individuals have been charged in the indictment in this case but will not be defendants in this trial. Do you, or does any relative or friend, know or have any connection with any of these defendants?

Usama bin Laden	Yes ___ No ___
Muhammed Atef	Yes ___ No ___
Ayman al Zawahiri	Yes ___ No ___
Khalid al Fawwaz	Yes ___ No ___
Ibrahim Eidaous	Yes ___ No ___
Adel Abdel Bary	Yes ___ No ___
Fazul Abdullah Mohammed	Yes ___ No ___
Mustafa Mohamed Fadhil	Yes ___ No ___
Ahmed Khalfan Ghailani	Yes ___ No ___
Fahid Mohammed Ally Msalam	Yes ___ No ___
Mamdouh Mahmud Salim	Yes ___ No ___
Sheikh Ahmed Salim Swedan	Yes ___ No ___

(a) Have you seen, heard, or read anything about any of these individuals? This includes not only from the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

(b) What have you seen, heard, or read?

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46. (a) Do you, or does any relative for friend, know or have any connection with any of the following defense lawyers or their staff?

Attorneys

Sandra A. Babcock	Yes ___ No ___
David P. Baugh	Yes ___ No ___
Frederick Cohn	Yes ___ No ___
Joshua L. Dratel	Yes ___ No ___
Laura K. Gasiorowski	Yes ___ No ___
Carl J. Herman	Yes ___ No ___
Kristian K. Larsen	Yes ___ No ___
Marshall Mintz	Yes ___ No ___
Anthony L. Ricco	Yes ___ No ___
David Ruhnke	Yes ___ No ___
Sam A. Schmidt	Yes ___ No ___
Jeremy Schneider	Yes ___ No ___
David Stern	Yes ___ No ___
Edward D. Wilford	Yes ___ No ___

Staff

Georgia Alikakos	Yes ___ No ___
Diana Barrett	Yes ___ No ___
Elizabeth Besobrasow	Yes ___ No ___
Robert Hirschorn	Yes ___ No ___
Kevin Johnson	Yes ___ No ___
Nadia Kahf	Yes ___ No ___
Katie Tempone	Yes ___ No ___

- (b) Have you seen, heard, or read anything about any of these attorneys or their staff? This includes not only from the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

- (c) What have you seen, heard, or read? _____

47. The judge who will preside over this case is Judge Leonard B. Sand of the United States District Court for the Southern District of New York. Do you, or does any relative or friend, know or have any connection with Judge Sand or any of his staff?

Yes _____ No _____

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48. Is there any particular news program, magazine, newspaper article, or broadcast about this case, the defendants, or the embassy bombings that has made a lasting impression on you?

Yes _____ No _____

If yes, what was the program, article, or broadcast?

Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes _____ No _____

49. Before you came to court today, were you aware that the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, were bombed on August 7, 1998?

Yes _____ No _____

50. This case is likely to receive ongoing media attention. The court wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the court will be advising you periodically that you must avoid reading about the case in the newspapers or listening to any radio or television reports about the case. The court will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes _____ No _____

Experience with Courts

51. (a) Have you ever:
- (i) sat as a juror in a civil case?
Yes _____ No _____
 - (ii) sat as a grand juror?
Yes _____ No _____
 - (iii) sat as a juror in a criminal case?
Yes _____ No _____
- (b) Have you ever been a juror in a case where the jury was unable to reach a verdict?
Yes _____ No _____
- (c) If you have served on a jury, please list below (1) the approximate date(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached. If so, do *not* state what the verdict was.

(1)	(2)	(3)	(4)	(5)	(6)
Date	State or federal	Grand jury or trial jury	Criminal or civil	Nature of case	Was there a verdict?

If you need additional space to complete this or any other answer, please write "continued," go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

52. Have you ever been questioned in any matter by the United States Department of Justice, the New York City Police Department, or any investigative agency of the United States, including the Federal Bureau of Investigation, the DEA, the IRS, or any other state or federal investigative agency?

Yes _____ No _____

If yes, please explain the circumstances.

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53. Have you, or has a family member or close friend, ever been falsely accused of a crime?

Yes _____ No _____

If yes, please explain the circumstances.

54. Have you, any family member, or friend ever worked for any federal, state, or local law enforcement agency? (For example, NYPD, State Police, Sheriff, F.B.I., C.I.A., D.E.A., Probation and Parole, Corrections, U.S. Customs, Secret Service, etc.)

Yes _____ No _____

If yes, please tell us who, what agency, how long, and the highest rank achieved?

55. Have you or a relative or friend ever worked or applied for employment with a federal, state, or local agency?

Yes _____ No _____

If yes, what agency?

56. Do you personally, or in connection with your business, have any pending interest in any legal action or dispute with the United States or any officer, agents, or employees of the United States?

Yes _____ No _____

If yes, please explain the nature of your interest in such proceedings.

57. Are you a vendor or a contractor for the United States government, or do you work for one?

Yes _____ No _____

58. Do you have any difficulty accepting the principle that non-citizens who are charged with a crime in a United States court are entitled to the same rights as United States citizens?

Yes _____ No _____

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59. Have you ever attended law school?
Yes _____ No _____
60. Do you have any close friends or relatives who are lawyers or who have attended law school?
Yes _____ No _____
61. Do you, or does any relative or friend, work for a criminal lawyer or private investigator?
Yes _____ No _____
62. Do you know anyone who has been connected with the criminal justice system such as judges, law clerks, court attendants, court clerks, other types of court personnel, probation officers, or persons connected with any penal institution, jail, or penitentiary?
Yes _____ No _____
63. Have you or anyone close to you ever been charged with a crime or been the subject of a criminal investigation?
Yes _____ No _____
64. Have you ever appeared or testified as a witness in any investigation or legal proceeding?
Yes _____ No _____
65. Do you believe that you, a member of your family, or a close friend has ever been directly or indirectly affected in any way by a terrorist act or threat?
Yes _____ No _____
66. The court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulty accepting that statement?
Yes _____ No _____
67. You may hear testimony in this case concerning the use of accomplices or informants by federal authorities in their investigations. One or more of those individuals may be called to testify in this case and you may learn that some of the individuals have participated in serious crimes. The court wishes to advise you that there is nothing illegal or improper about the government using accomplices or informants to investigate a case. Do you have strongly held feelings against the use of informants?
Yes _____ No _____
68. Are you or anyone close to you now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?
Yes _____ No _____

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69. Have you, or has a family member or close friend, ever been the victim of a serious crime other than burglary or car theft?

Yes _____ No _____

70. There will be evidence in this case consisting of tape recordings of conversations taking place in given locations or over the telephone, through the use of electronic devices commonly known as “bugs” or “wiretaps.” Before received in evidence, the court will have ruled that this evidence is lawfully before you. Do you have strongly held views against the use of secretly tape-recorded conversations or “wiretaps” or “bugs”?

Yes _____ No _____

71. There may also be evidence obtained from photographic and physical surveillance as well as evidence seized pursuant to searches of various places, including the homes of some of the defendants. Do you have any feelings against the use of lawfully conducted surveillance or searches?

Yes _____ No _____

72. To your knowledge, have you or any close friend or relative ever been the subject of a surveillance (visual, photographic, or electronic) by law enforcement or had a car or home searched by law enforcement officers?

Yes _____ No _____

73. The evidence in this case will include pictures of the bodies of the people who were killed and injured in the embassy bombings in Kenya and Tanzania in 1998 and testimony of people who suffered those injuries. Is there anything about having to view and hear such evidence that would interfere with your ability to arrive at a verdict of guilty or not guilty as to any of the individual defendants?

Yes _____ No _____

If yes, please explain.

Religion

74. What, if any, is your current religious affiliation?

75. What, if any, religion were you raised in?

76. Have you ever experienced what you believe to be discrimination against you because of your religious beliefs?

Yes _____ No _____

If yes, please explain.

77. Do you know anyone who practices the faith of Islam?

Yes _____ No _____

78. How knowledgeable are you about the history and practices of Islam?

Very knowledgeable _____

Somewhat knowledgeable _____

Not too knowledgeable _____

Not knowledgeable at all _____

79. Is there anything about a case where all the defendants are Muslim that would make it hard for you to serve as a juror?

Yes _____ No _____

80. Do you have any strong views against the religion of Islam or its adherents?

Yes _____ No _____

81. Have you ever traveled outside the United States?

Yes _____ No _____

If yes, please explain where and when.

82. Some of the defendants in this case are of Arab, Middle Eastern, and African descent.

(a) Are you, or any relatives or close friends, of Arab, Middle Eastern, or African descent?

Yes _____ No _____

(b) Do you work, or have you worked, with any people of Arab, Middle Eastern, or African descent?

Yes _____ No _____

(c) Do you socialize with any people of Arab, Middle Eastern, or African descent?

Yes _____ No _____

(d) Do you have any negative feelings or opinions about people of Arab, Middle Eastern, or African descent?

Yes _____ No _____

If yes, please explain.

83. Do you believe that there is a law enforcement bias against people of Arabic descent or people of the Islamic faith?

Yes _____ No _____

If yes, please explain.

Potential Punishment

In this case, two of the men on trial—Mohamed al-'Owhali and Khalfan Khamis Mohamed—face a potential sentence of death. In a case where individual jurors may have to consider death as a possible punishment, it is important that we know your thoughts and opinions regarding the death penalty.

If either Mohamed al-'Owhali or Khalfan Khamis Mohamed is found guilty of capital crimes, there will be a second phase of the trial—the penalty phase. The first phase of the trial deals only with evidence on the question of whether or not the government has proved beyond a reasonable doubt the guilt of each of the four defendants. During this stage of the trial, the possibility of punishment must not enter into your deliberations at all.

If the jury determines that either defendant Mohamed al-'Owhali or Khalfan Khamis Mohamed is guilty of murder, the jury's service will not be over. The same jury must also decide whether or not the defendant they are considering is to be sentenced to death or to life imprisonment without possibility of release. That phase of the trial is expected to last three to four weeks.

During the second stage, the government would have the opportunity to introduce evidence as to certain things referred to in the law as aggravating factors, or the circumstances that make the crime particularly serious and therefore that tend to favor the imposition of the death penalty. Mr. al-'Owhali and Mr. Mohamed would have the opportunity at such a hearing to demonstrate to you the existence of what are referred to as mitigating factors, or the circumstances about the crime or about the individual defendant that would suggest that the death penalty is not appropriate in this case.

Before the jury could vote to impose the death penalty, it would have to be persuaded unanimously and beyond a reasonable doubt that the defendant had the requisite state of mind when he engaged in the crime and that at least one of the specific aggravating factors identified by the government exists. Moreover, before a jury could vote to impose the death penalty, it would also have to be persuaded unanimously that the aggravating factors it found to exist outweigh any mitigating factors that one or more jurors found existed. Even if the jury did not find any mitigating factors, it would still have to be persuaded unanimously that the aggravating factor or factors were themselves sufficient to justify a death sentence. Absent such unanimous agreement, a jury could not vote to impose the death penalty.

In sum, a jury is never required to impose a sentence of death upon a defendant. You should know, however, that if the jury does decide to impose the death penalty this court would be required to impose that sentence. Similarly, if you decide to impose life imprisonment without parole—an option that would also be available to you—the court would be required to impose that sentence. In other words, the court could not change your decision.

Obviously, what I have just stated is only an overview of the law applicable to a jury's consideration of the death penalty. If this case were ever to require a sentencing hearing—and remember that each of the defendants is presumed innocent of each of the charges that have been brought against him—the court will instruct the jury in more detail about its duties.

84. Please *circle* the number that best reflects your opinion regarding the death penalty.

Strongly
Oppose

Strongly
Favor

1 2 3 4 5 6 7 8 9 10

85. How do you feel about the death penalty? _____

86. In your opinion, is the death penalty in our society: (Circle all that apply.)

- (a) Useful
- (b) Necessary
- (c) Counterproductive
- (d) Inhumane
- (e) Other: Please explain. _____

87. Please circle the answer or answers that best correspond to your views on the death penalty. (You may select more than one.)

- (a) The death penalty should be imposed in *every case* where someone deliberately takes the life of another person.
- (b) While I favor the death penalty, I do believe that there are rare cases where the death penalty should not be imposed even if someone has deliberately murdered another person.
- (c) While I am somewhat in favor of the death penalty, I do not believe it should be used as a punishment for most cases, even where a person has been deliberately murdered.
- (d) I have no views one way or the other on the death penalty.
- (e) While I am somewhat opposed to the death penalty, I do believe that there are many cases where a death sentence should be imposed.
- (f) While I am strongly opposed to the death penalty, I do believe there are some cases where a death sentence should be imposed.
- (g) The death penalty should never be imposed.

88. If the law and the evidence leads to a conclusion that is contrary to your present personal beliefs concerning the death penalty, could you set aside your own views and act in accord with the court's instructions?

Yes _____ No _____ Not Sure _____

Please explain. _____

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89. If the evidence in this case convinces you that the death penalty is appropriate, could you vote to impose the death penalty?

Yes _____ No _____ Not Sure _____

Please explain. _____

90. Do you believe that the death penalty is sought and imposed unfairly?

Sometimes _____ Always _____ Never _____

Please explain. _____

91. (a) Have you read or heard anything concerning an attack by defendant Khalfan Khamis Mohamed on corrections officers which caused one officer serious injury?

Yes _____ No _____

(b) If you were to learn that such an attack took place and found that Khalfan Khamis Mohamed participated in the attempted murder of a corrections officer, would it alter any of your answers to questions 84 through 90 as to defendant Khalfan Khamis Mohamed?

Yes _____ No _____ Uncertain _____

Conclusion—Miscellaneous Information

92. At the conclusion of the case, it is the court's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical, or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the court?

Yes _____ No _____

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93. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

Yes _____ No _____

If yes, please explain.

94. Is there any reason that you could not be completely fair and impartial to the defendants in this case?

Yes _____ No _____

95. Is there any reason that you could not be completely fair and impartial to the government in this case?

Yes _____ No _____

If you answered "yes" to question 94 or question 95, please explain.

96. Is there any matter not covered by this questionnaire that you feel you should tell us about?

Yes _____ No _____

If yes, please explain.

Juror Number: _____

Date: _____

