

# United States v. Ghailani: Jury Questionnaire

Hon. Lewis A. Kaplan  
Southern District of New York  
September 22, 2010

The following questionnaire was prepared by the Southern District of New York's United States District Judge Lewis A. Kaplan to facilitate jury selection in a prosecution for participation in the 1998 bombings of the American embassy in Dar es Salaam, Tanzania, *United States v. Ghailani*, No. 1:98-cr-1023-9 (S.D.N.Y. Sept. 21, 1998). The defendant was a fugitive until 2004, when he was captured and held by the CIA. He was transferred to Guantánamo Bay in 2006 and to the Southern District of New York for prosecution in 2009.

## Background Information

This questionnaire is being used to assist in selecting a jury for what is expected to be a long trial.

**The trial is expected to last 10 to 16 weeks or perhaps somewhat longer.**

In general, the trial will be held Monday through Thursday, 9:30 a.m. until 4:30 p.m., although there will be some shorter work weeks and the hours and days may vary from time to time.

Court will not be held during the following breaks and holidays:

October 11, 2010 (Columbus Day)	December 23, 2010, to January 3, 2011
November 2, 2010 (Election Day)	January 17, 2011 (Martin Luther King Day)
November 11, 2010 (Veterans Day)	February 21, 2011 (Presidents Day)
November 24–26, 2010 (Thanksgiving)	February 28 to March 4, 2011

Please answer each part of the following questions Yes or No and provide the additional requested information for all parts to which you answer Yes. If you need additional space, use the back of the page.

**Write your juror number on every page in the space provided.**

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Juror No. \_\_\_\_\_

1. Would serving on this jury cause undue hardship or extreme inconvenience because

a. You would have to travel a great distance to the courthouse? If so, how many miles would you have to travel?

Yes \_\_\_\_\_ If yes, number of miles \_\_\_\_\_

No \_\_\_\_\_

b. Your travel time to and from the courthouse would be excessive? If so, how many minutes are required (one-way)?

Yes \_\_\_\_\_ If yes, number of miles \_\_\_\_\_

No \_\_\_\_\_

c. There is a grave illness in the family or other emergency?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

d. Service would cause you undue hardship or extreme inconvenience for some other reason?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

e. Service would cause severe economic hardship to your employer?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

2. Does the nature of the charges cause you to believe that you could not serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

Juror No. \_\_\_\_\_

3. Does the allegation that the 1998 plot that destroyed the U.S. embassies in Africa was associated with al-Qaeda cause you to believe that you could not serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

4. The terrorist attacks on the United States, including on the World Trade Center, that occurred on September 11, 2001, are not at issue in this case. Nevertheless, have you had any personal experiences or do you have any feelings arising from those attacks that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

5. Have you had any personal experiences or do you have any feelings arising from any other terrorist attacks on the United States or on anyone else that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

6. On a scale of 1 to 5, how afraid are you that you, a family member, or someone close to you will be killed or injured in a terrorist attack? (“1” = not afraid; “5” = very afraid)

Select a number from 1 to 5 \_\_\_\_\_

7. Have you seen, heard, or read anything about Mr. Ghailani or the bombings of the U.S. embassies in Kenya and Tanzania in 1998?

Yes \_\_\_\_\_ What? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

Juror No. \_\_\_\_\_

8. Do you have feelings about the prosecution of accused terrorists in courts like this that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. Much of the conduct at issue in this case took place outside the United States, principally in Tanzania and Kenya. United States law provides that persons engaged in conduct occurring outside the United States may nevertheless be charged in United States courts for violations of federal laws that protect Americans abroad. Do you believe that conduct that takes place outside of the United States should not be a basis for American criminal charges or should not be considered by an American court?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Have you, any family member, or any close friend been a victim of terrorism, either in this country or abroad?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

11. Do you have any feelings about Islam or Muslims that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

12. Do you have any feelings about methods the United States has used in responding to terrorism—including, for example, the use of military force or the detention of terror suspects by the CIA or by the Defense Department at Guantánamo Bay—that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No \_\_\_\_\_

13. Do you have an opinion as to whether Mr. Ghailani is guilty or not guilty of any of the charges against him?

Yes \_\_\_\_\_ No \_\_\_\_\_

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14. The witnesses in this case will include law enforcement and perhaps other government personnel. Would you be more or less likely to believe such a witness solely by reason of the fact that the witness works in law enforcement or another government capacity?

Yes \_\_\_\_\_ No \_\_\_\_\_

15. Do you have any biases or feelings for or against defendants in general, lawyers who represent persons accused of crimes, or prosecutors that you believe would interfere with your ability to serve impartially as a juror in this case?

Yes \_\_\_\_\_ Explain. \_\_\_\_\_

\_\_\_\_\_

No \_\_\_\_\_

16. Have you, any member of your family, or any close friend ever been a victim of a crime?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe. \_\_\_\_\_

\_\_\_\_\_

If yes, do you believe that this would interfere with your ability to serve as an impartial juror in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

Juror No. \_\_\_\_\_

17. Have you, or has any member of your family with whom you resided at the time, or a close friend, ever been employed by or received training from any local, state, or federal law enforcement agency, including but not limited to the following? (Circle as many as apply for each category.)

	<u>Self</u>	<u>Relative</u>	<u>Close Friend</u>
Federal Bureau of Investigation	x	x	x
U.S. Attorney	x	x	x
Bureau of Alcohol, Tobacco, Firearms & Explosives	x	x	x
U.S. Citizenship and Immigrations Services, and Bureau of Immigration and Customs Enforcement (formerly known as Immigration and Naturalization Services)	x	x	x
Department of Homeland Security	x	x	x
Drug Enforcement Administration	x	x	x
Military Police	x	x	x
Department of Corrections	x	x	x
State Police	x	x	x
Office of District Attorney	x	x	x
United States Marshal Service	x	x	x
New York City Police Department	x	x	x
U.S. Bureau of Prisons	x	x	x
Department of Probation and Parole	x	x	x
Other: _____	x	x	x

If yes, do you believe this would interfere with your ability to serve as an impartial juror in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

Juror No. \_\_\_\_\_

18. Have you or any close friend or relative, either as an individual or in the course of his or her business, ever been a party to any legal action or dispute with the United States or any of the officers, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome?  
Yes \_\_\_\_\_ No \_\_\_\_\_
19. Have you, either through any experience you have had or anything you have seen or read, developed any bias or prejudice for or against the United States Attorney's Office, the Department of Justice, or the Federal Bureau of Investigation?  
Yes \_\_\_\_\_ No \_\_\_\_\_
20. Have you or any close friend or relative ever been involved or appeared as a witness in any investigation by a federal or state grand jury, a legislative committee, or any other governmental agency?  
Yes \_\_\_\_\_ No \_\_\_\_\_
21. Have you or any close friend or relative ever been a witness or a complainant in any hearing or trial?  
Yes \_\_\_\_\_ No \_\_\_\_\_
22. Are you or any close friend or relative now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?  
Yes \_\_\_\_\_ No \_\_\_\_\_
23. Have you or any close friend or relative ever been the subject of any investigation or accusation by any federal or state grand jury?  
Yes \_\_\_\_\_ No \_\_\_\_\_
24. Have you or any close friend or relative ever been charged with a crime?  
Yes \_\_\_\_\_ No \_\_\_\_\_

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25. Have you or any member of your immediate family ever served in the military (including the National Guard and the reserves)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, have you or any member of your family or close personal friend ever served in the Middle East, including Iraq and Afghanistan?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe the branch and the nature of the service and the approximate dates. \_\_\_\_\_  
\_\_\_\_\_

26. Do you know anyone who now resides, or in the past resided in the Middle East, South Asia, including Pakistan and the areas around Pakistan, or sub-Saharan Africa?

Yes \_\_\_\_\_ No \_\_\_\_\_

Juror No. \_\_\_\_\_

27. Have you ever served as a juror?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please complete as appropriate:

a. *Civil Cases* Date(s) \_\_\_\_\_

Nature of case(s): \_\_\_\_\_

Federal or state case(s): \_\_\_\_\_

Was the jury asked to reach a verdict?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, was a verdict reached?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. *Criminal Cases* Date(s) \_\_\_\_\_

Nature of case(s): \_\_\_\_\_

Federal or state case(s): \_\_\_\_\_

Was the jury asked to reach a verdict?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, was a verdict reached?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. *Grand Jury* Date(s) \_\_\_\_\_

Federal or state? \_\_\_\_\_

28. If you have served as a juror, was there anything about your jury experience that would make it difficult to serve fairly and impartially in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

Juror No. \_\_\_\_\_

29. Have you worked in or traveled in Tanzania, Kenya, Saudi Arabia, Somalia, Sudan, Iraq, Pakistan, Afghanistan, or Egypt?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain how long you were there and the reason for your visit(s). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

30. What are your primary sources of local and national news?

\_\_\_\_\_  
\_\_\_\_\_

31. This questionnaire has tried to invite your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from anything you have disclosed above, is there any fact, circumstance, opinion, impression, attitude of mind, personal or other experience, or identification or membership with any group or organization that you believe would prevent you, if you are accepted as a juror in the trial of this case, from listening to the evidence with an open mind and deciding every issue fairly and impartially, solely upon the evidence and in accordance with the Court's instructions as to the law?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_