

**United States v. Al-Timimi:
Jury Questionnaire**

Hon. Leonie M. Brinkema
Eastern District of Virginia
March 28, 2005

The following questionnaire was prepared by the Eastern District of Virginia's United States District Judge Leonie M. Brinkema to to facilitate jury selection in a prosecution for terrorism, *United States v. Al-Timimi*, No. 1:04-cr-385 (E.D. Va. Sept. 23, 2004).

Jury Questionnaire

Questions

Juror No. _____

1. Name: _____
2. Indicate the city or county of your current residence.
City: _____ County: _____
3. Length of time at current address: _____
4. Are you: Male _____ Female _____
5. How old are you? _____
6. In what country were you born? _____
7. How long have you lived in Northern Virginia? _____
8. Is English your first language? Yes _____ No _____
9. If English is not your first language, do you have any difficulty reading, writing, speaking, or understanding English?
Yes _____ No _____
10. Please indicate your present marital status.
_____ Married
_____ Single (never married)
_____ Widowed
_____ Separated or Divorced

Juror No. _____

11. Are you, your spouse, or former spouse a naturalized U.S. citizen? For this and all of the following questions, the definition of "spouse" includes the husband or wife of a married individual and the significant other or domestic partner of an unmarried individual.

Yes _____ No _____

12. Are you employed? Yes _____ No _____

(a) If employed, what is your current occupation/job title? _____

(b) How long have you held this job? _____

(c) Name of employer: _____

13. If you are unemployed, are you:

_____ a student _____ between jobs _____ disabled

_____ a homemaker _____ retired

(a) If you are a student, where do you attend school? _____

(b) If retired or between jobs, what type of work had you been doing? _____

Do you have a second job? Yes _____ No _____

If yes, what do you do? _____

15. Is your spouse employed outside the home?

Yes _____ No _____ Do not have a spouse _____

(a) If employed, what is his or her current occupation/job title?

(b) How long has he or she held this job? _____

16. Check the highest level of education for you and your spouse.

	You	Spouse
Grade school or less	_____	_____
Some high school	_____	_____
High school graduate	_____	_____
Technical or business school	_____	_____
Some college	_____	_____
College degree	_____	_____
Graduate degree (and describe area)	_____	_____
Area: _____		

Juror No. _____

17. Do you or your spouse have any education, training, work experience, or special expertise in (check all that apply):

	You	Spouse
(a) Aerospace technology (NASA or related programs)	_____	_____
(b) Criminal justice, law enforcement	_____	_____
(c) Firearms, explosives	_____	_____
(d) History, political science	_____	_____
(e) Journalism, media	_____	_____
(f) Law	_____	_____
(g) Military, military history	_____	_____
(h) Religion or philosophy	_____	_____

If yes, please list and describe the training, experiences, or expertise.

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

Yes ____ No _____

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

Yes ____ No _____

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

Yes ____ No _____

If so, please list the Arabic or Urdu language newspapers or publications.

19. Do you watch any Arabic language television programs, including newscasts?

Yes ____ No _____

If yes, please list these programs/newscasts. _____

20. The defendant in this case is of Arabic or Middle Eastern descent. Are you, your spouse, or any of your immediate family or close personal friends of Arabic or Middle Eastern descent?

Yes ____ No _____

Juror No. _____

21. Do you have an opinion regarding establishing Shariah (Islamic law) in the United States?

Yes _____ No _____

If yes, please explain. _____

22. Have you, your spouse, or any immediate family member or close personal friend had any contact or dealings with Dar al Arqam Islamic Center, also known as the Center for Islamic Information and Education, located in Falls Church, Virginia?

Yes _____ No _____

If yes, please explain. _____

23. Is there anything about a case in which a defendant or witnesses are Muslim (which means they practice Islam) that would make it hard for you to serve as a fair and impartial juror?

Yes _____ No _____

If yes, please explain. _____

24. Do you know anyone who is currently, or was within the past four years, either an employee of or a student in the philosophy or computational biology departments at George Mason University or an employee of SRA International?

Yes _____ No _____

If yes, please explain. _____

25. Do you have regular access to the Internet? Yes _____ No _____

If yes, how often do you access the Internet? _____

Juror No. _____

26. Have you, your spouse, or any member of your immediate family ever served in the armed forces?

Yes _____ No _____

(a) If yes, please answer the following:

	You	Spouse	Family Member
Branch and highest rank	_____	_____	_____
Dates of service	_____	_____	_____
Type of discharge	_____	_____	_____

(b) Were you, your spouse, or any member of your immediate family ever involved in a court martial? Yes _____ No _____

If yes, please explain. _____

27. If you or any member of your immediate family served in the military, were you or they ever in a combat situation?

Yes _____ No _____

If yes, please state where and when. _____

28. Have you, your spouse, or any immediate family member or close personal friend lived, worked, or traveled in any of the following countries, or are they currently living, working, or traveling there: Saudi Arabia, Bosnia, Afghanistan, Iraq, Iran, Pakistan, India, Chechnya, Israel, Palestine, or Kashmir?

Yes _____ No _____

If yes, please explain where and when. _____

29. Have you, your spouse, or any immediate family member or close personal friend been injured or killed while serving in a combat or a military zone in Iraq, Afghanistan, or elsewhere in the Middle East?

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

30. Do you, your spouse, or any immediate family member or close personal friend know anyone who was a victim or the immediate family member of a victim of a terrorist attack that occurred in the United States or anywhere abroad?

Yes _____ No _____

If yes, please explain. _____

31. Have you, your spouse, or any immediate family member or close personal friend altered any travel plans as a result of the events of September 11, 2001?

Yes _____ No _____

If yes, please explain. _____

32. Did you, your spouse, or any immediate family member or close personal friend assist or participate in any way in rescue or relief efforts, or advocacy efforts for victims, after any terrorist attack occurring in the United States, including the September 11, 2001, attacks on the Pentagon and the World Trade Center in New York, or anywhere else abroad?

Yes _____ No _____

If yes, please explain. _____

33. Have you, your spouse, or any immediate family member or close personal friend been to "Ground Zero," the site of the World Trade Center, since September 11, 2001, or participated in any ceremony or special event honoring any of the victims of the September 11, 2001, attacks?

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

34. Have you, your spouse, or any immediate family member or close personal friend applied for employment with, been employed by, or volunteered with any of the following organizations or agencies? (Check all that apply.)

	You	Spouse	Family/ Friend
(a) Any law enforcement agency (such as a police department; sheriff's office; FBI; DEA; ATF; U.S. Marshal's Service; U.S. Park Police; Justice Department; a District, Commonwealth or State's Attorney's Office; a parole office; a probation office; Bureau of Prisons; military police; private security police)?	_____	_____	_____
(b) Any local, state, or national security or self defense agency (including the Department of Homeland Security)?	_____	_____	_____
(c) Any military or civilian intelligence agency (such as CIA)?	_____	_____	_____
(d) Office of any member of the U.S. Congress (U.S. Senate or House of Representatives, including Congressional subcommittee experience)?	_____	_____	_____
(e) The White House or the Office of the President?	_____	_____	_____

If yes, please explain. _____

35. Do you, your spouse, or any immediate family member or close personal friend own or have experience with firearms or participate in any activity using firearms?

Yes _____ No _____

If yes, what type and for what purpose? _____

Juror No. _____

36. Do you or any member of your immediate family or a close personal friend participate in or have any experience with paint ball?

Yes _____ No _____

If yes, please describe. _____

37. Have you read or heard any news coverage or received information from any other source regarding a “Virginia jihad”?

Yes _____ No _____

If yes, please describe what you have read or heard and from what source.

38. Have you read or heard any news coverage or received information from any other source about a criminal case in Northern Virginia described as the “Virginia paint ball” case?

Yes _____ No _____

If yes, please describe what you have read or heard and from what source.

39. Do you know anyone who was a defendant, witness, lawyer, investigator, or otherwise involved or associated in any way with a criminal case in Northern Virginia described as the “the Virginia Jihad” case or the “Virginia paint ball” case?

Yes _____ No _____

If yes, please explain. _____

40. What is your reaction or opinion toward persons living in the United States who choose to associate with groups or organizations, including religious groups and organizations, that discuss or advocate the use of violence as a means to protest or to express their opposition to the United States government’s policies?

Juror No. _____

41. Is there anything in particular about a case involving charges related to potential acts of terrorism that would make it difficult for you to serve as a fair and impartial juror in such a case?

Yes ____ No ____

If yes, please explain. _____

42. The Government is represented in this case by the United States Attorney, Paul J. McNulty, though the conduct of the case is in the immediate charge of the Government attorneys appearing in the courtroom. To your knowledge, do you, your spouse, or any immediate family member or close personal friend know or have any connection with Paul J. McNulty or with any of the following persons who will be seated at the counsel table for the government?

Paul J. McNulty, United States Attorney Yes ____ No ____

Gordon D. Kromberg, Assistant United States Attorney Yes ____ No ____

John T. Gibbs, Trial Attorney, U.S. Department of Justice Yes ____ No ____

John Wyman, Special Agent, Federal Bureau of Investigation Yes ____ No ____

Wade Ammerman, Special Agent, Federal Bureau of Investigation Yes ____ No ____

(a) If yes, please explain. _____

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

Yes ____ No ____

If yes, please describe what you have seen, read, or heard and from what source. _____

Juror No. _____

43. Do you, your spouse, or any immediate family member or close personal friend know or have any connection with the defendant, Dr. Ali al-Timimi, or any member of his family, including his father Mr. Mehdi al-Timimi, a retired diplomat from Iraq, who also served as a consultant to embassies and law firms, and his mother Dr. Sahera al-Timimi, who is employed by the District of Columbia Department of Mental Health and teaches at the University of the District of Columbia?

Yes _____ No _____

If yes, what connection do you/they have with Dr. al-Timimi or his family?

44. Dr. al-Timimi, is a U.S. citizen, a resident of northern Virginia, and was a Ph.D. candidate at George Mason University during the course of the criminal investigation preceding his indictment on these charges. Dr. al-Timimi is an Islamic scholar and was a lecturer at Dar al Arqam Islamic Center, also known as the Center for Islamic Education and Information located in Falls Church, Virginia. Have you seen, heard, or read anything about the defendant? This includes not only through the media, but anything you may have heard from friends, relatives, or co-workers.

(a) If yes, please describe what you have seen, read, or heard and from what source. _____

(b) If yes, has this left you with any impression about the innocence or guilt of Dr. al-Timimi?

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

45. The defendant, Dr. al-Timimi, is represented by two lawyers: Edward B. MacMahon, Jr., whose office is in Middleburg, VA, and Alan H. Yamamoto, whose office is in Alexandria, VA.

(a) To your knowledge, do you, your spouse, or any immediate family member or close personal friend know or have any connection with either lawyer or his staff?

Edward B. MacMahon, Jr. Yes _____ No _____
Alan H. Yamamoto Yes _____ No _____

(b) If you answered "yes" for either individual, describe the connection. _____

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

Yes _____ No _____

(d) If yes, please describe what you have seen, read, or heard and from what source. _____

46. Do you, your spouse, or any immediate family member or close personal friend have any connection with, or have you ever seen, heard, or read anything about, any of the individuals listed below who may be a witness or who may be mentioned at trial?

- | | | |
|---------------------|------------------|-------------------------|
| Mohammed Aatique | Ibrahim al-Hamdi | Yong Kwon |
| Robert Andrews | Haytham Hantash | Mamdouh Mohamed |
| Sabri Benkhala | Khwaja Hasan | Randall Ismail Royer |
| Soliman al-Buthi | Sefer Hawali | Caliph Ibn Abdur-Raheem |
| Charles Butterworth | Jafaar Idris | Hammad Abdur-Raheem |
| Ali Asad Chandia | Masaud Khan | Donald Surratt |
| Seifullah Chapman | Evan Kohlmann | Rashid Thompson |
| Nabil Gharbieh | | |

Yes _____ No _____

(a) If yes, please list the individual's name and explain the connection or what you have seen, read, or heard and from what source. _____

Juror No. _____

47. The judge who will preside over this case is The Honorable Leonie M. Brinkema of the United States District Court for the Eastern District of Virginia. Do you, your spouse, or any immediate family member or close personal friend know or have any connection with Judge Brinkema or any of her staff?

Yes _____ No _____

48. Have you seen, heard, or read anything about this case?

Yes _____ No _____

(a) If yes, please explain what you have seen, heard, or read and from what source. _____

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

Yes _____ No _____

(a) If yes, please explain what you have seen, heard, or read and from what source. _____

50. Have you formed an opinion as to the innocence or guilt of the defendant, Dr. Ali al-Timimi, in this case?

Yes, I have formed an opinion _____

No, I have not formed an opinion _____

51. 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 require that you avoid reading about the case in the newspapers or listening to any radio or television reports about the case. The Court will also require that you avoid discussing this case with friends or family during the course of the trial. You will also be required not to use the Internet or any other tool to research any issue raised in this case while you are a juror. Would these requirements pose any difficulty for you?

Yes _____ No _____

Juror No. _____

52. Are you, your spouse, or any immediate family member or close personal friend a member of a neighborhood crime watch or prevention group?

Yes _____ No _____

If yes, please identify the group and describe that participation. _____

53. Are you, or have you ever been, a member of any victim's rights group?

Yes _____ No _____

If yes, please identify the group and describe your participation. _____

54. Have you, your spouse, or any immediate family member or close personal friend ever been charged with a crime or been the subject of a criminal investigation?

Yes _____ No _____

If yes, please explain. _____

55. Have you ever appeared or testified as a witness in any investigation or legal proceeding?

Yes _____ No _____

If yes, please explain. _____

56. Are you, your spouse, or any immediate family member or close personal friend now under subpoena or, to your knowledge, about to be subpoenaed in a criminal case?

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

57. Have you ever been questioned in any matter by the state or local police, any state or local law enforcement agency, or by the Department of Justice or any United States investigative agency such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Department of Homeland Security, Internal Revenue Service (IRS), or the Bureau of Immigration and Customs Enforcement (BICE)?

Yes ____ No ____

If yes, please explain. _____

58. (a) Have you ever:

- (1) Served as a juror in a civil case? Yes ____ No ____
- (2) Served on a grand jury? Yes ____ No ____
- (3) Served as a juror in a criminal case? Yes ____ No ____
- (4) Been a juror in a case where the jury was unable to reach a verdict? Yes ____ No ____

(b) If you have served on a jury, please list below (1) the approximate year; (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); (5) whether or not a verdict was reached; and (6) if there was a verdict, what it was.

(1) Year	(2) State or Federal Jury	(3) Grand Jury or Trial Jury	(4) Nature of Case	(5) Was There a Verdict?	(6) What Was the 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.

Juror No. _____

59. 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, agent, or employee of the United States?

Yes _____ No _____

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

60. You may hear testimony in this case concerning the use of accomplices or informants by federal authorities in their investigations or through undercover operations. One or more of those individuals may be called to testify in this case, and you may learn that some of these individuals have participated in serious crimes. An accomplice or an informant is a competent witness and a recognized means of law enforcement. You will determine the credibility of these individuals and how much weight to give their testimony. Do you have strongly held feelings against the use of accomplices or informants?

Yes _____ No _____

61. Have you, your spouse, or any immediate family member or close personal friend ever been the victim of a serious crime?

Yes _____ No _____

If yes, please describe. _____

62. Have you ever had a particularly favorable or unfavorable experience with a lawyer or judge? (So memorable that it still stands out in your mind.)

Yes _____ No _____

If yes, please explain. _____

63. Have you, your spouse, or any immediate family member or close personal friend had a particularly favorable or unfavorable experience with law enforcement personnel or an investigating agent? (So memorable that it still stands out in your mind.)

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

64. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." There may also be evidence obtained by audio tapes which were made by a witness through what is known as a consensual tape recording. A consensual tape recording is a recording in which only one party to the conversation consents to the conversation being tape recorded and the other party did not know the conversation was being taped. The Court will have ruled on whether this wiretap or tape recording is lawfully before you. Consensual tape recordings may occur over the telephone or in face-to-face conversations. Do you have strongly held views regarding the use of such evidence at trial?

Yes ____ No ____

If yes, please explain. _____

65. There may also be evidence obtained from photographic and physical surveillance as well as evidence seized pursuant to lawful searches of various places, including the homes of the defendant and others. Do you have any feelings regarding the use of lawfully conducted surveillance or searches?

Yes ____ No ____

If yes, please explain. _____

66. To your knowledge, have you, your spouse, or any immediate family member or close personal friend ever been the subject of a wiretap or surveillance (visual, photographic, or electronic) by law enforcement or had their car or home searched by law enforcement officers?

Yes ____ No ____

If yes, please explain. _____

67. There may be evidence in this case about the activities of American and/or foreign intelligence agencies. Do you have any strong feelings about American intelligence services or foreign intelligence services?

Yes ____ No ____

If yes, please explain. _____

Juror No. _____

68. What religious affiliations have you ever had? (List in chronological order with your current affiliation first.) _____

69. How often do you attend religious services or engage in activities organized by a religious organization? (Check one category.)

- _____ At least daily
- _____ More than once a week
- _____ Once a week
- _____ A few times a month
- _____ A few times a year
- _____ Never

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

Yes _____ No _____

If yes, please explain. _____

71. Do you personally know anyone who is a student of, or practices, the Muslim or Islamic faith?

Yes _____ No _____

If yes, describe your relationship to that person and whether you have discussed that person's faith with him or her. _____

72. Do you have any feelings, positive or negative, about the Muslim or Islamic faith?

Yes _____ No _____

If yes, please describe them. _____

73. How knowledgeable are you about the history or practices of the Muslim or Islamic faith?

- _____ Very knowledgeable
- _____ Somewhat knowledgeable
- _____ Not too knowledgeable
- _____ Not at all knowledgeable

Juror No. _____

74. Have you ever heard of the group Markaz Dawa Wa'al Irshad, or "Lashkar-e-Taiba" or "LET"?

Yes _____ No _____

If yes, please describe what you heard and the source. _____

75. Have you ever heard the word "jihad"?

Yes _____ No _____

If yes, what does it mean to you? _____

76. Have you ever heard the word "mujahideen"?

Yes _____ No _____

If yes, what does it mean to you? _____

77. Have you ever heard the word "Taliban"?

Yes _____ No _____

If yes, what does it mean to you? _____

78. Do you have an opinion regarding the nature of the conflict between India and Pakistan over Kashmir or of the present foreign policy of the United States with respect to this dispute?

Yes _____ No _____

If yes, what is your opinion? _____

79. Do you have an opinion regarding the nature of the conflict in Chechnya or of the present foreign policy of the United States with respect to the conflict in Chechnya?

Yes _____ No _____

If yes, what is your opinion? _____

Juror No. _____

80. What is your opinion regarding the balance between church and state in the United States today? Do you think that:

- _____ Too much consideration of religion is given in matters of government
- _____ Too little consideration of religion is given in matters of government
- _____ About the right consideration of religion is given in matters of government

Please explain. _____

81. Do you believe that the rights and liberties of freedom of speech, freedom of religion, and freedom of association guaranteed by the First Amendment of the U.S. Constitution should ever be limited or restricted for any reason (for example, in time of war)?

Yes _____ No _____

If yes, please explain. _____

82. Do you believe that if the prosecution goes to the trouble of bringing someone to trial, he or she is probably guilty?

Yes _____ No _____ Unsure _____

83. Do you believe that sometimes innocent people are convicted of crimes they did not commit?

Yes _____ No _____ Unsure _____

84. Do you believe that defendants in criminal trials should have to prove that they are innocent?

Yes _____ No _____ Unsure _____

85. Do you believe that the law does too much to protect the rights of criminal defendants and not enough to protect the rights of crime victims and their families?

Yes _____ No _____ Unsure _____

86. Do you believe that if a defendant does not testify at trial he is probably guilty?

Yes _____ No _____ Unsure _____

Juror No. _____

87. Would you evaluate the testimony of a criminal defendant in the same manner as you would the testimony of any other witness?

Yes _____ No _____ Unsure _____

88. Do you tend to believe that a member of law enforcement, such as a police officer or a federal agent, who testifies in court is:

_____ More likely to tell the truth than other witnesses
_____ Less likely to tell the truth than other witnesses
_____ Equally likely to tell the truth as other witnesses

89. 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 _____

90. 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 defendant beyond a reasonable doubt?

Yes _____ No _____

If yes, please explain. _____

91. Is there any reason why you could not be completely fair and impartial to the defendant Dr. al-Timimi or to the Government in this case?

Yes _____ No _____

If yes, please explain. _____

The trial will start on or about April 4, 2005, and will last approximately three weeks. Most weeks, the jury will sit five (5) days per week, from approximately 9:30 a.m. to 6:00 p.m. On Fridays, there may be a shortened trial date. Jurors will be paid an attendance fee of \$40 per day, and 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.

Juror No. _____

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

Yes _____ No _____

If yes, please explain the hardship. _____

93. Do you have any problem with your hearing or vision or other medical condition that would make it difficult for you to serve as a juror?

Yes _____ No _____

If yes, please explain. _____

94. Are you taking any medication that may interfere with your ability to concentrate or serve as a juror in any way?

Yes _____ No _____

If yes, please explain how the medication would interfere. _____

95. Do you have any specific problems dealing with stress or pressure?

Yes _____ No _____

If yes, please explain. _____

96. Is there anything else that you want to bring to the attention of the Court or that you think the Court or the lawyers should know about you that may impact your jury service in this case or may influence your ability to fairly and impartially judge the evidence in this case and to apply the law as instructed by the court?

Yes _____ No _____

If yes, please explain. _____

Juror No. _____

A F F I R M A T I O N

I, _____, hereby declare under penalty of perjury that the foregoing answers set forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others, or received assistance in completing the questionnaire. I have answered all of the above questions in this Jury Questionnaire myself.

Executed in the Eastern District of Virginia, on this _ day of March, 2005.

Signature

