

United States v. Abdel Rahman: Jury Questionnaire

Hon. Michael B. Mukasey
Southern District of New York
January 9, 1995

The following questionnaire was prepared by the Southern District of New York's United States District Judge Michael B. Mukasey to facilitate jury selection in the prosecution of defendants suspected of seditious conspiracy to conduct a campaign of urban terrorism, including participation in the 1993 bombing of the World Trade Center and plans to bomb New York landmarks, in *United States v. Abdel Rahman*, No. 1:93-cr-181 (S.D.N.Y. Mar. 17, 1993).

Introduction

The furnishing of information on this questionnaire is designed to expedite the jury selection process in this case. If you have any inquiries concerning any particular question, please contact the court and it will be explained to you.

The jurors are advised that the Court is aware that some of the questions contained in the questionnaire are of a personal nature. Nonetheless, the Court must ensure that the jury that hears this case can be completely fair to both sides and that both sides have sufficient information about each juror's background and experiences that they can feel comfortable that a fair and impartial jury will hear this case.

Please be completely frank and candid in responding to this questionnaire. Please do not discuss the questionnaire or your answers with anyone. It is very important that the answers be yours and yours alone. Remember that there are no "right" or "wrong" answers—only truthful answers. *You are sworn to give true and complete answers to all questions.*

Your answers will not become public and, indeed, the Court and the parties will not even know your name. Selecting an anonymous jury is not an unusual practice and has been followed in many cases in Federal Court. Anonymity will ward off curiosity that might infringe on a juror's privacy. Please write only your juror number, and not your name, on this page.

Questions

1. The Court and the parties estimate that after a jury is selected this case will last approximately 6 to 9 months. It is anticipated that the jury in this case will be sitting four (4) days per week, not including holidays. If, however, it becomes necessary, we may have to sit five (5) days per week. Jury service is one of the highest duties and privileges of a citizen. Mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror. Do you wish to apply to the Court to be excused on the ground that jury service would be a serious hardship?

Yes _____ No _____

If yes, briefly explain the hardship.

[**Note:** If the hardship claimed is financial, please do not name your employer but merely describe in general terms the nature of the situation.]

2. (a) Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?

Yes _____ No _____

- (b) Do you have any medical condition that would make it difficult for you to serve as a juror on this case?

Yes _____ No _____

- (c) Are you taking any medication that may interfere with your ability to concentrate?

Yes _____ No _____

- (d) Do you have any difficulty in reading or understanding English?

Yes _____ No _____

If you answered “yes” to any of these questions, please explain the circumstances.

3. 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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4. 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 Andrew C. McCarthy
Assistant United States Attorney Robert S. Khuzami
Assistant United States Attorney Patrick J. Fitzgerald
Special Agent Chris Voss (FBI)
Special Agent John Liguori (FBI)
Detective Thomas Corrigan (NYPD)
Jane Chu (Legal Assistant, 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? _____

5. (a) Do you or does any relative or friend know or have any connection with any of the defendants?

Omar Ahmad Ali Abdel Rahman	Yes _____ No _____
El Sayyid Nosair	Yes _____ No _____
Ibrahim El-Gabrownny	Yes _____ No _____
Siddig Ibrahim Siddig Ali	Yes _____ No _____
Clement Hampton-El	Yes _____ No _____
Amir Abdelgani	Yes _____ No _____
Fares Khallafalla	Yes _____ No _____
Tarig Elhassan	Yes _____ No _____
Fadil Abdelgani	Yes _____ No _____
Mohammed Saleh	Yes _____ No _____
Victor Alvarez	Yes _____ No _____
Matarawy Saleh	Yes _____ No _____

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(b) Have you seen, heard, or read anything about this case or 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 _____

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

6. (a) Do you or does any relative or friend know or have any connection with any of the following defense lawyers?

Emanuel Moore (legal advisor to Omar Abdel Rahman)

Roger Stavis

Andrew Patel

Anthony Ricco

Gary Villanueva

Daniel Felber

Gerald Tritz

Kenneth Wasserman

Steven Bernstein

Valerie Amsterdam

Joyce London

Charles Lavine

John Jacobs

Wesley Serra

Thomas Nooter

Yes _____ No _____

(b) Have you seen, heard, or read anything about any of these attorneys? 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? _____

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7. (a) Have you seen, heard, or read anything about any of the following attorneys, whose names may be mentioned during the trial? This includes not only from the media, but anything you may have heard from friends, relatives, or co-workers.

Harry Batchelder
Michael Warren
William Kunstler
Ronald Kuby
Howard Leader
Lawrence Schoenbach
Frank Handelman
Alan Nelson
David L. Lewis

Yes _____ No _____

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

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

Yes _____ No _____

What was the source of the information (radio, TV, newspaper, etc.)?

9. If you have seen, heard, or read something about this case, the defendants, or the attorneys, is there anything about what you have seen, heard, or read that would prevent you from rendering a fair and impartial verdict based solely on the evidence presented in court?

Yes _____ No _____

10. Are you aware that the World Trade Center was bombed?

Yes _____ No _____

11. (a) Were you or any close friend or relative at or near the World Trade Center when it was bombed?

Yes _____ No _____

- (b) Have you or anyone close to you avoided entering the World Trade Center since that time?

Yes _____ No _____

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- (c) Do you or does any close friend or relative regularly use the Holland Tunnel, Lincoln Tunnel, or George Washington Bridge?

Yes _____ No _____

- (d) Have you or has anyone close to you avoided using the Holland Tunnel, Lincoln Tunnel, or George Washington Bridge as a result of this case?

Yes _____ No _____

- (e) Is there anything about a case involving charges concerning the bombing of the World Trade Center or plans to bomb the United Nations, the Holland Tunnel, the Lincoln Tunnel, and the George Washington Bridge that would make it difficult for you to serve as a juror in this case?

Yes _____ No _____

- (f) If you answered any of the questions (a) through (e) "yes," please explain.

12. Have you seen, heard, or read anything about the "World Trade Center" case?

Yes _____ No _____

13. Have you ever heard of Rabbi Meir Kahane?

Yes _____ No _____

If yes, what have you heard?

14. You will learn that there was a prior state trial concerning Rabbi Kahane and defendant El Sayyid Nosair. Have you ever heard about it?

Yes _____ No _____

If yes, what have you heard?

15. Some of the witnesses to be called at this trial testified at the earlier trial. You are not to speculate as to the reasons why a separate federal trial is being brought. The Court instructs you that this trial is proper and specifically does not violate double jeopardy. Does this cause you any concern?

Yes _____ No _____

If yes, please explain.

Would you have any difficulty accepting my instruction that the outcome of the first trial and the reasons for the second trial are irrelevant to this proceeding?

Yes _____ No _____

16. This case may receive 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 and 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 _____

Personal Background

17. (a) What is your age? _____

(b) Are you:

Male _____ Female _____

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

19. Are you (check one):

Married _____

Single _____

Divorced/Separated _____

Widow/Widower _____

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20. (a) What is your ethnic background?

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

21. (a) What is your county of residence?

(b) In what states or counties have you lived in the past 10 years?

22. 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

23. What magazines or periodicals do you read?

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

Yes _____ No _____

If yes, which ones?

25. Do you watch TV shows like "Hard Copy," "Current Affair," or "Inside Edition"?

Yes _____ No _____

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26. Do you watch police or crime shows such as “America’s Most Wanted,” “Cops,” or “Unsolved Mysteries”?

Yes _____ No _____

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

Yes _____ No _____

If yes, which ones?

28. (a) 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 was spoken?

Yes _____ No _____

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

Yes _____ No _____

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

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

Yes _____ No _____

(d) What other languages, if any, do you speak or understand?

Employment

Note: Please do *not* indicate the names of employers in answering any of the following questions. Please refer to employment matters generically, e.g., “bank teller.”

29. Are you: () Employed full-time () Retired
 () Employed part-time () Student
 () Homemaker () Disabled
 () Unemployed/laid off

(a) If employed full- or part-time, what type of work do you do for a living?

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

(c) If a homemaker or a student, have you a job skill which you have worked at?

Yes _____ No _____

If yes, what?

30. 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? _____

31. Do you have a second job?

Yes _____ No _____

If yes, what do you do?

32. How many children do you have, if any? _____

33. List the sex, age, and occupation of each employed child.

Sex	Age	Occupation

34. If you have ever been married, list your spouse's most recent type of work?

35. Do you: () Own your own home () Rent
 () Live with relatives or friends

36. What is the highest grade of schooling you have completed?

- | | |
|---|---|
| <input type="checkbox"/> 8th grade or less | <input type="checkbox"/> Community college |
| <input type="checkbox"/> Some high school | <input type="checkbox"/> Some four-year college |
| <input type="checkbox"/> High school graduate | <input type="checkbox"/> College graduate |
| | <input type="checkbox"/> Post graduate |

If you have training or education beyond high school, please list the field(s) of study.

Please list all degrees you have received but *not* the names of the colleges you received them from.

37. Please describe generally what type of civic, educational, professional, sports, business, religious, or political activities you participate in? [**Note:** Please do not name the organization but indicate your role in the activity or organization; i.e., “active,” “inactive,” or “leader.”]

38. What charities or organizations have you contributed to in the last five (5) years? (The answer to this question is optional.)

39. Do you have any hobbies?

Yes _____ No _____

If yes, what are they? _____

40. Have you ever served in the military?

Yes _____ No _____

Has your spouse served in the military?

Yes _____ No _____

If yes to either, complete the following, and indicate whether this concerns you or your spouse.

Branch _____ from 19__ to 19__

[Note: Describe only the branch: "Army," "Navy," etc.]

Rank _____

Were you or your spouse in combat?

Yes _____ No _____

41. Have you or a spouse had any experience in military intelligence?

Yes _____ No _____

If yes, please explain. _____

42. Were you ever a member of the military police or shore patrol?

Yes _____ No _____

If yes, please explain. _____

43. Were you or anyone close to you ever involved in a court martial?

Yes _____ No _____

If yes, please explain. _____

44. Have you or has any member of your family or friends ever attended any para-military training or a survival school, class, or training seminar, or participated in war games?

Yes _____ No _____

If yes, please explain. _____

45. Do you or does anyone in your house own any firearms?

Yes _____ No _____

If yes, what type and for what purpose? _____

46. Do you belong to any organization that takes positions on gun control (either for or against), such as the National Rifle Association?

Yes _____ No _____

If so, please list the organizations or associations you belong to.

Experience with Courts

47. (a) Have you ever sat:

(i) as a juror in a civil case?

Yes _____ No _____

(ii) as a grand juror?

Yes _____ No _____

(iii) as a juror in a criminal case?

Yes _____ No _____

(b) Have you ever been a juror in a case in which 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.

Date	State or federal	Grand jury or trial jury	Criminal or civil	Nature of case	Was there a verdict?

48. Do you have any concerns about serving on an anonymous jury?

Yes _____ No _____

If yes, please explain. _____

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49. Have you ever sued anyone or been sued by anyone?

Yes _____ No _____

50. Have you, or has anyone you know *well*, ever been employed or received training in 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>Close Relative</u>	<u>Close Friend</u>
FBI	x	x	x
CIA	x	x	x
U.S. Attorney	x	x	x
Internal Revenue Service	x	x	x
Immigration/Naturalization Service	x	x	x
Drug Enforcement Agency	x	x	x
Alcohol, Tobacco, and Firearms	x	x	x
Military Police	x	x	x
Prison Guards	x	x	x
State Troopers	x	x	x
Police Department	x	x	x
District Attorney	x	x	x
U.S. Marshal	x	x	x
U.S. Treasury Department	x	x	x
Joint Terrorist Task Force	x	x	x
Port Authority of New York & New Jersey	x	x	x

51. Have you or has a relative or friend ever applied to a federal, state, or local agency for employment?

Yes _____ No _____

52. Have you ever attended law school?

Yes _____ No _____

53. Do you have any close friends or relatives who are lawyers or who have attended law school?

Yes _____ No _____

54. Do you or does any relative or friend work for a criminal lawyer or private investigator?

Yes _____ No _____

55. Are you or do you have any close relative or friend who is a judge, law clerk, court attendant, court clerk, other type of court personnel, probation officer, or person connected with any penal institution, jail, or penitentiary?

Yes _____ No _____

Note: In the following questions, the Court is not looking to pry into the past history of jurors or their families but wants to be informed as to what experiences each juror (or a juror's loved one) has gone through in order to determine whether these prior experiences might color the juror's perceptions of how the criminal justice system works. Thus, the following questions must be answered fully and candidly to ensure that the Court and the parties can make a proper determination of whether jurors would be particularly suited for this case. Please do not feel embarrassed about any questions, as the answers will be treated in strict confidence.

56. Have you or has anyone close to you ever been charged with a crime or been the subject of a criminal investigation?
Yes _____ No _____
57. Have you ever appeared or testified as a witness in any investigation or legal proceeding?
Yes _____ No _____
58. Are you or is anyone close to you now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?
Yes _____ No _____
59. Have you ever visited a jail or prison?
Yes _____ No _____
60. 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), Internal Revenue Service (IRS), Immigration and Naturalization Service (INS), or Customs Service?
Yes _____ No _____
61. Have you ever been involved, or do you expect to become involved, in any legal action or dispute with the United States or any agency, officer, or employee of the United States, or have you ever had any financial interest in such a dispute?
Yes _____ No _____
62. Have you or has a family member or close friend ever been the victim of a crime?
Yes _____ No _____
63. Have you or has a family member or close friend ever been falsely accused of anything?
Yes _____ No _____

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64. Have you ever been treated for a substance abuse problem (for example, alcohol or illegal or prescription drugs)?

Yes _____ No _____

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

- a more likely to tell the truth than other witnesses
- b about as likely to tell the truth as other witnesses
- c less likely to tell the truth than other witnesses

66. You may hear testimony in this case concerning the use of 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. Others may be expecting to receive a very substantial reward, as will be brought out in the evidence at trial. The Court wishes to advise you that there is nothing illegal or improper about the Government using informants to investigate a case. Do you have strongly held feelings about informants?

Yes _____ No _____

If you have such views, please describe them.

67. The Government expects to call Emad Salem as one of the Government witnesses in this case. You will learn that Emad Salem, a former Egyptian military person, was a Government informant in this case. Have you seen, heard, or read anything about Emad Salem?

Yes _____ No _____

If so, what have you heard or read?

68. There may be evidence in this case about the activities of American or foreign intelligence agencies. Do you have any strong feelings about American intelligence services, foreign intelligence services in general, or the Egyptian government and its intelligence services in particular?

Yes _____ No _____

If you have such views, please describe them.

69. There will be evidence in this case consisting of tape recordings made by an informant of one or more of the defendants at a time when the defendants did not know they were being recorded. In addition, there will be evidence in this case in the form 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.” Do you have strongly held views about secretly tape recording conversations or “wiretaps” or “bugs”?

Yes _____ No _____

If you have such views, please describe them.

70. 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 about the use of lawfully conducted surveillance or searches?

Yes _____ No _____

If you have such views, please describe them.

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

Yes _____ No _____

72. Defendant Omar Abdel Rahman has chosen to proceed at this trial as his own attorney. Emanuel Moore is an attorney who will serve as Omar Abdel Rahman's legal advisor. Mr. Moore is not acting as Omar Abdel Rahman's attorney and Abdel Rahman shall direct his own defense. Each juror should judge whatever arguments, if any, Omar Abdel Rahman chooses to make on the merits of the arguments, just as that juror will judge the merits of the arguments made by any other defense counsel. In other words, no juror is to accord any less weight to Omar Abdel Rahman's arguments because he does not have formal legal training. On the other hand, no juror is to treat Omar Abdel Rahman's arguments by any easier standard because he does not have formal legal training. Would you have any difficulty following this rule?

Yes _____ No _____

73. The statements and arguments of counsel are not evidence. Similarly, the questions of counsel are not evidence. Only sworn testimony subject to cross-examination is considered testimony at trial. Since Omar Abdel Rahman is representing himself, you will be instructed that you must not consider Omar Abdel Rahman's arguments and questions to you as testimony. Would you have any difficulty following this rule?

Yes _____ No _____

74. Is there anything about the fact that Omar Abdel Rahman has chosen to represent himself that causes you any difficulty? If so, please explain.

75. Does the fact that defendant Omar Abdel Rahman is blind make it difficult for you to follow the proposition of law that sympathy will not enter into the deliberations of the jury?

Yes _____ No _____

Note: *Questions 76 through 80 concerning religion are optional.*

76. What, if any, is your current religious affiliation? _____

77. What, if any, religion were you raised in? _____

78. Would you consider yourself to be:
- _____ Very religious
 - _____ Somewhat religious
 - _____ Not too religious
 - _____ Not religious at all
79. (a) Have you ever experienced what you believe to be discrimination against you because of your religious beliefs?
- Yes _____ No _____
- (b) Have you ever experienced violence against you because of your religious beliefs?
- Yes _____ No _____

If yes to either question, please explain.

80. Do you or does any close friend or family member practice Islam?
- Yes _____ No _____
81. The defendants are members of the Islamic faith.
- Do you know anything about or have any opinion about the teachings or doctrines of Islam?
- Yes _____ No _____
- If yes, please explain. _____

82. Have you ever heard the word "Jihad"?
- Yes _____ No _____
- If yes, what does it mean to you?

83. (a) Have you ever been to the Abu Bakr Mosque ("Masjid Abu Bakr"), the Al-Taqwa Mosque ("Masjid al-Taqwa"), or the Al-Farooq Mosque ("Masjid al-Farooq") in Brooklyn?
- Yes _____ No _____
- (b) Have you ever been to the Al Salaam Mosque ("Masjid al-Salaam") in Jersey City, New Jersey?
- Yes _____ No _____

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(c) Have you ever been to the Atlantic Avenue section of Brooklyn between Fourth Avenue and Court Street?

Yes _____ No _____

(d) Have you ever attended a speech, sermon, or lecture by defendant Omar Abdel Rahman?

Yes _____ No _____

(e) Have you ever seen or heard a recorded speech, sermon, or lecture by defendant Omar Abdel Rahman?

Yes _____ No _____

84. (a) Is there anything about a case in which all of the defendants are Muslims (which means they practice Islam) that would make it hard for you to serve as a juror?

Yes _____ No _____

(b) One defendant is an African-American Muslim. Would that fact cause you to judge his case any differently?

Yes _____ No _____

85. If a person commits a crime believing his or her acts are lawful in light of his or her religious beliefs, do you believe that person is:

_____ Guilty of a crime

_____ Not guilty of a crime

Please explain.

86. Do you believe it is proper for an American citizen to become involved in political causes affecting foreign countries?

Yes _____ No _____

Please explain.

87. Have you read about, visited, or formed impressions or opinions about the following countries?

Libya	Sudan
Egypt	Saudi Arabia
Iran	Iraq
Israel	Palestine
Kuwait	Syria
Afghanistan	Arab Emirates
Serbia	Bosnia and Herzegovina

Yes _____ No _____

If yes, please explain. Use the following side of the page if necessary.

88. Have you ever traveled outside the United States?

Yes _____ No _____

If yes, please explain where and when.

89. Have you ever disagreed with the policies or actions of the United States government?

Yes _____ No _____

Please explain.

90. Some of the defendants in this case are of Arab descent.

(a) Are you or is any relative or close friend of Arab descent?

Yes _____ No _____

(b) Have you worked with any people of Arab descent?

Yes _____ No _____

(c) Do you socialize with any people of Arab descent?

Yes _____ No _____

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(d) Have you ever had a negative experience with a person of Arab descent?

Yes _____ No _____

If yes, please explain.

(e) Do you have any negative feelings or opinions about people of Arab descent?

Yes _____ No _____

If yes, please explain.

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

Yes _____ No _____

If yes, please explain.

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 _____

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

Yes _____ No _____

(b) Is there any reason that you could not be completely fair and impartial to the Government in this case?

Yes _____ No _____

If you answered either part of the question "yes," please explain.

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

Yes _____ No _____

If yes, please explain.

95. If the choice were solely up to you, would you want to serve on the jury in this case? Why or why not?
