

United States v. Holy Land Foundation: Confidential Jury Questionnaire

Hon. A. Joe Fish
Northern District of Texas
July 16, 2007

The following questionnaire was prepared by the Northern District of Texas's United States District Judge A. Joe Fish to facilitate jury selection in a prosecution for contributing funds to terrorism, *United States v. Holy Land Foundation*, No. 3:04-cr-240 (N.D. Tex. July 26, 2004).

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 don't 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 Fish may personally interview you in the presence of the lawyers and give you an opportunity to discuss your answers.

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.

Juror No. _____

Confidential Jury Questionnaire

Please write legibly.

1. What is your age? _____
2. Are you: Male _____ Female _____
3. Do you have any problems 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 _____

If yes, briefly list the condition(s):

5. Are you (check one):

Married _____ Single _____ Living with another person _____

Living with a domestic partner _____ Divorced/Separated _____

Widow/Widower _____

6. If you have any children, please list their gender and age:

7. In what city do you reside? _____

a. How long have you lived in this area? _____

b. What other places have you lived within the last 20 years? _____

8. Is English your first language?

Yes _____ No _____

Juror No. _____

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

10. Were you, your spouse, or a former spouse born outside the United States?

Yes _____ No _____

If yes, please tell us who and where they were born:

11. Do you speak, read, or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew), or did you grow up in households where those languages or any of their dialects were spoken?

Yes _____ No _____

a. If you speak, read, or understand the Arabic or Hebrew language (or any of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes _____ No _____

12. Are you:

- | | |
|---------------------------|-----------------------------------|
| _____ Employed full-time | _____ Retired |
| _____ Employed part-time | _____ Student |
| _____ Homemaker | _____ Disabled and unable to work |
| _____ Unemployed/Laid off | |

a. What kind of work do you do? _____

b. If retired or unemployed, what was your primary vocation? _____

c. If homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years: _____

Juror No. _____

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

- | | |
|----------------------------|------------------------------|
| _____ 8th grade or less | _____ Community college |
| _____ Some high school | _____ Some four-year college |
| _____ High school graduate | _____ College graduate |
| | _____ Postgraduate |

a. Major area(s) of study: _____

b. Degrees or certificates: _____

14. What charitable, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations? _____

15. Have you previously traveled outside of the United States?

Yes _____ No _____

If yes, please describe where and approximately when:

16. Have you ever served in the military?

Yes _____ No _____

a. Branch and highest rank: _____

b. Foreign stations or tours: _____

17. The judge who will preside over this case is The Honorable Joe Fish, Chief Judge of the United States District Court for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Fish or any of his staff?

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

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

Assistant United States Attorney Jim Jacks	Yes _____	No _____
Assistant United States Attorney Nathan Garrett	Yes _____	No _____
Department of Justice Attorney Barry Jonas	Yes _____	No _____
Department of Justice Attorney Betsy Shapiro	Yes _____	No _____
Special Agent Lara Burns, FBI	Yes _____	No _____
Special Agent Rob Miranda, FBI	Yes _____	No _____
Special Agent Carrie Ward, FBI	Yes _____	No _____

If you answered yes to any of the names above, describe your connection and your friend or relative's connection to this individual or these individuals:

19. Do you or does any relative or close friend know or have any connection with any of the following defense lawyers or their staff?

John Boyd	Yes _____	No _____
Nancy Hollander	Yes _____	No _____
Theresa Duncan	Yes _____	No _____
Joshua Dratel	Yes _____	No _____
Linda Moreno	Yes _____	No _____
Mario Cadeddu	Yes _____	No _____
Greg Westfall	Yes _____	No _____

If you answered yes to any of the names above, describe your connection and your friend or relative's connection to this individual or these individuals:

Juror No. _____

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

Holy Land Foundation for Relief and Development	Yes _____	No _____
Shukri Abu Baker	Yes _____	No _____
Mohammad El-Mezain	Yes _____	No _____
Ghassan Elashi	Yes _____	No _____
Mufid Abdulqader	Yes _____	No _____
Abdulrahman Odeh	Yes _____	No _____
Haitham Maghawri	Yes _____	No _____
Akram Mishal	Yes _____	No _____

Please explain who has the connection in detail for each individual:

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism?

Yes _____ No _____

If yes, please list the cases and what was or is of interest to you about these cases: _____

22. This case has received previous media attention. Is there anything you have seen, heard, or read about it that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

23. This case is likely to receive media attention during the trial. 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, or reading anything about the case on the Internet. 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 _____

If yes, please explain: _____

24. What, if anything, have you seen, read, or heard about the following people facing charges in this case?

a. Ghassan Elashi: _____

b. Shukri Abu Baker: _____

c. Mufid Abdulqader: _____

d. Mohammed El-Mezain: _____

e. Abdul Rahman Odeh: _____

Juror No. _____

25. Have you heard or read about any statement made by or attributed to Ghas-san Elashi, Shukri Baker, Mufid Abdulqader, Mohammed El-Mezain, or Abdul Rahman Odeh?

Yes _____ No _____

If yes, how would you describe the statement and to whom was it attributed, if you recall? _____

26. Based on anything you may have read, seen, or heard in the media or else-where, have you formed an opinion as to the guilt or innocence of any of the defendants in this case?

Yes _____ No _____

If yes, please explain: _____

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely _____ Somewhat closely _____ Not too closely _____

28. Have you formed any opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes _____ No _____

If yes, please explain briefly: _____

Juror No. _____

29. PRIOR JURY SERVICE

- a. Have you ever
 - i. Served as a juror in a civil case? Yes _____ No _____
 - ii. Served on a grand jury? Yes _____ No _____
 - iii. Served as a juror in a criminal case? Yes _____ No _____
 - iv. 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 dates, (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.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict

- c. Is there anything about your prior jury experience that would make it difficult to serve again?

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

30. Have you or anyone close to you worked for, applied to, or had training with (check all that apply):

- _____ a. Any law enforcement, security, or investigative agency, including but not limited to police department, state police agency, sheriff's department, the FBI, DEA, Secret Service, Postal Inspection Service, CIA, BICE, INS, Department of Homeland Security, and the Department of Justice.
- _____ b. A prison, jail, detention center, or probation service.
- _____ c. Any city or town attorney, Attorney General, state or federal prosecutor, or court.
- _____ d. Any law firm that practices criminal defense.
- _____ e. Any accounting, banking, or financial institution.
- _____ f. Any newspaper, radio, television, or other media outlet.

If yes to any of the above, please state who (relation to you), where, when, and circumstances: _____

31. Have you or a member of your family had any legal action or dispute with the United States or any of its agencies, or any officer, agents, or employees of the United States?

Yes _____ No _____

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

32. Have you or a family member or close friend ever had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

33. Have you or a family member or a close friend ever been arrested, charged, or convicted for a crime other than a traffic ticket?

Yes _____ No _____

If yes, please explain who (relation to you), when, nature of the charge, and circumstances: _____

34. Some of the defendants are citizens of the United States and some are not. Would you afford each of the defendants the same consideration in evaluating the evidence?

Yes _____ No _____

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Could you abide by this constitutional requirement?

Yes _____ No _____

36. 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 _____

37. 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." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from considering it at trial?

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

38. 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 or that would make it difficult for you to sit in judgment of another?

Yes _____ No _____

If yes, please explain: _____

39. 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 proved the guilt of the defendants beyond a reasonable doubt?

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

Yes _____ No _____

If yes, please explain: _____

Juror No. _____

JUROR'S OATH:

I declare under penalty of perjury that the information that I have provided in this jury questionnaire, and any attachments, is true and correct. I further declare that I have completed this questionnaire without anyone's assistance.

Juror Name

Date