

## No. 474 Stays in Pool After Tigar Looks Deeper

10/10/1997

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DENVER -- At first, No. 474 sounded like a lot of the other juror candidates opposed to the death penalty.

"Some people might deserve to die for a crime," she said Thursday at bombing defendant Terry Nichols' trial.

"But I don't think that I personally should be the one to cause that to happen. I think that's something that should be left up to God and not for me. ... I don't think I could do that as a juror," the business manager told U.S. District Judge Richard Matsch.

"OK," the judge said.

Prosecutors asked no questions -- certain the judge would excuse her as unfit because of her unwillingness to vote for a death sentence.

But, then, lead defense attorney Michael Tigar stood up.

The University of Texas law professor gently talked with her about her impressions of Nichols and how her daughter had cried at the bomb site in Oklahoma City in April.

Then he asked if she'd be willing to defend herself if foreign troops invaded U.S. soil.

"It might be different if I was in a defensive position. I was just sitting here thinking of this, too; that I could probably hurt somebody if I needed to defend myself or defend my child," she said.

In the end, No. 474 agreed she could be open-minded and consider all punishments -- even death in extreme circumstances.

"I can decide among those ..." she said. "It would take something enormous for me to decide on the death penalty. I don't even know what that would be."

It was a small victory for the defense, and Tigar left the courtroom smiling.

By admitting her willingness to be open-minded, No. 474 now is likely to be accepted by the judge. That could force prosecutors to use up one of their precious 23 strikes on her since she is so against the death penalty.

And, ultimately, that could mean another juror candidate the defense likes makes it among the final 12, once prosecutors burn up all those challenges.

It is all part of the strange twists of jury selection, which has lasted nine days.

Nichols, 42, is accused of helping convicted bomber Timothy McVeigh blow up the Alfred P. Murrah Federal Building. The explosion April 19, 1995, resulted in 168 deaths.

So far, 50 potential jurors have been questioned.

Others questioned Thursday included a retired teacher who did not waver in her opposition to the death penalty.

A Mennonite, No. 82, said, "I would not be able to make a decision for the death. ... I do feel that there are people that are dangerous to the community, and we need to look out for the other citizens. They need to ... be (in) prison ... for life. But I would not be able to justify death."

Another candidate, a telemarketer, had paid little attention to the bombing case since the attack.

"So you don't know anything about Mr. Nichols?" prosecutor Beth Wilkinson asked.

"No," the candidate said. "Haven't even heard of him."

Also questioned was an electrical engineer for the U.S. Bureau of Reclamation, who offered strong opinions on how the government handled the Branch Davidian standoff near Waco, Texas, and the need for jurors to be able to question witnesses.

"I'm more than disappointed," No. 527 said of the fiery end to the Waco siege, where more than 70 people died. "I believe that there were some mistakes there that could have cost lives."

The engineer also had questions, based on what he heard on a local radio show, about the type of bomb used to blow up the Murrah Building.

He had listened to callers claiming to be bomb experts who said the Murrah Building bomb was different from what prosecutors claimed.

He said jurors should be able to ask such questions of witnesses -- though he realized they couldn't.

When asked if he could set aside those theories as a juror, No. 527 said, "It would be in the back of my mind, still."

But the engineer, whose wife has relatives in Oklahoma City and Tulsa, said he agreed with the McVeigh death verdict.

"I believe they did the right thing," he said.

No. 527 was the third candidate from the Bureau of Reclamation questioned for jury service in the Nichols' trial.

No. 527 and No. 190, who is retired from the federal agency, were asked Thursday if they knew any of the eight Bureau of Reclamation employees who were aboard a missing Cessna .

Neither did.

The plane disappeared Wednesday between Colorado and Arizona. It still was missing late Thursday.

After court Thursday, defense attorney Ron Woods told reporters he was pleased with questioning so far.

Candidates "gave us very honest, thoughtful and candid answers, and we appreciate that. "

**Special correspondent Robert E. Boczkievicz in Denver contributed to this report.**