





13 PROCEEDINGS

14 (Reconvened at 1:25 p.m.)

15 THE COURT: Be seated, please.

16 No. 80.

17 Good afternoon. If you will raise your right  
hand,

18 take the oath from the clerk.

19 (Juror No. 80 affirmed.)

20 THE COURTROOM DEPUTY: Thank you.

21 THE COURT: Please be seated there -- yes, the  
chair

22 right by the microphone, which swivels around so that  
you can

23 adjust your position. And you don't have to -- it's  
not like

24 singers, you don't have to put your face right up  
against the

25 microphone; it will pick you up.

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Juror No. 80 - Voir Dire

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q. You of course recall that you have been summoned  
here as a

4 result of a chance selection process where your name  
came up

5 through a computer run, really, as possibly being a

juror in

Nichols. 6 the trial of the United States against Terry Lynn

7 A. Yes.

fill out, 8 Q. And we sent you a short questionnaire for you to

notice 9 and you did that, sent it back, and then we gave you a

10 to appear on September the 17th at the Jefferson County

11 Fairgrounds' auditorium building to fill out a long

12 questionnaire, and you did that.

13 A. Yes, sir.

And 14 Q. And the questionnaire's there in front of you now.

that, I 15 we'll be referring to it as we go. But before doing

introduced 16 wanted to remind you that when we were together, I

who 17 myself -- excuse me -- and then introduced other people

those 18 were there with us; and I want to do that again because

additional 19 same people are here with us today, including two

20 lawyers.

Beth 21 You recall meeting Mr. Lawrence Mackey and Ms.

joined now 22 Wilkinson, attorneys for the Government. They are

this 23 by Mr. Patrick Ryan and Mr. James Orenstein, seated at

24 first table.

25 You also recall being introduced to Mr.  
Michael Tigar,

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1 Mr. Ronald Woods, attorneys for Terry Nichols. Mr.  
Nichols was

2 there and is of course here now.

3 There are a few other people here within your  
sight.

4 They are assisting these lawyers in the case, and what  
we want

5 to do now is, if you can believe it, ask you some more  
6 questions, having already asked you 166 of them in this  
7 questionnaire.

8 One of the things I know is much on your mind,  
and

9 that is an upcoming trip?

10 A. Uh-huh, yes, sir.

11 Q. That you have arranged, and you wrote a letter and  
you

12 advised us of the dates of that trip, and I just want  
to

13 explain what has happened here.

14 A. Okay.

15 Q. When we got the completed questionnaires, the  
answers,

16 then, as I told you and the other members of the jury

pool we

17 would do, we made copies of them and then -- and have  
given  
18 them out to the people who are participating in this  
process,  
19 but not to anybody else. Those answers have never been  
made  
20 public, and will not be, because they ask you personal  
and  
21 private things, among other things. And we're trying  
to  
22 respect your privacy and therefore not using names here  
and  
23 also arranging for you to come in and out of the  
building  
24 without being photographed and all those things.

25 But then what we did was go back to a computer  
again

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1 and have the computer mix up the names really and give  
us a  
2 sequence, an order in which people would be called in,  
in  
3 whatever number that we need to get a jury. And we  
don't know  
4 how many people will be called in for this very same  
process  
5 that you're in. Now, what happened was that your  
number in

6 that sequence is later than your being here now; but  
because of  
7 your travel schedule, it was agreed by all of us that  
we would  
8 call you in before that trip occurs so we get this  
chance to  
9 talk with you and then let you go on the trip.

10 Now, you also gave us the return date, and I  
don't  
11 know whether we'll have completed the work or not by  
that time.

12 But we will factor into this your being gone those  
days, so  
13 don't worry about it; we're not going to call you back  
from  
14 your trip.

15 A. Okay.

16 Q. Okay. Do you understand now?

17 A. Thank you. I do now; thank you.

18 Q. And, you know, it's just that we don't know. We  
don't know  
19 how many people. We don't know how long we'll be at  
this, but

20 obviously there are no given restrictions on this  
because we're  
21 going to go with as many people and take as long as it  
takes to  
22 do the job right. So we appreciate your coming in  
ahead of  
23 time.

24 And now let's talk about the case. You will  
recall, I

25 am sure, that before asking you to answer the  
questionnaires --

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1 the questionnaire, I told you something about the  
background of  
2 the case and reviewed with all of the people who were  
out there  
3 at the fairgrounds building how the case starts with an  
4 explosion that occurred in Oklahoma City, Oklahoma, on  
the 19th  
5 of April of 1995, a federal office building was  
destroyed,  
6 people in it were killed and injured, and that then  
later an  
7 indictment, formal charges, were filed in the Federal  
Court in  
8 Oklahoma City charging a man named Timothy James  
McVeigh and  
9 Terry Lynn Nichols, and then the indictment says, "and  
persons  
10 not named in the indictment," with a conspiracy to bomb  
that  
11 building and to kill and injure people in it and to  
carry out  
12 that plan and also charged them with the murders of  
eight law  
13 enforcement agents who were in the building.

14 You recall my explaining that?

15 A. Yes, sir, I do.

16 Q. And I'm sure that you remember this, but I've got  
to go

17 over it to sort of set a foundation for the questioning  
here

18 just to make sure that we understand each other.

19 A. Okay.

20 Q. Then I described how the case was moved from  
Oklahoma City

21 to Denver because of concerns about getting a jury  
there and

22 then that an order was entered separating the named  
defendants,

23 Mr. McVeigh and Mr. Nichols, for trial and the finding  
that

24 that was necessary because of differences with respect  
to the

25 evidence and how it would not be fair for those two men  
to come

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1 to trial at the same time with the same jury; and so  
that was

2 done.

3 And also that the evidence with respect to Mr.  
McVeigh

4 had been already heard by a jury, there was such a  
trial, and

5 the jury returned a verdict of guilty and a  
recommendation for

knew that 6 a death sentence. I explained that, and you probably  
7 anyway.

8 A. Yes, sir.

9 Q. True?

10 A. Uh-huh.

order, 11 Q. And then I explained that because of the separation

consider 12 of course, the jury to be selected in this case cannot

about 13 the -- anything that they may have read, seen, or heard

consider 14 the evidence at the McVeigh trial, and certainly can't

that 15 the outcome, the jury's verdicts and recommendation, in

would 16 case as having anything to do with this case. To do so

You 17 plainly violate the very reasons for separate trial.

18 understand that?

19 A. I do.

been in 20 Q. Okay. And you indicate here that you have never

21 a -- you've never served on a jury anywhere, have you?

22 A. I did once.

23 Q. Oh, you did?

24 A. Yeah. It was probably about three years ago.

indeed, in 25 Q. Okay. And -- I missed that on here. You did,

Juror No. 80 - Voir Dire

1 Douglas County?

2 A. Correct.

3 Q. I stand corrected. You did tell us about that.  
Page 26 is

4 where you did it. And let's see, two to three years  
ago,

5 about?

6 A. Correct.

7 Q. And the charge was the possession of illegal  
substance,

8 paraphernalia, weaving, DUI --

9 A. Yes.

10 Q. -- so there somebody was picked up in a traffic  
stop, was

11 it?

12 A. Yeah. Somebody had -- was following him, had  
reported he

13 was weaving lane to lane, and when they pulled him  
over, found

14 all this other stuff in his car.

15 Q. And charged him with everything they could, I  
guess?

16 A. Yeah.

17 Q. And were all those charges presented to you as the  
jury?

18 A. Yes, they were.  
19 Q. And how long did the trial take? Do you have a  
memory of  
20 that?  
21 A. Three and a half days, I think.  
22 Q. And what did the jury decide?  
23 A. As far as the guilty or not guilty?  
24 Q. Yes, guilty or not guilty.  
25 A. It was a guilty verdict.

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1 Q. On everything?  
2 A. Yes.  
3 Q. And was it a case, do you remember, in which -- was  
there  
4 just one person accused?  
5 A. Correct, yes, it was just one person.  
6 Q. All right. And did he or she testify at the trial?  
7 A. He did not.  
8 Q. How long, about -- as you remember it -- did the  
jury take  
9 to decide the case? You know, talk it over and then --  
10 A. Yeah, I'm thinking it was probably three or four  
hours.  
11 Q. And came, of course, to a unanimous agreement?  
12 A. Yes.

Court's 13 Q. Now, you were told some things about the law in the

14 instructions in that case; right?

15 A. Correct.

16 Q. And we're not going to ask you to recite the  
instructions.

17 We wouldn't expect you to remember the details. But  
there are

18 certain things that are always given in instructions.

19 A. Uh-huh.

20 Q. And that's true because they are fundamental to our  
legal

21 system and indeed they are mandated or required by the  
United

22 States Constitution. Among those things is the  
presumption of

23 innocence. Every person, no matter where charged or  
what

24 they're charged with, is presumed to be innocent of  
those

25 charges and by a guilt -- not guilty plea simply says,  
you

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1 know, prove it; you've alleged it, now prove it. And  
you

2 understand about that?

3 A. Yes, I do.

4 Q. And in practical effect, the meaning of it is that  
5 whoever's prosecuting that case, whatever level of  
government  
6 through his lawyers, must come in with the witnesses  
and the  
7 exhibits and those things relied on by the prosecution  
as  
8 evidence and present it. And a defendant doesn't have  
to  
9 present any evidence or in any way show himself to be  
not  
10 guilty or explain anything, and no defendant has to  
testify in  
11 a trial; and the jury may not consider that at all or  
speculate  
12 about why the person didn't testify and so forth. Do  
you  
13 understand that?

14 A. Yes, I do.

15 Q. Do you remember getting such an instruction in that  
case,  
16 when the defendant did not testify?

17 A. I think I did, a little bit, you know, that he did  
touch --  
18 the judge did touch on that.

19 Q. Yeah. And what I say to juries -- and it varies  
among  
20 judges, but what I say to juries is, "You can't even  
talk about  
21 it when you deliberate. Put it out of your mind."

22 A. Uh-huh.

23 Q. Do you understand --

24 A. Yeah, uh-huh.

25 Q. Now, I'm not going to ask you what the jury said in  
the

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things 1 deliberations in that case, because one of the other  
the 2 that is important in the system is the secrecy of jury  
3 deliberations. That stays with the persons who are on  
positions 4 jury, so we're not going to ask you, you know, the  
do want 5 taken or arguments made or comments by jurors. But I  
6 prove to emphasize this point: That nobody accused has to  
I'm sure 7 anything and that the prosecution must prove it. And  
so that 8 you were told, must prove it beyond a reasonable doubt,  
have seen 9 if at the end of it all and considering all that you  
remaining, 10 and heard at trial, if there is a reasonable doubt  
doubt 11 the jury must give to the defendant the benefit of that  
12 and find him not guilty. You accept that, I take it?  
13 A. Yes.

14 Q. And you accept that and agree to be bound by it in  
this  
15 case, if you were to serve here; is that true?  
16 A. Yes.  
17 Q. Now, you did make mention on page 22 of something,  
and I'm  
18 looking on that page, of Question 100, where we asked  
you your  
19 general opinion about the effectiveness of the criminal  
justice  
20 system; and you said, "Adequately." And then you said,  
as I  
21 read it, "Sometimes think there's too much emphasis on  
how  
22 evidence" -- I'm not sure what the next word is -- "was  
23 obtained and how easily it can be thrown out of court."  
What  
24 is that, "et cetera"? Is that --  
25 A. Yes, that's what that is.

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Juror No. 80 - Voir Dire

1 Q. Now, did you gain that view from something that you  
recall  
2 about the trial in which you --  
3 A. No, huh-uh.  
4 Q. What's the source of that opinion?  
5 A. Oh, probably TV. You know, just in the past, you  
know,

6 things you watch on TV, you know; and that I guess  
that's  
7 information I assumed or gathered in my mind, you know.  
8 Q. You're thinking about illegal searches or those  
things  
9 where a court finds that the police or the law  
enforcement  
10 people, whoever they are, gathered some evidence and  
broke the  
11 law in doing it and so then the court threw it out; is  
that the  
12 kind of thing you're thinking of?  
13 A. Yeah, yeah, yeah, along those lines, yeah.  
14 Q. Okay. You understand of course, I'm sure, from the  
trial  
15 experience you had, we do have rules, and rules govern  
what  
16 police can do or law enforcement officers, just like  
the rest  
17 of us. Do you accept that?  
18 A. Yeah, I understand that.  
19 Q. Sometimes in those dramatizations, those fictional  
things,  
20 there don't seem to be any limits to what police can  
do,  
21 sometimes it seems. It's sort of, well, if they get  
the bad  
22 guys, who cares if they break the law. There's some of  
that?  
23 A. There is.  
24 Q. We don't play by those rules; understand?

25 A. I do understand.

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1 Q. And of course it's not play, and I use that as a  
frame of  
2 statement, a phrase, but I don't mean to suggest  
anything light  
3 about it.

4 Of course we expect the law enforcement people  
to  
5 follow the law, including the Constitution, like we do  
6 everybody else.

7 And then there are rules at the trial. I'm  
sure you  
8 recall times when, in the course of the trial, a  
question may  
9 be asked, objection raised, objection sustained.

10 A. Yes.

11 Q. Sometimes jurors hear that happening and think,  
what are  
12 they trying to hide. Now, you know, it isn't a  
question of  
13 trying to hide; it's a question of what's fair. And  
the rules  
14 of evidence come to us just like our other laws and  
require  
15 these disputes to be resolved by a judge and the judge  
limits  
16 the evidence under the rules that the jury can hear.

Now, do

17 you accept that?

18 A. Yes, I do.

19 Q. Okay. Even though, you know, there certainly can  
be times

20 when that happens in front of the jury and the jury  
wants to

21 know, well, I wonder what that witness would have said  
or what

22 that piece of evidence would have been. Can't do it.

23 A. I understand.

24 Q. Agree?

25 A. Yeah.

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Juror No. 80 - Voir Dire

1 Q. Now, I just want to ask you, having gone through  
these

2 principles about procedure and the basic principles of  
the

3 criminal justice system, do you now tell us that you  
agree with

4 them and would follow them in this case if you were to  
serve in

5 this case?

6 A. Yes, I would.

7 Q. I want to talk with you a little about some things  
in your

8 own background. As I understand it, you were born in

Arizona?

9 A. Yes, I was.

10 Q. Raised in Nebraska?

11 A. Yes, I was.

12 Q. And you lived on a farm the first part of your life  
in  
13 Nebraska?

14 A. Uh-huh.

15 Q. And you mention a place called Nelson?

16 A. Correct.

17 Q. And I must confess to you, I don't know where that  
is.

18 A. Do you want me to tell you?

19 Q. You guessed it, yes.

20 A. It's south-central part of Nebraska. We're just a  
few  
21 miles -- 50 miles north of the Kansas border.

22 Q. Okay.

23 A. Little town.

24 Q. And what kind of farm was it? What did your family  
raise  
25 on there, besides kids?

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1 A. Yeah, we had a lot of those. Had milk cows and I  
remember

2 farming the land, milo, corn, wheat.

3 Q. Okay. Was it dry-land farming, or did you have  
irrigation

4 there?

5 A. It was dry-land farming.

6 Q. And this was -- your family lived there until you  
were

7 about nine or ten?

8 A. Yeah.

9 Q. Then where did you go?

10 A. Then we moved to town. We moved to Nelson, a small  
town,

11 which is probably like 12 miles from the farm. So we  
were in

12 town there and in Nelson. That's where I graduated  
from high

13 school, then.

14 Q. Okay. Did your folks still work the farm when you  
lived in

15 town?

16 A. No, they didn't, huh-uh. We were renting the farm  
when I

17 was living there.

18 Q. I see.

19 A. And working the farm, so --

20 Q. And so then they changed jobs?

21 A. Uh-huh, yes, sir.

22 Q. Your father and your mother, too, did they both  
work?

23 A. Uh-huh.  
24 Q. And then you went over to Lincoln to go to school?  
25 A. Yes, I did.

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1 Q. And a year at the university?  
2 A. Uh-huh.  
3 Q. And then you went to a nursing school?  
4 A. Yes, I did.  
5 Q. In Lincoln?  
6 A. Yes, I did.  
7 Q. And as a result of that, you became a nurse?  
8 A. I did.  
9 Q. And you've worked in several hospital settings?  
10 A. Uh-huh.  
11 Q. And now you're at Rose?  
12 A. Correct.  
13 Q. And you've been at Rose, what, since you've been in  
14 Colorado?  
15 A. Yes, sir. Yeah. 1990.  
16 Q. Yeah. And your nursing work there now is with  
labor and  
17 delivery?  
18 A. Yes, sir.

were in 19 Q. Have you had other specialties in nursing when you

20 these other health-care places?

and I've 21 A. No. My first years out of school, I did med surg,

22 been doing labor/delivery nursing ever since.

we've heard 23 Q. We have something of a coincidence here in that

24 from another person --

25 A. Uh-huh.

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you 1 Q. -- working at Rose with the same kind of work. Are

2 aware --

3 A. Yes.

I want 4 Q. And I want to -- just so -- you know, we're keeping  
5 everybody's name out of the public knowledge here, but

6 to give you the name --

7 A. Okay.

yourself, and 8 Q. -- in writing and just ask you to read it to

9 then tell us if you work with this person.

10 A. Yes, sir.

out 11 Q. Okay. And somewhere along the line, you both found

12 that you got summons; is that right?

13 A. Yes, sir.

14 Q. How long have you worked with this other person?

15 A. Pardon me?

16 Q. How long have you worked together?

17 A. I want to say a couple of months.

18 Q. Okay. Only a couple of months?

19 A. Only a couple of months, yeah.

20 Q. Do you work the same -- do you work on shifts  
there?

21 A. We work on shifts, but sometimes we do work  
together. So

22 sometimes she'll work a different shift than I do. But  
I have

23 worked with her a few times, probably seven or eight or  
more

24 times.

25 Q. With the same patients, then?

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1 A. Correct. Yes. She does the same thing.

2 Q. Yeah. And were you aware that she was working  
there before

3 you started working together? I mean did you know her  
before

4 two or three months ago?

5 A. No, not before she started working in that unit, I

did not

6 know her.

7 Q. Okay. And how did you find out that she had a  
summons,

8 too?

9 A. 'Cause I happened to be talking about needing --  
the

10 possibility of meeting jury duty, and it came up,  
happened to

11 be she was --

12 Q. -- there, too?

13 A. Yes. Or she had mentioned or I had mentioned, "Me,  
too,"

14 something like that.

15 Q. And was this talking with a supervisor or somebody  
who does

16 scheduling?

17 A. Yes.

18 Q. And so the supervisor was there with the two of  
you?

19 A. No. No. Actually it wasn't like -- it wasn't at  
the exact

20 same time.

21 Q. Oh, okay. But you then mentioned that to her and  
she said,

22 "Oh, me, too"?

23 A. Yeah.

24 Q. Then did you compare notes?

25 A. No, not really.

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1 Q. Or talk about it at all?

2 A. Well, the comment was that we were nervous, of  
course; but

3 we didn't do much detailed talking.

4 Q. Was this before you came out to the fairgrounds?

5 A. Actually, it was more after.

6 Q. It was after.

7 A. Uh-huh.

8 Q. Did you have any conversation about what you  
thought about

9 this questionnaire --

10 A. No.

11 Q. -- or any of that?

12 A. No.

13 Q. And do you know when she was called in?

14 A. I do.

15 Q. Did she talk with you about it?

16 A. No.

17 Q. Or suggest anything about here's what you can  
expect?

18 A. No.

19 Q. Okay. Well, you understand why we want to know --

20 A. Uh-huh.

about 21 Q. -- that. And so I guess I have one more question  
Please 22 this. And I'm not suggesting anything improper.  
23 understand that.

24 A. Okay.

jury 25 Q. If it should happen that the two of you are on the

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day in and 1 together, you were there with the 12 or the 12 plus the  
together 2 alternates and we're here, you know, in jury service  
affect 3 day out, is there anything about your having worked  
4 before or your acquaintance with each other that would  
5 you serving as a juror?

6 A. I don't think so.

7 Q. Okay. Now, you've been married twice?

8 A. Correct.

9 Q. And both marriages, divorces?

10 A. Correct.

11 Q. Tell us, if you will, please, what work your former  
12 husbands did while you were married.

divorced before 13 A. Okay. My first husband was in the Navy and

14 he was out. And my second --

15 Q. So about how long were you married?

16 A. Oh, about two years.

17 Q. And did you go to wherever he was stationed?

18 A. Yes, I did.

19 Q. You were a Navy wife at the --

20 A. Correct, uh-huh.

21 Q. -- at the base?

22 A. I was in Florida.

23 Q. And the second one?

24 A. The second one, he was a part-time musician, and  
part-time

25 just worked in like a Target store. I can't remember  
what the

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1 name of it was, but it was kind of like a Target store.

2 Q. And was he a musician for hire? I mean did he work  
in a

3 band or an orchestra?

4 A. Yeah, he worked in a band.

5 Q. And how long were you married with him?

6 A. Oh, about two and a half years.

7 Q. Now, you have a significant relationship with a  
person now?

8 A. I do.

to be 9 Q. And that person lives with you, and you are going  
10 traveling on this trip together, I guess?  
11 A. Correct, uh-huh.

for a 12 Q. And he, as I understand it from your answers, works  
13 home builder.  
14 A. He does.

marriage or 15 Q. And you don't have any children from either  
16 this relationship?  
17 A. No, sir.

to jury 18 Q. You agreed -- I think you also said -- getting back  
to 19 service, on page 30, Question 129, that -- please turn  
follow or the 20 that -- that you agreed strongly with the need to  
21 importance of following the court instructions.  
22 A. Uh-huh.

the jury 23 Q. And I take it that was your view when you were on  
24 deciding the case that we've talked about?  
25 A. Yes, it was.

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1 Q. And you understand instructions means not only the

things

publicity and

in

the --

to the

I guess

too.

2 we've talked about about being careful about the

3 everything when I instructed you and the others, both

4 writing and at Jefferson County, but also at the end of

5 during the case, there are instructions from the Court

6 jury; and at the end of the trial, they are there. And

7 under Colorado practice, you got written instructions,

8 A. Yes.

9 Q. Right?

10 A. Uh-huh.

And you

11 Q. Which were to guide you in considering the case.

12 tried to follow those, I take it?

13 A. Yes, I did.

14 Q. And would here with the instructions that you get?

15 A. Yes, I would.

the guilty

16 Q. Now, do you know what happened in your case with

17 verdicts -- what happened after that?

18 A. I do not.

19 Q. You have no idea what the sentence was?

20 A. Huh-uh, no, I don't.

21 Q. Or when it was?

22 A. I don't know.  
23 Q. Okay. So you understand from your own experience  
that the  
24 usual thing is that the jury decides guilty or not  
guilty based  
25 on the evidence and following the law. And then it's  
not up to

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1 the jury to decide what to do about it -- that is to  
say, what  
2 sentence of punishment there should be -- because  
that's up to  
3 the judge, the court.

4 And what happens in -- and I'm sure what  
happened in  
5 your case because it is common to all of the cases with  
the  
6 exceptions that I'll be talking about here -- the  
matter goes  
7 back to the judge with the guilty verdict and now the  
judge  
8 needs to get information to decide what sentence should  
be  
9 imposed. And it isn't some kind of a, you know,  
sentence right  
10 away; this is the crime, this is the sentence. It's a  
matter  
11 of individualized consideration. And before the  
sentence can

12 be determined, there has to be information not only in  
addition  
13 to what there was in the evidence as to the  
circumstances of  
14 the crime or to the offenses, but also things about the  
15 defendant individually. And I'm referring to that  
person's  
16 life history, really, the background, where the person  
was  
17 born, what the family was like, some of the things  
we've been  
18 asking you about, but certainly in more detail and  
including  
19 the work history, family relationships, all of those  
things  
20 that combine in our lives to make each one of us  
different from  
21 all others, the things that make us individual and  
unique human  
22 beings. All that gets presented to the court.  
23 Then there's a hearing at which that  
information is  
24 reviewed and then the court hears from the counsel for  
the  
25 defense and the prosecution and then decides what is  
the

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Juror No. 80 – Voir Dire

1 sentence for this person and this crime. It's an  
2 individualized thing.

3                   You follow me on that?

4    A.   Yes, I do.

5    Q.   Now, Federal Court it's different when the crime  
involves  
6    the possibility of a sentence to death or prison for  
life  
7    without any possibility of being released because that  
issue  
8    goes to the jury; and because of the possibility that  
that  
9    could happen, we have asked you some questions about  
your  
10   attitudes and opinions concerning those penalties and  
11   punishments, and we do so without talking to you about  
the law  
12   first.  Page 28 is where you answered some questions  
about  
13   this.

14                Okay.  You reviewed your answers; right?

15   A.   Yes, sir.

16   Q.   And you understand there were some prefatory  
paragraphs,  
17   some paragraphs explaining why we were asking you and  
what the  
18   frame of reference was; and of course you understand  
from what  
19   we said there and what I'm saying here is this is not  
to  
20   suggest that Terry Nichols is guilty.

21   A.   No, I understand that.

22 Q. And this doesn't ever happen unless he's found  
guilty and  
23 the jury doesn't consider any of this in deciding the  
24 sufficiency of the evidence on that issue.  
25 A. Yes.

2055

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1 Q. But because, in the event of a guilty verdict, the  
jury  
2 would be participating in a sentencing decision, we  
want to  
3 know from you ahead of time what your views or opinions  
about  
4 it are because people have a lot of different views  
about this.

5 A. Uh-huh.

6 Q. I'm sure that you are aware debate goes on, goes up  
and  
7 down from time to time about whether there should even  
be a  
8 death penalty in the law.

9 A. Yes.

10 Q. And of course there's debate about that in the  
state of  
11 Colorado now.

12 A. Uh-huh.

13 Q. Because there's a person who has been so sentenced  
who --

14 where there's a scheduled date to carry it out. Do you  
know  
15 about that?  
16 A. Yes.  
17 Q. I mean that's something you've seen in the news?  
18 A. Yeah, uh-huh.  
19 Q. I don't know that you mean the details of it, but  
generally  
20 that whenever that happens, people, of course, start  
talking  
21 about their views; and some people strongly oppose the  
notion  
22 that the courts should take a life through any process,  
and  
23 others have the view that, well, anytime there's a  
murder or an  
24 intentional killing, there ought to be a death penalty  
and  
25 that's that. And of course there's a lot in between.

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1 A. Uh-huh.  
2 Q. So what we wanted to find out from you was what  
your  
3 general ideas were, and you gave them to us.  
4 Now, is it the case that before you were  
confronted  
5 with these questions on this questionnaire, the subject  
of what

with 6 kind of punishment should be imposed and particularly  
and a 7 respect to life in prison without any chance of release  
thought a lot 8 penalty of death, whether that's something you've  
9 about for any reason before you filled this out?

10 A. Before I filled this out?

11 Q. Yeah, before.

12 A. Yeah, I had some certain beliefs before I filled it  
out.

13 Q. Can you just tell us a little about that?  
Sometimes people

14 start thinking about this because of what they read  
about a

15 case or because they've seen a movie or read it in a  
book.

16 A. Yeah. I don't know, I think . . . the more heinous  
the

17 crime, and I just think if there's a lot of  
premeditation and a

18 real heinous crime and a planned-out thing and murder,  
I think

19 that -- yeah, that the death penalty should be  
considered. I

20 mean, I don't know, it's -- and I've thought more about  
it

21 since --

22 Q. Yeah, tell me -- excuse me for interrupting.

23 A. No.

24 Q. You said you thought more about it since.

25 A. Uh-huh.

2057

Juror No. 80 - Voir Dire

1 Q. And that's to be expected --

2 A. Uh-huh.

3 Q. -- that we're talking about a very difficult --

4 A. Yes, it is.

5 Q. -- thing to even talk about, let alone decide  
about.

6 A. Uh-huh.

7 Q. And I just want you to take a moment and think  
about after

8 you answered and what you've thought about since,  
whether you

9 would change anything in here.

10 A. Like I -- well, a lot would depend on circumstance,  
but I

11 still believe in the death penalty in certain  
circumstances.

12 Q. Okay. Again, when it's closer to home, think,  
again, you

13 know, about what you believed in before, do you still  
believe

14 in that?

15 A. And I do. But, yeah, certain circumstances. I  
don't think

16 at the drop of a hat anybody that murders somebody  
should have

17 the death penalty. But I think a lot depends on the  
18 circumstance.

19 Q. Okay.

20 A. And it would be a hard -- it would be a thought-out  
thing.

21 It's a very serious, thought-out decision.

22 Q. And of course the question of guilt is a serious  
thing,

23 too?

24 A. Yes, yes, exactly.

25 Q. All of these things that we're talking about are  
very

2058

Juror No. 80 - Voir Dire

1 serious?

2 A. Yeah, like first step, yeah.

3 Q. Now, I want to talk to you a little about what's  
actually

4 involved if this should happen. And referring back to  
what we

5 talked about like the case where you found this person  
guilty

6 of the things that you mentioned in this trial you  
served in

7 and then a judge did the sentencing.

8 A. Uh-huh.

9 Q. As I said, we don't have judges making life-and-

death

10 decisions on sentences in the Federal Court; and I want  
to make  
11 it clear to you that there are differences among the  
states,  
12 but here we're talking about the federal statutes and  
the  
13 federal process, 'cause that's where we are, in Federal  
Court.

14 A. Yeah.

15 Q. And here we say, well, that kind of a decision  
should be  
16 made by 12 people on the jury. And in fact, it's the  
same 12

17 people who heard the trial and made the initial  
decision about

18 the evidence. And if those 12 people found a  
defendant, where

19 the statutory crimes carry the possibility of such  
punishment,

20 guilty of those crimes, then they must consider the  
sentence.

21 But just as is the case with judge sentencing, so jury  
22 sentencing requires the consideration of a lot of other  
things

23 besides the evidence that was submitted at the trial.  
And it

24 is for that reason that we have another hearing, and it  
really

25 is a second trial, a trial on the question of  
punishment, on

## Juror No. 80 - Voir Dire

1 the question of sentence.

2 And it is at that trial that a lot more  
information is

3 presented to the jury, and it's presented in this way,  
just as

4 the trial of the evidence is presented, with two sides,  
the

5 prosecution and the defense. So the question of  
punishment is

6 presented in that same fashion, and the lawyers for the

7 Government are expected to bring in those things that  
they

8 believe would and should be considered by the jury in

9 considering that death is the sentence that is just and

10 appropriate for the defendant. And at the same time,  
in that

11 same hearing, the defense will be producing information  
to the

12 contrary; that is, information to support the view that  
death

13 is not deserved for this person, regardless of the  
crime. And

14 it is then a matter to be decided by the jury.

15 So the kinds of things that come in here  
include what

16 we refer to as aggravating factors, the things that may  
support

17 death as the justified sentence, and then mitigating  
factors

just 18 being those things that go the other way and say a more  
release. 19 sentence for this person is life in prison without

that 20 Or there's also the possibility under the law  
jury says 21 neither one of those is selected by the jury but the  
decide. 22 some lesser sentence and send it back to the judge to

these other 23 But the life-or-death decision is the jury's. And  
certainly 24 factors, the other information the jury will hear,  
that a 25 include the kinds of things that I've already mentioned

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Juror No. 80 - Voir Dire

about the 1 judge considers in other kinds of cases, the things  
born 2 individual defendant, his background, his life, and his  
3 relationships with others, what -- where and how he was  
positive things 4 and raised, the other things he's done in life,  
5 from his life. All of those things come in.

some 6 And then at the end of it, the court gives  
these 7 instructions, just like at the end of the trial. Now,

8 instructions outline what the jury -- based on what's  
been  
9 presented, what the jury can consider as aggravating  
and  
10 mitigating factors.

11 And then there's some questions that suggest a  
method  
12 of analysis, suggesting to the jury how they can look  
at these  
13 things and what they ought to look at. But there isn't  
any  
14 formula for this, and it isn't like you add these  
things up or  
15 subtract these things. There's no easy way to approach  
it.

16 The approach that is required is to consider all of it;  
and  
17 then in the end, the jury has to make what amounts to a  
moral  
18 judgment, should this person live or die. Each juror  
has to  
19 decide this and of course confer with the other jurors  
first,  
20 exchange their views and the like, but each juror has  
to make a  
21 decision like this.

22 Do you understand these points that I've made  
and the  
23 explanation of the procedure?

24 A. Yes, I do.

25 Q. Do you have any question you'd like to ask about  
that?

Juror No. 80 - Voir Dire

1 A. No.

2 Q. Well, the question that we want you to answer,  
then, is

3 that after hearing me explain this process, do you  
think that

4 you would be able to base a decision, this decision  
about life

5 or death, on all that you hear, including not only the

6 circumstances of the crime but all of these things that  
may be

7 presented about the personal background and individual

8 characteristics of the defendant? You think you would  
be able

9 to do that?

10 A. I think I could.

11 Q. Okay.

12 THE COURT: Well, the lawyers have the chance  
to ask

13 you some more questions and explore these and other  
matters

14 with you, so please bear with us a while longer and  
listen to

15 their questions and answer them as you've been  
answering me.

16 JUROR: Okay.

17 THE COURT: Miss Wilkinson.

18 MS. WILKINSON: Thank you, your Honor.

19 VOIR DIRE EXAMINATION

20 BY MS. WILKINSON:

21 Q. Good afternoon, ma'am.

22 A. Good afternoon.

23 Q. I have a few more questions, and I'm sure that  
defense has

24 a few more questions. I hope you'll indulge us --

25 A. Okay.

2062

Juror No. 80 - Voir Dire

1 Q. -- and be patient with us.

2 As the Judge told you, my name is Beth  
Wilkinson, and

3 I'm one of a team of prosecutors that's responsible for  
4 presenting the evidence in this case against Terry  
Nichols. As

5 you know from your experience on a prior jury, we have  
a burden

6 of proof to prove beyond a reasonable doubt the charges  
that

7 we've made against Mr. Nichols; and it's only if we  
prove that

8 and you and your fellow jurors find that that we would  
move

9 into the penalty phase that his Honor has just been  
discussing

10 with you.

11 A. Uh-huh, I understand.

12 Q. When the Judge asked you about could you do it, the  
13 ultimate question, could you consider all of those  
14 things

15 that you've listed, but the facts and circumstances  
16 about the defendant himself, you said you thought you could.

17 A. Uh-huh.

18 Q. And I sense some hesitancy in your voice.

19 A. It would take a lot of thought, but I think I  
20 could. I mean, that's, you know -- that's the best I could say.  
21 But it would take thought.

22 Q. We understand that obviously you've not been in  
23 that position --

24 A. Correct.

25 Q. -- before, and it's a very grave and important  
decision. I

2063

Juror No. 80 - Voir Dire

1 thought maybe I could ask you a little bit about your  
work

2 where it sounds like although you deal with a lot of  
happy

3 occasions, you probably deal with some life-and-death  
4 situations, also; is that correct?

5 A. Yes, that's true.

6 Q. You work as a delivery nurse; is that --

7 A. Yes, I do.

8 Q. -- right? Do most of those situations turn out  
well where

9 it's a very happy occasion for people?

10 A. Yes.

11 Q. Are there times, though, where there are times  
where things

12 don't go well for either the mother or the child?

13 A. Yes, there are those times.

14 Q. And are there some times when you have to set aside  
your

15 emotion and make some very quick but important  
decisions?

16 A. Yeah. They're usually quick.

17 Q. Are they?

18 A. Yeah.

19 Q. And I take it you've had training to deal with  
those types

20 of situations?

21 A. Yes, with the mothers and baby. Yes.

22 Q. And on the job --

23 A. Probably more on the job, yes.

24 Q. Do you feel comfortable -- "comfortable" is not the  
right

25 word. Do you feel like in your job, you can make those

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Juror No. 80 - Voir Dire

1 decisions when you need to?

2 A. I feel I can.

3 Q. And do you think you could use some of those skills  
here in

4 sitting as an objective juror and weighing all the  
evidence at

5 the guilt phase and then if appropriate at the penalty  
phase?

6 A. Yes.

7 Q. Have you faced any decisions in your work where  
you've been

8 reluctant to make those kind of decisions?

9 A. No. Not the quick ones, I don't.

10 Q. You find it --

11 A. Those are usually life-and-death ones. I mean,  
other

12 decisions I'll contact physicians first. But the  
really quick

13 life/death ones, usually no, we just go with it.

14 Q. And I'm sure you know this, but obviously in these  
15 circumstances, you're not going to have to make any  
quick

16 decisions.

17 A. Right.

18 Q. You and your fellow jurors can take as long as you  
want and  
19 consider everything and get all the information that  
you need.

20 A. Right.

21 Q. In your work at the medical center, do you often  
work with

22 other nurses when you're making these decisions or --

23 A. Yes, uh-huh.

24 Q. So you're used to interacting with other people --

25 A. Yes.

2065

Juror No. 80 - Voir Dire

1 Q. -- to come to a consensus?

2 A. Yes.

3 Q. Have you done that with this other juror that we've  
4 referred to?

5 A. No, I haven't.

6 Q. Do you have any reason to believe that you two  
wouldn't get

7 along; have you had any kind of personal disputes or  
dealings?

8 A. No. I don't think so. I don't, you know, know her  
that

9 well. I mean I work with her, but I don't know her  
that well.

10 Q. And you haven't socialized with her outside of

work?

11 A. Huh-uh.

12 Q. On page 110 -- I mean on page 24, Question 110, if  
you

13 could take a look at that, please.

14 A. Question No. what?

15 Q. 110 --

16 A. Yes.

17 Q. -- and it's on -- there you talk about someone else  
you

18 know that's been charged or accused of a crime.

19 A. Yes.

20 Q. Can you tell me just a little bit about that, or  
would you

21 rather not?

22 A. Well, I will if you want me to. It was my ex-  
husband. One

23 of my ex-husbands, the second ex-husband.

24 Q. And did you feel like he was treated fairly by the  
system?

25 A. Yeah. In retro -- yeah, I did.

2066

Juror No. 80 - Voir Dire

1 Q. You see that more now with a few years between --

2 A. No, I probably did then, too. I did then, too.

3 Q. You said your first husband was in the Navy, and I  
see your

4 brother's also in the Navy?

5 A. Yes, uh-huh.

6 Q. Despite your experience of being a Navy wife, what  
are your  
7 impressions of the Navy?

8 A. It wasn't a very good impression, 'cause my first  
husband  
9 had a problem with alcohol; so it kind of spilled over  
with the  
10 kind of friends he hung out with in the Navy. With my  
brother  
11 now I have a positive viewpoint, but with my ex, I  
don't.

12 Q. Has your brother been in the Navy for quite a  
while?

13 A. Yeah, he has, since he's been 27 years old; and  
he's like a  
14 year younger than I am.

15 Q. Is he enlisted, or is he an officer?

16 A. He's enlisted.

17 Q. Do you know what his specialty is?

18 A. Should. I don't know specifically. I don't know  
what his  
19 specific --

20 Q. Is he on submarines, or surface ships?

21 A. No, he's on a carrier, I think.

22 Q. Carrier. Have you ever been on a carrier?

23 A. Have I?

24 Q. Yeah.

25 A. No, huh-uh.

2067

Juror No. 80 - Voir Dire

think the 1 Q. You also told us in your questionnaire -- and I

2 Judge pointed it out that you had also followed up and  
3 completed the answer, the one about your opinion of the  
4 criminal justice system, I think on page 40. You  
finished

5 answering that --

6 A. Yeah.

7 Q. -- by saying you think "evidence should be legally  
8 obtained, but it seems like there's sometimes too many  
9 loopholes; or maybe I just watch too much TV."

10 A. Yeah, uh-huh.

were 11 Q. Is that what you were saying to the Judge when you  
12 saying you might have gotten those opinions from the  
TV?

13 A. Yeah.

said you 14 Q. Is that from that show "Law and Order" that you  
15 watch?

16 A. Yeah, that's the one.

17 Q. You said you watch that and "ER"; right?

18 A. Yeah, uh-huh.

19 Q. Which show do you like better?  
20 A. "ER."  
21 Q. You understand, I'm sure, that that "Law and  
Order," I  
22 think has an investigation and trial all in one hour.  
23 A. Uh-huh.  
24 Q. And I take it it's not always going to give a  
complete  
25 picture --

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Juror No. 80 - Voir Dire

1 A. Correct.  
2 Q. -- of the criminal justice system. Did that leave  
you,  
3 though, with any impressions about lawyers involved  
with the  
4 criminal justice system?  
5 A. No, not really. No.  
6 Q. Do you have any from your work? I know doctors  
have some  
7 strong opinions about lawyers.  
8 A. No. No. And I just -- no, not really. I mean,  
you hear  
9 jokes, but, you know -- now and again.  
10 Q. We're used to those.  
11 A. Yeah. But no other strong opinions, no.

your 12 Q. Now, speaking of opinions, if you could turn to  
pages 36 13 responses to the questions on publicity, which are on  
158. 14 and 37. If we could start on page 36 with Question  
15 A. Okay.  
16 Q. There you were just asked about your general  
impressions,  
17 and you said you -- around the time of the bombing.  
You had  
18 seen a lot of pictures, either in magazines or on TV.  
19 A. Uh-huh.  
20 Q. Can you tell me what your impressions are of the --  
or what  
21 impression you still have in your mind of the bombing?  
22 A. Horror. A lot of sadness and anger. And just  
pictures of  
23 babies.  
24 Q. Obviously, I'd like to ask you based on your work,  
since  
25 you have so much interaction with babies, could you set  
aside

2069

Juror No. 80 - Voir Dire

listen 1 the emotion that you obviously feel about children and  
2 to the evidence presented in this case fairly; that is,  
3 consider everything that you hear about the crime and

testing

one part 4 the Government's proof and not just focus obviously on

5 of the proof like the evidence about the children?

could, 6 A. Yeah. I mean I would. I would try; and I think I

don't know 7 you know, try and put away the visual pictures. I

certainly 8 that I could keep them out completely, but I would

9 try and keep on top of it.

say, for 10 Q. Well, if the Judge instructed you that -- let's

were 11 example, you saw some pictures at some point, but you

your 12 instructed obviously that you're not to use, you know,

you're to use 13 emotions or your passions to make your decisions,

any kind 14 your logic, reason, and common sense and to set aside

think you 15 of immediate emotional response that you had; do you

16 could do that?

17 A. Yeah, I think I probably could.

18 Q. You understand the importance of --

19 A. Yeah, I do.

20 Q. -- that rule, I'm sure.

21 A. Uh-huh, yeah.

detail 22 Q. You then said on the next page, when asked in more

Question 23 about what you thought about Mr. Nichols, on page 37,  
that he 24 163, that you had no opinions or views; you just knew  
25 and Mr. McVeigh were suspects.

2070

Juror No. 80 - Voir Dire

1 A. Yes; correct.  
2 Q. Is that still true today?  
3 A. That's still true today.  
4 Q. So you're not walking in here with any preconceived  
notion  
5 of Mr. Nichols --  
6 A. No.  
7 Q. -- and what he had done?  
8 A. No.  
9 Q. And that's how you would be if you were selected to  
sit in  
10 that seat?  
11 A. Yeah, I believe so.  
12 Q. I just have a few more questions on the death  
penalty. If  
13 you could turn to page 28. You told his Honor that you  
knew  
14 this was a very important decision and you'd have to  
consider  
15 all the circumstances and facts.

16 A. Uh-huh.

17 Q. And it seems to me that's what you've said here,  
when you  
18 answered just about what your personal opinions --

19 MR. TIGAR: Object to what it seems to  
counsel.

20 MS. WILKINSON: I can rephrase it, your Honor.

21 THE COURT: Okay.

22 BY MS. WILKINSON:

23 Q. Is it clear to you that in this questionnaire you  
were  
24 asked about your personal opinions? Is that right?

25 A. Yes.

2071

Juror No. 80 - Voir Dire

1 Q. And his Honor explained the law to you about what  
you would  
2 consider if you were in that position to determine  
whether

3 someone would live or die. Do you understand that?

4 A. Uh-huh.

5 Q. And do you understand that part of your  
responsibility

6 would be to consider all of the facts and circumstances  
as you  
7 described in your questionnaire?

8 A. Yes.

consider 9 Q. Okay. Did you also understand that you can't just

10 one factor?

11 A. Yes.

12 Q. You have to consider all of them --

13 A. Uh-huh.

14 Q. -- and everything about the defendant.

15 A. Uh-huh.

16 Q. If you look at page 28, No. C, when asked about the  
17 punishment of life in prison, you there said, "Murder,  
18 depending on the circumstances"; is that right?

19 A. Uh-huh.

death 20 Q. Would -- is that the same as whether you think the

your 21 penalty should be appropriate for murder? Not as to

facts 22 questionnaire, because I realize you wrote some other

23 that you think are appropriate.

24 A. Yeah. So repeat the question.

25 Q. I'm sorry. I probably didn't phrase it properly.

2072

Juror No. 80 - Voir Dire

without 1 You said you wouldn't determine life in prison

2 parole for murder automatically; you'd want to consider

the

3 circumstances.

4 A. Uh-huh.

death

5 Q. Would that be true also in determining whether the  
6 penalty was the appropriate --

7 A. Yes.

8 Q. -- punishment for murder?

9 A. Uh-huh.

10 Q. So you would consider both of those?

11 A. Yes.

12 MS. WILKINSON: I don't think I have any more  
13 questions. Thank you very much for answering them.

14 THE COURT: Mr. Tigar.

15 VOIR DIRE EXAMINATION

16 BY MR. TIGAR:

17 Q. Good afternoon.

18 A. Good afternoon.

appointed

19 Q. My name is Michael Tigar. I'm one of the lawyers  
20 by the court to help Terry Nichols.

evidence

21 And our job in this case is to challenge the

from all

22 that the Government presents. I mean, you're clear

proof;

23 these other questions that they have the burden of

24 right?

25 A. Right.

2073

Juror No. 80 - Voir Dire

a 1 Q. And if there's a reasonable doubt, the jury returns  
2 verdict of not guilty?

3 A. Correct.

4 Q. So our job is that from the very first witness, to  
5 cross-examine every one of the witnesses; and then when  
they 6 finish, then we have a turn.

7 A. Uh-huh.

8 Q. And we will present witnesses to you, or to the  
jurors that 9 are seated here, and put on a case.

10 A. Uh-huh.

11 Q. Not to prove anything but to raise those reasonable  
doubts.

12 A. Yes.

13 Q. Okay. When you first saw Mr. Nichols out there at  
14 Jefferson County Fairgrounds, what did you think?

15 A. Looked like a regular person. I, you know . . . .

16 Q. Well, I mean --

17 A. Is that what you wanted?

18 Q. No, no --

19 A. I don't know.  
20 Q. I'm sorry. All I'm looking for is just answers to  
21 they're questions. And some of them seem a little odd and if  
22 to ask way outside the bounds, they can object and I won't get  
23 it.  
24 A. Okay. I really didn't think too much. I was  
surprised to  
25 see him, I guess.

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Juror No. 80 - Voir Dire

1 Q. Why were you surprised?  
2 A. I don't know. I knew the Judge was going to be  
there, but  
3 I didn't know anybody else was going to be there.  
4 Q. Were you surprised to see the lawyers, too?  
5 A. Yes, I was.  
6 Q. I noticed that your relatives, if you look at page  
3 of  
7 your questionnaire -- you have three brothers; and one  
works  
8 for the Navy, one works for the Postal Service, and one  
for the  
9 Soil Conservation Service. What is it about public  
service,  
10 which is what all of your family does, that seems to  
attract?

11 A. My mother used to work for Soil Conservation  
Service, and I  
12 know she encouraged the boys to go into soil  
conservation. And  
13 two of them did, and one liked it and one didn't.  
That's how  
14 those two -- I don't know about the Navy one. He just  
decided  
15 on his own.  
16 Q. Decided to go ahead and do that?  
17 A. Yes.  
18 Q. Now, I know this is a personal question. I'd just  
like you  
19 to turn to page 5.  
20 A. Uh-huh.  
21 Q. And just look at Question 20 and 21.  
22 A. Uh-huh.  
23 Q. Are you still taking medication of that sort?  
24 A. No.  
25 Q. Okay. Nothing like that. You can understand why  
we would

2075

Juror No. 80 - Voir Dire

1 ask that --  
2 A. Sure, uh-huh.  
3 Q. -- that question.  
4 When you were growing up on the farm, I guess

you were

5 only on there till you were nine years old?

6 A. Uh-huh.

7 Q. Did you have anything to do with tilling,  
fertilizing, you

8 know, putting -- you said you raised corn -- you know,  
seed

9 drill and all the rest of it or with the milking the  
cows or

10 anything?

11 A. I was responsible for bringing the cows in to be  
milked,

12 and I did drive a tractor when we baled hay.

13 Q. You drove a tractor. Square bales, or round bales?

14 A. Square. And rectangular.

15 Q. The rectangular bales, and you drive it, rake up  
into

16 windrows and come along and bale it up?

17 A. Uh-huh.

18 Q. Did you enjoy that work?

19 A. I wasn't very old, so, no.

20 Q. Okay.

21 A. I was like very young.

22 Q. When your family moved off the farm, did that have  
anything

23 to do with government policies about the farms or  
anything?

24 A. Not to my knowledge.

25 Q. Okay. You understand there may be some evidence in

the

2076

Juror No. 80 - Voir Dire

1 case -- in this case about that. Is there anything  
about that

2 that sticks in your mind that might influence you?

3 A. Huh-uh.

4 Q. Okay. And in your work at page 9, you say that you  
coach

5 and medicate moms that are in labor.

6 A. Correct.

7 Q. And so by -- when you say "coach," is that -- does  
your

8 hospital use the psychoprophylactic method, also known  
as

9 Lamaze?

10 A. Lamaze; yeah, we do that.

11 Q. Do you teach the classes as well as coach the moms?

12 A. No, I don't. I don't teach.

13 Q. And when you say "medicate," that would be for the  
mothers?

14 A. Yeah.

15 Q. That is saddle blocks and --

16 A. Epidurals or i.v. medications.

17 Q. And that's based on the doctors -- working with a  
physician

18 on a team?

19 A. Yeah, the doctors' and the mothers' preferences.

20 Q. And you said that you especially care for high-risk  
21 obstetrical patients?

22 A. Yeah.

23 Q. Is that a life choice you've made to focus on that  
as an

24 RN?

25 A. I just kind of fell into it and liked it. So I  
mean, not

2077

Juror No. 80 - Voir Dire

1 all of my patients are high risk, but I can -- they  
fall into

2 that category when you're in labor.

3 Q. Does that -- and does that take some special  
training to do

4 that?

5 A. It takes . . . well, it does; and I guess it's more  
of an

6 experience training. I mean, we do train people, new  
people to

7 be labor and delivery nurses; but a lot of that, you  
can learn

8 the basics, but a lot of instincts come in time.

9 Q. Where is the triage point there to identify the  
people at

10 high risk or not?

again. 11 A. I'm not sure what you're -- rephrase that or ask me

Is 12 Q. I'm sorry. How do you identify a high-risk person?

13 that when the labor starts?

changes while 14 A. Sometimes when they come in, and sometimes it

15 they're in labor, from low risk to high risk.

I want 16 Q. Now, I notice with -- if you look at page 16 -- and

you get 17 to make sure this is right -- Question 72. Looks like

18 a lot of information from television.

television. 19 A. I watch a lot of cable. I do watch a lot of

entertainment 20 Q. Now, do you focus on more, shall we call it,

21 and sports, or more on informational-type programs?

22 A. More entertainment and sports.

23 Q. But you also find time to read?

24 A. Uh-huh.

novel? 25 Q. Now, that book, the Horse Whisperer: Is that a

2078

Juror No. 80 - Voir Dire

1 A. Yes.

2 Q. So that is a novel about a horse whisperer?

3 A. Uh-huh.

way to 4 Q. Did that interest you, the horse-whispering, as a  
5 gentle a horse, as opposed to breaking them?

6 A. Yes, it did.

7 Q. What was it about that that interested you?

whimsical story 8 A. I don't know. I'm not sure what about the  
9 of it all, I think.

know 10 Q. And you also -- one more question about reading: I  
11 this sounds somewhat intrusive. You've read a book by  
John 12 Grisham, and somebody was going to ask you about it,  
because he 13 writes about lawyers.

14 A. I don't know that I actually read.

15 Q. You own?

16 A. I have one in the house.

John 17 Q. But the fact that you have a book in your house by  
18 Grisham didn't mean that you read it; right?

19 A. Right.

did? 20 Q. And B doesn't mean that you'd agree with it if you

21 A. Correct.

about, 22 Q. In that prior jury service that the Judge asked you  
the 23 were there -- it's a little hard for me to understand

24 charges because, as you can probably hear, I'm not from  
here.

25 Were there greater offenses and lesser offenses --

2079

Juror No. 80 - Voir Dire

1 A. Yes. One in particular was.

2 Q. Okay. And how did you make that decision? Could  
you share

3 that with me?

4 A. I'm trying to think back, because I'm not even sure  
if

5 there was a difference between a DUI and a DWI. Is  
that --

6 Q. I'm the wrong person to ask.

7 A. It's like one like under the influence and one  
while . . .

8 I can't remember, either. I mean, there was a  
difference.

9 Q. So there were elements of the offenses, and the  
elements

10 were different for the different ones; right?

11 A. Uh-huh. For the one, yeah.

12 Q. And then you had to make a choice?

13 A. Yeah.

14 Q. For that one.

15 A. Yeah.

16 Q. And do you remember if you came in with the  
greater, or the

17 lesser?  
18 A. I think we went with the greater.  
19 Q. Okay. And that was after considering the evidence  
as to  
20 each -- as to how those two charged offenses were  
different  
21 from each other?  
22 A. Uh-huh.  
23 Q. And what the different theories were?  
24 A. Uh-huh.  
25 Q. Okay. If you would look at page 25, please,  
Question 116.

2080

Juror No. 80 - Voir Dire

1 A. Uh-huh.  
2 Q. You had a chance to check a box, and you didn't  
check  
3 either one. I wonder if you could let me know which  
box you'd  
4 check --  
5 A. Which one?  
6 Q. See Question 116, there at the bottom? It says,  
"If yes,  
7 are you sometimes persuaded to change your opinion?"  
8 A. Sometimes.  
9 Q. Sometimes?

10 A. Uh-huh.

11 Q. Okay. And now you work together with a team of  
people,  
12 obviously?  
13 A. Uh-huh.

14 Q. And you've been on a jury before. Are you someone  
who  
15 feels able to listen to the views of other people?  
16 A. Yes.

17 Q. But if you feel real strong about it, you'll stand  
up for  
18 your view?  
19 A. Uh-huh.

20 Q. Is that fair to say?  
21 A. Yes.

22 Q. Now, one -- you've obviously said that you've read  
quite a  
23 bit about this case -- or I don't want to put words in  
your  
24 mouth. Could you look at page 33, please.  
25 A. Uh-huh.

2081

Juror No. 80 - Voir Dire

1 Q. And page 1 -- Question 144. You get news on TV;  
right?  
2 A. Uh-huh.  
3 Q. Newspapers. Which paper, papers?

boyfriend 4 A. Both of them. The Post and the -- actually, my  
5 gets both newspapers.

or other 6 Q. Okay. And it said magazines. Any news magazines  
7 magazines --

8 A. I don't get any of those.

9 Q. Pardon?

10 A. I don't receive those at home.

something 11 Q. Okay. But did you -- you'd said you'd heard  
12 about the case in a news magazine?

13 A. Yeah, the bombing.

14 Q. Oh, about the bombing itself?

15 A. Yes.

them. 16 Q. And I guess there were some pictures in all of  
17 A. Correct.

people 18 Q. And then it said "conversations" and "heard other  
19 discussing the case." That's what I wanted to focus  
on.

20 A. Okay.

21 Q. Did you talk about the McVeigh case at work?

22 A. Not much.

the 23 Q. Do you remember where you were when you heard about  
that jury 24 verdict in the McVeigh case; that is, the decision by

25 that based on the evidence presented by that team of

2082

Juror No. 80 – Voir Dire

1 prosecutors, facing a different team of defense  
lawyers, for a

2 different person, that he was guilty?

3 A. It was probably at home.

4 Q. And what did you think about that?

5 A. Well, I don't know. Either way, I just thought,  
hmm, they

6 found him guilty, okay. I don't know, I don't have a  
real

7 strong opinion either way 'cause I just never did  
follow it

8 that much.

9 Q. And how -- where were you, if you can remember,  
when you

10 heard about the jury's recommendation about -- that he  
should

11 receive the sentence of death?

12 A. Yes, I was home then, too, I believe.

13 Q. And what did you think about that?

14 A. Well, I thought that they made the right decision,  
when

15 they found him guilty. I guess it didn't surprise me  
that they

16 would find -- impose the death penalty, yeah.

17 Q. And can you help me a little more with that? Why  
didn't  
18 that surprise you?  
19 A. Because a lot of people were killed, and I . . . I  
don't  
20 know. It just seemed planned out -- like I said, I  
didn't  
21 follow it a lot; but from what I gathered that it was a  
22 planned-out deal and that, yeah, it was awful. And a  
lot of  
23 people were killed. So because of that, that didn't  
surprise  
24 me. The death penalty did not surprise me.  
25 Q. And then, if you look at page 37, if you would, you  
said

2083

Juror No. 80 - Voir Dire

1 that -- and Question 162: "What have you heard or read  
about  
2 Terry Nichols as a result of the trial of Timothy  
McVeigh?"  
3 And you've written, "The two were associated with each  
other  
4 and the bombing."  
5 A. Uh-huh.  
6 Q. Based on what you've seen, heard, or read, as  
you've talked  
7 about it here, what was it that stands out in your  
mind? What

8 information did you get from those sources?

9 A. What was common there, between the two?

10 Q. Yes. What did you hear about their association?  
What did

11 you hear about Mr. Nichols and the bombing? That's  
really what

12 I'm focusing on here.

13 A. Well, from what -- this is all that I really know  
-- or

14 think, would be that Mr. Nichols was . . . was a friend  
of

15 McVeigh's and kind of believe -- I'm not even sure what  
they

16 believe in, but it was more militant-type beliefs and  
helped

17 with the bombing. Or planned it.

18 Q. Now, now that Mr. McVeigh has been convicted by a  
jury and

19 sentenced, what are your feelings, based on what you've  
seen,

20 heard, or read about whether Mr. Nichols is also  
guilty?

21 A. Well, I don't know, that's just -- I don't know if

22 he's . . . since they're friends, you know, that was my

23 assumption -- or not assumption, but what I gather is  
that they

24 were friends. So I don't know anything past that and  
if he was

25 actually involved, or not.

## Juror No. 80 - Voir Dire

1 Q. And I know a little while ago in your -- when you  
talked  
2 about what you'd seen after the bombing, you saw the  
pictures  
3 of the children, the babies; right?

4 A. Uh-huh.

5 Q. And you mentioned the word "anger."

6 A. Uh-huh.

7 Q. If I have it down here right. Were you angry? Did  
you  
8 feel angry?

9 A. Yes, I was angry.

10 Q. And you heard a lot of people who were witnesses or  
whose  
11 lives were touched by this very directly. And did you  
hear  
12 them talking about their anger?

13 A. Some of them.

14 Q. And I guess I want to ask: Given your profession,  
given  
15 all that you've heard, and if you hear witnesses who  
still  
16 carry that -- you know, there may be some witnesses  
here  
17 directly that saw it; that still have that anger in  
them --  
18 would you be able to put aside these very graphic  
things that

focus on 19 you saw, some of which may be in evidence again, and  
Terry 20 the question: What is the Government's evidence about  
and I 21 Nichols and what's the defense evidence about that?  
22 A. I think I could. I mean, I would certainly try;  
23 think I could.  
24 Q. Okay.  
25 A. That's my own opinion.

2085

Juror No. 80 - Voir Dire

you tell 1 Q. And how -- in making -- in trying to do that, can  
pictures, 2 me how you'd try to go about it?  
3 A. Oh, I'd just try and put it out of my mind, those  
but as 4 and just -- and I would listen to the people talking;  
my mind. 5 far as the visual thing, I would try and put it out of  
death 6 Q. Now, did you talk with folks at work about the  
7 penalty verdict in the McVeigh case?  
it with 8 A. Actually, no. Well, we -- I remember talking about  
McVeigh 9 some people, but I'm not sure if it was before the  
10 case, or after, or, you know -- it's been a while ago.

It has

11 not been recently.

12 Q. Did -- and did you talk about it with your  
significant

13 other?

14 A. A little bit.

15 Q. Now, did anybody that you talked to in your circle  
of

16 friend or co-workers or significant other disagree with  
the

17 McVeigh verdict?

18 A. Not the McVeigh verdict. The death penalty in  
general.

19 Q. So you've heard both sides?

20 A. Both sides, yes.

21 Q. Well, that's what I'd like to spend a little time  
on. If

22 you would look with me, please, at page 28 -- and now  
that

23 we've opened to it, before you came in today and  
listened to

24 his Honor, had you -- did you know what the procedure  
was in

25 federal criminal cases where there's a possibility of a  
choice

2086

Juror No. 80 - Voir Dire

1 between life and death?

2 A. Well, I knew there was a trial and then after that,  
3 whatever that is, innocent or guilty; and then if it's  
a  
4 guilty, then, yeah, then you would have to go and  
decide then  
5 what to do about the guilty.

6 Q. So you knew that there were these two different  
steps, as  
7 it were?

8 A. Uh-huh, yeah.

9 Q. And did you also know before you came in that the  
jury  
10 starts out with the presumption of innocence --

11 A. Yes.

12 Q. -- and the idea that we may never get there. I  
mean, we  
13 don't think we're going to get that far; but if for  
some reason

14 it did, we can't call everybody back and start asking  
these  
15 questions. We've got to do this just one time.

16 A. Yeah, I understand.

17 Q. You're clear about that?

18 A. Uh-huh.

19 Q. And based on that idea, you know, that there are  
these two  
20 phases, as you sit there today, if a -- if you were on  
a jury  
21 and found someone guilty of intentional, premeditated  
murder of

22 more than one person, do you think you could  
realistically  
23 say -- is there any circumstance under which you could  
24 realistically say that a life sentence is appropriate  
for that  
25 person?

2087

Juror No. 80 - Voir Dire

1 MR. MACKEY: Judge, objection.

2 THE COURT: Overruled.

3 I don't think you think you're being asked  
which one  
4 circumstance, but any circumstance.

5 MR. TIGAR: "Can you think of any  
circumstances?"

6 Yes, your Honor, that was the question.

7 JUROR: I don't know. I can't think of any  
8 circumstances. There may be one, but I can't think of  
any  
9 right now.

10 BY MR. TIGAR:

11 Q. Is it fair to say as you sit there right now, your  
view is  
12 the more heinous the crime, the more you're inclined  
toward the  
13 death penalty?

14 A. Correct. I can say that.

you've  
look  
15 Q. Okay. All right. And do you, as you think of what  
16 seen, heard, and read about Oklahoma City -- does that  
17 like a heinous crime situation?

18 MR. MACKEY: Objection.

19 THE COURT: Overruled.

20 JUROR: Yes.

21 BY MR. TIGAR:

I  
of this  
here.  
22 Q. And the reason that there's these questions -- and  
23 shouldn't put words in people's mouths -- my perception  
24 is that we don't know what the evidence is going to be

25 A. Correct.

2088

Juror No. 80 - Voir Dire

be  
kind of  
you as  
premeditated,  
1 Q. And it would be wrong for me to suggest we want to  
2 speculating about that, so that's why I'm making this  
3 hypothetical. But my bottom-line question is this: If  
4 a juror feel that a defendant is guilty of  
5 intentional murder of multiple people -- right --  
6 A. Uh-huh.

only 7 Q. -- would you say, I think the death penalty is the  
8 appropriate punishment for that person?

9 A. Yes.

10 MR. TIGAR: Thank you very much.

11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 Q. Well, I've got to follow up on that a little  
because --

14 A. Okay.

15 Q. -- we also talked about this matter of all of the  
16 mitigating and aggravating factors that would come in.

And

17 what has been emphasized here is aggravating factors,

the

18 crime. Now, and don't -- I don't want you to think

that I'm

19 trying to change your answer or suggest something. But

what

20 has to be done is that the mitigating factors have to

be

21 considered as well, regardless of the crime.

22 A. Uh-huh.

23 Q. And regardless of any verdict that happened in the  
McVeigh

24 case because, you know, I talked about individualized

25 determination here.

Juror No. 80 - Voir Dire

1 A. Uh-huh.

2 Q. And so, you know, as we are having a separate trial  
on the

3 evidence, so we would have a separate sentencing  
decision; and

4 what may be presented at that time may be quite  
different from

5 whatever the jury heard with respect to Mr. McVeigh.  
Do you

6 understand that?

7 A. I do understand that.

8 Q. And I think what you have just answered with Mr.  
Tigar is

9 that you would focus on the crime itself and not the  
10 circumstances, the individual characteristics, and the  
11 background of the defendant.

12 A. Well --

13 Q. So that there's some confusion in my mind --

14 A. Okay.

15 Q. -- about what you're saying.

16 A. I mean, no -- no. That isn't -- that wasn't what  
my

17 thinking --

18 Q. Well, tell us what you're thinking.

19 A. I mean, I would think of everything, you know. I  
mean

20 granted, the crime is awful. We don't know if he's  
involved,

21 if Mr. Nichols is involved, so I would listen --  
22 Q. Listen: This assumes that he was involved --  
23 A. Yes. Yes.  
24 Q. We have to make the assumption --  
25 A. Correct.

2090

Juror No. 80 - Voir Dire

there  
1 Q. -- because we wouldn't be talking about this if  
2 weren't a guilty verdict.  
3 A. Right.  
4 Q. So you have to answer this question in terms of,  
yes, the  
5 jury found him involved.  
6 A. Uh-huh.  
7 Q. Now, you have to answer: Are you open to  
consideration of  
8 everything else besides -- in addition to the crime?  
9 A. Yes.  
10 Q. You know, I'm not trying to get a yes answer  
because I'm  
11 asking you the question. I want you to honestly tell  
us that  
12 because it's an important thing to us.  
13 A. Well, I would. I feel I would hear everything, all  
14 information --

15 Q. And not just hear, but give it weight, give it  
16 consideration.

17 A. Yeah. I think I would. I don't think -- I'm not  
one to  
18 make rash decisions.

19 Q. Okay. Well, you understand we come at this from  
little  
20 different approaches. That's the way it is. That's  
part of  
21 the process, so that we can explore these things with  
you. And  
22 we're not trying to trick you or trip you up or, you  
know,  
23 anything like that that some of your TV shows might  
suggest  
24 lawyers and judges do. We just want you to tell us  
your  
25 approach. And I guess you have, have you? I mean, how  
you

2091

Juror No. 80 - Voir Dire

1 would approach the question of sentencing if it came to  
that?

2 A. If it came to sentencing?

3 Q. And consider all that you've heard and give it  
weight.

4 A. Uh-huh. Well, that's what I would do. I would  
think of

5 everything and give it weight.

6 Q. Okay. Well, we can't -- you know, we don't know  
what's  
7 going to be presented; that's why it's difficult to  
deal with  
8 this subject. We have to talk about it in the dark  
almost.  
9 A. Uh-huh. Yeah, I can understand that.  
10 Q. Okay. I think you've told us, you know, that you  
can  
11 approach this with the instructions. Is that what  
you're  
12 saying?  
13 A. Yeah, uh-huh. Yeah, with the -- I feel I could. I  
did it  
14 before, you know, as long as I had the instructions  
that kind  
15 of helped guide me.  
16 Q. Yeah, but you didn't have a sentencing decision  
before.  
17 A. That's true.  
18 Q. And you could here, and that's why we've belabored  
this and  
19 gone over it and over it.  
20 A. Yeah.  
21 Q. Well, you go ahead and go on your trip, and we hope  
you  
22 have a good time --  
23 A. Thank you.  
24 Q. -- and that you come back on schedule. We don't  
know what

25 schedule we'll be on, but we'll, you know, stay in --  
stay in

2092

Juror No. 80 - Voir Dire

1 contact with us.

2 You're not going to Oklahoma on this trip, are  
you?

3 A. No, I'm not.

4 Q. It just occurred to me. I wondered about that  
possibility.

5 A. No.

6 Q. Will you be leaving word -- I mean is there -- do  
you have

7 a recording machine, or something?

8 A. I do, uh-huh.

9 Q. So we can leave word there, if need be?

10 A. Yes.

11 Q. But you don't need to worry about us now. Just  
enjoy the

12 trip.

13 A. Okay, thank you.

14 Q. But, don't talk about it.

15 A. I won't.

16 Q. Or read about it or do anything that would change  
your

17 situation and your outlook as you've explained it to us  
in some

18 depth here.

19 A. Okay.

20 THE COURT: You're excused for now, and we'll  
be in 21 touch.

22 JUROR: Okay, thank you, sir.

23 (Juror out at 3:45 p.m.)

24 THE COURT: 315. Did you get the completed --  
the 25 next one did this --

2093

Juror No. 80 - Voir Dire

1 MR. TIGAR: Yes.

2 THE COURT: You got them, the completed  
answer?

3 MR. RYAN: Yes, your Honor.

4 THE COURT: Okay.

5 Good afternoon. Would you raise your right  
hand, take

6 the oath from the clerk, please.

7 (Juror No. 315 affirmed.)

8 THE COURTROOM DEPUTY: Thank you.

9 THE COURT: Please be seated there in that  
chair by

10 the microphone. And you can move it around, get into a  
11 comfortable position. You don't have to lean into the

hear me 12 microphone or anything. We'll pick you up. Can you  
13 all right?

14 JUROR: Fine.

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q. You know that the trial that we're talking about in  
that  
18 oath is the trial of the United States against Terry  
Lynn  
19 Nichols.

20 A. Yes.

21 Q. And you got a summons several weeks back advising  
you that  
22 your name came up through a chance process as  
potentially being

23 a juror for this trial.

24 A. Yes, sir.

25 Q. And then you sent us in a short questionnaire; that  
is, you

2094

Juror No. 315 - Voir Dire

1 answered one. And then we asked you to come out to the  
2 Jefferson County Fairgrounds' auditorium building on  
the 17th  
3 of September to answer a lot more questions, and you  
came out  
4 there.

5 A. Correct.

6 Q. And when you came out there, I met with you and  
other  
7 jurors who were there and also introduced some people.

8 want to make sure you know who's here in front of you  
Now I  
9 because you met most of these people before.  
now

10 But let me reintroduce Mr. Lawrence Mackey and  
11 Ms. Beth Wilkinson, lawyers for the Government. They  
are now  
12 joined by Mr. Patrick Ryan and Mr. James Orenstein, who  
were  
13 not there with us before.

14 But we did have Mr. Michael Tigar and Mr.  
Ronald  
15 Woods, the attorneys for Terry Nichols. And Mr.  
Nichols, of

16 course --

17 A. Yes.

18 Q. -- was with us as well.

19 And we gave you a questionnaire to answer, a  
lot of  
20 questions in writing. And then before answering those  
21 questions, I told you something about why we were doing  
it,  
22 including the background of the case, how it originates  
as a  
23 result of the explosion of a federal office building in  
24 Oklahoma City, Oklahoma, on the 19th of April of 1995.

25 A. Correct.

2095

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and I 1 Q. And there was then filed charges by the Government,  
2 told you a little about those charges; that, generally  
named 3 paraphrasing them, the Government has charged a man  
not 4 Timothy James McVeigh and Mr. Nichols and other persons  
5 named in the indictment with conspiring to blow up that  
6 building and kill and injure people in it and also with  
7 carrying out such a plan and the murder of eight law  
that 8 enforcement agents who were working in the building and  
9 the defendants entered their not guilty pleas, thereby  
10 requiring trial, and that the case was moved from  
Oklahoma City  
community 11 to Denver, here, because of a concern about the  
12 feeling there and the difficulty in getting a fair jury  
there.  
13 So we came here with the trial.

14 And then also there was an order separating  
two 15 Mr. McVeigh and Mr. Nichols for trial so there would be  
16 separate trials and separate consideration given to  
whatever

that? 17 the evidence may be as to each person. Do you recall

18 A. Yes, sir.

19 Q. And you know that I reported to you all that there  
had been

20 a trial of Timothy McVeigh, the evidence about him, and  
a jury

21 found him guilty and also recommended that he be  
sentenced to

22 death. And you probably were aware of that even  
without me

23 telling you. Were you?

24 A. Yes, sir.

25 Q. Because you became aware of it in the news.

2096

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1 A. Yes.

2 Q. And then I explained that what happened in that  
case cannot

3 be considered in this case; here the question is going  
to be

4 what is the evidence that the Government has as to Mr.  
Nichols

5 and a separate jury will consider that and determine  
the

6 sufficiency of that evidence under the law. And it  
would --

7 you know, this is the very reason that separate trials  
were

be 8 ordered, because the evidence against one person cannot

9 considered against the other. You follow that?

10 A. Yes.

11 Q. You understand it?

12 A. Yes, sir.

13 Q. Okay. And accept it?

14 A. Yes.

15 Q. And then I talked a little about what a trial  
involves and

16 the principles of law that are applicable to all  
trials, and

17 included in that is the constitutional principle, the

18 constitutional protection that says before any person  
in any

19 court in the United States can be found guilty of a  
crime, the

20 government, whatever government it is, you know,  
whether it's a

21 state government or the federal government or local,  
has to

22 prove to the satisfaction of a jury beyond a reasonable  
doubt

23 by legal evidence that the defendant did what they say  
he did.

24 You understand that.

25 A. Yes.

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1 Q. So we start always at every trial with a  
presumption of  
2 innocence that the person accused is not guilty of the  
crimes  
3 with which he is charged.  
4 A. I understand.  
5 Q. Okay. And so Terry Nichols is sitting here this  
afternoon  
6 presumed to be innocent of crimes charged against him.  
You  
7 understand that?  
8 A. Yes.  
9 Q. Are you prepared to apply that in this case?  
10 A. Yes.  
11 Q. And no defendant, including Mr. Nichols, has any  
burden or  
12 duty of proving anything at his trial. It's up to the  
13 Government to bring in the evidence. No defendant has  
to  
14 produce witnesses, and certainly no defendant has to  
take the  
15 witness stand and testify, answer any questions, or  
explain  
16 anything. A defendant can choose to remain silent and  
simply  
17 challenge the Government's evidence through his  
lawyers,  
18 cross-examining witnesses and making objections to the  
19 admissibility of evidence and all of those things; and

the jury

20 cannot consider the defendant's silence as in any way  
21 suggesting that he's guilty; or actually what I tell  
juries is  
22 you can't even talk about that in your deliberations.  
Do you  
23 understand these things?

24 A. Yes, sir.

25 Q. And accept them and agree to follow them if you  
were to be

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1 on this jury?

2 A. Yes.

3 Q. Now, after explaining these things -- and I want to  
be

4 clear that I'm not suggesting you didn't remember. But  
for the

5 record, we review these things just to make sure that  
there's a

6 common understanding of what we're talking about; and  
that's

7 why I went over them with you. And then we asked you  
all these

8 questions, and some of them are pretty private matters,  
but we

9 asked you anyway; and we appreciate your cooperation in

10 answering.

11 We do respect your privacy and will try to  
continue to  
12 do so. Your name is not used here. Your answers were  
not  
13 given to anybody but the people who are right here  
14 participating in this process, and they're not going to  
give  
15 them out to anybody else. And we even make sure going  
and  
16 coming to the courthouse that people can't take  
pictures of you  
17 or, you know, identify you. And that's a matter of  
privacy,  
18 our concern for that.

19 But, you know, here in open court, and that's  
where we  
20 are now, the things that we say are public. You  
understand  
21 that.

22 A. Yes.

23 Q. Now, when you went through the questionnaire, you  
ran out  
24 of time; and I said, "Well, we'll finish it up down at  
the  
25 courthouse." And in fact, you did that today; right?

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1 A. Yes.

2 Q. And you took another one of these forms and filled

out,

the rest 3 starting with where you left off before, and answered  
4 of the questions.

5 A. Correct.

Now, we're 6 Q. And we have those additional answers here, too.

Don't 7 not going to go over all the questions all over again.

ask you 8 worry about that. But there are a few things that we

questions 9 to explain or expand on, and then we have some other

you've 10 to ask as well. So let me turn for a minute to what

11 told us. You were born in Kansas?

12 A. Yes.

13 Q. Raised on a farm there?

14 A. Yes.

15 Q. And where was that in Kansas? What part of Kansas?

16 A. Central part. Salina, Kansas. Near Salina.

parents own 17 Q. And was that your family farm? I mean did your

18 it?

19 A. They did.

the 20 Q. Did their parents -- I mean was that passed on from

21 grandparents?

22 A. Yes.

23 Q. Farm had been in the family for years?

24 A. Yes.

25 Q. And is it still owned in the family?

2100

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1 A. Yes.

2 Q. Do you have an interest in it?

3 A. Yes.

4 Q. Somebody else farms it now, I take it?

5 A. Right.

6 Q. Are there family members farming it?

7 A. No.

8 Q. You --

9 A. We have a renter.

10 Q. A renter.

11 A. Uh-huh.

12 Q. Do you do that on a sharecrop basis or a cash rent?

13 A. Sharecrop.

14 Q. What kind of --

15 A. I have a small piece that's cash rent.

16 Q. For pasture?

17 A. No.

18 Q. Or for crops?

19 A. For crops.

20 Q. What kind of crops are growing on there?

21 A. Wheat.

22 Q. The whole farm in wheat?

23 A. Yes.

24 Q. Is that true when you were in the family there  
growing up?

25 A. Yes. The part that we rent, we do have some milo  
crops in

2101

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1 it, too.

2 Q. Okay.

3 A. As well as wheat.

4 Q. But going back to the time that you lived on the  
farm, were

5 there some other crops?

6 A. We used to call it "capricorn." It's milo now.  
But we had

7 corn.

8 Q. Did you raise some animals?

9 A. Some.

10 Q. Have some livestock?

11 A. Right, we had livestock.

12 Q. Did you have any hogs?

13 A. Yes.

called 14 Q. They used to pay the mortgage. Hogs used to be  
15 mortgage payers. I don't know if those days --  
16 A. I don't think we had that many.  
family 17 Q. Okay. But you did -- I assume everybody in the  
18 worked the farm.  
19 A. Right.  
left the 20 Q. And including you. Then how old were you when you  
21 farm?  
22 A. About 18. Went to college.  
well, 23 Q. Yeah, and you went to college. Now, was that in --  
24 you went to Kansas State.  
25 A. Right.

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1 Q. And got an engineering degree.  
2 A. Yes.  
the 3 Q. Then you went in the Army, and the Army sent you to  
4 University of Illinois?  
5 A. Yes.  
degree. 6 Q. And there you got a different kind of engineering  
7 A. Yes.

worked 8 Q. That's how I understand it. Tell us about how that  
9 and why the Army sent you there, a little bit.  
certain 10 A. They were interested in the -- sending us to -- a  
going 11 number of people to the Far East when the war was still  
12 on. And it was -- we tried to get a degree in sanitary  
13 engineering, which we did.  
occupying 14 Q. And was this looking toward the occupation stage,  
15 Japan?  
16 A. No, it was -- the war was still going on then.  
17 Q. So this was '45, 1945?  
18 A. Right, uh-huh.  
care of 19 Q. And so would the -- this be looking toward taking  
20 these conditions for troops?  
and 21 A. Yeah. There were so many -- parasites, bacteria,  
22 things like that.  
23 Q. Making people sick?  
24 A. Wanted us to take care of.  
overseas? 25 Q. After you completed your work there, did you go

1 A. Went to the ETO.

2 Q. And what did you do?

3 A. Was with the 482d Engineers Battalion. And we were  
4 processing equipment, heavy construction equipment to  
send to  
5 the CBI theater.

6 Q. Okay. And then when the war ended, you were still  
in the  
7 Army, were you?

8 A. Yes.

9 Q. And then did you get an early discharge, or what  
happened  
10 then?

11 A. Well, I was just in the Army for two years. And I  
would  
12 have probably gotten out sooner, but I was in Europe --

13 Q. Yeah.

14 A. -- and a lot of the fellows that had been over  
there for so  
15 long came back first. And I was there a little longer.

16 Q. Well, they still needed troops in the area. ETO  
means  
17 European Theater of Operations; right?

18 A. Right.

19 Q. Now, when you came back into civilian life, is that  
when  
20 you went to work, then, with the Bureau of Reclamation?

21 A. Yes. You might say so. I started with another  
company and

offer came 22 worked about a day and a half, and then the Bureau

23 through.

to the 24 Q. Okay. You had expected -- I mean you had applied

25 Bureau --

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1 A. Right.

2 Q. So you took another job while you were waiting?

3 A. Uh-huh.

there, what, 4 Q. Now, with the Bureau of Reclamation, you were

agency 5 for your professional career? Did you go with another

6 for a while?

7 A. No.

8 Q. All at --

9 A. I was with the Bureau of Reclamation.

10 Q. And part of that time were you in Arizona?

11 A. Right.

Arizona? 12 Q. And were for a part of that time at Kingman,

13 A. Yes.

14 Q. What were you doing in Kingman?

15 A. Oh, that was where we were living before they built

16 government camp down at -- at the Davis Dam, when the  
17 Colorado . . . . And we used to commute from Kingman  
to Davis  
18 Dam.

19 Q. And that was the project that you were on, that  
dam?

20 A. Right.

21 Q. So when that got built, what year was that built?

22 A. 1947 to . . . .

23 Q. Well, about '50 --

24 A. It escapes me there, the years.

25 Q. Sure. I think you showed us in here that you were  
in

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1 Arizona '47 to '50.

2 A. Okay.

3 Q. And then they -- the project was done, so you moved  
on?

4 A. Right.

5 Q. And where did you go then? Was that up to South  
Dakota?

6 A. Yes. We went from Davis Dam to Pactola in the  
Black Hills,

7 Pactola Dam.

8 Q. So in the Bureau of Reclamation, your job was dam  
building,

9 primarily, was it?

10 A. Construction, yes. Dam construction.

11 Q. And you retired about when, '79?

12 A. '77. Well, I went back to work for the Bureau for  
a little

13 while as a -- but then after 1980, I didn't work for  
the Bureau

14 of Reclamation.

15 Q. You had a -- you did some consulting work, did you?

16 A. Yes.

17 Q. With private companies or with the Bureau?

18 A. Private companies.

19 Q. And how long --

20 A. Except for the Corps of Engineers. I spent a few  
days with

21 them.

22 Q. Okay. And what kind of consulting -- consulting  
23 engineering work?

24 A. Foundation and contracted joint routing and  
construction.

25 Q. Of buildings?

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1 A. No, of dams.

2 Q. Always dams?

3 A. Uh-huh.

4 Q. And I take it in that kind of work, you do some  
assessment  
5 of the geology, the under -- under the dam and where  
the dam's  
6 going to be?

7 A. Right.

8 Q. To determine whether it's going to hold.

9 A. We treated the foundation for any -- any  
discrepancies or  
10 cracks or things like that.

11 Q. And including the possibility of earthquakes or  
movements  
12 of the soil?

13 A. Well, that was part of the strength that was done  
to the  
14 foundation.

15 Q. Now, since -- when did you stop the consulting  
work?  
16 A. About 1986, I believe.

17 Q. And what -- have you since then just enjoyed  
retirement?  
18 Have you done some other things?

19 A. That's all the work I've done. I do a lot of  
investing.  
20 Q. In the --

21 A. -- stocks.

22 Q. -- securities? Stocks and bonds?

23 A. Uh-huh.

that. 24 Q. You also watch a lot of TV, I guess. You told us

25 A. Yes.

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1 Q. You enjoy that?

2 A. We watch a lot of the news.

I think 3 Q. All right. And you belong to some organizations.

4 you're in a Masonic lodge.

5 A. Yes.

6 Q. Are you? Are you active with the Masons?

7 A. No.

8 Q. Were you at one time?

9 A. Yes.

10 Q. And did you hold any --

11 A. I started through the chairs, and then we moved.

12 Q. Okay. So you didn't complete it to the 32d or --

13 A. No.

Masonic lodges 14 Q. When you -- so were you in several different

15 as you moved around?

16 A. Not very much.

17 Q. Was that a -- you know, were you active with the --

18 A. I joined at Davis Dam, the Masonic lodge.

19 Q. That's in Kingman?  
20 A. And then we organized one in Page, Arizona. And  
then I  
21 haven't been active, really, since I worked at Glen  
Canyon.  
22 Q. And was -- were you at Page when you were working  
Glen  
23 Canyon?  
24 A. Yes. At first, and then moved to Page.  
25 Q. In what you have added today, you've got -- you've  
got your

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1 answers right here in front of you. I don't mean to --  
2 A. Yes.  
3 Q. -- test you on your memory about your answers. But  
you did  
4 in what you told us today say something over here on  
page 31 I  
5 wanted to ask you about. And at Question 134 -- and  
this goes  
6 to your work with dams, I think. That you took a  
course from  
7 Du Pont in explosives.  
8 A. Yes.  
9 Q. When was that?  
10 A. I can't tell you. It was when I worked for the  
Bureau of

11 Reclamation.

12 Q. Did you have a responsibility to design and  
supervise shots

13 to move earth or whatever you were using explosives  
for?

14 A. No.

15 Q. Why did you take the Du Pont course?

16 A. Well, I was in construction and covered more than  
just

17 foundations and things like that.

18 Q. Yeah. Well, have you ever --

19 A. Went through a number of Bureau of Reclamation  
employees.

20 Q. Did you ever work with explosives?

21 A. Not to any degree.

22 Q. Do you remember what this course taught about  
explosives?

23 As you sit here today, do you remember the subject  
matter of

24 the course?

25 A. Vaguely. Because I've never -- never really used  
it to any

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1 great extent. It was how to -- how to make shots and  
in

2 tunnel -- tunneling and things like that.

3 Q. And where -- did the course focus on a particular

kind of

4 explosive material?

5 A. Various kinds there.

6 Q. Do you remember what kinds?

7 A. Well, TNT and your prills. Well, it's fertilizer  
type.

8 Q. Ammonium nitrate prills?

9 A. Yeah, ammonium nitrate, that's it.

10 Q. Now, there may be some testimony in this case about  
11 explosives and the effects of explosives and all that.

You can

12 imagine that. Do you have enough recollection about  
the things

13 that you read about and studied and heard in the course  
that

14 you think that if there were some disputes among  
witnesses

15 about explosive material, you could listen open-  
mindedly, or do

16 you think you, you know, are going to be your own  
expert on it?

17 A. No, I'm not an expert on it.

18 Q. All right. So you'd listen along with the rest of  
the

19 jurors if this were the subject of some controversy  
here?

20 A. Pardon?

21 Q. If explosions and the makeup of explosive material  
and so

22 forth -- if that became a subject of dispute among the

to 23 witnesses, would you be willing to and able, you think,  
heard 24 listen like the other jurors and be guided by what you  
prior 25 and judge it just like they do even though you had some

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1 knowledge of explosives?  
2 A. Oh, I think so, uh-huh.  
3 Q. Well, that's why we're asking it.  
4 A. Yes.  
at 5 Q. And then you -- on this same page, up above that,  
something 6 Question 133, you -- as you recall here, thought that  
have in 7 said by the governor of Oklahoma was very good. Do you  
8 mind any particular statements by the governor?  
I heard 9 A. Not today. I know I was very impressed every time  
came 10 him speak on the news. I thought he -- I thought he  
11 through very, very clear.  
12 Q. And when is the last time that you can remember  
hearing the 13 governor of Oklahoma speak on this subject?  
14 A. I don't recall. It's been some time.

15 Q. Did you hear -- you watched a lot of TV. You  
watched some

16 things about this Oklahoma bombing, obviously.

17 A. Yes.

18 Q. And did you watch reports about the trial in this  
court of

19 Timothy McVeigh?

20 A. Yes.

21 Q. Do you recall the governor of Oklahoma saying  
anything

22 during that trial or about the trial?

23 A. I don't recall.

24 Q. Is what you have in mind here things that he said  
before

25 that?

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1 A. Yes.

2 Q. Okay. Now, we have to ask you some additional  
questions

3 beyond what's on the questionnaire and talk about what  
the jury

4 has to do. And in the course of your TV watching, have  
you

5 watched trials like on Court TV where they televise  
some

6 trials?

7 A. No. I think I just watched the news.

8 Q. Did you watch --

9 A. I don't recall seeing any court.

10 Q. You have cable television where you live?

11 A. No.

12 Q. So the TV you watch is what comes over the networks

--

13 A. Right.

14 Q. -- and the local stations here in the Denver area?

15 A. Yes.

16 Q. The jury has to decide, you know, whether the  
evidence at

17 the trial of a particular defendant supports the  
charge; that

18 is, does it prove the charge against that person beyond  
a

19 reasonable doubt. We've talked about that; right?

20 A. Yes.

21 Q. And you understand that?

22 A. Yes.

23 Q. Now, in cases that do not involve, under murder  
charges,

24 the case -- the possibility of a sentence to death, the  
jury

25 doesn't get involved with punishment at all. Do you  
understand

1 that?

2 A. Yes.

3 Q. In other words, in cases that don't involve the  
issue of  
4 whether the defendant should be put to death or whether  
he  
5 should be put in life -- in prison for life without  
release,  
6 the jury doesn't consider punishment; they just  
consider  
7 whether the evidence proves the charge. And then if it  
8 doesn't, it's a not guilty verdict, that's the end of  
it. If  
9 it does satisfy all of the jurors, unanimous verdict,  
then they  
10 render a return -- return a verdict of guilty. And in  
cases --  
11 the usual case, the matter goes to the judge to decide  
the  
12 sentence. Are you aware of that?

13 A. Yes.

14 Q. And judges don't decide sentences just on the basis  
of the  
15 crime, what the person did. They don't decide it on  
the basis  
16 of the evidence at the trial because sentencing is a  
very  
17 individual decision to be made about a particular  
individual.  
18 And so before a judge decides a sentence, there's  
another

19 hearing; and before that hearing and during the  
hearing, more  
20 information is given to the court about how not only  
additional  
21 circumstances concerning the offense but also things  
about the  
22 defendant as a human being. And those are things that  
are  
23 personal to him, individual characteristics, and all  
about his  
24 background, where he was born and raised, a lot of the  
kinds of  
25 things that we've talked about here with you, but much  
more

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1 than that, all about family relationships, the things  
that have  
2 been a part of his life, what he's done in life, all of  
the  
3 things that, you know, add up together to make each  
person  
4 unique and different from all other persons. Do you  
5 understand?

6 A. Yes.

7 Q. And the court has to weigh and consider all of that  
8 information and at a hearing hears from the lawyers on  
both  
9 sides and then makes a decision as to what is the just  
sentence

10 for that person found guilty of that crime; not just  
the crime,  
11 but also the things about that person, and that's the  
sentence.  
12 And even though the judge may have two people with the  
very  
13 same conviction, same offenses, the sentences might be  
14 different with respect to the two of them because they  
consider  
15 things beyond the offense itself.

16 Do you hear and understand what I've said?

17 A. Yes.

18 Q. If you have any question, go ahead and ask me. I  
mean, I  
19 want to be sure --

20 A. No, but I'm learning from you today.

21 Q. Okay.

22 A. I wasn't aware of all the things you've told me.

23 Q. I realize. And we wouldn't expect you to be.

24 A. Uh-huh.

25 Q. But because in a Federal Court the jury gets  
involved in

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1 punishment, in the sentence decision, when the issue is  
life or  
2 death, we have to talk about that part of it as well,

even

that

But

must

'cause

of the

things

about the

on page

please

starting on

sort of

views

of the

3     though, of course, right now we presume under the law

4     Mr. Nichols is not guilty and won't be found guilty.

5     because of the way the law works and the way the jury

6     consider the sentence, we have to talk about it anyway,

7     we can only do this now before the trial starts. You

8     understand.

9     A. Yes.

10    Q. And we asked you some questions here as we did all

11    other prospective jurors in this questionnaire, some

12    about your views concerning punishment before talking

13    law at all. And that's why we asked you the questions

14    28. And I want you to turn to your answers. And

15    understand -- well, go ahead and read your answers.

16    A. Okay.

17    Q. Now, there was a preliminary explanation here

18    page 27, before these questions were asked, and it's

19    what I just reviewed again, that we wanted to get your

20    about it without your knowing exactly what is required

21 jury so that we could find out sort of what you think  
coming  
22 into this process. And these questions were asked very  
broadly  
23 of you, as it says here, if you had the power to decide  
what  
24 the law should be.

25 So I guess what I'd like you to do for us is  
tell us a

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1 little more about what you said here. But before doing  
that,  
2 tell us this: Have you given a good deal of thought to  
the  
3 question of when people should be -- if they should be  
put in  
4 prison for life with no chance for release, no parole  
at all,  
5 so whether people should be put to death for a crime?  
Have  
6 you -- is that something that has been of interest to  
you?

7 Before this, before this?

8 A. Well, I have opinions about it, yes.

9 Q. Yeah, and you've had opinions before you ever got  
asked  
10 these questions?

11 A. Oh, indeed, yes.

time? 12 Q. Has your opinion or have your opinions changed over

13 A. No.

varying 14 Q. And you know this is a matter on which there are

people 15 opinions. And people feel strongly at each end, some

16 that, no, never a death penalty, it's wrong, morally,

say, 17 religiously, or whatever, and people on the other end

then 18 look, if you kill somebody, you should be killed, and

19 there's a lot of in between; right?

20 A. Right.

21 Q. I mean --

22 A. Very, very -- yeah, it's a touchy subject there.

convictions 23 Q. Absolutely. And people come to this with moral

different 24 about it, with strong religious beliefs, and a lot of

a trial 25 things can enter into a person's opinion about whether

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what 1 should result in somebody being put to death, which is

2 we're talking about.

3 A. Yes.

4 Q. So -- and since you've answered these questions,  
have you  
5 thought about it some more?

6 A. Not particularly.

7 Q. Now, I want you to give us a little explanation  
about what

8 you mean with the answers that you gave on A and B,  
which are

9 the same, the same words used there, favorable. What  
are you

10 telling us there?

11 A. Well, I think it's -- "What is your view as to  
whether the

12 penalty of life in prison without the  
possibility . . . ." I'm

13 in favor of -- in certain cases of so judging.

14 Q. All right. And the same is true with respect to  
death

15 sentence --

16 A. Correct.

17 Q. -- is that what you say the next time?

18 A. Yes.

19 Q. And then we asked you, you know, to follow that up,  
sort

20 of, with what kinds of cases, if you could make the  
law, do you

21 think it would be appropriate for life in prison.

22 And you answer, "It's a complex question,"  
which I

23 wouldn't disagree with that. But then you say, "Many

factors,

24 including the nature of the crime and if release is a  
danger to

25 society."

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Juror No. 315 - Voir Dire

1 So you're thinking about whether the person  
might

2 commit more crimes; is that --

3 A. Yes.

4 Q. -- is that -- I'm not trying to put words in your  
mouth. I

5 just want you to expand on this a little.

6 A. That's right.

7 Q. All right. And can this be crimes of all kinds,  
like

8 somebody -- you know, in places they talk about, well,  
let's

9 pass a law, three felonies and you stay in prison. Are  
you

10 thinking about that kind of thing in answering this  
question?

11 A. Well, I disagree with three felonies, depending on  
the

12 seriousness of the felonies.

13 Q. All right. So the nature of the crime affects your  
view?

14 A. Right.

that is, 15 Q. And that in the next answer, you focus on murder;  
16 punishment of death.

17 A. Yes.

of 18 Q. So -- and then you say, "Maybe others, other kinds  
19 crimes"?

20 A. That's a little vague, isn't it?

want you 21 Q. Well, we're not criticizing your answer. We just  
22 to give us a little more of your thinking. This is not  
a test.

23 There's no right or wrong. It's what do you think.

murders, I 24 A. I believe in cases of where there are deaths or  
25 mean, it would be appropriate.

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Juror No. 315 - Voir Dire

views 1 Q. And I think you told us back here earlier that your  
2 are not based on some religious opinion or doctrine,  
but just 3 what you think?

4 A. They are not, yes.

these 5 Q. Okay. Well, I want to explore your having told us  
of what 6 things. I want to explore this a little more in terms

7 the law is and what the procedure is, because we want  
to find  
8 out whether you can participate under the law.

9 What happens in a case -- well, first of all,  
under  
10 federal law, we don't talk about the death penalty for  
crimes  
11 other than murder. There has to be a killing of some  
kind or  
12 we don't ever get to this question. So other kinds of  
crimes,  
13 federal crimes, do not involve this sentence.

14 A. I see.

15 Q. And I suppose there could be an exception to that  
for  
16 treason, but we're not dealing with that. We're  
talking about  
17 crimes that involve killings.

18 A. Okay.

19 Q. So what the law says, then, is that if a defendant  
is  
20 convicted of a crime that involved a killing, then --  
and of  
21 course the first question is does the evidence prove  
that. If  
22 not, the verdict's not guilty, and that's the end of  
it. But  
23 if the verdict is guilty, the jury has found the  
defendant  
24 committed the crime, the evidence showed it beyond a  
reasonable  
25 doubt, we go on and ask the jury about punishment. But

we

2119

Juror No. 315 - Voir Dire

1 don't just stop there and say, All right, here's the  
evidence,  
2 you found him guilty, what happens. There's more to  
it, and  
3 the more to it is really a second trial. Sometimes we  
refer to  
4 it as a penalty phase hearing or a sentencing hearing,  
but it's  
5 really a trial after the guilty verdict. And it is at  
that  
6 trial that, just like the trial on the question of  
guilt, we  
7 have two sides, lawyers representing the prosecution  
and the  
8 defendants; and they put on more information for the  
jury to  
9 consider. The prosecutors bring in information that  
they think  
10 tends to suggest to the jury that death is deserved for  
the  
11 crime and for the defendant.

12 A. Are witnesses involved in this?

13 Q. Yes, exactly. Witnesses, exhibits. And then just  
like at  
14 trial, argument, too, persuasive argument. And the  
defense  
15 puts on information, witnesses, exhibits, in the same

way as

16 the prosecution, only the defense focuses on things  
that

17 support the view that death is not a deserved  
punishment for

18 the particular defendant. And it isn't just the  
circumstances

19 of the crime. It isn't just a question of are you sure  
he did

20 it, because if you're not sure he did it, we oughtn't  
to be in

21 the sentencing phase anyway, we wouldn't be talking  
about it.

22 But the things that are involved now in the  
sentencing

23 hearing include these same kinds of things I talked  
about when

24 a judge sentences, things about the defendant as a  
human being,

25 distinct from others, individual person, all of these  
things

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1 about his background, his life story, and things that  
may

2 relate to his role or why he was involved, his  
employment,

3 things he's done that have been helpful to other  
people. All

4 of that can be involved. So it's a question of  
background and

5 individual characteristics of the defendant.

6 And then when all that has been heard, all of  
that has

7 been received in that hearing, the Judge instructs  
again about

8 what the jury should do in terms of how to consider  
what

9 they've heard. And the Court explains, well, now, what  
you've

10 heard, these are the aggravating factors that have been  
11 presented to you and outlines them based on that  
information or

12 evidence that the jury has heard. And then turns and  
says, and

13 these are the mitigating factors, meaning the things  
that might

14 support a death verdict and the things that might  
support a

15 sentence other than death. And the jury here is going  
to be

16 deciding life in prison without the possibility of ever  
being

17 released or death or they can come to a decision,  
neither of

18 those, something else, something less, and then it goes  
back to

19 a judge to decide. You follow me on this?

20 A. Right.

21 Q. And so in deciding life or death, the Court gives  
these

22 additional explanations and instructions, and then  
gives a

factors, 23 series of questions to help the jury focus on these  
adding up 24 but there's no formula for it; it's not a question of  
balance or 25 aggravating or adding up mitigating and see if they

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what 1 anything like that. That's not the way it goes because  
on all 2 the jury is asked to do is make a moral decision based  
defendant 3 of the things that have been presented, should the  
4 live or die; that's the decision.

5 Now, do you have any question about what I've  
6 explained here?

7 A. No.

8 Q. You understand what I've said?

9 A. Yes, sir.

need to 10 Q. And what I need to hear from you -- what we all

whether 11 hear from you is your honest appraisal of yourself and

would 12 you think that having this explanation now in mind, you

should 13 be able to make a decision about whether the defendant

14 be sentenced to life or death on his personal  
background and  
15 individual characteristics about him that you've heard  
as well  
16 as the circumstances of the crime itself. Do you  
understand  
17 the question?

18 A. Yes.

19 Q. What is your answer?

20 A. Yes.

21 THE COURT: The -- I think what we're going to  
do is  
22 take a little break here, recess. I know you want to  
get this  
23 completed, and we do, too, but we're going to take a  
recess  
24 because everybody needs a break now and then. We're  
going to  
25 have you back in 20 minutes, and then I'm going to ask  
the

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1 lawyers to ask you some additional questions 'cause  
they should

2 have a chance to hear from you, too.

3 So we'll just pause for 20 minutes, come back  
in, and

4 then, if you can believe it, we'll have more questions  
of you.

5 JUROR: Okay.

6 THE COURT: Please bear with us. This is a  
very  
7 important part of the whole process, as I'm sure you  
8 understand.

9 JUROR: Uh-huh.

10 THE COURT: You may step out now.

11 (Juror out at 3:30 p.m.)

12 THE COURT: Okay. I believe it will then be  
10  
13 minutes to that we'll resume. Recess.

14 (Recess at 3:30 p.m.)

15 (Reconvened at 3:50 p.m.)

16 THE COURT: Be seated, please.

17 All right. We'll resume.

18 Mr. Ryan?

19 MR. RYAN: Thank you, your Honor.

20 VOIR DIRE EXAMINATION

21 BY MR. RYAN:

22 Q. Good afternoon.

23 A. Hello.

24 Q. How are you?

25 A. Fine.

1 Q. My name is Pat Ryan. I'm the United States  
Attorney in  
2 Oklahoma City. I'm here with my fellow prosecutors to  
present  
3 the evidence the United States has against Mr. Nichols.

4 I have a few questions. His Honor covered  
many of  
5 them before the lawyers have an opportunity to talk to  
you; but  
6 if you'll bear with me and answer just a few.

7 I understand you were with the Bureau of  
Reclamation  
8 for, what -- I mean 33, 34 years, something like that?

9 A. Yes, uh-huh.

10 Q. And you've told us about a couple of dam projects  
that  
11 you've worked on, one outside of Kingman and another  
one in the  
12 Dakotas?

13 A. Davis Dam and Glen Canyon Dam, I think we  
mentioned.

14 Q. Right. What other projects have you worked on?

15 A. Canyon Ferry Dam near Helena, Montana, and Pactola  
Dam in  
16 South Dakota; and then when I was working out of  
Denver, the  
17 chief engineer's office, I probably worked or visited  
probably  
18 up to 50 dams during construction.

19 Q. When you were in the ETO, did you work on dams in  
Europe?

20 A. Not in Europe.  
21 Q. Was that more sanitary conditions?  
22 A. No. I was -- in Europe, I just worked in the Army,  
for the  
23 Army. I was in the Army.  
24 Q. What kind of work did you do in Europe?  
25 A. After the war in Europe ended is when I went to  
Europe to

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1 ETO, and I was stationed in Belgium, where they had  
beaucoup  
2 heavy-construction equipment. And we were processing  
that  
3 heavy-construction equipment to be shipped directly to  
the CBI,  
4 because the war in Japan was still going.  
5 Q. I see.  
6 A. And then while I was there, the war in Japan ended;  
and  
7 then we cleaned up the construction equipment, and it  
was sold,  
8 then, to -- it was auctioned off, I guess, or sold to  
various  
9 countries.  
10 Q. Now, you and your wife celebrated your 50th wedding  
11 anniversary this past year?

12 A. Yes.

13 Q. And you have three children?

14 A. Yes.

15 Q. And do they live here in Colorado, or where do they  
live?

16 A. One in Grand Junction, Colorado; one in Las Vegas,  
and one

17 in Argentina.

18 Q. What -- is it your son, or daughter in --

19 A. Daughter in Argentina.

20 Q. Argentina? Is her work or her husband's --

21 A. Her husband works for Chevron Corporation, and they  
have

22 been in a lot of different countries.

23 Q. Now, I understand that you grew up around the  
Kansas area.

24 Is that right?

25 A. Yes.

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1 Q. Do you still have friends or family that live in  
the area?

2 A. Yes. I just attended my brother's funeral this  
last week.

3 Q. I'm sorry to hear about that.

4 A. In Salina, Kansas.

5 Q. You went to Kansas State University?

6 A. Yes.

7 Q. Are you still a Wildcat fan?

8 A. Yes.

9 Q. They have a better team now than they did when you  
were

10 there, don't they?

11 A. They have a good coach now, don't they?

12 Q. Now, some of the -- some of the names of central  
Kansas --

13 some of the towns and cities there you may hear about  
in this

14 case: Grand Junction (sic) and Herington, towns like  
that. Do

15 you think your knowledge or having lived there will  
influence

16 you in any way?

17 A. What was that last question?

18 Q. Let me rephrase --

19 THE COURT: Excuse me. I think you meant  
Junction

20 City.

21 MR. RYAN: I'm sorry, your Honor. Did I  
misspeak?

22 BY MR. RYAN:

23 Q. You're familiar with the towns like Junction City?

24 A. Quite. It's close to Manhattan, where I went to  
college.

25 Q. And Herington?

## Juror No. 315 - Voir Dire

for a  
1 A. I worked for the State Highway Commission of Kansas  
2 while.  
3 Q. Oh, when did you do that?  
4 A. On surveys.  
5 Q. When was that? Before you graduated?  
6 A. Before I graduated.  
7 Q. Now, you're going to hear some of those names in  
this case,  
8 names of some of these towns.  
9 A. Some of them are very familiar.  
10 Q. Have you ever -- did you actually -- have you  
actually  
11 worked on the farm in any way, any capacity since when  
you were  
12 a child?  
13 A. Not since I left -- not since -- when I was 18  
years old, I  
14 haven't worked on the farm.  
15 Q. So in terms of going to any of the stores or the  
various  
16 locations in those towns, are you familiar with them  
today?  
17 A. The stores, you say?  
18 Q. Yeah, stores where people would buy things and  
restaurants

19 and motels. Do you still have some familiarity with  
that

20 region?

21 A. Well, I know a few stores in Salina, Kansas,  
because I

22 visit there once or twice a year usually.

23 Q. Have you ever heard of the store McPherson's in  
McPherson,

24 Kansas, Mid-America Co-op?

25 A. No.

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Juror No. 315 - Voir Dire

1 Q. Or Mid-Kansas Co-op?

2 A. No.

3 Q. Now, let me ask you to follow up on some of the  
questions

4 of his Honor with respect to publicity. It's my  
understanding

5 from reading your questionnaire that you've seen quite  
a bit of

6 news about this case.

7 A. Yes.

8 Q. You seem to know some of the facts that are being  
reported

9 in the media. Are you with me?

10 A. Yes.

11 Q. Let me direct your attention to Question 159 on  
page 37.

12 Top of the page asks to you summarize the information  
you heard

13 about Terry Nichols.

14 A. Yes.

15 Q. Do you see that?

16 A. Yes.

17 Q. Is that all information that you have heard on  
television?

18 A. No -- well, a lot of it was from newspaper  
articles.

19 Q. Uh-huh. In either the newspaper or television,  
you've

20 heard these things?

21 A. Yes.

22 Q. You've also told us that you don't always believe

23 everything you read in the newspaper. Is that fair?

24 A. When you know the facts, they vary considerable.

25 Q. Right. Now, you may have heard some things about  
this

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1 case; but do you realize that what you heard may be  
true, may

2 not be true?

3 A. True.

4 Q. We don't know what the facts are because they  
haven't been

5 presented in this case.

6 A. Yes.

7 Q. Do you appreciate that?

8 A. I agree.

9 Q. And there hasn't been any witnesses testify and  
there

10 hasn't been any exhibits introduced in this trial  
because we

11 haven't even started the trial.

12 A. Right.

13 Q. So I guess the question I have for you: Do you  
think you'd

14 be able to set aside what you've read in the news  
media, either

15 read in the newspaper, heard on television, push that  
aside,

16 push it out of your mind altogether, and decide the  
case just

17 on the evidence that you hear in the courtroom?

18 A. I would certainly try.

19 Q. Do you think you could do that?

20 A. Yes.

21 Q. Now, you indicated that you heard something -- you  
had seen

22 the governor of Oklahoma on television.

23 A. Yes.

24 Q. Did I understand that correctly?

25 A. Uh-huh.

## Juror No. 315 - Voir Dire

1 Q. Can you remember anything that he said?

2 A. Not really.

3 Q. Okay.

4 A. Except I was impressed with him.

5 Q. He was a nice-looking man?

6 A. Well, he gave -- he talked well. It made sense  
from what  
7 he said.

8 Q. Can you remember -- but you can't remember any  
specific  
9 thing that he said?

10 A. Not really.

11 Q. All right. And have you ever heard anything that  
the

12 President of the United States has said or the Attorney  
General

13 or anybody else about this case?

14 A. Oh, I think I saw the President probably talking  
about it.

15 I don't recall anything specific.

16 Q. You can't recall anything that he said?

17 A. No.

18 Q. Now, do you understand that doesn't make any  
difference

19 what any of those people say about this case? The only

thing

20 that matters is what happens in this courtroom?

21 A. I understand.

22 Q. All right. So you can -- even though you can't  
presently

23 recall any of these statements, can you agree with me  
that it

24 would be best to just push it out of your mind  
altogether?

25 A. I think -- yes.

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Juror No. 315 - Voir Dire

1 Q. And you can do that?

2 A. Yes.

3 Q. All right. Now, if we could, I'd like to talk to  
you about

4 this issue of the death penalty that his Honor spoke to  
you

5 about. And if you'll recall, his Honor talked --  
you've never

6 served on a jury, have you?

7 A. No.

8 Q. His Honor was telling you about cases in which the  
death

9 penalty is not involved, just a normal criminal case  
that does

10 not involve murder, does not involve the death penalty.  
The

guilt or 11 jurors, ordinary citizens, come in and they decide the  
12 innocence. You understood that?  
13 A. Yes.  
of how 14 Q. Did you understand what happens after that in terms  
15 the punishment is figured?  
16 A. It's practically another trial, yes.  
Honor or 17 Q. Right. And when there is not a death penalty, his  
information 18 a judge like Judge Matsch would gather additional  
19 about the defendant. Did you understand that?  
20 A. Pardon, now?  
there is 21 Q. Did you understand that after a guilt verdict, if  
22 a guilt verdict, that more information is received?  
23 A. Yes.  
practice 24 Q. And what do you think about that as a policy, as a  
after a 25 of the court system, to receive additional information

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Juror No. 315 – Voir Dire

1 finding of guilt about the defendant?  
2 A. I wouldn't criticize it.  
3 Q. Does it make sense?

4 A. Yes.

Matsch 5 Q. Now, in a case involving the death penalty, Judge  
about 6 explained to you that the judge doesn't make a decision  
7 life or death; jurors do.

8 A. Yes.

found the 9 Q. The very same jurors who sat on the case if they  
10 defendant guilty.

11 A. Yes.

Federal 12 Q. Now, we don't have an automatic death penalty in  
commit, no 13 Court. In other words, no matter what crime you  
is no 14 matter whether it's murder or it's premeditated, there  
15 automatic death penalty. Do you understand that?

16 A. I do now.

penalty, we 17 Q. Yeah. Because if we had an automatic death  
18 wouldn't need this second trial, would we?

19 A. Right.

and 20 Q. So in the second trial, we have witnesses who come  
21 testify and they talk about various features of the  
case. The 22 United States will call witnesses to give you more  
information 23 about the crime and what happened; but there also may  
be

24 additional information that is presented about the  
defendant,

25 about who he is. Can you understand that?

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1 A. I understand.

2 Q. Okay. Now, are you going to be able to listen to  
that

3 evidence?

4 A. Yes, sir.

5 Q. And you can take it into account?

6 A. Yes.

7 Q. I mean, I'm not suggesting any which way you should  
decide

8 it because you don't know what the evidence is going to  
be;

9 right?

10 A. Right.

11 Q. I don't know what it's going to be. We have to  
wait.

12 A. Right.

13 Q. Okay. So if you were to sit on a jury in a death  
penalty

14 case -- and I'm not talking about this case; any case  
-- will

15 you be able to wait until all the evidence is in before  
you

16 make up your mind?  
17 A. Yes, sir.  
18 Q. Or are you going for just say, well, if he killed  
somebody  
19 and did it intentionally, I'm just going to give him  
the death  
20 penalty and I don't care -- I don't care to hear any  
more about  
21 him?  
22 A. No, I wouldn't. The answer was yes to your first  
question.  
23 Q. You'd listen?  
24 A. Right.  
25 Q. And you'd consider?

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Juror No. 315 - Voir Dire

1 A. Uh-huh.  
2 Q. Okay. Now, I understood you took some courses when  
you  
3 were in the Bureau, but you never actually personally  
detonated  
4 any explosives?  
5 A. Not in the field, no.  
6 Q. Did you personally handle any of the explosives?  
7 A. No.  
8 Q. Now, do you follow any criminal cases at this time?  
9 A. No.

I didn't  
that in  
it was.

10 Q. Now, for example, the JonBenet case -- I'm sorry.  
11 make my question clear. You mentioned something about  
12 your questionnaire, and I can't remember right now what

13 A. The JonBenet case, I think everyone follows, yes.

14 Q. Do you have any views about that case?

15 A. Yes.

16 Q. What are your views?

Boulder Police  
17 A. I think it's been handled very poorly by the  
18 Department and county attorney.

19 Q. Any other opinions beyond that?

20 A. Pardon?

21 Q. Any other opinions beyond that?

22 A. No.

time?  
23 Q. Do you follow any other criminal cases at this

24 A. Can you mention some more?

25 Q. Yes. For example, his Honor and earlier jurors has

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scheduled  
1 mentioned the Davis case; that apparently there is a  
2 execution in the state of Oklahoma -- in Colorado.

3 A. Yes, I've followed that.

4 Q. Do you know what the crimes were?

5 A. Yes.

6 Q. Do you know anything about the defendant himself?

7 A. No.

8 Q. About his life history?

9 A. Oh, I've read a little bit about it.

10 Q. Well, what have you read?

11 A. There was an article not too long ago there, but I  
-- let's

12 see. I think, well, he was in trouble with the law  
before

13 he -- before he committed that crime, I believe.

14 Q. Is that a fact that do you think would be  
significant in

15 your mind in determining what the punishment of an  
individual

16 would be?

17 A. It might be.

18 Q. You'd at least consider it --

19 A. Yes.

20 Q. -- and make your judgments after you heard all the  
21 information?

22 A. Yes, uh-huh.

23 MR. RYAN: I thank you very much for answering  
my

24 questions, and I think the defense has some questions  
that

25 they'll ask.

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1 JUROR: Thank you.

2 MR. RYAN: Thank you.

3 THE COURT: Let me, if I can just ask: Do you  
have a  
4 little trouble hearing from time to time?

5 JUROR: No, not too much. Maybe a little.

6 THE COURT: But I mean here as we've talked,  
sometimes  
7 you've asked to repeat. And I'm not trying to  
embarrass you.

8 If you have any trouble hearing, we have a device to  
help you.

9 JUROR: No, I think I'm doing pretty well  
here.

10 THE COURT: Okay. All right. I didn't mean  
11 otherwise.

12 Mr. Woods?

13 MR. WOODS: Thank you, your Honor.

14 VOIR DIRE EXAMINATION

15 BY MR. WOODS:

16 Q. Good afternoon.

17 A. Good afternoon.

18 Q. As the Judge introduced me, my name is Ron Woods.  
I'm one

assist 19 of the attorneys that was appointed by another court to  
Tigar is 20 Terry Nichols, who stands accused of this crime. Mr.  
to help 21 the other lawyer that was appointed by the other court  
22 defend Mr. Nichols.

23 Do you understand --

24 A. What is your name, did you say?

25 Q. Yes, sir. My name is Ron Woods.

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1 A. Ron Woods.

court to 2 Q. And you understand that we're appointed by the  
3 represent Mr. Nichols.

4 A. Yes.

retained 5 Q. And do you understand the difference between a  
6 lawyer and an appointed lawyer?

7 A. Well, I'm not sure.

8 Q. Okay. Well, let me ask you this --

9 A. A retained lawyer?

money 10 Q. Yes, sir. Let me ask you this: Does it make any  
11 difference to you whether or not Mr. Nichols had enough

for 12 to hire his own lawyer, or the court appointed a lawyer

13 him?

14 A. No, it doesn't make any difference.

by the 15 Q. All right. And you understand that we're appointed

16 court?

17 A. Right.

18 Q. Okay. Thank you.

after you 19 Now, as I understand it, you put in 40 years

most of 20 got out of the Army in '46 -- you worked for 40 years,

'86, you 21 it at the Bureau of Reclamation; but then from '80 to

22 were a consultant. Is that correct?

23 A. Yes.

if you 24 Q. So you've worked till '86; and the Court asked you

you're still 25 were retired and enjoying your life, but actually,

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1 working pretty hard, aren't you, in your investments?

2 A. Right.

3 Q. And you do a lot of reading and a lot of watching

the 4 television, "Wall Street Week," listening to the radio,

5 business and investment programs on the radio. Is that  
6 correct?

7 A. Yes.

8 Q. How much time of day do you do that? What  
percentage of  
9 your day is spent working on your investments?

10 A. Oh, it varies, because a lot of monthly -- monthly  
deals  
11 come in at different times.

12 Q. Yes, sir.

13 A. And other various times. But I probably spend at  
least  
14 four hours a day average.

15 Q. Still working, still watching the market, doing  
your  
16 research?

17 A. Keeping track of various -- various investments.

18 Q. Yes, sir.

19 A. And for income tax purposes and things.

20 Q. Yes, sir. And I take it that you do some research  
through  
21 the newspaper, looking at the business news, economic  
news and  
22 then through "Wall Street Week" -- you watch that  
weekly?

23 A. Right.

24 Q. I take it you're in the process of taking in  
information so  
25 that you can form an opinion on what to do with your

Juror No. 315 - Voir Dire

1 investments. Is that correct?

2 A. Yes.

3 Q. Okay. And when you get this information, does it  
help you

4 form an opinion one way or the other?

5 A. Yes.

6 Q. And is that the purpose of taking in information,  
is so

7 that you can form opinions?

8 A. Right.

9 Q. Okay. Now, Mr. Ryan, the prosecutor, went over  
with you

10 the fact that you're familiar with some of the sites.  
You've

11 read a lot about this case and heard a lot about this  
case, the

12 way I understand it. You lived in Kingman -- is that

13 correct -- at one time?

14 A. Yes.

15 Q. Are you familiar with what the connection with  
Kingman,

16 Arizona, is to this case?

17 A. Yes.

18 Q. And can you tell us what that is, sir?

there 19 A. Terry -- or McVeigh lived in Kingman for some time

20 with some friends.

21 Q. Do you recall who those friends are?

supposed 22 A. I don't recall their names now. But one guy was

recall 23 to have taken -- taken him to Oklahoma City, if I

24 correctly.

Kingman 25 Q. Do you recall whether or not any of his friends in

2139

Juror No. 315 - Voir Dire

1 were witnesses at his trial?

2 A. No, I don't recall.

I 3 Q. All right. Now, you grew up in Salina, Kansas, as

4 understand it.

5 A. On a farm.

that 6 Q. Yes, sir. And the family still has that farm; is

7 correct?

8 A. Up --

9 Q. You're renting it out?

10 A. Yes.

Salina; is 11 Q. And you still have a sister that lives there in

12 that correct?

13 A. Right.

14 Q. All right. And you were just back there this past  
week for

15 your brother's funeral. I'm sorry to hear about that.

16 A. Thank you.

17 Q. Did you happen to visit any of the sites, like in  
Junction

18 City or Manhattan or Herington, concerning this case  
during

19 that trip?

20 A. No, sir.

21 Q. Have you ever done that over the past two and a  
half years?

22 A. No, sir.

23 Q. Does your sister keep up with the case as much as  
you do?

24 A. I doubt it.

25 Q. Does she --

2140

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1 A. I don't think so.

2 Q. There are probably few that do, but does she keep  
up with

3 the case, to your knowledge?

4 A. Not that I know of.

5 Q. Have you ever talked to her about it?

6 A. No.

7 Q. Okay. And how many times have you been back to  
Salina over

8 the past two-and-a-half years?

9 A. Twice -- let's see. Twice this year and then once  
-- about

10 four times.

11 Q. During those times did you ever go to Junction  
City?

12 A. No.

13 Q. Or to Manhattan?

14 A. No.

15 Q. Or Herington?

16 A. No.

17 Q. Do you know where Marion is?

18 A. Is that on 24?

19 Q. Yes, sir.

20 A. Uh-huh.

21 Q. Do you recall what happened in Junction City that  
made it

22 relevant to this case?

23 A. What happens, you say?

24 Q. Yes, sir. Based on what you've seen on television  
or read

25 in the newspaper or heard on the radio or in  
conversations with

## Juror No. 315 - Voir Dire

1 people, can you recall what you heard about Junction  
City that  
2 connected it to this criminal case?

3 A. The fact that the truck was rented there that was  
used to  
4 blow up the building and, oh, that's about all.

5 Q. All right. Do you recall from what you've seen,  
read, or  
6 heard any connection with Terry Nichols to that rental  
of that  
7 truck?

8 A. No, I don't recall that he had anything to do with  
renting  
9 the truck.

10 Q. Let me go to the questionnaire, if you would, on  
page 33,  
11 which is going to be your supplement that you filled  
out. And  
12 this Question 144 there in the center of the page --

13 A. Uh-huh.

14 Q. -- the questionnaire asked, "If you heard or read  
anything  
15 about the Oklahoma City bombing, please indicate where  
you  
16 heard or read about it. Check all that apply."

17 You checked TV news, radio news, newspaper,  
and  
18 magazines.

19                   What newspapers do you subscribe to and read  
on a  
20                   regular basis?  
21                   A. Well, on a regular basis, we subscribe to The  
Denver Post;  
22                   however, we're getting the News about six times a week  
now.  
23                   Q. Okay. So the two local Denver papers; is that  
correct?  
24                   A. Yes.  
25                   Q. And then as to TV news, which stations do you  
favor, or do

2142

Juror No. 315 - Voir Dire

1                   you watch them all?  
2                   A. I listen to "Business for Breakfast" there quite a  
bit in  
3                   the morning and -- what's his name, Don McDonald?  
4                   Q. I'm not familiar with that.  
5                   A. At 1:00 or something.  
6                   Q. That's midday?  
7                   A. Yes, from -- what is it -- I think it's 10 till 1  
he's on,  
8                   I believe. But I don't listen to him all the time, of  
course.  
9                   Q. What about as to the -- the news itself?  
10                  A. Investments -- oh.  
11                  Q. When you check --

12 A. Just the news?  
13 Q. Yes, sir. The TV news as to Oklahoma City bombing.  
14 A. TV news, we start about 5:00 with the local news  
and go to  
15 Channel 9, Brokaw, and then we go to Dan Rather at 6:00  
to  
16 6:30, and then a lot of times we'll watch the local  
news again  
17 till 7.  
18 Q. Okay. And then are you still up at 10 when that  
10:00 series of news programs comes on?  
19 series of news programs comes on?  
20 A. Yes. I don't always watch that.  
21 Q. Okay.  
22 A. I try to get Jay Leno later.  
23 Q. Pardon?  
24 A. Or Letterman. I try to get Jay Leno or Letterman  
later.  
25 Q. Of course, they come on at 10:30?

2143

Juror No. 315 - Voir Dire

1 A. 10:30, yeah.  
2 Q. Do you ever watch "Nightline"?  
3 A. Occasionally.  
4 Q. Now, on those programs, I take it that you've seen  
news

is that 5 broadcasts concerning the Oklahoma City bombing case;

6 correct?

7 A. Oh, yeah -- you mean on the total --

8 Q. On the total ones that you've listed.

9 A. Oh, sure.

What 10 Q. And you've listed the newspapers that you read.

case

11 magazines have you read about the Oklahoma City bombing

case

12 in?

13 A. Newsweek.

14 Q. And do you take Newsweek?

15 A. Yes.

or U.S. 16 Q. All right. Is that the only one? Do you take Time

17 News?

18 A. No. Newsweek is the main one.

case in 19 Q. All right. And have you read stories about this

20 Newsweek?

21 A. Yes.

describe 22 Q. Okay. Now, next question asked, "How would you

Oklahoma 23 the amount of media coverage you've seen about the

24 City bombing?" That's Question 145.

articles or 25 And you checked, "Quite a bit. Read a few

Juror No. 315 - Voir Dire

1 watched a few television specials."

2                    Would that be accurate as to the amount of  
coverage

3 you've seen: Quite a bit?

4 A. Yes.

5 Q. All right. Then if you would, sir, flip over to  
page 37;

6 and the first question there is 159; and the  
questionnaire

7 asked, "Please summarize what you've seen, read, or  
heard about

8 Terry Nichols."

9                    And you stated that "He lived on a Kansas  
farm." Is

10 that correct?

11 A. Yes.

12 Q. Do you recall where in Kansas that he lived on a  
Kansas

13 farm?

14 A. Near Herington, I believe, wasn't it?

15 Q. All right. And you have a comma there and then  
said,

16 "Visited brother in Michigan." Can you tell me what  
you're

17 talking about there, what you recall?

18 A. His brother lived on a farm, as I recall, and he --

he

19 visited there, I believe.

20 Q. Any particular period of time this visit went on?

21 A. No. I don't recall. McVeigh was there, too; and I  
don't

22 recall whether they were there at the same time or not.

23 Q. All right. And the next thing you list is "Testing  
small

24 bombs." What do you recall about that from what you've  
seen,

25 read, or heard?

2145

Juror No. 315 - Voir Dire

1 A. Well, I remember reading about some of the  
neighbors or

2 something, said that there were some small explosions  
there, I

3 believe.

4 Q. Neighbors where?

5 A. On the -- in Michigan.

6 Q. Oh, this is the Michigan farm?

7 A. Yes.

8 Q. Okay. And then comma, "Twice married." That's to

9 Mr. Nichols; is that correct?

10 A. Yes.

11 Q. All right. What is your recollection from what  
you've

second 12 seen, read, or heard? Is he currently married to the  
13 wife?  
14 A. As far as I know. I'm not sure about that, but --  
15 Q. All right --  
16 A. -- his ex-wife is in Las Vegas, as I recall.  
17 Q. That's your next --  
18 A. Pardon?  
19 Q. That's the next answer. We're going to get to  
that. But  
20 you recall sticking to this one right here, "twice married," do  
21 wife? whether or not he has any children with the current  
22 A. I'm not sure.  
23 Q. All right. And then there is a comma and you  
stated,  
24 "Visited ex-wife in Las Vegas." What did you read,  
see, or  
25 hear about that?

2146

Juror No. 315 - Voir Dire

1 A. Oh, that was in an article in The Denver Post, I  
believe.  
2 And I happen to have a boy living in Las Vegas.  
3 Q. Yes, sir?  
4 A. And his children go to the same school that Josh

Nichols

5 goes to.

6 Q. Oh, do they?

7 A. Uh-huh.

8 Q. And have -- has your brother talked to you about  
that?

9 Your son, rather.

10 A. My son?

11 Q. Uh-huh.

12 A. He's mentioned it.

13 Q. What did he say about that?

14 A. Oh, that they just attend the same school.

15 Q. Okay. Has he stated anything about the son Josh?

16 A. Not that I recall anything specific there.

17 Q. Did you form any opinion as to what you heard about  
18 visiting the wife in Las Vegas and has a son named Josh  
in

19 Las Vegas in school?

20 A. No.

21 Q. All right. What did you read about this visit of  
the -- to

22 the ex-wife in Las Vegas? What -- can you tell us what  
you

23 read there?

24 A. As I recall, he left some money with her or  
something and

25 he was going to the Philippines, I believe, or  
someplace.

Juror No. 315 - Voir Dire

1 Q. Do you recall when that was in relation to April,  
'95,

2 which was the time of the bombing?

3 A. I don't recall.

4 Q. All right. Now, we've covered the son Josh. And  
then your

5 next information you put in here is he worked on a  
Kansas farm.

6 A. Yeah. Terry Nichols did.

7 Q. All right.

8 A. He was working -- working for a farmer near where  
he lived

9 is the way I understood it. The farmer spoke very  
highly of

10 him.

11 Q. All right. You read that?

12 A. Yes.

13 Q. Do you remember where that farm was?

14 A. No.

15 Q. When you say --

16 A. It was close -- close to where he lived, uh-huh.

17 Q. And where are you stating it is that he lived?

18 A. Uh-huh.

19 Q. Are you stating that it was close to Herington?

20 A. Yes.  
21 Q. Okay. And then on Question 162, down the page  
there a  
22 little further, "What have you heard or read about  
Terry  
23 Nichols as a result of the trial of Timothy McVeigh?"  
24 And you stated that you've read reviews of his  
25 possible connection of helping build the bomb used in  
Oklahoma.

2148

Juror No. 315 - Voir Dire

1 Can you give me some information about what you read or  
saw or  
2 heard concerning building a bomb?  
3 A. No. Nothing but allegations or something that he  
was -- I  
4 don't have any specifics.  
5 Q. Any specifics at all as to what he allegedly did in  
helping  
6 build the bomb?  
7 A. Well, there certainly hasn't been any proof or  
anything  
8 that I've read.  
9 Q. Right. We're just covering the publicity that  
you've read  
10 and what you read, saw, or heard in all this publicity.  
Can  
11 you recall what the publicity was as to his involvement  
in

12 helping build a bomb?  
13 A. No. It's just a fact that -- well -- that it was  
possible  
14 that McVeigh had help in assembling the bomb. They  
didn't  
15 think it was too possible to -- for one person to be  
involved.

16 Q. And what you read was the allegation was that Terry  
Nichols  
17 was the one that helped him?

18 A. Well, it was a possibility.

19 Q. All right. Based on what you've read, seen, or  
heard about

20 the case, do you recall how many people were killed in  
the  
21 federal building?

22 A. 167 or something like that, I believe.

23 Q. All right. Do you recall whether or not there were  
any  
24 children killed?

25 A. Yes.

2149

Juror No. 315 - Voir Dire

1 Q. And do you recall why there were children in a  
federal  
2 building?

3 A. They -- the parents left their children there while  
they

4 were working.

5 Q. In some type of center?

6 A. In the building, Murrah Building there.

7 Q. Do you recall how many children were killed?

8 A. No.

9 Q. Do you recall how the bomb was placed at the  
federal  
10 building?

11 A. Yes.

12 Q. And how was that?

13 A. Truck was parked in front of the building and  
detonated.

14 Q. Do you recall reading anything about Mr. Nichols'  
being  
15 anywhere near or having anything to do with parking  
that truck  
16 at the federal building?

17 A. No.

18 Q. Do you recall from what you saw, read, or heard  
what type  
19 of bomb that it was?

20 A. It was the fertilizer bomb there.

21 Q. All right.

22 A. Made out of farm fertilizer.

23 Q. Do you recall from what you saw, read, or heard how  
24 Mr. McVeigh was arrested?

25 A. No.

2150

Juror No. 315 - Voir Dire

1 Q. Do you have any image in your mind of him being in  
custody

2 of the federal authorities?

3 A. Oh, I saw his picture on TV many times there in a  
colored

4 suit there and -- yes.

5 Q. Was that the one where he was surrounded by other  
people?

6 A. Yes.

7 Q. Do you know how he came into their custody?

8 A. No.

9 Q. Okay. From what you've seen on television or read  
in the

10 newspaper or heard from other sources, do you have any

11 recollection of how Mr. Nichols initiated contact with  
the

12 federal authorities?

13 A. Oh, well, I've read that he -- he came to them and  
-- and

14 they talked to him for several hours, as I recall.

15 Q. And what happened then after he talked to them for  
several

16 hours?

17 A. I don't know.

18 Q. Okay. Can you just summarize for us, then, what,  
based on

19 everything you've seen, read, or heard -- what the  
allegation  
20 is as to Mr. Nichols' involvement in the case?  
21 A. That he assisted in the -- in the bomb, I think, I  
believe,  
22 is what he's supposed -- or I mean supposedly --  
23 Q. All right. And that's based on what you learned  
from  
24 television, newspaper, magazines, and conversations; is  
that  
25 correct?

2151

Juror No. 315 - Voir Dire

1 A. Yes.  
2 Q. And I take it you followed the McVeigh trial fairly  
closely  
3 while it was going on this past summer; is that  
correct?  
4 A. Yes.  
5 Q. Do you recall where you were when you heard the  
verdict of  
6 the death penalty for Mr. McVeigh?  
7 A. No.  
8 Q. Do you recall having any conversations with any of  
your  
9 friends or your family concerning that verdict of the  
death  
10 penalty?

11 A. No.

12 Q. Do you recall any conversations about it at all one  
way or

13 the other, whether it was appropriate or inappropriate?

14 A. No.

15 Q. Do you do all of your research at home, or do you  
ever go

16 down to the brokerage and watch the ticker tape come  
across?

17 A. Very little. I go to the library a lot, or other  
18 newspapers and magazines.

19 Q. All right. Had any conversations with anybody at  
the

20 library about this case?

21 A. No.

22 Q. Okay. Now, you list that part of your leisure  
activities,

23 you like to go out, and ballroom dancing, traveling,  
and going

24 out to eat. Is that correct?

25 A. Right.

2152

Juror No. 315 – Voir Dire

1 Q. All right. Where do you do the ballroom dancing?

2 A. Usually at the Lakewood Elks.

3 Q. So I take it you're still active in the Elks?

4 A. Yes.

5 Q. Have you had any conversations with any of the  
members or

6 do you keep in contact with the members there at the  
Elks?

7 A. Well, we see a lot of people at the dances.

8 Q. Yes, sir. Do you go to the meetings during the  
week?

9 A. Not very often.

10 Q. Okay. I take it --

11 A. I'm not active that way.

12 Q. Did you used to go to the meetings?

13 A. No.

14 Q. Okay. What other organizations are you in that you  
15 occasionally attend?

16 A. Well, I haven't been active in the Masons for  
several

17 years.

18 Q. Yes, sir.

19 A. And that's about it, I guess.

20 Q. Recall any conversations at all at the Elks  
concerning the

21 death penalty verdict?

22 A. No.

23 Q. Well, what was your opinion of the death penalty  
verdict

24 for Mr. McVeigh?

25 A. I thought it was probably deserved.

Juror No. 315 - Voir Dire

Keating 1 Q. All right. You stated that you've heard Governor  
he was 2 several times. I take it on television. You thought  
3 impressive and what he said made sense?

4 A. Uh-huh.

people 5 Q. Did you hear him call for the execution of the  
6 involved in this case?

7 A. I don't recall.

former FBI 8 Q. Okay. Did you hear him talk about that he's a  
9 agent and this case is being investigated by the FBI?

10 A. I don't remember.

said that 11 Q. Okay. Can you give me just the area of what he  
12 you thought made sense?

13 A. No, I don't -- I don't --

14 Q. Okay.

but I 15 A. I just liked his presentation at the time, and I --  
16 remember he --

17 Q. No reason why that should stick.

18 The course that you took from Du Pont on the  
19 explosives course: You mentioned that you studied or

they gave

Is that 20 lectures or lessons on dynamite and ammonium nitrate.

21 correct?

22 A. Yes.

nitrate 23 Q. Did they have a demonstration of an ammonium

24 explosive for you?

Grand 25 A. No. I have seen it used, though, at the dam sites.

2154

Juror No. 315 - Voir Dire

mix, 1 Coulee, they used a lot of ammonium nitrate with diesel

2 oil mix.

oil? 3 Q. The mixture between ammonium nitrate and a fuel

4 A. Uh-huh.

5 Q. And then how was it detonated?

6 A. Through caps.

the 7 Q. After those detonations, would you ever see any of

8 prills around?

9 A. No.

10 Q. Were they always all consumed in the explosion?

11 A. I really didn't investigate that closely.

12 Q. And at the school that you went to, Du Pont, did

they ever

13 touch on that?

14 A. No.

15 Q. Give any explanation about what happens in an  
ammonium

16 nitrate fuel oil explosion?

17 A. Not that I recall.

18 Q. Okay. Now, I want to talk to you briefly about the  
death

19 penalty issue in this case. Did you understand --  
well, what

20 was your understanding before you came down here today  
as to

21 the federal procedure where the death penalty is an  
option on

22 punishment? What was your understanding of how that  
worked in

23 the event a jury found the defendant guilty?

24 A. Well, I recall when Judge Matsch reviewed it there  
that

25 that's what happened in the McVeigh case; that they had  
to --

2155

Juror No. 315 - Voir Dire

1 the second almost trial there and --

2 Q. Do you recall any type of evidence that you read  
about that

3 was presented in that second hearing?

4 A. No.

5 Q. Okay. Now, before you had that explanation on the  
6 about the procedure, you were asked some questions on page 28  
7 death penalty.

8 A. Uh-huh.

9 Q. And on C and D, the questions were, "What kind of  
10 cases is it appropriate to impose the punishment of life in  
11 prison without the possibility of parole?" And then also, "In  
12 what kind of cases is it appropriate, if ever, to impose a  
13 punishment of death?"

14 And your first answer was very thoughtful:  
15 "Complex question. Many factors are involved, including nature  
16 of the crime and if release is a danger to society."

17 And that's what you felt about life in prison  
18 without release; is that correct, sir?

19 A. Yes.

20 Q. Okay. And then as to "What kind of cases is it  
21 appropriate, if ever, to impose the punishment of  
22 death," you put, "Murder cases and maybe others."

23 Can you give me an idea of what kind of other  
24 cases you were thinking of?

really 25 A. Maybe we should scratch that. I don't know. I

2156

Juror No. 315 - Voir Dire

1 can't think of --

2 Q. Okay.

3 A. -- of any.

courts 4 Q. And as the Court explained to you, in the federal

becomes 5 and in most state courts, also, the death penalty only

You 6 an issue when someone has been found guilty of murder.

7 understand that?

8 A. Yes, I understand that now.

premeditated 9 Q. In fact, only when it's involving intentional,

10 murder.

11 A. Uh-huh.

12 Q. You understand that?

13 A. Yes.

various 14 Q. Okay. And I assume that you understand there are

during 15 kinds of murder. There are murders that are committed

death 16 the heat of passion, which don't even call for the

17 penalty. Are you familiar with that?

18 A. I've heard about them, yes.

19 Q. But we're talking in this case about crimes which  
are

20 alleged against Mr. Nichols. And do you understand  
that he

21 stands accused of the same 11 crimes that Mr. McVeigh  
stood

22 accused of and was convicted of?

23 A. I'm not aware of the 11.

24 Q. The -- when we were out at the fairgrounds, the  
Court

25 explained to you that both Mr. Nichols and Mr. McVeigh  
were

2157

Juror No. 315 - Voir Dire

1 accused of conspiring to bomb a federal building that  
caused

2 the death of several people; likewise that both of them  
were

3 accused of actually committing the crime of using a  
truck bomb

4 to bomb a federal building resulting in the death of  
several

5 people. Then there was a third crime involving arson  
which

6 involved the death of several people. Then --

7 THE COURT: Excuse me. It isn't arson.

8 MR. WOODS: Yes, your Honor.

9 BY MR. WOODS:

10 Q. There was a third crime involving the use of a  
truck bomb  
11 involving a federal building resulting in mass  
destruction,  
12 wherein people were killed. Likewise, there were eight  
13 separate murders counts of eight federal agents that  
were on  
14 duty in the building.

15 Do you recall the Court explaining that Mr.  
Nichols  
16 and Mr. McVeigh stood accused of those 11 separate  
crimes?

17 A. You say that was presented at the --

18 THE COURT: Just to help out, I don't think I  
19 mentioned 11. Maybe I did, but I can't remember  
exactly what I  
20 said.

21 MR. WOODS: You're right, your Honor. You  
summarized  
22 it.

23 THE COURT: Sort of lumped them together  
without  
24 specifying that there were 11. I think maybe that's  
the  
25 confusion.

1 MR. WOODS: You're right.

2 BY MR. WOODS:

3 Q. And the Court did enumerate eight counts involving  
the  
4 deaths of eight federal agents.

5 A. Eight federal agents, right. I recall that.

6 Q. But he also stated that there were two other crimes  
7 involved, conspiracy and the actual commission of the  
truck  
8 bombing of a federal building resulting in the death of  
9 numerous people. Recall that?

10 A. No.

11 Q. Okay.

12 THE COURT: Well, that's what is charged.  
There  
13 shouldn't be any question about it in your mind.

14 JUROR: I understand now.

15 BY MR. WOODS:

16 Q. The question is -- and I don't mean to get  
technical with  
17 you. I just want to make sure you understand that Mr.  
Nichols  
18 stands accused of the same offenses that Mr. McVeigh  
stood  
19 accused of in this case.

20 A. Precisely the same?

21 Q. Yes, sir.

22 A. Uh-huh.

to get  
guilt

23 Q. Now, as the Court explained to you, we're not going  
24 to a punishment hearing unless there is a finding of  
25 against Mr. Nichols. You recall that?

2159

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going to  
and I are  
Nichols'  
stand,  
They  
examine  
a number  
this

1 A. Uh-huh.

2 Q. And we certainly are not conceding that there is  
3 be a finding of guilt against Mr. Nichols. Mr. Tigar  
4 going to challenge the Government's theory of Mr.  
5 involvement with every witness they put on the witness  
6 and we're going to call witnesses after they go first.  
7 get first ups. They put on all their case. We cross-  
8 their witnesses, and then we're going to be presenting  
9 of witnesses to show you Mr. Nichols is not guilty of  
10 crime. You understand that process?

11 A. Yes.

12 Q. And only in the event that a jury finds Mr. Nichols  
guilty  
13 of these crimes of premeditated, intentional murder --

only in

14 that event do we get to a punishment stage. Do you  
understand

15 that?

16 A. Well, I have a question.

17 Q. Yes, sir. Let me try and clear anything up. My  
questions

18 might not be clear.

19 A. He has to be found guilty of those specific crimes  
and not

20 a lesser crime or something?

21 Q. It can be any of those 11, any of those separate 11  
crimes.

22 Only in the event he's found guilty of one of those 11  
crimes

23 does a jury hear a punishment stage involving a  
decision of the

24 death penalty.

25 A. Okay.

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Juror No. 315 - Voir Dire

1 Q. Okay? And that was a good question; and I wasn't  
clear on

2 that, and I apologize on that. But any of those 11,  
the

3 jury -- and if you're on the jury, you would be sitting  
there

4 making the decision as to life imprisonment or the  
death

5 penalty. You understand that?

6 A. (Juror nods head.)

7 Q. If you would go back to this page 28 on your  
questionnaire.

8 A. Uh-huh.

9 Q. When you stated "In what kind of cases is it  
appropriate,

10 if ever, to impose a punishment of death" -- you list  
murder.

11 What kind of murder cases are you thinking of where the  
death

12 penalty is the appropriate verdict?

13 A. Probably premeditated.

14 Q. All right. That's one factor. Are there others?

15 A. Well, I haven't given it much thought, there.

16 Q. What's your feeling if there is more than one  
death, a

17 murder case involving more than one death, multiple  
murders?

18 A. It would be much more serious.

19 Q. Certainly would. You feel that those are cases  
appropriate

20 for the death penalty?

21 MR. MACKEY: Judge, objection.

22 THE COURT: Sustained.

23 MR. WOODS: Okay.

24 THE COURT: I mean, I assume, you know -- I  
interpret

25 your question meaning, without more.

2161

Juror No. 315 - Voir Dire

1                   MR. WOODS: Yes. The question had to do with  
what  
2                   kind of murder cases he feels are appropriate, your  
Honor.  
3                   We're just filling out this blank and then moving on to  
another  
4                   area.

5                   THE COURT: I know, but we've gone beyond that  
blank.

6                   MR. WOODS: Thank you.

7 BY MR. WOODS:

8 Q. In a case where a person has been convicted of an  
9 intentional and premeditated murder, what would be  
important to  
10 you in deciding if the punishment should be life or  
death?

11 A. Well, haven't we already discussed that under the  
murder  
12 cases here?

13 Q. No, sir. You're listing here in the murder cases  
those  
14 kind of cases that you feel the death penalty should be  
an  
15 option. My question now is if a person has been  
convicted of  
16 an intentional and premeditated murder, what would be  
important

17 to you in deciding if the punishment should be life or  
death?

18 A. Well, the following determination, the second --  
second

19 trial, you might say.

20 Q. All right. And at that second trial, do you feel  
that the

21 death penalty is the only appropriate sentence for a  
person

22 found guilty of a crime that resulted in many people  
being

23 killed or injured?

24 MR. MACKEY: Objection.

25 THE COURT: Well, can we add "without  
considering the

2162

Juror No. 315 - Voir Dire

1 things heard at the second trial"? Is that agreeable  
to you,

2 Mr. Woods?

3 MR. WOODS: I'm sorry.

4 THE COURT: I was going to suggest that we add  
"in

5 addition to the crime, the other things heard at the  
second

6 trial, the punishment phase trial."

7 MR. WOODS: All right.

8 THE COURT: You understand what we're talking

about?

again? 9 JUROR: Now, what -- what was the question

10 BY MR. WOODS:

told you 11 Q. Yes, sir. Let me see if I can clarify. The Court

12 that if we get to a punishment stage --

13 A. Yes.

the 14 Q. -- of the case -- this is after the jury has found

15 guilt -- found the defendant guilty of premeditated,

be 16 intentional murder. If we're at that stage, there will

17 aggravating circumstances and mitigating circumstances

18 presented to the jury. You recall him stating that?

19 A. Yes.

both 20 Q. If after hearing the circumstances presented by

21 sides -- do you feel that the death penalty is the only

crime that 22 appropriate sentence for a person found guilty of a

23 resulted in many people being killed or injured?

24 MR. MACKEY: Same objection.

25 THE COURT: I'm overruling it.

2163

Juror No. 315 - Voir Dire

1 JUROR: Still depends on the mitigating

circumstances

2 or the aggravating circumstances.

3 BY MR. WOODS:

4 Q. And those would be the factors that you would  
consider

5 before you made a determination?

6 A. Right.

7 Q. All right. Now, you had stated earlier that you  
have had a

8 view about death penalty and it's been a long-held  
view; is

9 that correct?

10 A. Capital punishment, yes.

11 Q. And what is that view?

12 A. I'm in favor of it.

13 Q. And that view has never changed over the years, has  
it?

14 A. No.

15 Q. Would you say that you're a strong supporter of the  
death

16 penalty?

17 MR. MACKEY: Judge, objection.

18 THE COURT: I think we've covered that. I  
mean, I

19 think we've covered this man's views about punishment.

20 MR. WOODS: All right.

21 BY MR. WOODS:

22 Q. Can you think of any mitigating circumstances that  
in your

on a 23 mind would be appropriate to assess a sentence of life

24 case where there were multiple murders involved?

25 MR. MACKEY: Same objection.

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Juror No. 315 - Voir Dire

out, 1 THE COURT: Yes. I'm going to rule that one

2 Mr. Woods.

3 MR. WOODS: All right.

exchanges here. 4 THE COURT: We're going to have these

lot of 5 We're having them now; but in a trial, there would be a

represent the 6 them. That's what lawyers are here for, is to

for, to 7 different sides in the case. And that's what I'm here

these 8 make some rulings about it. So don't be troubled by

9 exchanges.

10 JUROR: I appreciate it.

11 BY MR. WOODS:

12 Q. And you understand that what we're talking about is  
13 theoretical as to the punishment hearing, because we're  
14 certainly not conceding that there is going to be a  
punishment

15 hearing.

16 A. Right.

17 Q. All right. If you're chosen on the jury, can you  
look

18 Terry Nichols in the eye and state, "Terry, I will give  
you a

19 fair trial"?

20 A. I can.

21 MR. WOODS: Thank you, sir. I appreciate your  
time.

22 THE COURT: We all appreciate -- you're  
finished;

23 right?

24 MR. WOODS: Yes, sir.

25 THE COURT: We all appreciate your time and  
effort in

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1 answering all of these questions, not only what we've  
gone

2 through here but also what you went through before.  
And we

3 know that, you know, under the circumstances of your  
brother's

4 passing, that hasn't been easy to come back in here and  
do

5 that; so we very much appreciate your cooperation.

6 JUROR: Well, that was okay. He was 86 years  
old. He

7 had a good life.

8 THE COURT: Well, there is still, you know --  
it's  
9 still something that happens to us, and we have some  
feelings  
10 about those things.

11 JUROR: Thank you.

12 THE COURT: But what we now have to tell you  
is we're  
13 not going to be able to tell you today whether you're  
going to  
14 be on this jury, and we're not going to be able to tell  
you  
15 when we will tell you. You understand?

16 JUROR: Okay.

17 THE COURT: Other people are going to be in  
here.  
18 We're going to be talking with quite a few people, and  
we don't  
19 have a way to say, well, on this date, we'll have a  
decision.  
20 We can't do that. It's a human process.

21 JUROR: That's fine.

22 THE COURT: So, you know, keep in touch. If  
you  
23 change your address or your phone number or something  
happens  
24 where you have to go on a trip or something, you've got  
our  
25 number; let us know. And then we'll -- excuse me --  
we'll let

1 you know when we can.

2 JUROR: Thank you.

3 THE COURT: And in the meantime, of course,  
please do

4 as you were told before and as you have been doing: Be

5 careful, as you watch the news programs and read the  
papers and

6 magazines that you do to stay away from anything about  
this

7 matter now. Will you do that?

8 JUROR: Right.

9 THE COURT: And don't talk about it with  
anybody.

10 JUROR: Uh-huh.

11 THE COURT: Okay. You're excused for now.  
We'll be

12 in touch.

13 JUROR: Uh-huh.

14 THE COURT: We'll start with 713.

15 You've got both hands full. Would you put  
something

16 down and raise your right hand.

17 (Juror No. 713 affirmed.)

18 THE COURTROOM DEPUTY: Thank you.

19 THE COURT: Please be seated there now in the  
chair by  
20 the microphone, and it swivels around so you can make  
yourself  
21 comfortable. And you don't have to talk right into the  
22 microphone. You can be anywhere near it.

23 VOIR DIRE EXAMINATION

24 BY THE COURT:

25 Q. You've been waiting all day to get in here, and  
it's late

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Juror No. 713 - Voir Dire

1 in the day. We'll get right to the things that concern  
you the  
2 most; but before we do -- I mean, because of your work  
and  
3 school and so forth; but I want to again let you know  
who is  
4 here with us. You met some of these people before.  
You came  
5 out to the Jefferson County Fairgrounds on the 17th of  
6 September to answer questionnaires after receiving a  
jury  
7 summons; right? And you know that this case we're  
talking  
8 about is United States against Terry Lynn Nichols.

9 And there with us -- I was there, and I talked  
with  
10 you and the other jurors; and I introduced some people.

And

right 11 among those introduced were Mr. Lawrence Mackey, who is  
12 here, first table, Ms. Beth Wilkinson; lawyers for the  
Patrick 13 Government. They're being joined today with -- by Mr.  
14 Ryan, Mr. James Orenstein, additional lawyers for the  
15 Government who will be participating in the trial.

Woods, 16 You met Mr. Michael Tigar and Mr. Ronald  
Nichols, then. 17 attorneys for Mr. Nichols; and you also met Mr.

of the 18 And I gave explanations about the background  
but I 19 case and all of that, which we won't review right now;  
in a 20 want to go back to your original summons. And you sent  
things 21 questionnaire there -- I mean answers. And one of the  
question 22 that you told us at that time when we asked you a  
serving 23 about is there any reason that would prevent you from  
student 24 on this jury -- and you said, "I'm a full-time graduate  
that 25 of the University of Colorado at Denver. My concern is

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classes. 1 jury duty would conflict with the times I must attend  
2 If I am unable to complete the classes at this time, my  
3 graduation would be postponed and the tuition I've paid  
for the 4 semester would be non-refundable."

5 I just want to let you know we didn't ignore  
that, but 6 we did ask you to come out to the fairgrounds and  
complete the 7 full questionnaire. But I want to go right to this  
issue or 8 question about your studies, because I'm a little  
confused with 9 what you said on the full questionnaire. You teach,  
too, do 10 you?

11 A. I taught the past three years -- I taught. I took  
this 12 year off from teaching to work on my master's.

13 Q. All right. And now, does your master's program  
include 14 classroom work?

15 A. No.

16 Q. All right. So it's independent research-type --

17 A. Well, I go to classes, but I don't have to go into  
the -- 18 into it like a school. Does that -- I don't teach. I  
don't 19 have to teach. I go to classes at Auraria.

20 Q. I meant classroom, where you sit as a student?

21 A. Yeah. As a student, I sit in class.

22 Q. What's your schedule?

23 A. My classes start every day at 4 in the afternoon.

24 Q. And then go till?

25 A. Well, on Tuesdays and Thursdays, I have one from 4  
do 5:15;

2169

Juror No. 713 – Voir Dire

1 and then Monday, I have one from 4 to 6:00, and  
Wednesdays is 4

2 to 6:45.

3 Q. Okay. And your -- that will last -- this is at the

4 University of Colorado?

5 A. Right.

6 Q. In Boulder?

7 A. At Denver.

8 Q. At Denver?

9 A. At Auraria.

10 Q. Oh, yes. Okay. Down the street here a ways; but  
if you're

11 on this jury, you'd have to leave here in time to get  
over

12 there by 4:00?

13 A. Right.

14 Q. And that is on a semester?

15 A. Yes. So the semester ends in December.  
16 Q. In December. And it would be the fact, then, I  
take it  
17 that if we had you here with us working 9 to 5 -- I  
mean, I'm  
18 not talking about study time. I assume you have to  
spend some  
19 preparation time before the classroom work.

20 A. Right.

21 Q. But not counting that, you would be missing at  
least an  
22 hour of class if we worked you 9 to 5 on the jury.

23 A. Uh-huh.

24 Q. So you want us to excuse you from service here so  
you can  
25 keep up with your studies?

2170

Juror No. 713 - Voir Dire

1 A. Well, of course. I mean --

2 Q. All right. Well, that's why we wanted to come in  
and get

3 clear on this, because I hope you understand that we  
were a

4 little -- I was, at least, a little confused about what  
your

5 schedule might be.

6 A. Okay.

and 7 THE COURT: I'll call counsel up to the bench,

8 we'll talk about it here right now. Hold on.

9 (At the bench:)

court 10 (Bench Conference 18B1 is not herein transcribed by

transcript.) 11 order. It is transcribed as a separate sealed

12

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1 (In open court:)

2 THE COURT: Well, we're all in agreement here  
that  
3 we're going to excuse you. And, you know, I hope you  
4 understand we didn't keep you waiting all day to punish  
you in  
5 some kind of way; but jury service involves sacrifice  
of people  
6 always, and people have to set aside their regular life  
7 routine, including people missing work and missing --  
losing  
8 income, and the like. But we've agreed that it would  
be too  
9 much to ask of you to give up your already-paid-for  
studies and  
10 lose everything that you've got invested in this  
semester, so  
11 we're going to let you go.

12 And I do ask you, being excused, that you  
don't go  
13 over the questionnaire questions with somebody. I  
mean, we're  
14 trying to keep the questionnaire questions private as  
much as  
15 possible; and that form hasn't even gone out to  
anybody, let  
16 alone your answers, and your answers won't go to  
anybody. They  
17 went to us here and we considered them, but please  
follow that  
18 caution.

19 With that, you're excused; and we wish you  
well in

20 your studies.  
21 JUROR: Thank you.  
22 (Juror out at 4:57 p.m.)  
23 THE COURT: Well, there are only three minutes  
left.  
24 I think we'll wait to start the next one; so we'll  
recess till  
25 8:45.

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1 (Recess at 4:57 p.m.)  
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17 \* \* \* \* \*

18 REPORTERS' CERTIFICATE

19 We certify that the foregoing is a correct  
transcript from

Dated 20 the record of proceedings in the above-entitled matter.

21 at Denver, Colorado, this 8th day of October, 1997.

22

23

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24

Paul Zuckerman

25

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Kara Spitler