

13 PROCEEDINGS

14 (In open court at 8:45 a.m.)

15 THE COURT: Be seated, please.

16 Good morning.

17 445, we have to start.

18 Good morning. Will you please raise your
right hand

19 and take the oath from the clerk here.

20 (Juror No. 445 affirmed.)

21 THE COURTROOM DEPUTY: Thank you.

22 THE COURT: Please be seated there in that
chair near

23 the microphone.

24 VOIR DIRE EXAMINATION

25 BY THE COURT:

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1 Q. And we kept you waiting all day yesterday, didn't
we?

2 A. Yes.

3 Q. Well, we're sorry about that --

4 A. That's all right.

5 Q. -- having you to come back another day, but it's
pretty

6 hard for us to try to estimate how long it'll take with
each

7 person because, as I'm sure you may have observed
yesterday, it

8 varies considerably.

9 A. Yes.

10 Q. But we appreciate your cooperation and willingness
to work

11 through this process with us. And I want to, of
course, remind

12 you that the case now on trial refers to the case of
United

13 States against Terry Lynn Nichols. And of course, you
recall

14 that you got a summons notifying you now almost two
months ago

15 that your name had come up through a chance selection
process

16 as a person to be called for jury service in connection
with

17 this particular case. And you completed a short form

18 questionnaire. Then we asked you to come out to the
Jefferson

19 County Fairgrounds' auditorium building a month ago and
you

20 did.

21 A. Uh-huh.

22 Q. There were other jurors there. I was there, and
some of

23 the people here in the courtroom were there. And I
want to

24 reintroduce them so you know who's with us this
morning.

25 And we had as attorneys for the Government

with me in

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1 Jefferson County Mr. Lawrence Mackey, right here at
this first
2 table, Ms. Beth Wilkinson. Joining them now are Mr.
Patrick
3 Ryan and Mr. Geoffrey Mearns, additional lawyers for
the
4 Government.

5 You'll recall also being introduced to Mr.
Michael
6 Tigar, Mr. Ronald Woods, attorneys for Terry Nichols;
and
7 Mr. Nichols was with us as well.

8 And then you cooperated with us and answered a
very
9 long questionnaire, a lot of questions, many of which
were
10 quite personal in nature. And we appreciate your --
your doing
11 that. We, as I told you then and I want to simply
repeat it
12 now, make all the effort that we can to protect your
privacy
13 here so that, you know, others don't know these same
things.
14 So what we did was take your completed answers, gave
them to
15 the people here who were in this process, but not to

the

16 public; and nobody else has them. And all of us will
use them

17 only for the purpose that we're now engaged in.

18 And of course, your name is not going to be
used here

19 in the course of the questioning. We'll try to be
careful to

20 avoid things that maybe would identify you. And we
even have

21 you brought in and out of the courthouse in ways that
news

22 photographers can't take pictures of you and that sort
of

23 thing.

24 Now, I should call to your attention, though,
that we

25 are in open court now. This is a public proceeding, as
it

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1 appropriately is, so what we say here in court is
public.

2 Understood?

3 A. Yes.

4 Q. And I asked -- well, before asking you to answer
all of

5 these written questions, I also gave you some
background

probably 6 information about the case, much of which is -- was
7 already known to you. But I want to do that again just
8 because -- just so that we have a kind of a foundation
to work 9 with here and a mutual understanding.

10 You know that this case arises as the result
of an 11 explosion that happened in Oklahoma City, Oklahoma, on
April 12 the 19th of 1995. On that day, a federal office
building 13 there -- there was an explosion that destroyed that
building, 14 killing and injuring people there; that later, charges
were 15 filed in Federal Court in Oklahoma City in the form
that we 16 call an indictment, a formal statement of charges, in
which 17 Government counsel alleged that a man named Timothy
James 18 McVeigh, together with Terry Lynn Nichols -- and then
the 19 indictment says "and other persons not named" --
engaged in a 20 conspiracy or a criminal agreement to bomb that
building and to 21 kill and injure people in it.

22 The charges then go on -- there are 11 charges
in 23 all -- but included in the charges are that in addition
to

that the 24 planning such a -- a crime, they carried it out and
law 25 defendants are charged, also, with the murder of eight

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1 enforcement agents of various agencies of the national
2 government.

named 3 Now, to all of these charges, both of the
creates 4 defendants pleaded not guilty. And that, of course,
Oklahoma 5 the issues for trial. Then the case was moved from
on 6 City here to Denver because of a concern about calling
this 7 people there in Oklahoma City to sit on a jury when
8 happened right in their midst.

entered an 9 And after the case got moved over here, I
defendants 10 order requiring a separate trial for each of the
11 upon the finding that it would not be fair because of
in at 12 differences in the way the evidence is expected to come
do this 13 trial between the two defendants. So I said, You can't
14 with one trial and one jury. We're going to have two

separate

15 trials, separate juries.

16 The trial as to the evidence as to Mr. McVeigh
has

17 been held here, and a jury selected through this same
kind of

18 process heard that evidence and, following the law,
determined

19 that it proved to their satisfaction that Mr. McVeigh
was

20 guilty of the offenses charged as to him, and then
there was a

21 separate sentencing trial. And as a result of that,
the same

22 jury determined that the recommended sentence should be
death.

23 Now, you probably knew all of those things
from other

24 sources before hearing me give them. Is that true?

25 A. That's true.

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1 Q. Okay. Now, I then went ahead, because most of the
people

2 who were with us out there had never been on a jury and
never

3 had much to do with the criminal justice system -- and
so I

4 explained some fundamental things about the law in
criminal

5 cases in the United States. And what I explained I
want to
6 just review again with you because, you know, a court
gives
7 instructions about the law at the end of a trial after
all of
8 the evidence is in because the details on instructions
are not
9 something that even the judge knows about until the
evidence
10 because it depends so much on what happened at the
trial.
11 There are a few things, though, that can be said before
trial
12 ever starts for the reason that they are just basic
under our
13 constitution and they're applicable to all trials,
criminal
14 trials, of any defendant in any kind of charge. It
doesn't
15 make any difference. The fundamental thing, of course,
is that
16 each person who is accused in the United States is
presumed to
17 be innocent and that presumption carries right on
through the
18 trial and entitles that person to an acquittal -- that
is to
19 say, a verdict of not guilty -- unless fair-minded
jurors, just
20 considering the evidence and nothing that they may have
seen,
21 read, or heard outside, decides that the crime as

charged has

22 been proved.

23 "Beyond a reasonable doubt," you've heard of
that

24 concept before, have you?

25 A. Uh-huh.

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1 Q. And so what that means is, to be specific here,
Terry

2 Nichols, just as any other defendant, sits with us
today

3 presumed to be innocent of these charges made against
him. And

4 of course, the jurors in this case cannot consider
anything

5 about the McVeigh trial or anything that they may have
seen,

6 read, or heard about the evidence in that case and
certainly,

7 not the outcome of that case, either with respect to
the guilty

8 verdict or the death sentence, as having anything to do
with

9 this case. If -- if a -- you know, if that were to
happen,

10 that would violate the whole purpose of the separate
trials

11 because the separate trial means you start all over
again.

12 Understand?

13 A. Uh-huh.

14 Q. So the jury that we are selecting in the process in
which

15 we are now engaged will have to start with a
presumption of

16 innocence and apply it in this case and then consider
the

17 evidence as presented at this trial only; and at the
trial, it

18 is not necessary -- there's no obligation for Mr.
Nichols or

19 any other defendant to take the witness stand and
answer any

20 questions. And indeed, there's no obligation for him
or any

21 other defendant to call any witnesses or introduce any
evidence

22 because he doesn't have to prove anything or explain
anything.

23 It is the Government who has brought the charges. It
is up to

24 these lawyers for the Government to bring in the
evidence. And

25 a defendant can simply remain silent and challenge all
of the

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1 Government's evidence by cross-examining all of the
witnesses

2 and by making objections to admissibility and those
things that

3 are done in the trial process. You understand those
points?

4 A. Yes, I do.

5 Q. And of course, in a trial in which a defendant does
not

6 testify, the jury cannot consider that at all. They
can't say

7 something to themselves like, well, you know, if he's
innocent,

8 why doesn't he tell us that, or make some kind of an
inference

9 that he's got something to hide or whatever. It's not
required

10 to testify or to offer any evidence. And what we tell
juries

11 in those circumstances where a defendant doesn't
testify, Look,

12 you can't even talk about it when you talk about the
case in

13 your deliberation. Understood?

14 A. Yes.

15 Q. And then finally, just to make it clear, at the end
of a

16 trial, the Court gives instructions, as I've already
mentioned

17 in some detail, about what the evidence has been and
how the

18 jury can look at particular kinds of evidence and so
forth and

19 then describes in detail the crimes charged and what

has to be

20 proved for each offense charged -- we call that the
elements of
21 the offense. These facts have to be proved beyond a
reasonable
22 doubt -- and then simply gives the matter to the jury
with --
23 saying, you know, Have these things been proved beyond
a
24 reasonable doubt. If yes, the verdict is guilty. If
no, the
25 verdict is not guilty. And the jury, again, is told,
Now, you

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1 know, what -- what "beyond a reasonable doubt" means is
if,
2 after you talk it all over and consider all of this
evidence,
3 you have a reasonable doubt as to whether that evidence
proves
4 guilt, you have to give the defendant the benefit of
that
5 doubt. Is -- you understand that?
6 A. Yes, sir.
7 Q. So this has been kind of a quick review of the
basics of
8 our criminal justice system. And what I want to ask of
you is
9 whether you have any disagreement with these points.

10 A. None.

11 Q. And are you willing to accept them all and be bound
by them

12 as a juror under your oath if you were to sit in the
trial of

13 this case on the jury?

14 A. Yes, sir.

15 Q. Well, as I said, we reviewed your questionnaire.
We're not

16 going to go through everything you've said here, but
there are

17 a few things that I would like to ask you about, and
then I

18 want to cover a few more things about the trial
process. And

19 then when I've completed asking you some questions, a
lawyer on

20 each side will have a chance to ask some additional
questions,

21 so please bear with us as we go through this. I'm sure
that

22 you recognize that -- you do recognize how important
this is.

23 A. Yes, sir.

24 Q. The way I have it here is that -- my understanding
is you

25 were born in Minnesota, a part of Minnesota that gets
very cold

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1 in --

2 A. Yes.

3 Q. -- in the wintertime. And you came out to Colorado
about

4 how long ago?

5 A. 1980.

6 Q. 1980. And you first lived in -- well, you lived in
several

7 different communities in Minnesota?

8 A. Yes.

9 Q. And in -- in the Twin City area?

10 A. Yes, that's where my family is now.

11 Q. Are they there -- do you have relatives back there
right

12 now?

13 A. Uh-huh. Yes, I do.

14 Q. And yeah. You've got, what, two brothers and a
sister?

15 A. Four sisters.

16 Q. Oh, I'm sorry. I forgot the extension there. They
all

17 live back in Minnesota?

18 A. Yes.

19 Q. So what brought you out to Colorado? You kind of
strayed

20 away from the family.

21 A. My husband, a job opportunity.

22 Q. Okay. And you first lived in the Arvada area?

23 A. Yes, sir.

24 Q. And you moved west a ways, and now you moved
farther?

25 A. Yes.

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1 Q. Into the mountains?

2 A. Yes.

3 Q. And are now in a very nice area in Park County.

4 A. Yes.

5 Q. Your husband was in the Vietnam War?

6 A. Yes, sir.

7 Q. And he has 100 percent disability as a result?

8 A. Yes, sir.

9 Q. Now, was he a helicopter pilot?

10 A. Yes, he was.

11 Q. And as I understand it, saw a good -- a lot of
combat?

12 A. Yes, indeed.

13 Q. Was decorated, as you've shown, and his disability
is the

14 posttraumatic stress disorder?

15 A. Yes, sir.

16 Q. Now, is he living at home with you?

17 A. Yes.

18 Q. And does he require a lot of care just -- I'm
talking about

19 daily? Do you have daily care to give him?

20 A. No.

21 Q. He's unable to work? Is that --

22 A. That's correct.

23 Q. And the way I understood it, after the -- after he
returned

24 from the war, he had a number of jobs.

25 A. Several.

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1 Q. Hard for him to do a job because of the reason for
the

2 disability rating?

3 A. That's correct.

4 Q. Okay. And you say on page 14 -- we're going to
jump around

5 a little, if you will indulge us with this, on this

6 questionnaire.

7 Page 14 at Question 63 asking about the effect
the

8 military had, and you have "a big one." And obviously,
what

9 we're just talking about is what you have reference to?

10 A. That's exactly right.

II. 11 Q. Okay. You also had -- your father was in World War
12 A. Yes, sir.
13 Q. And you have a brother who just retired as a
colonel?
14 A. That's correct.
15 Q. Was he in the Army?
16 A. Yes, he was.
17 Q. Was he also in the war in Vietnam?
18 A. Yes, he was.
19 Q. And was he also in combat there?
20 A. Yes. Pretty much.
21 Q. Now, does he live back in Minnesota?
22 A. Yes, sir.
23 Q. Okay. And I gathered that your husband and you
were
24 classmates in --
25 A. Uh-huh.

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1 Q. -- high school, were you?
2 A. Yes.
3 Q. First knew each other there and --
4 A. That's correct.
5 Q. And what? Did you get married soon after?

college, 6 A. Uh-huh. I went to business school and he went to

7 and then we married about a year or so after.

8 Q. Now, you're working in a real estate business?

9 A. Yes, I am.

years? 10 Q. And you've been with this business firm for several

11 A. I've been in the real estate industry since 1983.

12 Q. All right.

13 A. But different companies.

licensed? 14 Q. Yeah. But with this particular one, you became

15 A. Yes.

16 Q. And so are you licensed as a salesperson?

17 A. That's correct.

18 Q. So you do some sales, too?

19 A. I assist.

20 Q. Okay.

21 A. Not on my own.

22 Q. Mostly, you're in the office?

23 A. That's correct.

24 Q. Not showing homes and all that sort of thing?

25 A. That's correct.

office 1 Q. And is the property that is offered through this

2 principally property in the area where you live?

3 A. Yes. Vacant land --

property? 4 Q. I mean, this office specializes in that type of

5 A. Uh-huh.

6 Q. Residential and commercial in the area?

7 A. Residential and vacant land.

8 Q. And vacant land?

9 A. Not much commercial.

10 Q. Okay. Are you paid a regular salary?

11 A. Yes, I am.

12 Q. Do you also earn commissions on certain
transactions?

13 A. I own -- I earn bonuses on prospecting. If
something comes

14 to fruition (sic), I get a bonus.

15 Q. If somebody goes ahead and makes the deal?

16 A. Right.

this was 17 Q. Well, when you got the summons, you knew what case

18 about.

19 A. Yes, I did.

Jefferson 20 Q. And then when you visited -- when you came out to

these things 21 County, you knew more about it because I explained

22 that we've already talked about, and of course, then
you filled
23 out the questionnaire. And you understand that we are
talking
24 about a trial that could take several months.
25 A. Yes. I understand that.

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1 Q. And we don't know what time the trial will start,
what day
2 it'll start, because we don't know how long this
process goes.
3 And we've been at it a while, as you probably are
aware.
4 A. Yes.
5 Q. Have you talked -- and of course, I cautioned you
about
6 talking about the case with people, but I didn't mean
to
7 exclude talking to your employer or your husband or
that. And
8 I assume you did talk to like the people at the office
about
9 what would be involved if you served on the jury? Have
you
10 done that?
11 A. Well, to a certain extent, yes.
12 Q. How about -- does the owner of this real estate
office work

13 there with you?

14 A. Yes.

15 Q. And have you talked with that person about what
would

16 happen if you're down here working with us instead of
up there

17 with the real estate?

18 A. It hasn't been discussed inasmuch as he doesn't
believe

19 that it's going to happen, so it's kind of discounted.

20 Q. Well, do you believe it isn't going to happen?

21 A. I don't believe I'm probably the best person to be
a juror,

22 but, you know, I'd be willing to do it.

23 Q. Okay. Well, let's talk about that for a minute.
We're not

24 here interviewing people for a job, you know.

25 A. I understand.

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1 Q. You know, it's not -- it may seem like that in some
ways

2 and that this questionnaire is like a job application,
but

3 that's not the way it is. Let me just explain to you
the

4 concept of the jury. First of all, the original names,
when

run 5 you got your summons, that was a result of a computer
voter 6 through a database involving drivers' licenses and
variety of 7 registration. And the purpose was to get a wide
that is 8 people, a cross section of the people in a community
whole notion 9 represented by 23 counties in this state. And the
should be 10 of jury trial under our constitution is that cases
different 11 decided by people who come from all walks of life,
through this 12 backgrounds and perspectives on things, and then
represent 13 selection process, by chance, they come together and
14 the community in deciding the case. You understand?
15 A. Yes.
well, these 16 Q. So we don't have, you know, a set of criteria,
sort of 17 are the best people. All we have are things that will
know, they 18 disqualify people like they're not citizens or, you
things or 19 can't read and write English or some of these other
that are 20 that they're under criminal charges themselves, things
meet, 21 obvious. And then we have some other standards that we
22 but it's more elimination than it is selection.

23 A. I understand.

24 Q. And then ultimately, each side in the case have the
25 opportunity to excuse persons with no reason given.

They make

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1 their own assessments. And after the exercise of those
2 opportunities to excuse people, we have our jury. So

that's

3 the process. So you're not being, as I say,
interviewed for a

4 job. We're just wanting to find out your ability to
serve.

5 A. Okay.

6 Q. And of course, it's not something where we ask for
7 volunteers. People get drafted into this job. They

get

8 summoned in. And a part of the reason for that is -- I
mean,

9 sometimes people say to us, Why don't you just get
retired

10 people and people who can afford the time, and all
that, why

11 are you taking busy people. Well, of course, the busy
people

12 are a part of the community, and we want to -- you
know, it's a

13 cross section. Sort of a slice of the community is
what we

14 want.
15 A. I understand.
16 Q. So, you know, one of the old adages is if you want
a job
17 done well, get busy people to do it. So that's the
kind of
18 thing that's going on here. And so when we're asking
you these
19 questions, there are no answers that we are looking
for.
20 A. Okay.
21 Q. This isn't a -- you know, did you answer the
questions
22 right. All we want is your truthful answers and when
we get to
23 some of these opinions, what you really believe.
Understand
24 now?
25 A. Yes.

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1 Q. So I had to come back to this that as you are with
us now,
2 you have to recognize there's a realistic possibility
that you,
3 indeed, will serve on this jury.
4 A. All right.
5 Q. You know, when you came in this morning, did you

think,

6 well, they are not going to pick me?

7 A. Yes.

8 Q. Think again. And in thinking again, you know, tell
us now

9 how this would affect your life if you were here with
us. And

10 if it's too inconvenient to drive back and forth, you
can stay

11 here in a hotel and then go home on the weekends. That
is also

12 something that can be arranged and may particularly be
true

13 when the snow flies.

14 A. True.

15 Q. Have you already had some snow up there?

16 A. Oh, certainly.

17 Q. Okay. So you don't have to think about it in terms
of

18 making the drive. But obviously, it would affect your
husband,

19 I suppose. Where -- do your children live nearby?

20 A. Yes. They live down the mountain in Lakewood, both
of

21 them.

22 Q. All right. So -- well, just tell -- tell us, what
do you

23 see as the effect on you and your family if you were
here with

24 us and it works this way, it's -- the trial in the
courtroom is

to 1 in 25 like 9 to 5 four days a week; and on Friday, it'll be 9

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what that 1 the afternoon. So can you think about that and think
2 would mean to you?

talked 3 A. I'd like to share with you that nobody that I've
4 with is anxious to serve on a jury, especially one with
5 notoriety. It's pretty intimidating. As far as my
6 personal
7 life, there's not a whole lot of it. My husband is ill
8 with
9 PTSD, and it's very difficult to define PTSD.

10 Q. I -- I am aware of that.

you 11 A. You are? It's -- it's certainly mental illness, so
12 logical
13 never know how he's going to react because there's no
14 pattern of things.

15 Q. Yes.

with 16 A. And so, you know, I decided early on -- I've dealt
17 the
18 Larry's problem before it was given a name back since
19 the early
20 1970's. PTSD wasn't really given identification till

16 80's, I believe.

17 Q. Really came, I think, into the diagnostic manual as
a
18 result of Vietnam veterans.

19 A. Certainly. He's not 100 percent rated for -- for
--

20 without reason. He's -- and so you never really know
if he's

21 going to rage or be angry or be obsessive. And it's
something

22 that I deal with every day, and it has nothing to do
with what

23 I do. You never know what's going to set him off, you
know.

24 You just never know.

25 Q. What -- what -- you go to the office during the
day; right?

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1 A. Definitely. Uh-huh.

2 Q. And what does he do on an average day?

3 A. On an average day, a lot of TV. He shoots. He can
shoot

4 in the backyard. That gives him a lot of pleasure.
Pretty

5 much, he's a -- you know, he doesn't do much of
anything. He

6 likes to be alone.

7 Q. Have you had any conversation with him at all about
this

8 case?

9 A. I have, certainly. I don't push his buttons on
purpose.

10 That would be fatal. And so I've asked him, you know,
how he

11 would react to it when he's in a -- in a position to
understand

12 what I'm asking.

13 Q. Yes.

14 A. And he -- he seems to say, you know, I recognize --
he

15 says, "Go ahead and -- and do it if you want to. I
won't

16 object. I won't, you know, even ask you about it," and
that

17 type of thing. He -- not a lot of involvement.

18 Q. Does he take medication?

19 A. Definitely.

20 Q. And do you have any concern about him taking the
medication

21 as prescribed? That is to say, on his own, taking the

22 medication at the times that he's required to do so?

23 A. He forgets from time to time. He forgets to eat if
you

24 don't, you know --

25 Q. So you supervise --

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1 A. -- help him.

2 Q. -- making sure that he's taking his medication?

3 A. Yeah.

4 Q. Does he go in for counseling?

5 A. He's afraid of the VA, basically, and so he stays
away.

6 He's pretty sure they are trying to kill him. But
there's not

7 any more counseling, really, that's available to him.
He had

8 the best at one time, a Dr. Tom Williams, who
specialized, I

9 think in PTSD.

10 Q. Yeah. I think that everybody involved in this
process has

11 some awareness of that disorder --

12 A. Oh, cool.

13 Q. -- and can appreciate the things that you're
saying. I

14 mean, to the extent that an outsider can. Obviously,
you live

15 with it. You understand it a lot more. But I believe
in the

16 professional backgrounds of the people who are here, we
have

17 learned about that and understand how widely variable
it is

18 among persons and how some people, you know, act out in

19 different ways from others.

20 A. Right.

21 Q. All that we're searching for here, you know --
nobody's on

22 trial here in jury selection. All we're searching for
is

23 whether the situation is manageable so that if you were
to be

24 here on jury service, you're not going to be distracted
by

25 thinking about him or, also, of course, that he's not
going to,

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1 you know -- as a result of your being away, be damaged.
These

2 are the things that concern us. And you reported your
3 husband's condition in the first questionnaire, so we
knew -- I

4 knew that situation before asking you to Jefferson
County. And

5 as I said, the variables are such that we wanted you to
come in

6 here and talk about it some more. I'm not trying to
embarrass

7 you or him in talking about it.

8 A. I appreciate that.

9 Q. You said something about feeling intimidated or
it's

10 somewhat intimidating. Do you think to be on this
jury, if you

11 were to serve -- what do you mean by that?

12 A. Just that you all are intimidating. You have
power. Power

13 people are intimidating.

14 Q. Well, you know who has the power in a criminal
trial is the

15 jury. And that is -- the old phrase "power to the
people" that

16 you may have heard years ago during some of the
demonstrations,

17 here it is. The people who serve on the jury have the
power.

18 They have the power to decide the case. Our role, the
lawyers

19 and I, is to present the case for the jury to decide
it. And I

20 can guarantee you that nobody is going to intimidate
the jury

21 because everybody here has great respect for the people
who

22 serve on the jury. We live by that. So I -- I don't
know. Is

23 there some particular thing that you're thinking about
that --

24 of intimidation?

25 A. No.

1 Q. Because of something you read or saw or heard?
2 A. No.
3 Q. The circumstances seem intimidating?
4 A. Yes.
5 Q. But again, a lot of this is to protect the privacy
of the
6 people so they can do their job without being
distracted and
7 without being concerned that the decision made is going
to be
8 reviewed by others and criticized and so forth. Of
course,
9 that can always happen. You are probably aware of
cases where
10 juries have reached a verdict and then the people in
the
11 television, radio, or whatever criticize it. And their
talking
12 heads get on television and say, How could those
dummies do
13 that. Well, you know, that's just part of what we do
when we
14 do anything that gets publicized. I get called a lot
of things
15 for no good reason. No. But I -- you know, whenever
you make
16 a decision, somebody disagrees with it. That's the
nature of
17 our society; and in a way, that's one of its great
strengths.
18 Do you agree?

19 A. I agree. Definitely.

20 Q. So I'm not here to talk you into anything. I'm
only trying

21 to explain what is actually involved. Do you have any
22 questions you want to ask me again about what is
involved?

23 A. No. It's clear.

24 Q. And it -- does this look like it's something that's
25 manageable in your personal situation?

3778

Juror No. 445 - Voir Dire

1 A. Yes, sir.

2 Q. Okay. You're -- you say your children are in
Lakewood, so

3 they -- do they have a -- this is a hard question to
ask

4 anybody and it's probably even harder to answer it
because

5 it -- you may not know. Does it seem to you that your
children

6 have an understanding of their father's condition?

7 A. They both understand it and have their own opinions
about

8 it.

9 Q. Do they -- do they get along with him?

10 A. Certainly. On the surface.

11 Q. But you have some concern about how deep that goes?
Is

12 that what you're saying?

13 A. Well, certainly, my son has given me two
grandchildren, and

14 they have their own reservations about Larry into their
lives,

15 being unpredictable and that type of thing. My
daughter dealt

16 with Larry early on, and so she's come to -- probably
had more

17 affection for him than my son.

18 Q. Well, can you -- you know, if you had a concern on
a

19 particular day or time or something, one of them could
run up

20 there and check on him?

21 A. Oh, certainly.

22 Q. That's what I was getting to.

23 A. Certainly.

24 Q. You know, that it is such that they could get up
there and

25 help you out?

3779

Juror No. 445 - Voir Dire

1 A. Sure.

2 Q. And help him out?

3 A. Sure.

4 Q. Okay. But your employer, you don't know what the

situation

5 there -- now, they can't fire you for being on jury
service.

6 A. That's what I understand.

7 Q. That's the law. But it could have an effect on the
income,

8 I suppose, if they don't make an agreement with you on
that.

9 A. I'm sure.

10 Q. You know what the rate of pay is here.

11 A. I do.

12 Q. And if you didn't get paid by your employer, the
13 difference, you know, between your regular salary and
what this

14 pays, can you handle that?

15 A. I wouldn't enjoy it, but --

16 Q. Oh, no. We wouldn't think so. You wouldn't go
hungry,

17 either, would you?

18 A. No.

19 Q. All right. And I know, it isn't just that. You've
got,

20 I'm sure, monthly expenses like all of us do. You've
got a

21 monthly budget.

22 A. Sure.

23 Q. And debts to pay. Have you talked to any of your
family

24 back in Minnesota about the possibility of your being
on this

25 case?

3780

Juror No. 445 - Voir Dire

1 A. No.

2 Q. At all?

3 A. Not really. I don't call home much.

4 Q. All right. Now, I want to turn back to some of the
things

5 on your questionnaire, if I may. And you have on page
22 told

6 us some things that I want to be careful how I ask you
this,

7 you know, because these -- this is something of a
private area.

8 But as I understand it, your daughter was in a car
accident?

9 A. Yes, sir.

10 Q. And how long ago was that?

11 A. Probably about ten years ago now.

12 Q. And was it a one-car accident? What was --

13 A. Yes, it was. It was a one-car.

14 Q. And her boyfriend was the driver?

15 A. Yes, sir.

16 Q. So there was a lawsuit, but the primary reason for
the

17 lawsuit is to get the insurance company --

18 A. To pay.

19 Q. -- to pay for it. Is that the way it was?

20 A. Yeah. That's correct.

21 Q. And how did that come out?

22 A. In her favor.

23 Q. All right. Then on -- on this same page 22 is
where I am.

24 A. Yes.

25 Q. Page (sic) 101, there's a reference there to a need
to get

3781

Juror No. 445 - Voir Dire

1 police intervention?

2 A. That's correct.

3 Q. Is that related to the situation we've just been
talking

4 about?

5 A. Yes, sir.

6 Q. So there was a time or there have been times when
you

7 needed outside help?

8 A. That's correct.

9 Q. Okay. And there's No. 2 -- excuse me, No. 102.

10 A. Uh-huh.

11 Q. This also was your daughter.

12 A. That's correct.

13 Q. And was this where she was working or --
14 A. Yes.
15 Q. -- or what?
16 A. She was working at Famous Chicken and there was a robbery,
17 an armed robbery; and the nature of one in my family,
18 was to -- of disbelief because she was kind of a problem child,
19 so we didn't want to believe that this truly happened.
And of
20 course, the first thing the authorities and the owner
looked at
21 was perhaps she was making this up and had stolen the money.
22 That wasn't the case at all. There were two gentlemen
who
23 pulled the robbery; and really, they wouldn't have been
found
24 out except one snitched on the other to get a lesser
sentence.
25 And thankfully, the one who had the loaded gun wasn't
anxious

3782

Juror No. 445 - Voir Dire

1 to shoot anybody, but the one who had the unloaded gun
wanted
2 to pop the two individuals, my daughter being one of
them. And

3 so very traumatic and -- it was very traumatic just
because we

4 disbelieved her in the beginning.

5 Q. How old was she then?

6 A. She was probably 17, 18.

7 Q. Was she physically injured?

8 A. No.

9 Q. Emotionally, though --

10 A. Certainly.

11 Q. -- very upset.

12 A. Yes.

13 Q. Well, after you came to accept that what she was
talking

14 about happened --

15 A. Yes.

16 Q. -- were you involved with her in any way in the
follow-up

17 investigation that was done?

18 A. I went to court with her and sat through the trial
and that

19 type of thing.

20 Q. There was a trial?

21 A. Yes, sir.

22 Q. You say two persons?

23 A. Yes. Two gentlemen.

24 Q. Were they both brought to trial?

25 A. We were only there because, like I said, the one
young man

Juror No. 445 - Voir Dire

gentleman who 1 told on his other friend, and so it was the one

the two 2 was really the more dangerous, if you can call it, of

3 who was on trial.

4 Q. And did the other one testify against him?

5 A. Yes, sir.

certain 6 Q. And do you understand there was some kind of a plea
7 agreement reached so that if he testified, he got a

8 sentence for it?

9 A. Yes, sir.

10 Q. And who told you about that?

11 A. Probably the lawyers. It was --

district 12 Q. Well, I mean, do you remember whether it was the

13 attorney or --

14 A. No.

15 Q. And so your daughter was a witness, I assume?

16 A. Certainly.

17 Q. And do you remember being there when she testified?

18 A. Yes.

19 Q. How old was she at that time?

20 A. 18.

21 Q. About a year after? Was it about a year after the
event?

22 A. Yes, sir.

23 Q. And usually -- and she was a witness who was asked
to

24 identify --

25 A. Uh-huh.

3784

Juror No. 445 - Voir Dire

1 Q. -- the man on trial, was she?

2 A. Yes. Pretty much, she was asked how it went down,
how --

3 Q. Yeah.

4 A. -- how it had happened.

5 Q. Do you remember a time when she was asked if she
could

6 point out the person in the courtroom who robbed her?
Do you

7 remember anything like that?

8 A. I don't.

9 Q. Do you remember at any time during the
investigation that

10 she was asked to describe this person or look at
photographs or

11 anything like that?

12 A. Oh, yes. Both before and -- before the trial ever

13 happened. I mean, after the -- they had photos and
they had

14 investigators come to the house and show her pictures
and --

15 Q. Were you there then?

16 A. Sure.

17 Q. Did you sit in when she was asked questions like
that?

18 A. No.

19 Q. I mean, you know, did you hear what was going on or
see and

20 hear what was going on; and when she was being
questioned about

21 her ability to identify the person, who was there?

22 A. I was there.

23 Q. Do you remember how that went? There were
pictures?

24 A. Uh-huh.

25 Q. And do you remember about how many?

3785

Juror No. 445 - Voir Dire

1 A. Not very many. I think he had six at one time.

2 Q. Did you talk with your daughter about her ability
to

3 recognize a photograph or how she could describe him?
Did you

4 have some conversations about, you know, like do you
remember

5 what color of eyes and all that sort of thing?

6 A. Yes.

7 Q. And were you trying to help her to remember or --

8 A. Probably trying to help her work through it. She
was

9 terrified. She was on the floor a lot, looking at
their feet

10 and listening to their voices, and there wasn't so much
11 identification with their facial features and that type
of

12 thing.

13 Q. Did they have masks; do you know?

14 A. Pardon?

15 Q. Did they have masks?

16 A. No, they did not.

17 Q. And do you know what race the people were?

18 A. Uh-huh.

19 Q. What?

20 A. They were white.

21 Q. Well, I just wanted to get -- or I think it
appropriate for

22 us to ask you just some things about the process and
whether

23 you got some kind of impression from the process. Did
you? I

24 mean, I -- did the jury reach a guilty verdict?

25 A. Yes, they did.

Juror No. 445 - Voir Dire

1 Q. And then what happened with the sentencing; do you
know?

2 A. I didn't go to sentencing with her, but it was
pretty cut

3 and dried at the time.

4 Q. And did she go to a sentence hearing?

5 A. Yes, sir.

6 Q. With the judge?

7 A. Yes.

8 Q. And did she tell you about what happened?

9 A. Yes.

10 Q. What that was like? What do you remember her
telling you?

11 A. Probably just that she had been vindicated. That,
you

12 know, he got charged with the crime.

13 Q. I mean, did she describe what happened, who was
speaking

14 or --

15 A. No.

16 Q. -- those kinds of things?

17 A. No.

18 Q. Was she asked to speak?

19 A. No. Not at that time.

20 Q. So did she tell you her impression when it was over
and the

21 sentencing was done, what she thought about it?

22 A. About the judicial process?

23 Q. Yes.

24 A. She was young, and we didn't discuss the process as
much as
25 we did the outcome.

3787

Juror No. 445 – Voir Dire

1 Q. And how did she react to the outcome? What was her
opinion

2 of the outcome?

3 A. Probably relief.

4 Q. Well, but I mean, did she think that the sentence
was too
5 easy, not hard enough or -- or too hard and not easy
enough?

6 Something like that?

7 A. Well, actually, we did discuss it; and of course,
her being

8 the one involved with the crime, she didn't feel that
the

9 sentence was strong enough. And she certainly felt
that the

10 young man who was against his friend was allowed such a
-- he

11 was allowed almost nothing as far as his plea bargain
was

12 concerned, so that a little bit irritated her. They

were both

13 involved. It's just that, you know, according to one
voice
14 against another, one was worse than the other type of
thing.

15 Q. One got a better deal because he testified against
the
16 other?

17 A. Certainly. That's correct.

18 Q. And you understood and your daughter understood
that that
19 was the deal that the district attorney made?

20 A. Sure.

21 Q. Well, you know, what is your reaction to that now
as you
22 look back on it? Do you think that was something that
the DA
23 did properly or should not have done, or anything in
between?

24 A. As a parent, you deal with the anger of it, the
frustration
25 of it, and you're really not concerned with -- with
what -- the

3788

Juror No. 445 - Voir Dire

1 person who did the crime. You're just only concerned
with your
2 own child, I think.

3 Q. Sure. I understand.

4 A. So --

5 Q. But I mean, did you have any reaction to the fact
that this

6 one person got a very light treatment by the court in

7 sentencing or probation or something -- I don't know --
as a

8 result of his agreement to testify against this co-
defendant?

9 A. I'd have to say personally, no. It really truly
didn't

10 affect me.

11 Q. Okay. And have you talked with your daughter about
this at

12 any time recently?

13 A. Not recently, no.

14 Q. Do you know what her overall opinion is, now that
some time

15 has passed, as to what happened?

16 A. I have no idea what she thinks.

17 Q. All right. So this was about how many years ago?
I'm bad

18 on my math.

19 A. 1985.

20 Q. Pardon me?

21 A. I believe it was 1985.

22 Q. '85.

23 A. Thereabouts.

24 Q. On page 19, if you'd turn to that with us, please,
Question

25 88. You mention helping to pay for the defense of
someone.

3789

Juror No. 445 - Voir Dire

1 A. Well, that would be my daughter.

2 Q. Well, I'm confused about that. This question --

3 A. I know.

4 Q. -- says, "Have you ever donated money to pay for
the
5 defense of anyone accused?"

6 Was your daughter accused of something?

7 A. Yes, sir.

8 Q. This is a different time?

9 A. Different time. Sorry.

10 Q. I'm sorry. And just tell us in a general way --
we're not
11 trying to embarrass you -- but what was that about?

12 A. My daughter was accused of embezzling money from
Safeway.

13 She was working as a clerk -- or cashier, rather.

14 Q. Uh-huh.

15 A. And so she was brought to jail on those charges.

16 Q. To jail?

17 A. Uh-huh.

18 Q. How long did they hold her?

19 A. A day. We got the bail bondsman.
20 Q. And a lawyer?
21 A. Yes. Well, we didn't get a lawyer.
22 Q. Oh, you didn't?
23 A. (Juror shakes head.)
24 Q. Did she have then a lawyer?
25 A. She had a public defender after that.

3790

Juror No. 445 - Voir Dire

1 Q. What county was this?
2 A. Jefferson.
3 Q. And how long ago are we talking about now?
4 A. Ten years ago.
5 Q. What was the outcome?
6 A. She paid restitution.
7 Q. Admitted doing it?
8 A. She did admit to doing it.
9 Q. And do you think she did?
10 A. I believe she did.
11 Q. And were you satisfied with the lawyer who worked
with her
12 on the case?
13 A. Yes, I was.
14 Q. The reason I ask, that is not someone you picked,
someone

15 who was assigned to her?

16 A. That's true. That's right.

17 Q. And do you know if she was satisfied with the
lawyer who

18 represented her?

19 A. I think she was.

20 Q. So as you look back on that one, you know, do you
have any

21 carryover from that whole experience that affects your
view in

22 any way of the fairness of the criminal justice system?

23 A. As a parent, I knew she made a mistake. She knew
she made

24 a mistake, and she paid for it.

25 Q. And so, you know, stepping back and looking at it
now as a

3791

Juror No. 445 - Voir Dire

1 citizen, does that seem right to you?

2 A. Yes, it does.

3 Q. Okay. And you -- you said something here on page
37 where

4 we asked you some things about what you heard and read
of

5 Mr. Nichols. Well, first, let me go to 36, the
preceding page.

6 You gave us a description about what you'd seen, read,
or heard

7 about the Oklahoma City bombing.

8 A. Yes.

9 Q. Do you see what you wrote?

10 A. Yes, I do.

11 Q. And you emphasized the children victims.

12 A. That's true.

13 Q. Is that something that strikes you more than
anything about

14 this situation that children were injured and killed?

15 A. I think our morality, our culture, tends to
emphasize on

16 children. I think anyone's life is certainly valuable,
but

17 it's easier to stick in your mind if it's children.

18 Q. And then you -- on the next page, which is where I
started

19 you, you said something about Mr. Nichols under -- at
the top

20 of the page, 159, and then at 162, near the bottom.

21 A. That's true.

22 Q. Do you see your answers there?

23 A. Yes, sir.

24 Q. And you said he belongs or belonged to a militia.
What --

25 what is it that you heard or read about that?

Juror No. 445 - Voir Dire

to a 1 A. It's just something that I read that he did belong
2 militia.

this 3 Q. Do you connect that in any way with the bombing of
4 building?

5 A. Do I connect it in any way?

fact -- 6 Q. Yes. I mean, is that a significant -- if it is a
You've 7 you know, what you read, see, and hear may not be true.
8 accepted that in your answers?

9 A. That's true.

but does 10 Q. If that is a fact -- and I don't know if it is --
the 11 that have any significance to you in connection with
12 charges in this case?

13 A. Certainly significance.

14 Q. What?

thing in 15 A. The fact that I can't believe it was a positive
be 16 any way, shape, or form and why would a militia want to
17 attached to such a heinous crime.

18 Q. Well --

19 A. They could have bombed the building without people.

there are a 20 Q. What I'm asking you, what connection -- I mean,

United 21 lot of -- you've heard of militia groups all over the
22 States?
23 A. They don't frighten me.
24 Q. They don't.
25 A. Huh-uh.

3793

Juror No. 445 - Voir Dire

1 Q. So what is it about belonging to a militia that
causes you
2 in some way to connect that to the allegations in this
case?
3 A. The fact that I think they held it against him.
4 Q. Who did?
5 A. The media.
6 Q. That the media made an assumption about a
connection
7 because of a militia connection? Is that what you're
saying?
8 A. That's what I'm saying.
9 Q. Okay. Now I understand. And then you say
something here
10 on this 162 that "Terry Nichols doesn't appear to
accept his
11 criminal, guilty, done-wrong status." So that sounds
like
12 you've already convicted him in your mind. Is that
right?

13 A. Just the opposite.

I 14 Q. Okay. Well, what did you mean when you wrote this?
that. 15 jumped to a conclusion, and I certainly shouldn't do

16 A. Well --

17 Q. Tell us what you meant when you wrote this down.

-- and I 18 A. Obviously, the things that I've read in the media
they 19 know they don't always tell the truth -- but certainly,
Nichols. 20 played Mr. McVeigh up far more than they have Mr.

21 Q. Yes.

22 A. And so so much more has been written about Mr.
McVeigh, and 23 I think we all -- I include myself anyway -- made a
judgment. 24 But as far as Mr. Nichols, there hasn't been much
written, and 25 so I just assumed that -- if you're going to do degrees
of

3794

Juror No. 445 - Voir Dire

1 guilt, it lessened it for him.

2 Q. Well, now you know, because we've talked about it
since you 3 wrote out this questionnaire --

4 A. Right.

5 Q. -- that there isn't any guilt until it's proven.

6 A. Right.

7 Q. And in fact, it's just the other way around, as
we've just

8 discussed. And you appear to have had some recognition
of that

9 over on page 38, because at Question 164, we ask you,
"Can you

10 render a fair and impartial verdict? Any reason that
you

11 can't?"

12 And I see -- I believe you did this and it
isn't a

13 copy machine, but I wanted to make sure -- the words
"Solely on

14 the evidence"?

15 A. Right.

16 Q. That you underlined those?

17 A. I did.

18 Q. And why?

19 A. Because I have heard of little evidence against

20 Mr. Nichols.

21 Q. Indeed, you haven't heard any evidence at all.

22 A. That's true.

23 Q. What appears in newspapers, television, so forth,
is not

24 evidence.

25 A. That's right.

Juror No. 445 - Voir Dire

1 Q. "Evidence" by definition means what comes in at the
trial.

2 Do you understand that?

3 A. I do.

4 Q. Please understand I'm not arguing with you.

5 A. Okay.

6 Q. Or causing you to defend yourself or anything like
that.

7 You talked about intimidation. Now, just
because I'm

8 sitting here in a robe in a courtroom and sort of the
-- you

9 know, on an elevated bench and all that doesn't mean
I'm trying

10 to force you into anything. It's my job, as it is the
11 responsibility of the lawyers here, to get from you
exactly

12 what you're thinking so that you can be evaluated as to
whether

13 you can give Mr. Nichols and the Government a fair
trial.

14 So are you saying now -- and we've talked
about some

15 things that have -- you know, I've emphasized since you
wrote

16 these questions.

17 A. Right.

18 Q. So you're also, when it comes to opinions, free to
change
19 your opinions from what you wrote originally here.
Understand?

20 A. I understand.

21 Q. And what a juror has to do is set aside any
preconceived
22 notions, things that you thought about before you
became a
23 juror. Things that you read, heard, or saw, you have
to put
24 all that out of your mind.

25 A. Uh-huh.

3796

Juror No. 445 - Voir Dire

1 Q. And focus entirely on what happens at the trial.
And then,
2 as I say at the end, decide, well, does the evidence in
the
3 case overcome the presumption of innocence and prove
the charge
4 beyond a reasonable doubt. That's what we're asking,
whether
5 you can do that. And can you?

6 A. Uh-huh. Yes.

7 Q. Okay. Now, I've got to ask you just a few more
things. It
8 seems like it's going on forever for you, I'm sure, but

please

9 bear with us.

10 A. All right.

11 Q. We also asked you your views about punishment and
the

12 punishments of life in prison with no possibility of
release

13 and death. Do you remember those questions?

14 A. Yes, sir.

15 Q. And you understand the reason for those questions
-- well,

16 let's turn to page 27. Do you see at the -- at No. 124
there?

17 A. Uh-huh.

18 Q. There's a lot of explanation there; and then over
on the

19 next page, there are some questions. And the
explanation -- I

20 wouldn't expect that you committed it to memory, but
the

21 explanation was, "In certain kinds of cases where the
offenses

22 involve the possibility of sentence to death or life in
prison,

23 the jury gets involved in that process." Understand?

24 A. Uh-huh.

25 Q. Well, take a moment to read your answers. I know
you're

Juror No. 445 – Voir Dire

1 anxious to know what you wrote.

2 A. Thank you.

3 Okay.

4 Q. And there's one on the next page, too. 29.

5 A. Yes, sir.

6 Q. Okay. Did you want to say something?

7 A. No.

8 Q. All right. I just want to review this a little
with you
9 now. First of all, recognizing as the explanation here
said,
10 the only reason that these questions are in here is on
the
11 possibility of a guilty verdict. No guilty verdict is
12 expected. You should not, because we ask you these
questions,
13 assume that anybody has prejudged anything. But the
law, as I
14 will explain it here, requires the jury in certain
kinds of
15 cases to make a decision about punishment; and it's the
same
16 jury that makes the decision about the evidence. So to
17 determine the selection of persons to serve on the
jury, we
18 have to talk about the punishment decision even though,
of
19 course, there is no punishment decision unless the
decision on

beyond a 20 the evidence is -- has been -- the crime is proved

21 reasonable doubt. Do you follow me on that?

22 A. Yes.

experience 23 Q. Okay. Now, let me explain. And you've got some

There's 24 with this in connection with that armed robbery case.

25 a trial.

3798

Juror No. 445 - Voir Dire

1 A. Right.

And 2 Q. And there's a jury decision, guilty or not guilty.

if it's 3 obviously, if it's not guilty, it's all over with. But

You -- 4 guilty, then there's more. There's a sentence hearing.

did. 5 as I remember, you didn't go to it, but your daughter

6 A. Right.

announces the 7 Q. And a judge makes the sentence decision and

people 8 sentence. And certainly, it can be -- when two or more

sentences for 9 are involved in the crime, there can be different

to 10 each one, even if there isn't some kind of an agreement

familiar 11 testify. I mean, that was a factor in the case you're
12 with. But it doesn't depend on that because judges, in
13 arriving at sentence decisions, view individuals as
just that,
14 unique human beings.

15 So before any sentence decision is arrived at,
the
16 judge has to know a good deal more than was presented
at the
17 trial on the evidence, and that includes more about the
18 circumstances of the crime, what happened, what the
19 significance of it was, the reaction of victims. That
kind of
20 thing can all be involved. And then the judge has to
know a
21 lot more about the person who has been found guilty,
and that
22 includes -- you know, it doesn't all come out at a
trial. A
23 lot of this goes to the judge in writing and in a
report of
24 people who go out and get -- collect the information
and report
25 it, and that includes almost everything about the
person, his

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1 or her background, a lot of the kinds of things we've

talked

2 with you about: where were you born and raised; what
your, you

3 know, family situation and relationships have been;
employment

4 history; military history; marriage relationships;
prior

5 marriages; all of these things; how many children; what
-- has

6 he contributed to the community in some way and in
volunteer

7 service; all of these things that really make each
person

8 unique, because that has to be considered in along with
the

9 crime. We don't have a -- you know, this is the crime,
this is

10 the punishment automatically. Understand?

11 A. I understand.

12 Q. And then the judge hears from both sides, from the
defense

13 counsel, from the prosecution, and says, For this
crime, for

14 you, the defendant, this is -- this is your sentence.
Now, it

15 is different when the issue is the possibility of a
sentence to

16 prison for life -- and we're talking federal law now.
And that

17 means just that, you die in prison -- or a sentence to
death,

18 execution, or there can be a sentence less than that,
and then

Federal 19 it would be up to the judge, but the jury decides in

decisions like 20 Court life or death. We don't have judges make

21 that. The power belongs to the jury. Understand?

22 A. I understand.

23 Q. Now, we wanted to know something about your views
24 concerning these penalties before talking with you

about it

25 here, and that's why we gave you these questions, so
that you

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could 1 could tell us what thoughts you might have about if you

punish, how 2 write the law, if you could determine how courts do

these 3 would you do it. And it is in that sense that we asked

them? 4 questions. And is it in that sense that you answered

5 A. Yes.

6 Q. Okay. Well, I just wanted to make sure we
communicated

7 that. And you said, you know, "When warranted," and
then you

8 said, "When horrific."

9 A. Uh-huh.

10 Q. I believe that's what that says; right?

11 A. Yeah.

12 Q. When you're talking the death penalty. And then
you

13 suggest some kinds of crimes where life in prison with
no

14 release would be appropriate; and then again, where you
were

15 asked, you know, to illustrate the kinds of crimes
you're

16 talking about, again, you say, "When a horrific crime
has been

17 committed and the guilty has no remorse or conscience"?

18 A. Yes.

19 Q. Then on the next page, we asked you, "Well, do you
have any

20 religious, moral, or personal beliefs that would affect
your

21 ability to decide?"

22 And you said quite reasonably, "All my beliefs
would

23 affect my ability just as they affect everything else
you do in

24 your life"; right?

25 A. That's true.

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1 Q. What I think we were searching for here is do you
have any

2 particular -- particularly -- excuse me -- any
particular part

3 of your belief system or structure that gets involved
when

4 you're asked a question whether a person should die?
As a

5 sentence, I mean. You know, some people -- let me just
explain

6 this again, because I think maybe you're a little
confused.

7 Are you?

8 A. A little.

9 Q. Okay. Well, we don't want you to be confused or
10 intimidated. So what we're asking here, there are some
11 religions that have a point of view about --

12 A. I understand.

13 Q. -- death sentence, and you are probably aware of
this from

14 some of the recent publicity in the papers in Colorado
about an

15 execution.

16 A. That's true.

17 Q. Okay. So you're aware that there are religious
views.

18 A. Certainly.

19 Q. And some people have, even though they are not in
an

20 organized religion structure, some personal views on
the

21 extreme like, well, if you kill somebody, you should be

killed,

22 or even though you killed somebody, this -- the state,
the
23 government should never take your life. Those are, I
guess --
24 represent the two extremes, and then there's a lot in
between.
25 A. That's true.

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1 Q. Now, do you have any kind of religious or moral
view that
2 affects you before you hear about the law that the jury
has to
3 follow in connection with a sentence?
4 A. I have to say no.
5 Q. Okay. Now, let me just explain to you what the
process is.
6 If there is a jury verdict of guilty in a case that has
charges
7 that can include a sentence to death or to life in
prison
8 without release -- follow me?
9 A. Yes.
10 Q. -- then the jury is asked the punishment issue.
And of
11 course, the first task is to try the evidence and
decide this
12 question of guilty or not. So what I'm talking about

now only

13 happens if the evidence overcomes the presumption of
innocence

14 and the defendant's found guilty beyond a reasonable
doubt. So

15 just as I've talked about how a judge has to make an
individual

16 sentencing decision, so does a jury. And so before
that

17 decision can be made, the jury has to hear yet more

18 information, things that never come out in the trial.
And

19 these are the things now that get considered in
deciding what

20 sentence to impose on this person as a unique being.
So that

21 will include -- and I don't know what this would be in
this

22 case, just as I don't know what the evidence in this
case would

23 be. So, you know, we have to talk about generalities
and not

24 specifics. Understand?

25 A. Yes.

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1 Q. But in general, the Government lawyers would be
expected to

2 put on things that suggest, well, death is the deserved

3 punishment for this person because of this crime and
who the
4 person is. And that would focus mostly on the
circumstances of
5 the crime, perhaps things that, you know, somebody
would find
6 horrific, whatever that means to you, but that the
crime is
7 very severe. And the defense would put on further
8 information -- and this is like evidence. I mean, this
is
9 witnesses come in. It's not like a written report I
mentioned.
10 This is witnesses come in, exhibits are offered.
There's
11 really another complete trial. And the defense would
be
12 offering the things that suggest that despite this
crime, even
13 if it's horrific, the defendant does not deserve to die
because
14 of who this human being is. Do you understand?
15 A. Yes.
16 Q. And so that includes all these same things that
I've been
17 talking about, the life history of the person,
employment, so
18 forth. It can also include in cases where more than
one person
19 was involved in the crime their relative roles in it.
I think
20 you mentioned in your daughter's experience that one of
them

21 was very aggressive and -- with the weapon and the
other one

22 didn't want to use a weapon?

23 A. Right.

24 Q. That's an illustration of a difference in the role
in the

25 crime.

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1 A. Right.

2 Q. And there can be a lot of other differences, you

3 understand.

4 A. Sure.

5 Q. But in the end, after all this is presented, the
court then

6 sums it up in instructions and says to the jury, Well,
these

7 are all the things you've heard that can aggravate this
case,

8 aggravating factors. These are all the things you
heard that

9 can mitigate this case, mitigating factors. These are
the

10 things that you should think about and talk about. And
then,

11 you know, offer some suggestions of questions the
jurors can

12 ask themselves. But the final thing is it's up to the

jury.

13 Without any formula or any diagram or equation or
anything, the

14 jury has to make a decision. And to put it in plainest
terms,

15 the jury decides whether the defendant should live or
die. Do

16 you understand?

17 A. I understand.

18 Q. And the -- before making the decision, of course,
they have

19 to consider all these things that I've talked about.
Do you

20 follow?

21 A. Yes, I do.

22 Q. Now, what I need to ask you is, thinking about this
and

23 thinking about the possibility of having to make a
decision

24 like that, can you decide, based on everything that you
would

25 have heard then at this sentencing hearing,
aggravating,

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1 mitigating factors, all the things that you hear about
the

2 defendant, you may have heard about the defendant,
including

crime in 3 all of his individual characteristics, as well as the
moral 4 deciding that question, which is basically finally a
can you do 5 decision made about the life of another human being,
6 that?

think I 7 A. I -- I don't know. I'm not a proven commodity. I
8 could make a decision --

9 Q. Sure. You've never don --

10 A. -- on intelligence.

this 11 Q. And, you know, we're not -- people confronted with
know, and 12 have never done it, and how can you think ahead, you
your 13 say what would I do? All that we're asking you for is
everything 14 estimate of your ability to decide on the basis of
15 that you've heard and the Court's instructions about
16 considering both sides before making your decision.

17 A. I could do that.

tried to 18 Q. Okay. Do you have any question about what I've
you want 19 explain here? If there's anything that's unclear, do
20 me to explain it further?

21 A. No. It's clear.

whole lot of 22 THE COURT: Okay. Well, I've asked you a

23 questions, and I appreciate your working with me in
answering
24 them. I'm sure counsel have a few more questions, so
bear with
25 us yet a while.

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1 Ms. Wilkinson.

2 MS. WILKINSON: Thank you, your Honor.

3 VOIR DIRE EXAMINATION

4 BY MS. WILKINSON:

5 Q. Good morning, ma'am.

6 A. Good morning.

7 Q. As the Judge told you, my name is Beth Wilkinson.
And I

8 know his Honor asked you a lot of questions, but I have
a few

9 more, if you'll be patient with me.

10 A. Yes.

11 Q. I was listening very carefully as you were talking
to the

12 Judge, and you told him, I think at the beginning,
honestly

13 that you thought maybe you wouldn't be the best juror.

14 A. Right.

15 Q. And I think you understand now from listening to
him that

best 16 all we want are honest and fair jurors. Those are the
then you 17 jurors for us; so if you can be that kind of person,
you would 18 would be the best juror for us. Can you tell us that
19 be an honest and a fair juror?

20 A. I believe so.

21 Q. Okay. You know, we asked you to leave all your
hard to 22 preconceptions outside the courtroom -- which I know is
listen 23 do sometimes -- and come in here with an open mind and
you made 24 to all of the evidence and make a decision based, as
on what 25 clear in your questionnaire, just on the evidence, not

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Juror No. 445 - Voir Dire

Nichols 1 the media said, and not on any -- no notions about Mr.
from 2 or the Government or anything else, but on what you see
3 the witness stand and what you hear. Can you do that?
4 A. Yes.
this, you 5 Q. Okay. Can you tell me why, before you heard all
for us? 6 thought maybe you wouldn't be one of the best jurors

7 Or for -- meaning -- "us," meaning the process, not one
party.

8 A. Probably because this is a case where the
Government is
9 trying Mr. Nichols -- Mr. Nichols. And I'm not very
10 pro-government. I'm -- I don't think they're
necessarily a

11 kind entity. And as little as I'm involved in the
politics of

12 government, I find them more often than not unfair and
kind of

13 unjust.

14 Q. Okay. Can you tell me specific things that are
things that

15 bother you? I mean, I look through your questionnaire,
and

16 you've expressed some of those. And we can go over
those, but

17 can you tell me the things that you find or that have
been most

18 difficult for you about our government, things that the

19 government has done wrong that really bother you.

20 A. I can't give you any specifics other than my
personal life

21 has been affected by the government with my husband to
a great

22 degree.

23 Q. Do you think that starts with the idea of how we
treated

24 our soldiers coming back from Vietnam?

25 A. Certainly a factor.

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1 Q. And what about going into the war in the first
place?

2 A. I wasn't against the war and certainly saw at that
time --

3 you're young and -- the need for it. I was very
patriotic and

4 understood that totally.

5 Q. Maybe I can ask you about a few specifics, if you
wouldn't

6 mind, about some of the things we asked you about on
the

7 questionnaire. We asked you about Waco, which is
something a

8 lot of people have very strong opinions about. Can you
-- and

9 you said you did have an opinion, in the questionnaire.

10 A. I do. It's not a very strong opinion. Some of the
things

11 that I've read, I don't know. I think the belief was
that the

12 bombing was a retaliation for Waco. I think that hit
the

13 media. I guess I didn't believe that at the time.
I've seen

14 television footage of how -- how it happened there at
Waco, and

15 I just can't believe that the -- there's just nobody
all wrong

16 or all right in a situation like that.

17 Q. Mistakes were made on both sides?

18 A. I believe so.

19 Q. Do you -- do you have an opinion or have you seen
any of

20 the tapes on how the fire was started at Waco and who
is

21 responsible for that?

22 A. Yes.

23 Q. And what tapes have you seen?

24 A. Here again, it was television. I can't really
identify

25 them. Just the fact that the -- the government, you
know, was

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1 bringing the tanks up and maybe that's how the fire
started.

2 Q. And do you think that the government -- and
obviously,

3 their -- you know, your views aren't on trial. They
are not on

4 trial now. I'm just asking you for your personal
opinions. Do

5 you think the government agents, because they did that,
are

6 partially responsible for the death of those children
and

7 civilians that were in that compound?

a 8 A. I guess my personal opinion is yes, they -- it was
9 factor.

10 Q. Okay. And because of that, do you think that the
11 government was unresponsive and didn't hold those
people
12 accountable?

13 THE COURT: It's not clear to me what "those
14 people" --

15 MS. WILKINSON: The federal agents. I'm
sorry, your
16 Honor. The people --

17 JUROR: So you think the Government didn't
hold
18 themselves responsible? Is that what you're saying to
me?

19 BY MS. WILKINSON:

20 Q. I'm asking you if you think that. I think it's one
thing
21 to say, which is what you said, which is they are
partially
22 responsible; and lots of people share that view, and
other
23 people think that because of that, the government
should have
24 held those people responsible, either brought charges
against
25 the federal agents or, you know, disciplinary action,
whatever.

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1 There's a variety of punishments. But I know there's
people
2 who believe that, you know, the government did not hold
those
3 people responsible.

4 I guess I'm asking you if you share that view
and you
5 think, you know, the government should have disciplined
them or
6 the government has somehow not addressed that or should
have
7 brought charges or, you know, any of those things.

8 A. I don't break it down that specifically in that
they were
9 both entities, and they didn't affect my life really in
any
10 way, so it was the government versus the cult people.

11 you know -- to individually bring punishment against
either
12 entity seemed kind of wrong.

13 Q. So you mean the trial where they had some of the
Davidians
14 on trial, you think it was inappropriate? It was kind
of one
15 of those situations where everybody made mistakes and
that's
16 really no way to fix it?

you just 17 A. It happened. You can't go back and change it, so
18 go back and live with it.
about 19 Q. If I could turn to another subject. We asked you
have the 20 U.S. currency, and you said you believe we no longer
21 gold to back the printed money; is that right?
22 A. That's true.
that 23 Q. Can you tell me a little more about your views on
24 subject?
25 A. I'm not strong in economics. It's just --

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over my 1 Q. That makes two of us. You're not going to talk
any 2 head; but I mean, you're not -- I'm not going to have
you 3 better insight than you are, but I guess I'm just more
4 interested in where you -- you get those views or how
5 developed those views.
certainly 6 A. I don't know. I'm not a world traveler, so I
money 7 don't know how they perceive us; but I do know that our
printed 8 is probably not worth the dollar, I mean, that's been

a long 9 and it's pretty obvious to everybody, and so we've come

10 way on people in the world.

isn't 11 Q. Do you feel generally that the government just

kind of 12 responsive to -- to the people? I mean, you said it's

you were 13 a big entity and when you were talking to his Honor,

these are 14 talking about this process being intimidating because

15 people you see as having power.

16 A. Yes.

17 Q. I mean, is that tied into the same thing, that the
18 government is this big bureaucracy that's not --

19 A. Responsive.

20 Q. -- responsive?

21 A. In my case, I -- I agree with that.

your 22 Q. And especially not responsive, I -- I take it, to

addressing his 23 husband's disability sometimes and not really

24 specific --

that. 25 A. Well, it's not like I blame the government for

terms of 1 Q. No. Not for the original problem, but I mean in
problem? 2 responding after you determined that there was a
personal 3 A. That's true. I find them lacking, but that's a
4 issue.
afraid 5 Q. Right. And you said, I think, that your husband is
6 of the VA?
7 A. Yes. Very much.
it, or 8 Q. He doesn't want to go into those hospitals, I take
9 talk to those counselors. And does he have those
similar views 10 on kind of the lack of responsiveness of the government
and 11 kind of a big bureaucracy that doesn't respond to
individuals? 12 A. He's probably more opinionated than I am about it.
13 Q. A little more vocal about it?
14 A. Yeah. Exactly.
discussed 15 Q. Have you ever -- has -- have the two of you ever
16 the McVeigh case or the Oklahoma City bombing?
17 A. Not really.
18 Q. Do you know how he feels about it?
those few 19 A. About the bombing? Everybody was affected for
20 weeks that they kept it on TV. And you have to
understand he's

lives 21 a combat veteran, so killing and murder and people's
go. He 22 don't mean very much to him and it's just their time to
strange 23 thinks they are the lucky ones, and so it's a very
change his 24 outlook; but, you know, the bombing really didn't
well." 25 opinions or vary him in any way except to say, "Oh,

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1 Q. So he -- to him, it was like a form of combat? It
him as it 2 wasn't -- I take it it didn't have the same effect on
3 did on you in terms of identifying with the children?
4 A. It doesn't. He doesn't identify with any of that.
heard 5 Q. You said in regard to the bombing that you had
where he 6 President Clinton's statements that you described,
against 7 said something about the action will be swift and hard
8 the bombers, and you said that wasn't true.
9 A. I don't believe that was true.
part wasn't 10 Q. Okay. Can you explain what you mean about what
11 true?

12 A. Well, I think the bombing was a very emotional
time; and
13 the television, of course, and the footage and, you
know, they
14 wanted to play to the -- to the whole nation's appeal.
And I
15 just think that being a political figurehead as the
President
16 is, you know -- he couldn't have gotten any closer to
the --
17 the real emotion than somebody far away like, you know
-- I
18 don't think those kinds of things affect somebody in
that
19 position. I mean, they seem all powerful, but he's
just a guy
20 who's reading a speech and -- and, you know, what his
beliefs
21 are just don't matter.
22 Q. Do you -- did you follow at all or at least hear
about the
23 verdict in the McVeigh case when the jury came back to
say that
24 Mr. McVeigh was guilty?
25 A. Yes.

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1 Q. And did you think he had been fairly convicted?
2 A. I think we all knew that he was convicted before he
went

but 3 into trial; and I know that's not the way it should be,

4 people had made judgments, and so it wasn't a surprise.

5 Q. So you feel like the media had already helped
people make

6 up their minds about whether he did it or not?

7 A. I believe so.

8 Q. And do you feel like, then, that affected the whole
trial?

9 I mean, that it was already a done deal?

10 A. Yes.

11 Q. Again, I'm just asking you to be honest. No one is
going

12 to be upset.

13 A. That's my opinion.

14 Q. That it was -- it was kind of a done deal before
the

15 evidence started?

16 A. Yes.

17 Q. And what about the sentence? Did you think that
that --

18 First let's start with do you think that was a fair
sentence

19 that Mr. McVeigh was sentenced to death?

20 A. Knowing that the system would take him several
years of

21 appeals to probably get there, and it's -- he accepted
it, I

22 think. That's what I'm saying. I think he accepted
the death

23 sentence.

24 Q. Okay. And did you think that was also a
predetermined

25 sentence that that was what's going -- what was going
to happen

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1 before the trial even started, before the jury was
picked?

2 A. Probably because there had been media about it; and
I think
3 that here again, I -- I think that was probably not a
surprise.

4 Q. Okay. You -- you said to me earlier -- and I just
have a
5 few more questions if you'll bear with me -- that you
didn't
6 think that the Oklahoma bombing was in retaliation for
Waco; is
7 that right?

8 A. I don't believe that, no.

9 Q. Okay. Did you hear anything about that being
presented as
10 evidence from either side in the trial against Mr.
McVeigh?

11 A. No, I didn't.

12 Q. Can you tell me why you think the bombing was not
in
13 retaliation for Waco?

14 A. Good question. I can't tell you why I think that.
15 Q. Do you have -- well, maybe you think that because
you think
16 the bombing was meant for some other purpose. Do you
have an
17 opinion as -- maybe as to some other purpose for the
bombing?
18 A. Yes, I do. I have an opinion.
19 Q. Can you share that with us?
20 A. There was gun legislation probably a week after
this
21 incident that -- and I think anybody who follows the
rules and
22 legislation knows that that takes months and months of
23 preparation. And since it was so ready to go and they
had a
24 catalyst from the bombing to push that through because
people
25 were very emotional about the issue, I felt that that
was

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1 certainly something people should have looked at.
2 Q. So kind of because if the building was bombed, then
the
3 federal government felt citizens would be more likely
to
4 support the firearms legislation, the terrorism
legislation? I

5 think that must be what you're referring to; right?

6 A. Yes.

7 Q. And so that would have given the government support
for
8 pushing this legislation through?

9 A. I believe so.

10 Q. Okay. And do you -- are you familiar with that
because you

11 knew about this legislation, or is this something
you've read

12 in the papers or read in some other journal or
something like

13 that?

14 A. Just read in the paper.

15 Q. Well, I guess I want to go back for my last
question to

16 what you said to me and to his Honor, that you didn't
know

17 whether you would be the best juror, and tell you that
or ask

18 you -- I think you understand that you have to give
both sides

19 a fair trial. You have to give Mr. Nichols the
presumption of

20 innocence. That's --

21 A. Certainly.

22 Q. -- the cornerstone of our system. And you have no
problem

23 doing that, do you?

24 A. No.

25 Q. Can you tell the Government that you will give the

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1 Government a fair trial?

2 A. I'd like to believe I could.

3 Q. But would it be difficult for you based on what
you're

4 telling me, your views that you've developed over the
years

5 about the Government? I mean, you know, some people
can do it,

6 some people can't. We're not -- we're not -- this
isn't a test

7 to see --

8 A. I know.

9 Q. -- what kind of person you are. I'm just asking
you to

10 really look inside yourself and be honest with us about
whether

11 you could do it.

12 A. I think based on the evidence, I would make a fair
13 decision.

14 MS. WILKINSON: Okay. Thank you very much for
15 answering my questions.

16 THE COURT: Mr. Tigar.

17 MR. TIGAR: Yes, your Honor.

VOIR DIRE EXAMINATION

18

19 BY MR. TIGAR:

20 Q. Hello. I'm Michael Tigar, and I'm the last one.
And
21 this -- this won't take too long.

22 A. All right.

23 Q. This is Ron Woods over here. Ron and I were
appointed by
24 the United States District Court in Oklahoma to help
out Terry
25 Nichols.

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1 And I would just like to ask a few questions
about
2 some of the things on your questionnaire. The first
thing --
3 but I don't think you need to turn to the -- I wanted
to
4 clarify: Your daughter worked at Safeway; is that
right?

5 A. That's true.

6 Q. Okay. And she had a problem there. And then was
-- did
7 the robbery where she had worked at the chicken store:
Did
8 that come afterwards, later on?

9 A. No. That was first.

10 Q. That was first. Okay. Now, in the Safeway
situation, did
11 you feel that your daughter had done something wrong?
12 A. Yes.
13 Q. And even though you knew she'd done something
wrong, you
14 knew that she was basically a good person?
15 A. That's true.
16 Q. All right. And the question of what kind of a
person she
17 was and the question of what she had done: Did you
think about
18 both of those things in thinking about what was the
right thing
19 for her to -- to do in terms of making restitution or
any
20 sanction or punishment?
21 A. Yes.
22 Q. Okay. Then in the -- in the incident at the store
there --
23 and I don't want to dwell on it. This must have been a
very
24 painful time for you.
25 A. Oh, you certainly accept all the guilt.

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1 Q. And at first, did you think that she was telling a
fib

2 about what had happened?

3 A. No. We're confusing the issues about the armed robbery.

4 Q. About the armed robbery. They first thought -- that maybe

5 there hadn't been a robbery?

6 A. True.

7 Q. But she said there was; right?

8 A. That's right.

9 Q. That's what I'm saying. Did you think -- I'm sorry. I

10 don't mean to get this wrong. But when she came and told you,

11 you know, "Mom, I got robbed," did you not believe her at

12 first?

13 A. I did not believe her.

14 Q. And later on, it turned out she was right?

15 A. That's correct.

16 Q. Okay. And how about the -- the police? Did they not

17 believe her at first, do you think?

18 A. They didn't believe her, either.

19 Q. Thinking about that in terms of, you know, what the role of

20 a jury is in a case --

21 A. Uh-huh.

22 Q. -- did that -- when you were thinking about, Gee, am I

23 going to be a juror, am I the right juror, did that
come into
24 your thinking?
25 A. No.

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Juror No. 445 - Voir Dire

1 Q. It didn't? I just -- well, let me ask you then, if
you
2 would look at page 36. I'm sorry. 37. 37. And
Question 162.
3 I know the judge asked you about this. You said,
"Terry
4 Nichols doesn't appear to accept his criminal, guilty,
done--
5 wrong status." And -- and understand that yes, I'm
Terry
6 Nichols' lawyer and yes, he sits there; but I
appreciate -- you
7 know, I appreciate your being blunt and honest with us.
No
8 right or wrong answers; right?
9 A. Right.
10 Q. I mean, I assume in the real estate office
sometimes, you
11 get people that come in and say, Will you sell my
house? It's
12 worth \$500,000. And you drive out there and you look
at it and
13 you say, No, I don't think so. Right?

14 A. Right.

15 Q. Okay. So -- and that's -- so sometimes, you have
to give
16 people news that, you know, on a different day, they
wouldn't
17 want to hear?

18 A. That's right.

19 Q. Well, that's fine. So just tell me --

20 A. All right.

21 Q. -- what were you thinking when you wrote that.

22 A. It's not as in depth as you think it is. I just
haven't
23 read much about Mr. Nichols.

24 Q. I see. And when you say he doesn't appear to
accept,
25 that's -- that's the part I wasn't understanding. I
mean, were

3821

Juror No. 445 - Voir Dire

1 you looking at him, saying he didn't look like a guy
that --

2 A. I have never seen Terry Nichols before.

3 Q. Right.

4 A. I guess it was just a perception, media.

5 Q. Okay. And when you say "his status," you know,
"his
6 criminal, guilty, done-wrong status," how did he get
into that

7 spot, that status?

8 A. Well, he is in jail. So that gives him a status.

9 Q. Oh, I see.

10 A. As a suspect.

11 Q. Oh, a suspect. All right. And do you think he --
do you

12 think he done wrong --

13 A. I think --

14 Q. -- as you sit there?

15 A. I know. That's not worded very well, is it?

16 Q. No. It's worded beautifully. There's a song about
it.

17 But I'm just asking if that's what you think.

18 THE COURT: I'm not clear on the question.

19 MR. TIGAR: The question is "Do you think he
done

20 wrong," your Honor.

21 THE COURT: Okay. Thank you.

22 JUROR: I truly don't know.

23 BY MR. TIGAR:

24 Q. Okay.

25 A. I can't make a judgment. I really know little
about --

wrote 1 Q. I understand. But at the time -- and then you also
thinking that 2 his "criminal, guilty" -- just wondered, were you
of 3 because he was already in jail that he must be guilty
4 something?
5 A. I guess.
6 Q. Okay. And that he must have done something wrong?
7 A. That's my assumption.
8 Q. Okay.
9 A. Must be based on something.
you know, 10 Q. Okay. So -- let's go back and -- and talk about,
coverage 11 the sorts of things -- you mentioned that you saw some
12 of the bombing, itself; right?
13 A. That's true.
said that 14 Q. Okay. And then in your answers on page 36, you
15 you had seen the fence.
16 A. Right.
something 17 Q. When's the first time you can remember seeing
18 about the fence?
coverage 19 A. Probably on the anniversary where they did some TV
and now 20 about, you know, how they had taken down the building
21 there was a fence and --

22 Q. Right. What do you remember about that fence that
you saw?
23 A. The memorabilia. The -- you know, kind of the
heartfelt
24 little flowers stuck here and the teddy bears and the
notes and
25 much like the -- the wall for the veterans.

3823

Juror No. 445 - Voir Dire

1 Q. Right. The wall in --
2 A. In Washington.
3 Q. In Washington, D.C. Have you visited the wall in
4 Washington, D.C.?
5 A. No, I have not.
6 Q. Okay. You've seen pictures of it?
7 A. Sure.
8 Q. And do you have -- has your husband visited the
wall?
9 A. No.
10 Q. Okay. Have the two of you, you and your husband,
talked
11 about the wall there on the Mall?
12 A. Certainly. Certainly.
13 Q. And is that an emotional time for you when you --
14 A. Yes.
15 Q. -- look at it and talk about it?

16 A. Right.

17 Q. So what you saw about the fence in Oklahoma City:
That was

18 similar for you and --

19 A. Yes.

20 Q. In terms of emotion?

21 A. Yes.

22 Q. And that fence is a chain link fence?

23 A. Yes.

24 Q. Have you ever talked to anybody who actually who
had gone
the
25 there and stood in front of that fence and looked at

3824

Juror No. 445 - Voir Dire

1 things?

2 A. No.

3 Q. Now, you also mention at -- in that -- in that same
answer,

4 page 36, that "America values children above most
things and

5 the statement made so unrational." What -- what kind
of a

6 statement did you think had -- you know, somebody was
trying to

7 make when -- when whoever it was bombed that building?

8 A. That's where I'm confused. Why it took place at

all and

9 why anybody would want to have done such a -- a thing.

10 Q. It's a horrible thing; right?

11 A. Well, you know, I can understand if a -- if an
entity was

12 trying to make a statement against the government and
so they

13 blew up the darn building. Buildings don't hurt and
they

14 don't -- I mean, you know, they are just money and you
replace

15 them. But lives can't be replaced, so why would
somebody want

16 to be associated with -- with the death of people?

17 Q. Okay. And then over on the next page, you say he
belongs

18 to or belonged to a militia. Was that based on
something you'd

19 read or heard about Mr. Nichols?

20 A. Yes, sir.

21 Q. Okay. And I'm unclear about this. I want -- did
-- based

22 on what you've seen, read, or heard, did you have the
view that

23 the militia had had something to do with the bombing?

24 A. The media wanted you to believe --

25 Q. Okay.

Juror No. 445 - Voir Dire

1 A. -- that it was backed by a militia.

2 Q. Right. And did you believe it?

3 A. No.

4 Q. Well, let me ask you from -- based on what you've
seen,

5 read, or heard, do you know how the bomb was delivered
to the

6 building?

7 A. I read that it was with a truck.

8 Q. Okay. Do you remember the first time you ever saw

9 Mr. Nichols' picture on the television or on the paper?

10 A. Probably. He was in the paper.

11 Q. What -- do you remember hearing or seeing, reading,
how he

12 came in contact with the federal authorities?

13 A. I know they went looking for him in Michigan.
That's all I

14 sort of remember.

15 Q. Oh, do you remember seeing a pic -- pictures of
people

16 searching a farm in Michigan?

17 A. Yes, I do.

18 Q. Okay. Do you remember where Mr. Nichols was living
at the

19 time that the bomb was exploded in April of '95?

20 A. No. I assumed it was Michigan.

21 Q. Okay. Do you remember what -- where he was at the
time?

22 A. No.

23 Q. Okay. Well, would you -- was it your sense that
the --

24 the -- that this crime was horrific?

25 A. Uh-huh.

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Juror No. 445 - Voir Dire

1 Q. All right. And you mentioned that in talking about
your

2 views about the question of punishment, and I'd like to
talk

3 about that for just a little bit. In the
questionnaire, the

4 court asked you to describe, you know, what you would
do if you

5 could make the law; right?

6 A. Uh-huh.

7 Q. And can you tell me what kinds of crimes you think
would be

8 right, if you were making the law, for a punishment of
life

9 without the possibility of -- of release? Who would
you want

10 to put away and never let out? Not particular
individuals, I

11 mean --

12 A. I know. I know. I -- here again, I think it must
be kind

13 of a common answer. You don't want to think of child
molesters
14 being out on the streets. You want to think they are
put away.
15 Somebody who has committed the crime of rape, because
it's
16 certainly violence. It's, you know, just an attack on
17 somebody. And so somebody who just does those kinds of
things,
18 you think doesn't have a conscience.
19 Q. Uh-huh. And -- and we're all safer if they are
behind
20 bars?
21 A. I guess.
22 Q. I don't want to put words in your mouth.
23 A. No.
24 Q. Okay.
25 A. But that's exactly right.

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Juror No. 445 - Voir Dire

1 Q. Okay. And then in considering the kinds of things
that you
2 would put in for cases where the death penalty was the
right
3 thing, what -- what would you put in the law?
4 A. In the law?
5 Q. Yes. If you were writing it.

6 A. I guess my belief is that -- and here again, it's a
7 judgment that people make on another person that they
probably
8 shouldn't be allowed to do, but certainly, somebody
who, again,
9 doesn't have a conscience or -- or remorse about
something
10 terrible that they have done. That's a judgment.

11 Q. Okay.

12 A. It's --

13 Q. Right. No. I understand. And there are all
different
14 views about this; so we start at the baseline that
today, in
15 America -- it's different in other questions -- but
today in
16 America, there's no such thing as the death penalty.
Couldn't
17 happen unless somebody has already committed a murder,
you
18 know, some kind of intentional killing.

19 A. Right.

20 Q. All right. And then -- then the question is, in
your law,
21 what kinds of -- how would you identify which
intentional
22 killers -- what kind of intentional killers should get
the
23 death penalty and -- or maybe you would think that all
of them
24 should. What -- how would you make a distinction?

25 A. It's a fine line there.

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Juror No. 445 - Voir Dire

1 Q. Pardon? Yeah.

2 A. You know, some people -- some people, I can
conceive that

3 would kill and be sorry for it.

4 Q. Right.

5 A. I don't know how to explain it.

6 Q. No. Well, you are explaining it. Let me see if I
-- if I
do you

7 understand. And you tell me if I'm wrong. You've --
8 know people in your life who've done bad things?

9 A. Yes.

10 Q. Okay. Hurtful things?

11 A. Yes.

12 Q. Okay. And at the same time that you have looked at
13 somebody who's done a bad thing, have you also seen,
well,
14 there's more to that person than what they did right
now?

15 A. That's true.

16 Q. And in making a judgment about how that person who
did a
17 bad thing should be treated or what should -- you know,
what

18 should happen to him, have you -- are you a person who
tries to
19 look at both what they did and who they are?
20 A. I believe I can do that, yes.
21 Q. Okay.
22 A. I do that every day.
23 Q. You do?
24 A. Yes.
25 Q. Tell me -- tell me about that. How do you do that?

3829

Juror No. 445 - Voir Dire

1 A. Well, it's a simple fact as my son believes his
father to
2 be a war criminal, and he certainly did things he
wasn't proud
3 of; but because he was sanctioned by the job that he
was doing,
4 he -- he killed people and had a very high body count
and did
5 what he was supposed to have done. It certainly
changed his
6 whole person. But it's not like -- I don't know. I
think a
7 person then goes through life paying for that action.
I do
8 believe they pay for it forever.
9 But I do believe that there are people who are
driven

10 by sickness or for whatever reason that do things
intentionally

11 that they know are wrong and for whatever reason would
never be

12 sanctioned just because they are an individual effort
to hurt

13 somebody else. You know what I'm saying? It's a real
personal

14 thing. If you're -- I don't know. It's just -- here
again --

15 I believe that you have to live with what you do. And
it

16 follows you. What -- in whatever capacity you do.
Make a

17 mistake.

18 Q. Thank you. I know that these are difficult things
to talk

19 about. And I -- you know, I hope you understand that
-- that,

20 you know, this is real important --

21 A. Well --

22 Q. -- to everybody, what we're doing here.

23 During the -- during the 70's, did you -- you
know,

24 see and hear people who -- who called our soldiers in
Vietnam,

25 you know, names and so on?

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Juror No. 445 - Voir Dire

1 A. Sure.

2 Q. And did -- did that make you upset?

3 A. Not really. I wished I could say yes, but it --
you know,

4 you tune them out. It doesn't matter what everybody
thinks.

5 Q. Right. Now, I wonder if you could turn to page 31.
I

6 wanted to ask a little bit more about your views of
what

7 President Clinton had said. You heard that action
would be

8 swift and -- and I can't remember -- I can't read the
next

9 word. Question 133.

10 A. "Harsh," I think I was --

11 Q. "Harsh." Okay. I'm sorry. Sometimes the copying
machine

12 makes it hard --

13 A. No. I was writing in a hurry. I don't think --

14 Q. 166 questions. Yeah. It said not -- "not true."
Now,

15 did -- were you -- when you wrote "not true," were you
thinking

16 about the "swift" part of what he was saying?

17 A. Yes.

18 Q. It would be swift?

19 A. Right.

20 Q. Is it your impression that it hasn't been swift?

21 A. That's correct.

22 Q. Okay. How do you feel about that; that it hasn't
been
23 swift? And it's okay to say exactly what you think. I
mean,
24 it's that -- you know, some of the scheduling has been
-- you
25 know, everybody in this room has participated in some
way in

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Juror No. 445 - Voir Dire

1 the scheduling of the trial, and we're all, you know --
we
2 might think our house is worth more than you think it's
worth,
3 so just tell us -- please, tell us what you think.
4 A. I just -- people want an immediate -- and I think
that's --
5 in my own opinion, why McVeigh is where he is is
because people
6 needed to be able to have a little closure and see that
7 something was done about the bombing. And it just
seems to me
8 that after a couple years, it just -- they could have
-- they
9 could have had some justice a little earlier on for
people who
10 were grieving, because that's really what -- what it's
about
11 now, is the people who were left behind who are
grieving.

12 Q. Now, when you talk about closure, what -- what do
you think
13 will be closure or justice for the people who were left
behind?
14 What will bring them closure as you see them there
grieving?
15 A. Probably for the immediate people who had to deal
with a
16 loss of life or -- or something very traumatic that
happened to
17 them in that building, you know. I don't know that
it'll ever
18 be done for them; but I'm thinking on a larger scale,
the
19 public opinion type of thing, where it's just over and
done,
20 the trials are over and done, and so it's time to just
write it
21 into history. It's -- you can't change it, so here it
is.

22 Read about it. That kind of thing.

23 Q. Did you read about the execution of Gary Davis?

24 A. I knew about it. I didn't really read much.

25 Q. You knew about it. Did you see him -- the families
of the

3832

Juror No. 445 - Voir Dire

1 victims, what they had said to the press?

2 A. I did.

the 3 Q. Okay. And did you hear them say that they thought

4 execution brought them closure?

forget -- 5 A. Right. But they, too, said they couldn't ever

6 Q. Right.

that 7 A. -- you know, the person who was gone. But to them,

was over 8 was their little bit of justice, if you will, that it

9 with.

of a 10 Q. Do you think that executing someone who's convicted

closure 11 terrible crime is a way to bring a sense of justice and

12 to people who have been harmed by the crime?

13 A. Certainly.

the 14 Q. And do you think it's the -- the proper function of

15 criminal justice system to do that?

that. 16 A. I guess I'd like to think that it's your job to do

lives were 17 Q. And if you were a juror in a case in which many

would 18 taken by the intentional act of someone -- all right --

behind by 19 you feel it your duty to bring justice to those left

committed those 20 voting for the execution of the person who had

21 many intentional killings?

22 MR. MACKEY: Objection.

23 THE COURT: Overruled. You may answer.

24 JUROR: What you're saying is put that before
the
25 evidence, put their emotions and their feelings and
their

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Juror No. 445 - Voir Dire

1 compassion before -- and base my -- my feeling of
justice on

2 how I would feel that they're going to be done with
their --

3 their ordeal. And that's not what I'm saying at all.

4 BY MR. TIGAR:

5 Q. Okay. Well, I -- that's what -- all I'm trying to
ask is

6 what you're saying. I'm not trying to -- to, you know,
put

7 things to you in a way that -- that suggests an answer.
I'm

8 just want -- you can understand why. I want an insight
into --

9 into how you view it.

10 A. Right.

11 Q. Okay. So you're saying that that would not, for
you, close

12 the door?

13 A. No.

14 Q. Okay. And you're very likely to see, if you're
seated as a
15 juror here, a great deal of evidence about children and
the
16 deaths of these children.

17 A. Yes.

18 Q. Not just what you saw on television. You may see
pictures
19 and people that are angry and sorry and -- and upset
and
20 grieving, deeply grieving.

21 A. Right.

22 Q. The issue in the case -- and of course, one of the
things
23 is if the case goes forward, the Government has this
burden to
24 prove -- right -- so they have to prove that this
happened?

25 A. Right.

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Juror No. 445 - Voir Dire

1 Q. There won't be much dispute about it, but they have
the
2 burden to prove it. How will you be able, then, if you
see
3 that to then look at the question: What is the
Government's
4 evidence as to whether or not Mr. Nichols had something
to do

5 with that?

6 A. You mean dissect the two issues?

7 Q. Yeah. Dissect it. That's a great word. Yeah.

Can you do

8 that?

9 A. I think that would be the purpose of this trial.

10 Q. Okay. And -- and that's something you could do?

11 A. I believe so.

12 Q. Okay. Now, I want to ask you a few questions

about, you

13 know, the situation at -- at home. Has your husband

been --

14 does he have an emotional response or a grieving

response to

15 what happened in Oklahoma City?

16 A. No.

17 Q. Did the two of you discuss your different responses

to it?

18 A. In a sense, yes.

19 Q. Okay. Has -- and I don't mean to intrude, but has

-- as

20 the publicity has continued, as the McVeigh trial went

on, had

21 that been a source of dispute between the two of you,

your

22 reactions, or difficulty?

23 A. If anything -- I don't know how to put this

tactfully or --

24 or so that you'll understand it; but in my husband's

opinion,

25 I'm not allowed to have emotions or opinions, so if I
cry at a

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Juror No. 445 - Voir Dire

1 plane crash or a bombing or whatever, you know, it's --
I'm not
2 allowed to.

3 Q. And -- and when -- when those incidents happen,
does that
4 cause you anguish?

5 A. I have compassion for people, but I don't involve
myself
6 with many people, so -- so it doesn't become an issue
with us.

7 I mean, there's no discussion. There's just, you know,
if I
8 want to cry about it, I'll go and cry about it. It
doesn't
9 stop me from having my feelings. It's just I don't
express my
10 feelings to him because he doesn't want that done.

11 Q. Do you think that the emotions that might arise, if
you
12 were selected as a juror in this case, would have an
effect on
13 your relationship with your husband, your caring for
him and --
14 and how the two of you get along?

15 A. Well, there's no way to predict that because it

goes in

16 cycles, if you will, or like a pie. And he spends X
number of
17 time in depression and X number of time in anxiety and
X number
18 of time in -- and they are forever shifting, so you
never know.
19 It doesn't, like I said, follow any logical pattern, so
that
20 you can predict that that would happen; but if that
happened,
21 and he becomes obsessive about one thing or another,
probably
22 the worst that would happen is I'd take a beating. And
I've
23 done that before. You know -- it happens.
24 Q. And when you mentioned that from time to time, you
had
25 asked for outside assistance, you know, calling the
police or

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1 whatever, has that been on a number of occasions?
2 A. Not -- not very recently. And that's probably my
attitude
3 more than anything. I truly try to avoid any
situations like
4 that. It sometimes becomes impossible; but you know,
that's no
5 longer an option is to call somebody, so we don't.

6 Q. You say it's no longer an option?

7 A. No, sir.

8 Q. Okay. Why not?

9 A. The laws have changed in the last few years in that
if

10 there is a domestic problem and the police come to your
house,

11 one of you has to leave. And knowing the way the law
is, it

12 wouldn't be safe for me to call for somebody, for their
sakes.

13 So -- you deal with it. That's all.

14 Q. All right. And I take it that caring for your
husband in

15 this very difficult situation is a real priority in
your life,

16 something to which you've dedicated yourself?

17 A. Well, it rules my life, yes.

18 Q. Let me ask you very briefly, if you could turn to
page 31

19 and 32 of your questionnaire.

20 A. Yes, sir.

21 Q. Do you -- your husband has firearms?

22 A. Several.

23 Q. Okay. And if you could turn to page 32, I just
didn't

24 understand the answer. "They, us, we should."

25 A. Well, going after Question No. 137, "Do you have
any views

Juror No. 445 - Voir Dire

1 about individuals' possession or use of firearms --"

2 Q. Okay.

3 A. -- and I said yes, I have a view.

4 Q. Okay. Right. And then you wrote that --

5 A. And I have to explain.

6 Q. And it sure -- you know, what, it's -- the --
there's a lot

7 of insight in there, but I didn't understand it,
exactly what

8 you were saying about it. Could you help me?

9 A. I believe that people should -- and they do have
the right

10 to -- to own guns and protect themselves and their
property and

11 whatever. And of course, my husband feels very
strongly about

12 this. But, you know, there have been times when I have
sold

13 all of his weapons and stuff and he just gets more and
-- and,

14 you know -- but I don't believe that -- oh, I don't
know.

15 There's an expression, but I don't believe that it's
just

16 crazies out there that have guns, and I don't think
that people

17 should necessarily limit the ability for the common

people to

18 have a weapon.

19 Q. You think the federal government is getting in
folks' way

20 on this subject?

21 A. Well, they are certainly getting more restrictive.

22 Q. Do you think that's wrong?

23 A. I just don't think it's effective.

24 Q. Okay. And you said you had been to a gun show.

25 A. Certainly.

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1 Q. How many gun shows have you been to?

2 A. Maybe only two.

3 Q. I'm sorry?

4 A. Only two, maybe.

5 Q. Only two. Where? Here in Colorado?

6 A. Yes.

7 Q. And what did you see there? The guns, obviously.

8 A. Obviously.

9 Q. But -- see folks selling all different kinds of
firearms?

10 A. Yes.

11 Q. And did you see them selling military surplus
equipment and

12 that sort of thing?

13 A. Probably.

14 Q. Yeah. And did you see any literature there, people
selling

15 books or pamphlets or giving them away or whatever,
magazines?

16 A. No. I didn't pay a lot of attention to that.
Usually,

17 it -- it's a passion of my husband's; and you went with
a

18 purpose. It was, you know, I need to go and buy some
19 ammunition or -- you know, he had a purpose. So it
wasn't like

20 we looked at all the booths or anything.

21 Q. Right. Okay. And now it's the -- this is the last
22 subject. You've read books by John Grisham, I guess,
and Scott

23 Turow, and so on?

24 A. Sure.

25 Q. Out of those, do you get any opinions of lawyers?

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1 A. Of lawyers?

2 Q. Yes.

3 A. Certainly.

4 Q. He writes about lawyers.

5 A. Sure.

6 Q. Okay. All right. Well, I can take it.

7 A. Okay.

8 Q. Share with me.

9 A. Well -- and I never really remember the titles
because I

10 read a lot; but certainly, Grisham, I think it was
Runaway

11 Juror (sic), you know, where they had the -- the
gentleman who

12 got to be a juror and probably shouldn't have been.
But he

13 wanted to be on there and it had something to do with
--

14 Q. The tobacco industry?

15 A. Tobacco industry, yes.

16 Q. Right.

17 A. And certainly, he railroaded his verdict the way he
wanted

18 it.

19 Q. Right.

20 A. That kind of thing. As far as lawyers, you know, I
21 think -- I think, you know, certainly, all lawyers
can't be

22 bad. I -- I just don't know much about your
profession. Only

23 the jokes that I'm told and -- you know --

24 Q. Okay. Certainly couldn't all be; right?

25 A. That's right.

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1 Q. Okay.

2 A. You're just people.

3 Q. I don't need to pursue that any further except to
ask this

4 question: Were you -- your daughter had a public
defender in

5 that case that she had with Safeway?

6 A. Yes.

7 Q. And was that a man or a woman?

8 A. A man.

9 Q. And that was the state public defender offices.
Now, did

10 that person do a good job for your daughter?

11 A. I believe they did.

12 Q. I mean, paid attention to details and tried to work
it out?

13 A. Well, maybe a little different. She wasn't going
against

14 the system, saying she wasn't guilty.

15 Q. Right.

16 A. She was guilty, and so he just presented the case
and tried

17 to get --

18 Q. Sure.

19 A. -- you know --

20 Q. Uh-huh.

21 A. She made a mistake, and he helped her through it.

22 Q. Sure. And has your -- have you and your husband
ever had

23 to get hold of a lawyer in order to work out questions
about

24 benefits, and so on?

25 A. No.

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1 Q. Things like that?

2 A. No.

3 Q. All right. So that really is your major experience
with a

4 lawyer, that one time?

5 A. Pretty much, yes.

6 Q. Okay. In that Runaway Jury, if I remember right,
that's

7 really jury tampering is what went on there.

8 A. Yes.

9 Q. And what you had was you had a prospective juror
who sat in

10 a chair in a very important case, involved money?

11 A. Money.

12 Q. Right.

13 A. Uh-huh.

14 Q. But still, a lot of money?
15 A. Yes.
16 Q. Maybe not for the tobacco industry, but a lot of
money.
17 A. Yes.
18 Q. And the juror lied?
19 A. Yes.
20 Q. And had kind of a hidden agenda about something
they wanted
21 to do?
22 A. Uh-huh. Uh-huh.
23 Q. Did that offend you? That conduct?
24 A. That tells you right here if I'm good or bad, huh?
25 Q. Well, I'll -- I'll cut to the chase then. I'll
just get

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1 right to the end question. We are talking now about a,
you
2 know, criminal case?
3 A. Uh-huh.
4 Q. Terry Nichols says, "I'm not guilty."
5 A. Uh-huh.
6 Q. And the Government has a theory.
7 They may file some charges. That's not
evidence of

presumed 8 any kind. The fact that he gets in custody -- he's
some 9 innocent as he sits there. They are going to present
and I 10 evidence. Every time they present a witness, Mr. Woods
though we 11 are going to cross-examine the witness. Then even
on 12 don't have to, when our turn comes, we're going to put
13 evidence.

14 A. Right.

15 Q. They get to cross-examine.

16 A. Uh-huh.

17 Q. And then if there's a reasonable doubt left, we
expect the 18 jury, because they will have taken an oath to do it, to
do one 19 and only one thing: Stand up and say not guilty.

20 Now, if for some reason, the jury comes in
with a 21 guilty verdict, then there will be a question of
punishment.

22 And then, no secret: They will say death, we'll say
life. And

23 then there will be all these discussions about gee,
what really

24 happened, some more evidence about that, more evidence
than the

25 jury even heard before. And then a lot of evidence,
more

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1 evidence about who is Terry Nichols. And we'll be
asking the
2 jurors to -- we would be, if that happened -- and we
certainly
3 don't concede it will. We presume it doesn't. But
we'd be
4 saying to the jurors, Would you look at that? Would
you be
5 open to that, you know, and so on. That's what -- what
it is.
6 That's what the stakes are, more than just money for
some
7 tobacco company, although that, too, is important.

8 So now, I -- you know, we've -- we've had the
9 conversation. You've read the book. What do you think
10 about --

11 MR. MACKEY: Objection, Judge. I don't know
what the
12 question is.

13 THE COURT: What is the question?

14 MR. TIGAR: Okay. Well, I didn't want to ask
a close-
15 ended one, your Honor. I appreciate the help.

16 BY MR. TIGAR:

17 Q. Can you participate in that process as a juror,
putting
18 aside what you've read and heard and -- and just give

Terry

19 Nichols -- look him in the eye and say, I can give you
a fair

20 trial? Can you do that?

21 A. I believe so.

22 Q. Okay. When you say I -- "I believe so," do you
have any

23 reservation about it?

24 A. Well, you're likening a story to, you know -- all
stories

25 seem to have a happy ending. I mean, they rarely end
so that

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1 you're miserable, because otherwise, you wouldn't read
the

2 books. But since this is real life, it's a little
more, to use

3 the word again, intimidating to think that my judgment
would

4 hurt someone.

5 Q. Right.

6 A. So -- I wouldn't be anxious for the process.

7 Q. No judgment the jury makes will be popular.

8 MR. MACKEY: Objection, Judge.

9 BY MR. TIGAR:

10 Q. You know that.

11 THE COURT: Sustained.

12 MR. TIGAR: Okay.

13 THE COURT: I think the woman has answered all
the
14 questions we could possibly put to her.

15 MR. TIGAR: Thank you very much, your Honor.

16 THE COURT: All right.

17 MR. TIGAR: I thank you very much for being
with us.
18 Thank you.

19 JUROR: Uh-huh. Thanks.

20 THE COURT: And you have answered now all of
the
21 questions we're going to ask you here. You've been at
it here
22 with us two hours or more.

23 JUROR: I'm sorry.

24 THE COURT: No. It's not you. We have been
asking
25 you the questions. So please don't, you know -- that
wasn't an

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1 intimidating statement. That's just a fact.

2 JUROR: Okay.

3 THE COURT: And we appreciate very much your
efforts

are sorry 4 to explain your opinions and your views, and we also

5 that we had to explore all of these things about --

6 JUROR: That's okay.

so 7 THE COURT: -- your husband and your life and

-- 8 forth, but you understand the importance of a fair jury

9 JUROR: Sure.

10 THE COURT: -- to a fair trial.

whether 11 Now, we're not going to be able to tell you

but you're 12 you serve on -- whether you will serve on this jury,

13 going to be excused now; and you will have to go on the

and 14 assumption that we'll be asking you to come back and --

15 serve.

16 JUROR: Okay.

careful about 17 THE COURT: So that means you have to be

case. Be 18 reading, seeing, hearing anything connected with this

you as 19 careful in conversations. And we will be in touch with

20 soon as we can. We can't tell you when that'll be.

21 JUROR: Okay.

22 THE COURT: It is slow.

23 JUROR: Right.

24 THE COURT: There's no doubt about that. And

it took

25 us a while to get to you from Jefferson County. And
you may

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1 have wondered what had happened.

2 JUROR: I thought I was out of it.

3 THE COURT: Yeah. Well, you're not out of it.
So

4 assume you're in it, will you?

5 And if anything happens that would affect your
ability

6 to serve here, anything changes, you give us a call.

7 JUROR: Okay.

8 THE COURT: All right. You're excused for
now.

9 JUROR: All right. Thanks.

10 (Juror out at 10:52 a.m.)

11 MR. TIGAR: I'd like to be heard briefly when
there's

12 an opportunity, your Honor.

13 THE COURT: Go ahead.

14 MR. TIGAR: Your Honor, the purpose of the
questions

15 that I was asking right at the end was that I'd -- I
thought

16 the juror might be saying that she might have some bad
news for

her, 17 me as distinct from the story; and I just wanted to ask
would 18 look, knowing that your verdict might be controversial,
the right 19 that fact affect you? That was the question I was most
at that 20 inartfully trying to ask. I appreciate the Court has
entitled 21 to shut me off, and I'm concerned that the Court's tone
22 point may have given the juror a signal that I had done
23 something improper in addition to my view that I was
24 to ask the question.

noted. 25 THE COURT: All right. Your objection is

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1 We'll take a 20-minute recess.

2 (Recess at 10:53 a.m.)

3 (Reconvened at 11:13 a.m.)

4 THE COURT: Be seated, please.

5 139.

6 Good morning, sir. If you'll please raise
your hand

7 and take the oath from the clerk, here.

8 (Juror No. 139 affirmed.)

9 THE COURTROOM DEPUTY: Thank you.

10 THE COURT: If you'll be seated, please, at
the chair

11 near the microphone there on the end. And you don't
have to

12 worry about that microphone. It's not the kind of
thing where

13 you've got to talk into it. It will pick you up
anywhere --

14 where you are now is fine.

15 VOIR DIRE EXAMINATION

16 BY THE COURT:

17 Q. And you recognize that you're here as a result of a
jury

18 summons for possible service on the jury in the trial
of United

19 States against Terry Lynn Nichols?

20 A. Yes, sir, I do.

21 Q. After you got that summons, you sent in a short
22 questionnaire, answered some questions that we asked of
you,

23 and you sent that back. And then you got a notice to
go out to

24 the Jefferson County Fairgrounds' auditorium building a
month

25 ago today; and at that time, I met with you and a lot
of other

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number 1 potential jurors. Probably you were surprised at the
talked 2 who were there; but at any rate, I introduced myself,
introduced 3 about the background of the case and so forth, and
4 the other people who were there with me.

me -- 5 And they're with us again this morning, so let
6 reintroduce to you Mr. Lawrence Mackey here at the
first table,
7 Ms. Beth Wilkinson, attorneys for the Government in
this case.

Geoffrey 8 They're now joined by Mr. Patrick Ryan, Mr.
9 Mearns, additional lawyers for the prosecution.

Ronald 10 You recall also meeting Mr. Michael Tigar, Mr.
11 Woods, attorneys for Terry Lynn Nichols; and of course,
12 Mr. Nichols was with us and is with us now.

minutes 13 And I want to just review with you for a few
because I 14 the things that I mentioned out there. I do so not
or 15 think you've forgotten it all or didn't pay attention
foundation 16 anything like that, but we ought to have a little
few 17 under us before we begin to talk here because we have a
are 18 more questions for you now. Hard to believe that there

19 more questions after 166.

20 A. No.

21 Q. But there are a few. And what we did with your
answers --

22 you know, the completed questionnaire, as I told you we
would

23 do, is to give copies to the lawyers here; and they
have them

24 and have read them, as I have, but with the
understanding that

25 we're not going to give them to anybody else, these are
private

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1 things. Many of these questions ask you for personal
things,

2 so we're not using your name here; and we arrange for
you to

3 come and go to the courthouse in a way that, you know,
4 newspaper people can't take your picture, anything like
that.

5 And that's just to protect your privacy, recognizing
that we

6 have to in these matters balance the privacy of the
people

7 called in to serve and the public interest in the
proceedings,

8 so that's what we're trying to do.

9 A. I appreciate that.

is
in open
there is
I'm not
questions, we'll
said,
before you
that all
federal
of
the

10 Q. And as we go through the questions, too, if there
11 anything that you believe is too private -- now we're
12 court, of course.
13 A. Uh-huh.
14 Q. And everything that's said here is public. If
15 anything that is too personal, you let me know. And
16 suggesting there will be, but we just want to have that
17 understanding. And in the way in which we ask
18 try and avoid things which could publicly identify you.
19 A. Okay.
20 Q. Now, I reviewed the background of the case, as I've
21 and told you things that I suppose you probably knew
22 heard from me; but again, I simply want to review it
23 of this relates to the explosion that destroyed a
24 office building in Oklahoma City, Oklahoma, on April 19
25 1995. And of course, people were killed and injured,

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1 people who were in the building, as a result of this
explosion.

2 Thereafter, charges were filed in the United
States

3 District Court in Oklahoma City by way of an
indictment, which

4 is the formal charging paper, charging two men named
Timothy

5 James McVeigh and Terry Lynn Nichols -- and then the
indictment

6 reads "and other persons not named" -- with a
conspiracy, a

7 criminal agreement to bomb that building and to kill
and injure

8 people in it.

9 The indictment, which is a total of 11 counts
or

10 charges, also then includes, in addition to the
conspiracy

11 charge, allegations that they actually carried out the
bombing.

12 And it includes, the indictment, eight counts of first-
degree

13 murder of law enforcement agents who were in the
building and

14 died in the explosion.

15 To these charges, both Mr. Nichols and Mr.
McVeigh

16 entered not guilty pleas, thereby creating the issues
for a

17 trial.

18 The case was moved from Oklahoma City here to
Denver

19 on a finding that the -- you know, to ask the people in
20 Oklahoma City, where this happened, to serve on a jury
and to
21 make an impartial decision is a bit much; so the case
was moved
22 here to Denver.

23 And then after it was moved here, I entered an
order
24 that separated the two named defendants for trial so
there
25 would be separate trials. And that's based on my view
that it

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1 wouldn't be fair for them to both be on trial at the
same time
2 because of differences that may well be in the evidence
as
3 against each man. And it would, you know -- separate
juries
4 should hear the evidence as it may relate to each
person.

5 So as a result of that order, we had here a
trial,
6 right here in this room, of the evidence as it related
to
7 Mr. McVeigh; and evidence was presented to a jury, and
a jury
8 found Mr. McVeigh guilty on the charges. And then,
because of

9 the nature of those charges, those jurors had a second
trial on
10 the question of punishment: What should be the
sentence; and
11 that jury recommended a sentence of death.

12 Now, as I say, you probably already knew those
things
13 before you came out to Jefferson County; but I reviewed
them so
14 that again there would be a clear understanding of what
we're
15 talking about.

16 Now we're getting -- we're in the process of
selecting
17 a jury for the trial of whatever evidence there may be
as to
18 Mr. Nichols. And nothing that happened at the McVeigh
trial
19 has anything to do with this trial. To allow there to
be any
20 sort of spill-over effect from one trial to the other
would
21 violate the whole reason for separate trials. Do you
agree?

22 A. I agree.

23 Q. Okay. So, you know, just to make it clear, I -- I
was the
24 judge at the trial of Timothy McVeigh. I heard all
that
25 evidence. I can't consider any of that now in being
the judge

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1 at the trial that we're getting ready to start here; so
it's a
2 clean page with me, and certainly it has to be a clean
page
3 with all the jurors. And to the extent that any person
heard
4 news reports or followed commentary or anything about
the
5 McVeigh trial, that has to be set aside now so that Mr.
Nichols
6 can have a fair trial about whatever the evidence may
be as to
7 him. Understood?
8 A. Yes, sir.
9 Q. And then I talked about some principles of the
criminal
10 justice system. And I know you have been on a jury
before.
11 A. Yes, sir, I have.
12 Q. Down in Pueblo.
13 A. That's correct.
14 Q. And this was some years ago, was it?
15 A. Yes, sir, it has been. It's been quite a few
years.
16 Q. Were you living down in the valley at that time?
17 A. Yes.
18 Q. And these were traffic cases, a drinking-and-

driving --

19 A. That's correct.

20 Q. -- type. Was there more than one case?

21 A. I was on a jury for two cases, and they were both
-- both

22 cases were drinking and driving.

23 Q. All right. And you heard the evidence in both
cases?

24 A. Yes, I heard the evidence one -- they were two
separate

25 cases.

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1 Q. Yes, I understand.

2 A. Yes, and I heard the evidence in both cases.

3 Q. And were they like in the same week or two weeks
that you

4 were called into Pueblo for trial -- or jury service?

5 A. I don't recall exactly what the time span was.

6 Q. Okay.

7 A. They were, you know --

8 Q. But they were close together, or not? I don't know
--

9 A. You know, I realize you don't know, your Honor. I
really

10 can't recall.

11 Q. Are we talking about --

would say 12 A. I just know -- I know I was on two of them, and I
13 probably maybe -- they were probably maybe three or
four months 14 apart. Maybe, you know, closer.

15 Q. About how many years ago was this?

16 A. Oh, I'd say this was about five or six years ago.

were? 17 Q. Okay. Well, you remember what the jury verdicts

cases. 18 A. Yes, your Honor, I do. They were guilty in both

that 19 Q. Of just what was charged? Sometimes in cases like

20 there is, you know, different degrees.

-- 21 A. I never heard the judge give the actual, you know

22 Q. Sentence?

then the 23 A. Sentence, because they took us out of the room and

cases, I 24 judge gave the sentence. I never knew -- in both

25 never knew what the sentence was.

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Juror No. 139 - Voir Dire

1 Q. What happened. But you were in on verdicts?

2 A. Yeah. We just found, you know, guilty.

no expert 3 Q. What I was trying to ask was sometimes -- and I'm

4 on the law that relates to this subject. That's state
law, you
5 understand. But sometimes there are different degrees
or
6 offenses, depending upon how much alcohol is in a
person, for
7 example.

8 A. Yes.

9 Q. So that there can be driving under the influence,
there can
10 be driving while affected, or something like that.

11 A. While impaired, yes.

12 Q. Yeah, while impaired. Thank you. Do you remember
13 whether -- you had to consider these different levels?

14 A. Yes, we did. We had to consider all levels.

15 Q. Sure. And then what was the verdict, the most
severe one?

16 A. Like I say, I didn't actually hear --

17 Q. I'm not talking about the sentence now. I'm
talking about
18 what the jury was asked.

19 A. The jury? Yeah, we suggested the most severe.

20 Q. In both cases?

21 A. In both cases.

22 Q. Now, you remember something about the process.
Lawyers on

23 both sides?

24 A. Yes, right.

25 Q. Witnesses called?

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Juror No. 139 - Voir Dire

1 A. Right.

2 Q. And I suppose the witnesses included police
officers.

3 A. Yes, they did.

4 Q. Were these both situations where the police stopped
5 somebody --

6 A. Yes.

7 Q. -- and then arrested them? Were there any
accidents
8 involved?

9 A. Not that I recall.

10 Q. And do you recall whether the accused persons
testified?

11 A. Um --

12 Q. It may have been different, one than the other?

13 A. I don't recall.

14 Q. You don't recall whether they did or not?

15 A. No, not that -- I'm sure -- I think they did, but,
you
16 know, to tell you truthfully, I just -- I can't
remember that

17 far back.

18 Q. That's a long time. And was the trial like one or
two

19 days?

20 A. The trial was one day.

21 Q. One day. Each one?

22 A. Each case, yes.

23 Q. So the jury got selected, heard the evidence and
decided it

24 all in one day?

25 A. Yeah.

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Juror No. 139 - Voir Dire

1 Q. It won't be like that here, you know.

2 A. I realize that.

3 Q. Okay. But there are some common things because
they're

4 common to all criminal trials --

5 A. Yes.

6 Q. -- in the United States, because these are
principles under

7 the Constitution of the United States. And you
probably

8 remember some instructions going along these lines; but
I just

9 want you to be clear about these things in the
beginning that

10 all persons in the United States charged with crimes
are

11 presumed to be innocent of the charges.

12 A. I understand.

13 Q. And, of course, that means that Mr. Nichols, who
sits here

14 with us, is presumed to be innocent.

15 A. Right.

16 Q. And that presumption carries throughout the trial
and

17 entitles the person accused to a verdict of not guilty,
an

18 acquittal, unless everybody on that jury decides that
the

19 evidence that they heard and saw at trial showed him to
be

20 guilty beyond a reasonable doubt. You've heard those
words

21 before.

22 A. I certainly have, your Honor.

23 Q. And that means, of course, that the jury has to be
sure

24 and, if there is a reasonable doubt, acquit. Agreed?

25 A. Agreed.

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Juror No. 139 – Voir Dire

1 Q. And no person who is charged with any crime does
have any

2 duty to testify. That's why I was asking you if you
remember

3 whether either of the defendants testified. They don't

have

4 to. In fact, they don't have to call any witnesses or
5 introduce any evidence because nobody has to prove
himself not
6 guilty. The government, whether it's the county or the
state
7 or the national government, has to come in with the
evidence,
8 call the witness and introduce the exhibits.

9 A. Okay.

10 Q. And a person charged, then, doesn't have to get on
the
11 stand and answer any questions or give any explanation.

The

12 defendant can simply remain silent and challenge
everything
13 that the Government brings in against him, challenge it
by
14 objecting to admission under the rules of evidence,
challenge
15 it by cross-examining the witnesses and then arguing
the case.

16 You understand that is the way it is?

17 A. I do now.

18 Q. Okay. And what we tell juries here is that if a
defendant
19 does not testify at a trial, the jury may not consider
that in
20 any way, certainly can't say, Well, if he's innocent,
why
21 didn't he tell us about it, or anything like that.

22 A. Doesn't have to say anything.

23 Q. Understood?

24 A. Understood.

25 Q. And, you know, what I tell jurors, you can't even
talk

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Juror No. 139 - Voir Dire

1 about it, let alone have it influence you.

2 A. I understand that, yes, sir.

3 Q. And then, you know, when it's all over, all the
evidence is

4 in, the court instructs the jury about these are the
things

5 that have to be proved, the elements of the crime?

6 A. Right.

7 Q. And then you have to -- you, the jury, have to tell
us

8 whether it has been proved beyond a reasonable doubt.

9 A. Right.

10 Q. And if at the end of it all, the jury has a
reasonable

11 doubt, they have to give the defendant the benefit of
that

12 doubt and find him not guilty.

13 You've been nodding your head in agreement
with these

14 things?

15 A. Yes, I am.

16 Q. Do you agree with these principles?

17 A. Yes, I do.

18 Q. And are you ready under a juror's oath to follow
those and
19 apply them in this case if you served?

20 A. Yes, I am, your Honor.

21 Q. I want to talk about some of the things that you've
told us
22 in your questionnaire. Please be sure that we're not
going to
23 go through all these questions again. I just want to
ask you a
24 few things to expand on some of these answers.

25 As I understand it, you were born and raised
in

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1 Colorado.

2 A. That's correct.

3 Q. And you say right here in the beginning your father
came
4 over from Sweden.

5 A. That's correct.

6 Q. And you got a sister who lives in Sweden now?

7 A. Yes.

8 Q. What is she doing there?

9 A. She works for a glass company.

10 Q. And how does it happen that she decided to live in
Sweden?

11 Is it connected with your father's background?

12 A. Well, believe it or not, she's -- my third cousin
-- my
13 father's third cousin over there -- and my father, of
course,
14 is from Sweden, like I said. And they just met when he
came
15 over here to visit, you know, the United States and
visit with
16 us over here, seeing we were related; and that's when
they met,
17 and that's how --

18 Q. They went off together, huh?

19 A. Yeah.

20 Q. Things like that happen.

21 A. Yeah.

22 Q. You lived in Colorado all along except for some
eight or
23 nine years you were in Tacoma?

24 A. That's right.

25 Q. What were you doing when you lived in Tacoma,
Washington?

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I was 1 A. At that time I was just going to school. I was --
2 going to elementary school and middle school.

3 Q. So did the family live there?

4 A. Yes.

here. I 5 Q. Oh, I see. All right. I misunderstood the timing
you were 6 jumped to the conclusion that that was when -- after
7 grown.

8 A. No. This was before -- before I was totally grown.

there? 9 Q. So what was -- your father, what work did he have

mill, and 10 A. At that time he was involved with the -- a wood
11 he was working in a wood mill.

12 Q. All right.

13 A. Puget Sound.

14 Q. Yeah. Taking -- making lumber --

15 A. Making lumber out of trees. That's correct.

16 Q. Now, you then -- excuse me -- studied engineering?

17 A. Yes.

18 Q. And you married?

19 A. Yes.

electrical 20 Q. Excuse me. And then you went to work for an
21 utility.

22 A. That's correct.

Luis 23 Q. Down in -- and the area covered there was the San
24 Valley?
the San 25 A. Yes. Well -- yeah, I guess that would be part of

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Juror No. 139 - Voir Dire

1 Luis Valley.
West, 2 It was in -- I was -- our office was in Pueblo
3 and we covered Beulah, Rye, Trinidad.
4 Q. Most everything south of there.
5 A. Yeah, south of there. Right.
utility 6 Q. Okay. Now, is that -- that an independently owned
7 company?
8 A. That's an REA.
9 Q. It is an REA?
10 A. Uh-huh.
11 Q. Was during that time.
12 A. Uh-huh.
13 Q. And you worked with them and retired from there?
14 A. Well, I didn't retire as such. I was laid off.
reduction 15 Q. Because they had -- did they have a slowdown or
16 in force, something like that?

17 A. No, sir, it was due to family circumstances.
18 Q. Well, without getting into too much detail, I hope,
was it
19 something that was involuntary, then, as far as you
were
20 concerned? You got laid off and you didn't want to be?
21 A. No. It was voluntary; and my boss did it just, I
think,
22 more out of courtesy to me.
23 Q. Can you tell us a little more about that situation?
24 A. Well, it was just -- my wife and I worked down
there
25 several years, and she -- she wasn't, you know -- she
was in

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1 the accounting business and --
2 Q. With the same company?
3 A. No, in a -- entirely different. Her profession was
an
4 accountant; and she went to work down there with
several
5 companies, and it wasn't due to her fault or anything.
It
6 just -- businesses fell apart, and she was getting very
7 disgusted. She went through, you know -- you know,
several
8 firms down there, three or four. And just the way
business is

9 run down there and they were falling apart, so she
decided to
10 move up here where it was more professional atmosphere
than it
11 is down there.

12 Q. More opportunities for her?

13 A. More opportunities -- yeah, right.

14 Q. Things were going bad in that part of the state at
that
15 time anyway, weren't they?

16 A. Right. And they were, so she moved up here; and I
ended up

17 working down there until my daughter -- until my
daughter got
18 through high school and then -- and then I put in my
19 resignation and moved up here with her.

20 Q. All right. And now you work for the school
district?

21 A. Yes. That's correct, your Honor.

22 Q. And you have been -- well, let's see, how long now?

23 A. Six years.

24 Q. And what grade levels do you -- what grade-level
students
25 are with you?

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1 A. All grade levels, from elementary through high

school.

works. 2 Q. Okay. And your wife -- I'm looking for where she

3 A. At the present time?

4 Q. Yes.

5 A. She works for Denver Water Department.

work that 6 Q. Okay. And she's doing the kind of professional

7 you've already --

8 A. Yeah, she's a manager of the auditing department.

years? 9 Q. All right. You served in the Army for a couple of

10 A. That's correct.

11 Q. Were you overseas at all?

12 A. Yes. We were. I was overseas for three years.

13 Q. Did you say in Burma? Where did you say?

14 A. No, I was overseas for three years.

15 Q. But where were you?

16 A. I was in Germany.

17 Q. Okay.

ever heard 18 A. Near Oberstein, Germany. I don't know if you've

19 of it or not.

20 Q. I've heard of it.

21 A. It's a small town.

22 Q. What kind of work did you do in the Army?

work, 23 A. I was in warehouse -- forklift driver, warehouse

shipping 24 storage and loading up semi trucks with food and then
25 them out.

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Question 87 1 Q. Okay. Now, you mentioned here on page 19 at
2 something about volunteering with police. What -- it's
not
3 clear to me what you are saying here. Would you
explain page
4 19, Question 87, your answer?

5 A. Oh. I -- oh, I was just thinking I may have
misinterpreted
6 the question.

7 Q. Sure. I understand that. We gave you a lot of
questions,
8 and it would be easy to misinterpret.

9 A. Yes.

10 Q. What did you think this question was asking?

11 A. I was thinking if it was that -- if I would
volunteer to
12 help the police and do, you know -- if there was any
problems.

13 Q. You think it was would you volunteer if called on?
Was
14 that the kind of thing?

15 A. Yeah.

your 16 Q. Have you ever done that? Have you ever volunteered
17 services to some police agency?
18 A. No. I've never been asked to.
19 Q. Okay.
20 A. But I would do it if I was asked.
21 Q. Then let me ask you another one where there could
be some 22 misunderstanding, too. If you'll go down that same
page to 23 Question 89, and you see you have a yes marked. And
then go to 24 the next page for the explanation.
25 A. Oh, I was just explaining the --

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1 Q. Some question about a tax return?
2 A. About a tax return, yes.
3 Q. Well, and then you say, you know -- we asked, well,
was it 4 fair, was it done fairly, and you say, "In some cases,
yes; in 5 others, no." And I guess I don't understand what you
mean 6 there.
7 A. Well, what I'm saying is there was one particular
case in

8 one year where the -- we had problems with --

9 Q. Just a minute. I don't mean to get into the
details, but

10 are you talking about more than one year?

11 A. No. I'm talking about a particular year we had a
big

12 problem.

13 Q. There was just one time?

14 A. Yeah.

15 Q. And so when you say "in some cases," are you
talking about

16 certain things --

17 A. Yeah, I'm talking about certain things.

18 Q. -- on the return and certain other things not?

19 A. Yeah.

20 Q. So we're talking about the way in which it came out
--

21 A. Yes.

22 Q. You think that -- all right -- that maybe you got
in the

23 end charged more than you should?

24 A. Well, in the end, it turned out --

25 Q. Or paid more than you should?

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1 A. Yeah. Of course, in the end, it turned out okay.

2 Q. Oh, it did.

3 A. Uh-huh, but we had quite a struggle getting there.

4 Q. Did it go to court?

5 A. No, we did not.

6 Q. You dealt directly with an IRS agent?

7 A. Yes.

8 Q. Did you have a lawyer?

9 A. No.

10 Q. Your wife is an accountant, though?

11 A. Yeah. She didn't need one. She's got a master's
degree in
12 accounting.

13 Q. Did she handle most of that?

14 A. Yes, she did.

15 Q. And by that, I mean doing the technical --

16 A. Yes, she did.

17 Q. -- stuff with the agent?

18 A. Yes.

19 Q. And had she prepared the return?

20 A. Yes. She helped me prepare it, yes.

21 Q. Okay. I'm just asking, you know, she's an
accountant?

22 A. Yeah, of course, she's going to do it.

23 Q. You relied on her.

24 A. Yes. That's correct.

25 Q. And in your engineering work and in your actual
practice

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1 there, it was electrical --

2 A. Yeah.

3 Q. -- that you were concerned with because that was
the nature

4 of the utility you worked for.

5 A. Yes, that's correct.

6 Q. Did you have work to do in like designing
transformers and

7 switch gear and all that sort of thing?

8 A. I had -- I had do with the designing of the -- on
the poles

9 and designing of the way they -- the way they place
wires on

10 the pole and stuff, designing -- that type of design
work; and

11 a lot of it was done for us through -- through what we
call

12 "The Bible" at that time. It was a book. Actually
it's got

13 all this laid out for you.

14 Q. Does that come from the REA?

15 A. Comes from the REA.

16 Q. A lot of regulations?

17 A. A lot of regulations the way they design things and
the way

18 they want these done, and I just -- basically what I
did most
19 of the time is I went through that book and I went by
their
20 design and what design -- what type of structure I want
to put
21 in a certain place; and they put up the power lines and
told my
22 lineman what type of structure I wanted there. And
they got
23 different letters for the structures.
24 Q. Did there come a time when you, you know, like got
in a
25 quarrel, dispute with REA people about what ought to be
done on

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1 a given line or something like that?
2 A. No, no. No. They had very good designs.
3 Q. Okay. Now, you mentioned when I was asking you
about your
4 jury service in Pueblo on these driving cases with
driving
5 impaired or under the influence that you don't know
what the
6 judge did about it after you had the guilty verdicts.
Is that
7 correct?
8 A. That's correct.

9 Q. Because you weren't there at that time.

10 A. Right. Yeah, right. They dismissed us, and that
was it.

11 Q. Okay. Well, you see, that's usually it. And we're
going

12 to talk here about a different role for the jury in a
case of

13 this type.

14 A. Uh-huh.

15 Q. Most of the things we've already talked about apply
in all

16 cases: The presumption of innocence and all those
things and

17 the way the trial goes, offering of evidence,
objections,

18 rulings, and all that.

19 But in certain cases because of the nature of
the

20 crime, like first-degree murder in the federal courts,
the jury

21 does get involved in the question of punishment.

22 A. Sure.

23 Q. And, you know, just to review with you for a minute
what

24 happens in the cases not involving capital crimes,
death

25 punishment, a judge decides the sentence, the jury
decides the

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1 evidence. If guilty, the judge decides the sentence.
But it
2 isn't an automatic sentence. It isn't that, well, if
you've
3 been found guilty of this crime, this is the time.
It's more
4 than that. It requires individual judgment about this
5 particular person.

6 And that means that before a sentence is made,
7 decided, more information has to be given to the judge
than
8 just what he or she heard at the trial; so there is a
hearing,
9 and all this information is gathered and presented.

10 Now, that includes things about the crime, the
11 circumstances of the crime and its effects; and in the
kind of
12 case you heard, that could include whether there was an
13 accident and people hurt and all that sort of thing in
addition
14 to the driver's conduct.

15 And then there is a lot about the defendant as
a human
16 being, all that person's background, life story, so to
speak,
17 somewhat like what we've asked you to tell us about
you. And
18 it includes, of course, family relationships, marriage
19 relationships, employment history, whether there has
ever been

the 20 any trouble with the law before. It can also include
the same 21 attitudes about the offense; and even in cases where
22 crime involves two or more people, the sentence can be
23 different.

24 A. Uh-huh.

25 Q. Because it's designed for the individual.
Understood?

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1 A. Yes, sir.

2 Q. So the judge then, with all this information in
hand, holds

3 a hearing, hears from both sides, and decides this is
the just

4 punishment for this person.

5 A. Uh-huh.

6 Q. And as I said, that can be different, like you had
two

7 cases that were similar, as you saw them. Right?

8 A. Yes.

9 Q. In terms of the offense, but those persons may have
been

10 sentenced quite differently. You don't know and I'm
not

11 asking --

12 A. I have no idea.

13 Q. -- asking you to guess.

14 A. Yeah, and in this case, it could be.

15 Q. It has to be specific to the person as well as the
crime.

16 On page 28, we asked you some things, because
when

17 we're dealing with statutes that are involved in this
case,

18 judges don't make the sentence decision. Understand?

19 A. Yes.

20 Q. And we tried to tell you that in the explanation at
page

21 27. And then what we wanted you to tell us was
something about

22 your opinions or attitudes about possible punishments
and if

23 you could make the law, how you would make it, what the

24 statutes would be. Do you remember this part?

25 A. Yes.

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1 Q. Well, I -- if you want to take time to read these
things,

2 go right ahead.

3 A. Yeah.

4 Q. Go ahead.

5 A. I'm to review what --

6 Q. Please take the time to do that. I'm not trying to
rush

7 you.

8 A. No. I know you aren't.

9 Yeah, I've read it.

10 Q. You remember doing this?

11 A. Yes.

12 Q. You remember this part of the questionnaire a month
ago?

13 A. Uh-huh.

14 Q. And what you seem to be saying here -- my
understanding of

15 what you're saying -- and if I'm wrong, please tell me
-- where

16 we were suggesting that maybe you think certain crimes
should

17 involve a punishment of life in prison -- and please

18 understand, when we're talking here about life in
prison,

19 that's what we mean: No parole, no early out. The
rest of

20 your life in prison.

21 A. Okay.

22 Q. And then, of course, we're talking about the death
penalty,

23 and that's obvious. And what you seem to be saying
here is

24 that, well, you think it all depends on the
circumstances.

25 A. Yes.

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1 Q. As to what punishment there should be.

2 A. That's correct.

mind for

3 Q. And what kinds of cases and circumstances come to

your

4 you when thinking about a punishment of all the rest of

5 life in prison? Any particular ones?

6 A. No particular ones.

7 Q. And how about a sentence to death?

it was

8 A. Just if, you know -- depending on the circumstances

be the

9 proven, you know, beyond a reasonable doubt, that would

10 punishment.

11 Q. Death would be for -- it gets a little confusing.

12 A. Yeah, I know it does.

13 Q. I'll try to straighten it out a bit.

14 A. Okay.

you

15 Q. Of course, you know we asked this in terms of what

16 think how you would make the law?

17 A. Yes, I understand that.

we ask

18 Q. Without any regard for what the law really is, and

19 it this way because it's not secret to you that a lot
of people

20 have some strong opinions about this type of
punishment. And

21 I'm sure you've seen some of that, some of those
opinions

22 expressed recently here in Colorado?

23 A. Uh-huh.

24 Q. Because they just executed a person sentenced in
Colorado.

25 A. Yes.

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1 Q. And quite appropriately, a lot of people expressed
their

2 views about that.

3 A. Yes.

4 Q. Not just that particular case but whether there
ought to be

5 a death penalty at all.

6 A. Uh-huh.

7 Q. You know, we have some people who think no, there
should

8 never be a death penalty, it's wrong to take a life
through a

9 court. Others who say, well, if you kill somebody and
you

10 intended to do it, then you should die, too, without

any regard

11 to anything else.

12 Those are sort of the extremes of the views.

13 A. Yeah.

14 Q. There is a lot in between.

15 A. Yes, there is.

16 Q. Are you somewhere in between?

17 A. Yes, I am.

18 Q. And I want to talk with you a little about the way
the law

19 is.

20 A. Okay.

21 Q. And you said on the next page here at 30 -- page
30, at

22 129, that you agree strongly that you have to follow
the

23 court's instructions.

24 A. Yes, I do.

25 Q. And you explain why there. And again, depends on
the

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1 circumstances.

2 A. Well, because I know the courts usually investigate
the

3 circumstances very closely, and I think it's important
that you

know, 4 go by the law and what the -- what the courts, you
5 instruct you to do, and it's important that you follow
them.

6 Q. Okay. Well, let's review what actually happens,
the way 7 the process goes. You mentioned if it's proved; and,
of 8 course, we never get into the question of sentencing
unless the 9 evidence shows guilt of the crime charged beyond a
reasonable 10 doubt. You understand that?

11 A. Yes.

12 Q. So this is something different from deciding
whether the 13 evidence shows guilt.

14 A. Okay.

15 Q. That's the trial, and that's -- all cases are
essentially 16 the same for that purpose.

17 And then I mentioned that in cases that don't
involve 18 the kind of punishment that the statutes involved here
permit, 19 the sentencing is something the jury doesn't have
anything to 20 do with.

21 A. Right.

22 Q. So they just decide guilty or not guilty. Either
way, they

23 go home.

24 A. Right.

25 Q. But if it's guilty, just as we've already talked,
the judge

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1 goes ahead with another hearing, usually at a later
time, and

2 decides the sentence for this particular person.

3 Now, when the issue is life or death, judges
don't

4 decide it. There are some differences among the laws
of the

5 states, but that doesn't concern us here. We're
talking about

6 national law, the federal courts.

7 A. Yes.

8 Q. This is a Federal Court. These are federal
statutes. And

9 what Congress has said in these statutes is judges
don't decide

10 life or death, juries do. And the options, the
possibilities

11 for somebody who in Federal Court is, for example,
convicted of

12 premeditated first-degree murder -- and then there are
other

13 crimes, too, but just to use the illustration, first-
degree

for any 14 murder, planned and carried out -- that doesn't call
after 15 particular sentence. That requires the jury to decide
the 16 hearing a lot of other evidence or information whether
of ever 17 sentence should be life in prison with no possibility
something 18 getting out, death, or the jury can decide, well,
judge to 19 less than both -- either of those, turn it back to the
20 decide.

21 The juries decide life and death. Follow me?

22 A. I follow you.

there has 23 Q. And before a jury can make a decision like that,
hearing. 24 to be a second trial, really, or a penalty phase
They 25 don't do it on the basis of the evidence at trial. Of
course,

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1 they don't do it unless they're convinced beyond a
reasonable 2 doubt the defendant is guilty of what he's charged
with. So we 3 do have, then, a second trial, and it is at that time
that more

subject 4 witnesses testify, more exhibits are received; and the
guilty, what 5 of that second trial is having found the defendant
6 should be done.

-- and I 7 Now, the Government lawyers would be expected
8 don't know, you know -- we don't know that it would
ever happen 9 here in this case, so we have to talk about it in terms
of 10 possibilities. And I don't know what the evidence at
trial 11 will be, so we can't talk about potential evidence.

And 12 certainly, I have no idea what the evidence or
information at a 13 sentence hearing would be, so we can't talk specifics.
We have 14 to talk in generalities.

a 15 But the kinds of things that would come in at
would 16 sentence hearing are things that the Government lawyers
17 present, witnesses and exhibits and so forth, about the
things 18 circumstances of the crime and its effects on people,
19 that the Government lawyers would say to the jury
suggest that 20 death is deserved for this person who committed this
crime.

21 The defense, on the other hand, would be presenting
information

22 to the contrary.

include
23 Now, it is this information that could well
sentence
24 the same kinds of things that judges look at in making
him,
25 decisions for individuals, and that is everything about

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what's
1 all about the defendant, his life, his attitudes,
whole
2 happened to him, what he's done in life, you know, the
3 history.

more
4 And it can also include things where if two or
5 persons are involved in the same crime, what level of
the role
6 involvement was there, is there a difference between
than the
7 in the offense, did one do more to cause this killing
8 other, that kind of thing.

or three
9 So just, you know, the fact that two persons
not
10 or however many are convicted of the same crime does
person,
11 control the sentence. The sentence is unique to each
12 because what the law recognizes is -- and what the law

requires

13 the jury to recognize is each one of us is unique and
14 individual, and our uniqueness and our individuality is
in
15 large measure the result of our lives, what's happened
to us in
16 life. We're all different.

17 A. Yes.

18 Q. And, you know, the circumstances of how somebody
can get
19 involved in a crime can be very different.

20 So at the end of such a hearing, the court
gives

21 instructions to the jury about these things and how the
jury

22 may consider what it has heard, what they have heard;
and

23 generally speaking, the instructions go along the line
that,

24 well, you've heard these things that you may consider
as

25 aggravating factors or aggravating circumstances, the
things

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1 that may support the view that death is the just
punishment;

2 and these are the things that you've heard as
mitigating

3 factors or mitigating circumstances, the things that
suggest or
4 may suggest to the jury that even though the crime is a
5 terrible one, the person does not deserve to die for
it,
6 because you have to consider who this is. You're
judging
7 another human life. Do you follow me on these points?
8 A. Yes, I do.
9 Q. So what we have to ask people who may serve on a
jury
10 before a trial ever starts, even recognizing that there
is the
11 presumption of innocence and so forth -- so the jury
may never
12 be asked to deal with this question, but we have to
know in
13 advance if it came to that, would you as a juror be
able to
14 make a decision about life or death for a person based
on what
15 you heard and the Court instructions about it?
16 A. Yes.
17 Q. Now, the court can't give you any formula, you
know?
18 A. No.
19 Q. No equation. It isn't like engineering.
20 A. No. I understand that.
21 Q. And it isn't something you can plot and deal with
22 objectively. What it comes down to is making an
individual

23 moral judgment about another person under all the
24 circumstances.
25 A. Yes, sir.

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1 Q. Do you follow?

2 A. I follow that.

3 Q. Can you do that?

4 A. Yes.

5 THE COURT: All right. We have some questions
from
6 Government counsel?

7 MR. MEARNS: I do, your Honor.

8 VOIR DIRE EXAMINATION

9 BY MR. MEARNS:

10 Q. Good morning, sir. How are you?

11 A. Just fine.

12 Q. Good. As the Court told you a few moments ago, my
name is
13 Geoff Mearns, and I'm one of the lawyers for the
Government who

14 will be presenting our evidence in this case.

15 A. Okay.

16 Q. I understand from your questionnaire and from some
of the

in 17 questions that you've asked that you had some training
18 education in electrical engineering.

19 A. That's correct.

20 Q. And you now work for the school district here in
the Denver 21 area?

22 A. Correct.

23 Q. You told us also that your wife is now a manager of
an 24 auditing department.

25 A. That's correct.

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1 Q. And she's had substantial training in accounting?

2 A. Yes, she has.

3 Q. But your two children seem to have followed more
your path.

4 You have a daughter who is a chemical engineer and a
son who is 5 an electrician?

6 A. That's correct.

7 Q. Do you think you've had more influence over your
children's 8 interests than your wife?

9 A. Oh, I don't know. I think it's a little bit of
both.

10 Q. Okay. Have you talked to your wife about the possibility

11 that you could serve on this jury in this case?

12 A. Yes. I told her that I was, you know, called for this.

13 Q. Did she -- did she have an opinion or express an opinion to

14 you at all?

15 A. No. She is just surprised I got chosen.

16 Q. Okay. I'd like to follow up with a couple of the answers

17 that you had on your questionnaire.

18 A. Sure.

19 Q. You indicated, I think, that you're a member of the ACL

20 Union Local 15?

21 A. Yes, that's correct.

22 Q. What type of union is that? Does that relate to your --

23 A. That just relates to bus driver's union.

24 Q. How long have you been a member of that union?

25 A. I've only been a member of that union for, oh, I don't

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1 know, five or six years.

2 Q. Okay.

3 A. I don't know.

4 Q. Do you have -- shifting gears to a different topic
now, do

5 you have an interest in firearms?

6 A. Not particularly, no.

7 Q. You told us on the questionnaire that you've
attended a gun

8 show.

9 A. Yes, I have.

10 Q. On more than one occasion, or just once?

11 A. Oh, I have attended maybe two or three gun shows at
the

12 most, basically just as a -- more or less just going
with other

13 friends and they want to go; and well, I'll go and see
what

14 it's all about.

15 Q. Okay. What kinds of things did you see for sale or
was

16 being displayed besides guns?

17 A. All different types of weapons and guns.

18 Q. Did you see anything else besides firearms, guns,
19 ammunition?

20 A. I'm sure there was other -- other things. I'm not
sure

21 exactly what you mean by that.

22 Q. Well, I was curious whether you saw any -- any
23 literature -- you know, books, magazines.

24 A. Oh, yeah. Yeah. You see literature and books and

25 magazines.

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1 Q. Did the literature you see just related solely to
firearms?

2 A. Basically, yes.

3 Q. If you could turn for me to page 27.

4 A. Uh-huh.

5 Q. On the top there, Question 121, there was a
question there

6 that asked you whether you had any feelings or opinions
about a

7 case in which a witness for the prosecution has pled
guilty;

8 and you didn't write anything there. And I was just
curious

9 whether that was because you don't have an opinion.

10 A. I just don't have an opinion.

11 Q. So if such a witness were to testify in this case,
you

12 would be able to consider his or her testimony with an
open

13 mind?

14 A. Yes.

15 Q. You indicated over on page 33, Question 147 -- I
think is

16 down at the bottom. Yeah -- that you watch Court TV?

17 A. Once in a while, yes, I do.

18 Q. Have you followed any particular cases on Court TV?

19 A. Not any particular that I can recall, no. I just
20 basically, I just watch the -- I can't think of the --
the

21 particular ones, the ones that got those real small
cases that,

22 oh, like they may fight over -- oh, different types of
23 squabbling over different --

24 THE COURT: Like "People's Court" or something
like

25 that?

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1 JUROR: "People's Court." That's what I'm
thinking

2 of. Thank you, Judge.

3 BY MR. MEARNS:

4 Q. You indicated with respect to some specific media
or

5 publicity about this case over on page 37, Question 159
there

6 at the top; that is, what you have seen, read, or heard
about

7 Mr. Nichols.

8 A. This is just what I've seen and heard.

9 Q. You indicated just below it that you have no
opinion, but

in 10 you wrote in the Question 159, "Except he was involved
has been 11 this." Were you referring to the fact simply that he
those 12 charged, or do you have an opinion as to whether or not
13 charges are true?

involved in it, 14 A. I just had an opinion -- I just know he was
15 and that was it.

that 16 Q. But by "involved," do you mean just simply charged;
17 he's a defendant in the case?

18 A. Yes, that's all.

whether 19 Q. So you don't have an opinion one way or another on
20 or not he's guilty?

21 A. No, no opinion.

moments ago 22 Q. And in fact, I believe you told the Court a few
this case 23 that you would have no problem serving as a juror in

24 and presuming Mr. Nichols innocent of those charges?

25 A. That's correct.

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you 1 Q. And you understand that would be your obligation if

2 were selected to serve as a juror?

3 A. Correct.

4 Q. I would like to just ask you a few questions about
5 punishment. The Court has asked you a few questions
and has
6 given you some information about the process that we'll
follow.

7 And if you could turn to page 28. Those are -- you may
8 remember that was where -- your -- the questions and
your
9 answers were.

10 A. Yes.

11 Q. And you understand that the questions that were
asked on
12 the questionnaire asked you to share with all of us
what your
13 views of what the law should be. Is that how you
understood
14 that that's what those questions were asking?

15 A. Well, not necessarily. It's just like what the --
what the
16 law is, and that's basically it.

17 MR. MEARNS: Okay.

18 VOIR DIRE EXAMINATION

19 BY THE COURT:

20 Q. No, I think he was asking when you answered those
21 questions, back on September 17.

22 A. Yes.

the law 23 Q. Were you answering that in terms of what you think
We 24 ought to be? We've talked about what the law is today.
questions. 25 didn't talk about that before giving you these

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1 A. Oh, okay.
2 Q. So when you were answering these questions, what,
were you
3 thinking that you are answering it in terms of what you
think
4 the law should be?
5 A. Oh, I understand what you're saying now.
6 Q. Okay.
7 A. I would just in terms what the law is today, I
guess.
8 That's what I meant.

9 THE COURT: All right.

10 VOIR DIRE EXAMINATION

11 BY MR. MEARNS:

12 Q. Have you spoken to anybody in your family? For
example,
13 have you spoken to your wife about your views of
capital
14 punishment, of the death penalty?
15 A. Very little.

16 Q. Has she ever shared with you her view of capital
17 punishment?

18 A. Yes.

19 Q. And what's her view?

20 A. She thinks it's wrong.

21 Q. That it's wrong as a policy matter, or it's wrong
in a
22 moral or religious sense?

23 A. Well, it's wrong in a moral -- wrong to take
anyone's life.

24 Q. I take it from your answers that you don't share
that view,

25 though.

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1 A. No, I think it just depends on the circumstances.

2 Q. The Court asked you some questions and also spoke
to you

3 about -- about the procedure that we'll follow. Would
it be

4 fair to say that you don't believe in a murder case --
and as

5 the Judge explained, under federal law, we only have
capital

6 punishment -- that is, the death penalty -- in a murder
case.

7 A. Uh-huh.

penalty 8 Q. Do you believe that in a murder case, the death

9 should be automatically imposed without any
consideration of

10 anything else?

11 A. That's a good question -- you know, I'm not really
--

12 really sure now. I'd have to think about that a while
longer.

13 Q. Okay. Well, the Court explained a few moments ago
the

14 process that we'll follow; that is, that we'll have a
trial

15 first on the charges and that we only get to the issue
of

16 punishment if the jury concludes unanimously that the

17 Government has proven those charges beyond a reasonable
doubt.

18 You understood that?

19 A. Yes, I understand that.

20 Q. And then the Court explained only at that point
would we

21 have a second trial or a penalty hearing.

22 A. Yes.

23 Q. Do you recall hearing any publicity about the
verdict in

24 the Timothy McVeigh trial?

25 A. The only thing I recall is he was found guilty.

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1 Q. Do you also recall hearing that -- the punishment
that the 2 jury recommended?

3 A. I -- I think it was death, but I'm not really sure.

4 Q. Do you recall that there was some period of time
that 5 passed between when there was publicity about the
jury's 6 verdict of guilty and the jury's recommendation of a

death 7 sentence? Do you recall that those two events were
separate? 8 A. Yes, I knew they were separate.

9 Q. And I think that's what the Court was explaining a
few 10 moments ago about this second trial or the second
proceeding. 11 Do you understand that that's what the --

12 A. Yeah, that's what happened. Yes.

13 Q. And you understand that here with respect to this
trial --

14 that is, the trial of Mr. Nichols -- the charges that
15 Mr. Nichols faces are the same charges that Mr. McVeigh
faced?

16 A. They're two different cases. They're --

17 Q. They're two different cases, and the Court
explained we're

18 having two trials; but I believe the Court told you
during the

19 instructions that the charges with respect to the two
men were

20 the same.

21 A. Yes. Okay. Okay.

22 Q. So you understand that if Mr. Nichols were to be
convicted

23 by a jury that there would be no automatic death
penalty; there

24 would have to be a second hearing?

25 A. Yes. Correct.

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1 Q. And I believe the Court explained to you some of
the

2 evidence, the further information that the jurors would
be

3 presented with. Do you remember that?

4 A. Yes.

5 Q. The Court talked about how the Government might
introduce

6 aggravating factors to show that death was the just
punishment.

7 A. Yes.

8 Q. And that the jury may hear factors about the
defendant,

9 about his own personal life, that shows that -- that
might

10 suggest that death was not the appropriate punishment;
that

11 life was the appropriate punishment.

12 Do you understand that the jurors have to be
able to
13 consider all of that evidence before they can determine
what is
14 the appropriate punishment?

15 A. Yes, sir, I do.

16 Q. Now, you told us that you could keep an open mind
and come
17 into the courtroom if you were a juror and presume the
18 defendant innocent of the charges.

19 A. Right.

20 Q. Could you do the same thing with respect to
punishment;
21 that is, if you were selected as a juror and if we got
to the
22 second phase, would you -- would you be able to
approach that
23 second phase with an open mind about all of the
possible ranges
24 of punishment?
25 A. I think so, yes.

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1 MR. MEARNS: Thank you, sir.

2 JUROR: You're welcome.

3 THE COURT: If I may just before you come up,

4 Mr. Woods.

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q. I'm a little confused about your answers, though;
and I'm

8 not trying to --

9 A. No, I --

10 Q. -- get you to agree with anything; but a little
while ago

11 when Mr. Mearns asked you, here's a case -- and we
can't talk

12 about this case -- but here's a case where a person is
found

13 guilty of first-degree murder.

14 A. Okay.

15 Q. And then he asked you something along the line: Do
you

16 think that in such a case there should automatically be
a

17 sentence to death for that person for that murder? And
you

18 said something like, That's a good question; I have to
think

19 about it.

20 A. That's correct.

21 Q. What did you understand the question was asking
you?

22 A. Well, he was just asking me if -- if he should be
sentenced

23 to death.

24 Q. Yes.

25 A. And I said, well -- the reason I was thinking about
it is

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1 because, you know, if he was found guilty, yes.

2 Q. Well, see, that's where there is some confusion,
because

3 you've already said -- strike the "already". You were
also

4 saying you'd be open to listen --

5 A. Yeah. I am. Right.

6 Q. -- to everything. You know, these questions are
easily

7 misunderstood.

8 A. Yes, I know that.

9 Q. Awkward to communicate on this because of the
uncertainty

10 about what may happen.

11 A. Uh-huh.

12 Q. But I think what he was saying -- and it's
something that

13 I've said. We don't have punishment automatically
because of a

14 particular crime, for any crime.

15 A. Oh, okay.

16 Q. And there has to be more heard and considered. And

we've

17 gone over at some length here what happens if the crime
is

18 murder, and therefore the sentencing can include life
in prison

19 with no release and death, because the jury has to
decide that.

20 A. Yes.

21 Q. But they don't decide it just on the verdict of
guilty.

22 A. No. Decide on hearsay.

23 Q. What?

24 A. Yes. They don't decide it on whatever --

25 Q. Well, there is another trial, you see?

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1 A. Right. They decide it on what -- other trial.

2 Q. Well, I guess what we're struggling with is if you
were on

3 a jury and you found a defendant guilty of murder,
planned,

4 premeditated murder, are you open to hearing more about
that

5 person and the circumstances of that person's life
before --

6 before deciding whether to take his life?

7 A. Yes, I would be open to it.

8 Q. Including the things that we've been talking about

here

9 about each person as an individual human being?

10 A. Yes, I would be open to it. Yes, I would.

11 THE COURT: Okay. Well, Mr. Woods?

12 MR. WOODS: Thank you, your Honor.

13 Did the Court want to consider taking the noon
break?

14 This may take a few minutes.

15 THE COURT: All right. We'll do that. We'll
take the

16 recess.

17 We're going to take a break, and then we'll be
back

18 and ask you some more questions.

19 Okay. 1:35 -- oh -- we'll wait for you to
step out

20 first before we leave.

21 We're all hungry, I guess.

22 (Juror out at 12:16 p.m.)

23 THE COURT: Now we can recess. 1:35.

24 (Recess at 12:17 p.m.)

25 * * * * *

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15 REPORTERS' CERTIFICATE

16 We certify that the foregoing is a correct
transcript from

17 the record of proceedings in the above-entitled matter.
Dated

18 at Denver, Colorado, this 17th day of October, 1997.

19

20

21

Paul Zuckerman

22



Carpenter

23

24

25

Bonnie