

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No.: 05-394
)	(RBW)
I. Lewis Libby,)	
)	
Defendant.)	
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Voir Dire Questions

The Court will permit extensive individual voir dire of each potential juror, who will all be brought individually to the courtroom after the entire venire has been collectively asked the questions below and then removed to another location. This Court will also permit counsel to ask jurors additional questions about their employment, which will in general terms be listed on the jury list counsel will be provided before the voir dire commences. The only questions that will not be permitted are those that are repetitive of questions already asked and the following inquiries the parties have requested:

- (A.) The potential jurors' actual address. Counsel may ask, however, questions to identify the general neighborhood where jurors live, e.g., Adams Morgan, Anacostia, Chevy Chase, Georgetown, Shaw, or Takoma, D.C.
- (B.) The jurors' place of birth. However, counsel may ask where the jurors were raised.
- (C.) The jurors' marital status.

- (D.) Whether the jurors have children, step-children, or grandchildren.
- (E.) The jurors' native languages. One of the general questions to the venire will ask whether they have any difficulty speaking or understanding English.

(1.) Identify the trial participants:

(A.) The lawyers representing the United States:

Patrick J. Fitzgerald

Peter R. Zeidenberg

Debra Riggs Bonamici

Kathleen M. Kedian

David Miller

* Do any of you know any of these attorneys or have you heard anything about them?

(B.) The defendant:

I. Lewis Libby, also known as Scooter Libby, who was formerly Vice President Richard Cheney's Chief of Staff and National Security Advisor

* Do you know Mr. Libby or have you heard anything about him?

(C.) The lawyers representing the defendant:

Ted Wells (a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison)

James L. Brochin (a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison)

Williams H. Jeffress (a partner in the law firm of Baker Botts)

Alex J. Bourelly (a partner in the law firm of Baker Botts)

John D. Cline (a partner in the law firm of Jones Day)

KC Maxwell (an of counsel in the law firm of Jones day)

David W. Brown (an associate in the law firm of Paul, Weiss, Rifkind,
Wharton & Garrison)

Elizabeth M. Eaton (an associate in the law firm of Paul, Weiss, Rifkind,
Wharton & Garrison)

Jessica S. Carey (an associate in the law firm of Paul, Weiss, Rifkind,
Wharton & Garrison)

Alexandra Walsh (an associate in the law firm of Baker Botts)

Ben Fitzpatrick (an associate in the law firm of Baker Botts)

* Do you know any of these attorneys or have you head anything about them, or have you had any dealings with the law firms I just mentioned?

(2.) As I just indicated, Mr. Libby is the former Chief of Staff and National Security Advisor of Vice President Cheney. Do any of you have feelings or opinions about the Bush Administration or any of its policies or actions, whether positive or negative, that might affect your ability to give a former member of the Bush Administration a fair trial?

(3.) Statement of the Case:

In July 2003, there were press accounts discussing former Ambassador Joseph Wilson's trip to Niger (a country in Africa) and his criticism of the Bush Administration concerning the reasoning for the United States going to war in Iraq. In those accounts it

was revealed that former Ambassador Wilson's wife (Valerie Plame) worked at the Central Intelligence Agency (the CIA). After the articles were published, a federal investigation commenced to determine whether any violations of the law had been committed by the disclosure to the news media, and if so, who disclosed the information. Arising out of this investigation, was the issuance of the grand jury indictment charging Mr. Libby, who as I indicated was Vice President Cheney's Chief of Staff and National Security Advisor, with obstruction of justice, perjury, and making false statements to Federal Bureau of Investigation (FBI) Special Agents and a grand jury resulting from statements Mr. Libby made during the investigation.

- (A.) Do you personally know anything about this case?
 - (B.) Have you read or heard anything about this case in the news media?
 - (C.) Is there anything that I have said about this case that may affect your ability to be fair and impartial in this case?
- (4.) Do any of you know anyone else in the courtroom, including any of your fellow jurors?
- (5.) The Court will read the parties' joint list of witnesses and others who may be mentioned during the trial. Do any of you know any of these individuals?
- (6.) As just indicated, some of the possible witnesses will be former and present members of the Bush Administration, including Vice President Richard Cheney,
- (A.) Would the fact that former or present members of the Bush Administration will be witnesses in this case impair your ability to be a totally fair and impartial juror?
 - (B.) Would any of you have any difficulty fairly judging the believability of

former or present members of the Bush Administration?

- (C.) Do any of you have any feelings or opinions about Vice President Cheney, whether positive or negative, that might affect your ability to be fair in this case or that might affect your ability to fairly judge Vice President Cheney's believability?
- (7.) Several witnesses who will testify in this case are members of the news media. Would any of you have any difficulty fairly judging the believability of a person who is a member of the news media?
- (8.) Is there anyone who feels that they might have any difficulty being fair and impartial in this case due to the race or ethnicity of anyone who is involved in this case?
- (9.) Explain reasonable doubt, presumption of innocence, and burden of proof. Would any of you have any problems accepting and applying these principles of law?
- (10.) Is there anyone who feels that a defendant should have to prove his innocence?
- (11.) Is there anyone who feels that merely because the defendant has been charged with criminal offenses in this case probably means that he is guilty?
- (12.) Every defendant in a criminal case has the absolute right not to testify, and if a defendant decides not to testify, you cannot in any way hold that against him or consider his decision not to testify in deciding whether the government has proven that he is guilty. Is there anyone who could not accept and follow this principle of law?
- (13.) A defendant is not required to call any witnesses. Would the decision by a

defendant not to call witnesses cause you to conclude that he is guilty?

- (14.) If you are selected as a juror in this case, you must have the ability and the willingness to discuss the facts of the case with your fellow jurors during the jury's deliberations. Is there anyone who thinks they cannot do this?
- (15.) If you are selected as a juror in this case, you must have the ability to make your own independent decision about the defendant's guilt or innocence. Is there anyone who thinks they could not do this?
- (16.) If you are selected as a juror in this case, you will be instructed that if you find that the government has proven beyond a reasonable doubt every element of an offense with which the defendant is charged, it is your duty to find the defendant guilty of that offense. On the other hand, if you find that the government has failed to prove any element of an offense beyond a reasonable doubt, you must find the defendant not guilty of that offense. Is there anyone who would have a problem following this instruction?
- (17.) At this time, I want to ask you some questions about your beliefs or opinions about human memory:
- (A.) Is there anyone who believes that everyone's memory is like a tape recorder and therefore all individuals are able to remember exactly what they said and were told in the past?
- (B.) Is there anyone who feels that a person could not honestly say something about a matter he or she truly believed to be the true when that person several months earlier actually said something totally different about that same matter?

- (C.) Is there anyone who believes that it is impossible for a person to mistakenly believe that he or she was told something by one person when in fact the person was actually told the information by someone totally different several months earlier?
- (D.) Is there anyone who believes that it is absolutely impossible for a person to believe very strongly that he or she has certain memories about something, even though it is determined that those memories are inaccurate?
- (18.) Would any of you have any difficulty fairly judging the credibility of a law enforcement witness?
- (19.) Have you, close friends, or close relatives ever served as a law enforcement official or applied for employment for such a position (a police officer, law enforcement officer, prosecutor, prison guard or official, probation officer, parole officer, or a private security officer or guard)?
- (20.) Have you, close friends, or relatives had interactions with the police or other law enforcement officials, whether positive or negative, that might impair your ability to give either side in this case a fair trial?
- (21.) Are any of you lawyers or have any of your ever studied law?
- (22.) Have any of you, close friends or close relatives ever served as a defense attorney, defense investigator, or in some other capacity where you or they provided services to people charged with crimes, or applied for employment in such positions?
- (23.) Do any of you have any feelings about prosecutors, defense lawyers or people

- accused of crimes that might affect your ability to be a fair juror in this case?
- (24.) Have any of you or any of your close friends or relatives ever been employed or applied for employment with the CIA or any other national intelligence agency?
 - (25.) Have any of you ever held a position in which you had access to classified information?
 - (26.) Have any of you ever participated in any type of anti-crime activity or victims' rights organizations (neighborhood watch, the Orange Hats Program)?
 - (27.) Have any of you ever participated in any type of inmate assistance or ex-offender programs?
 - (28.) Have any of you ever participated in any efforts to either increase or lessen the punishment of individuals who are convicted of criminal offenses?
 - (29.) Have any of you ever served as a grand juror or a petit juror in a criminal case?
 - (30.) Have you, close friends, or close relatives ever been the victim of a crime, a witness to a crime, or someone charged with a crime, regardless of what may have happened to the case?
 - (31.) Do any of you have any religious, moral or philosophical beliefs that would affect your ability to sit as a juror in a criminal case and be fair and impartial to both the government and the defendant?
 - (32.) Do any of you have any health problems that might impair your ability to sit as a juror in this case?
 - (33.) Are any of you taking medication that might impair your ability to sit as a juror in this case?
 - (34.) Do any of you have any problems hearing or seeing?

- (35.) Do any of you have any problems understanding or speaking the English language?
- (36.) This trial could take up to 4 to 6 weeks to complete. Is there anyone who could not sit as a juror in this case due to the anticipated length of the trial?
- (37.) I anticipate there will be a fair amount of news and other media coverage about this case. One of the things you will have to do if you are selected as a juror in this case is to avoid all contact with the news or other media coverage of this case. Therefore, throughout the trial, if you are a member of the jury, you will not be able to read the newspaper before it is screened by court staff and you will have to avoid watching or listening to the news and any other media programs. Is there anyone who thinks they would be unable to do these things if you were selected as a juror?
- (38.) Is there anyone who for any reason feels he or she could not sit as a juror in this case and be fair to both parties?