

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,            )  
  )  
Plaintiff,                                    )  
  )  
v.    )       Case No. 2:10-cr-00186-MHT  
  )  
MILTON E. McGREGOR, et al.         )  
  )  
Defendants.                                 )

**DEFENDANT MCGREGOR’S ADDITIONAL VOIR DIRE QUESTIONS**

**I. Personal Information**

- Q7. How many of you believe that gambling is a sin? Do you believe people who gamble are condemned?
- Q23. Do you or any member of your family belong to a home schooling organization?
- Q25. While attending college were you a member of a fraternity, sorority, or some other social or civic organization?

**II. Employment**

- Q38. Have any of you made an official complaint about a possible ethics violation by a co-worker or someone else at your place of employment?
- Q39. Does your current employer have a policy prohibiting gifts from vendors? If so, what is the policy? What’s your opinion of the policy? Have you ever taken something from a vendor and realized it might be a violation of the policy?

**III. Legal Involvement**

- Q41. Have you ever served as the foreperson on a jury?
- Q49. How many of you have credit cards? How many have more than one credit card?

**IV. Personal Interests**

(a) Milton McGregor has earned a lot of money over the course of his business career. Are you offended, or troubled in any way, by people who have earned a lot of money? Do you question someone's integrity just because they have earned a lot of money?

(b) One thing I've found is that people born into poverty who become successful, like Milton McGregor, sometimes feel insecure without carrying a good bit of cash on them. For that reason Mr. McGregor cashes checks and keeps a good deal of cash in his pockets. Is there anyone who thinks less of someone who does that? Are you offended by it in any way? Does it raise any question in your mind about whether a person with cash in his pockets has done anything wrong? Does it suggest to you that the money was received other than by entirely legitimate means.

Q65. Do you read the Bible? How often?

Q68. Do you have a laptop? Do you own an iPad or some other tablet device?

Q70. Do you have software on your computer that blocks certain websites or types of websites? Is that software currently active? What kinds of sites does block?

Q74. Do you use Twitter?

Q75. How many of you have more than one email account?

Q76. How many of you have more than one phone? Do you use a Blackberry? An iPhone? How many have some other brand of what they call a "Smart Phone"?

Q77. Are you active in your church? Teach? Other?  
Does your church/synagogue have specific positions on gambling?

(a) I ask you this next question only because certain witnesses are members of the Church of Christ. So, is anyone on the venire presently, or have you in the past been, a member of the Church of Christ? Has any member of your immediate family ever been a member of the Church of Christ?

Q85. Have you gambled? In a casino? Poker game at home? Bingo?

Q86-7. Do you regularly play poker or some other kind of gambling game?

(a) Has anyone on the jury venire ever been to the White Hall Entertainment Center in Lowdnes County? Has anyone on the venire ever been to an Indian, or Native American, Gaming facility? If so, is the facility you have visited in Alabama?

(b) Is there anyone on the jury venire who is offended by the use of the word “Indian” when referring to Native Americans? I ask you that because in the intercepted private conversations, the participants often refer to the gaming facilities that are still open in Alabama as Indian facilities. They also refer to the folks who operate those facilities as “Indians”. Is that offensive to anyone?

Q89. Is there anyone on the jury venire who gambles, including playing poker or other games involving gambling, but nevertheless feels that gambling ought to be illegal in Alabama?

## V. Political Involvement

Q95. Have you, any member of your family or any close person friend ever **worked** for a political campaign or candidate?

(a) Is anyone a member of the Eagle Forum, or is a member of your family, or is a good friend, a member of the Eagle Forum? Same for the Christian Coalition; Conservative Christians of Alabama; Business Council of Alabama; and Alabama Farmers Federation.

(b) Is there anyone who has never heard of any of these organizations?

(c) Do you feel that winning an endorsement from these organizations, or any of them, would be a benefit to a candidate running for the Legislature in Alabama? Some of these organizations, and others, put out questionnaires to candidates. Just as an example, the Eagle Forum questionnaire asks: whether the candidate will support a bill to return property re-assessments to every four years in order to reduce the tax burden. Does anyone on the venire feel that asking that question is illegal? That it should be illegal? That answering the question is illegal? Or, should be illegal?

(d) One other example is on the questionnaire put out by The Conservative Christians of Alabama. Among the questions that organization asks legislative

candidates is: Are there any circumstances under which you would support a tax increase? Are you willing to sign a "No Tax Pledge"? Does anyone on the venire feel that asking those questions is illegal? That it should be illegal to ask those questions? That answering those questions is illegal? Or, should be illegal?

(e) Suppose that answering these questions in the way favored by the Eagle Forum, or the Conservative Christians of Alabama, could result in receiving the endorsement of those organizations. Under those circumstances, does anyone on the venire feel that asking those questions is illegal? That it should be illegal? That answering those questions is illegal? Or, should be illegal?

(f) The evidence in this case will show that a lot of people and a lot of organizations make political campaign contributions to Legislators who indicate they will support the contributor's legislative agenda. The Farmers Federation, the Forestry Association, and the Business Council of Alabama and several others are examples of that. In this case the evidence will also show that MM told a couple of Legislators something they already knew, and that was that he supported folks who support his industry. Do you feel it is just wrong to state what everyone already knows, i.e., that you, like a lot of other entities, make campaign contributions to candidates who support your industry.

(g) Let me ask a little different question. Is anyone here a member of an organization that supports political candidates who do NOT favor the views of that organization?

(h) Does anyone on the jury venire have a negative opinion about the Alabama Education Association, the teachers' organization? Or, about Dr. Paul Hubbert, the long time leader of the AEA? Does anyone have a favorable opinion about the AEA? Or about Dr. Hubbert?

(i) Does anyone on the jury venire have a negative opinion about the Business Council of Alabama. Or, about Billy Canary, the leader of the BCA? Does anyone have a favorable opinion about the BCA? Or about Mr. Canary?

(j) Is anyone a member of any group that takes a position on, or otherwise deals in any way with, illegal immigration. Do you feel illegal immigration is a big problem in Alabama? Do you think Alabama should pass a law on illegal immigration similar to the one passed in Arizona?

(h) Do you identify yourself with, or are you sympathetic toward, the Tea Party movement? Have you, or has any member of your immediate family, attended any functions put on, or sponsored by, the Tea Party or the Alabama Tea Party? Is any member of your family, or any good friend of yours, associated with, or sympathetic toward, the Tea Party movement?

Q97. How many of you have heard the term "PAC, which stands for "Political Action Committee?"

(a) Sometimes campaign contributors, instead of giving directly to candidates, make campaign contributions to PACs, which then give the money to candidates. Giving to a PAC can result in making it difficult to tell who the original contributor was. Does anyone on the venire feel that giving campaign contributions to pacs, instead of directly to the candidates, should be illegal? If you do feel that way, would you think less of campaign contributors who give to pacs, and not directly to the candidate?

Q102. Has anyone on the venire ever worked directly with a lobbyist? Has a co-worker, or a friend of yours, ever worked directly with a lobbyist?

(a) Does anyone on the venire have negative feelings about lobbyists?

(b) Are you aware that there are professional rules that lobbyists must follow?

(c) Please raise your hand if you are aware of businesses and organizations that use lobbyists to advocate on behalf of their organizations? Which businesses?

(d) The gaming industry is one that is regulated by Statute and one that involves a lot of politics. For that reason, Mr. McGregor has contracted with several people who are lobbyists in connection with the Alabama Legislature, and he has contracted with knowledgeable people who are consultants in matters of politics. Does it offend you in any way, or cause you any concern, that Milton enters contracts for the services of both lobbyists and political consultants?

Q105. Do you think less of a public person who is in a bitter dispute with the Governor? Do you think less of a private businessman who is in a bitter dispute with the Governor?

(a) Do you personally believe government officials use the law enforcement powers of their office to investigate their political enemies?

(b) As you've already heard the government intercepted, and listened to, telephone conversations between Mr. McGregor and others. Those conversations were intended to be private, and the participants thought they were private. There is, therefore, a good deal of salty language used (including the "F" word and others). Is there anyone who is so offended by that kind of language that you would have a difficult time not holding it against the person who used it?

## **VI. Personal Knowledge of This Case**

Q109. Do you know family members of any of the defendants? Please describe.

(a) How many of you are familiar with the Legislative Reference Service? Do you know anyone who works for the LRS?

(b) The evidence will show that Ray Crosby worked for the Legislative Reference Service as a legislative analyst. His job was to draft bills for Legislators. The evidence will also show that a legislator, who wants to have the Legislative Reference Service draft a bill for him to introduce in the Legislature, can designate someone, or even several people, to work with the Legislative Reference Service on the drafting of the bill. If that happens, the authorized person and the Legislative Reference Service often exchange, by email and otherwise, drafts of the bill and suggested language for the bill. Is there anyone on the venire who feels there is something wrong with the Legislative Reference Service sending draft bills to private people designated by the Legislator under those circumstances?

(c) When someone has been authorized by a Legislator to work with the Legislative Reference Service on the drafting of a bill, does anyone on the venire feel there is anything wrong with that authorized person requesting that the Legislative Reference Service either include a particular provision in the draft bill, or exclude a provision from the bill, all subject to the final approval of the Legislator.

(d) The evidence will show that the Legislative Reference Service maintains a list of folks who are authorized by a particular legislator to work with the Legislative Reference Service on drafting bills, or drafting a particular bill. But

the evidence will also show that Legislators sometimes, and even often, tell the Legislative Reference Service orally who is authorized to work on a bill. Do you feel there is anything wrong with a Legislator's orally informing the Legislative Reference Service who is authorized to work on his proposed bill, rather than doing it in writing?

(e) Sometimes Legislators orally authorize the Legislative Reference Service to work directly with private individuals on drafting legislation. Does anyone think there's anything wrong with private individuals' working on legislation when authorized by a Legislator to do so?

(f) Sometimes when people agree to accomplish a joint goal, you hear they have conspired. Conspiring means they have agreed. A conspiracy is not illegal unless there has been an agreement to accomplish either an unlawful goal, or to accomplish a lawful goal in an unlawful manner. Is there anyone on the venire who feels that just because people "conspire" or agree to pursue a common goal, they are doing something wrong?

(g) There will be a lot of talk in this case about conspiracies and alliances. Is there anyone on the jury venire who feels that just because people join together to accomplish a legislative goal, they are doing something wrong?

Q133. The evidence will show in this case that when the Government enters a guilty plea with someone accused of crime, as it has with three people in this case, the Plea agreement sets out the range of a sentence that the Government and the guilty party agree is reasonable. The Agreement also provides that the only way the Government will recommend a lesser sentence is if the guilty party cooperates with the Government in a way the Government determines in its sole judgment to warrant a reduced sentence. Is there anyone on the jury who does not believe that an agreement such as that provides an incentive to guilty parties to lie on the witness stand in order to get the Government to recommend a reduced sentence?

(a) Is there anyone who does not believe that such an agreement is unfair to the people who contend the Government has wrongly accused them of wrongdoing?

Q134. Is there anyone on this venire who would not take steps to avoid having your private conversations over heard, no matter how innocent those conversations were? Is there anyone who would not be outraged about having private

conversations intercepted? Is there anyone who would be outraged by having his or her private conversations intercepted by the Government?

(a) Does anyone feel that if the Government uses what some people refer to as snitches to tape record conversations with certain people, in fairness the Government should ask those snitches to also record their conversations with the Government officials who are giving them instructions about who to record and what to say on the recorded call? Does anyone feel the Gov't should not record its communications with Government snitches?

(b) Do you know anyone who is presently, or has ever been, employed by the United States Attorney's office in Montgomery? Have you, any relative of yours, or any friend of yours, ever worked for the FBI? How about the ABI?

(c) Are any of you familiar with the Public Integrity Unit of the Government stationed in Washington DC, which goes around the country prosecuting local public servants and others? Are you familiar with any of the recent history of that Government unit from **Washington DC? Have you heard about any of the following lawyers** either on television or in the newspaper: Lanny Breuer, Jack Smith, Peter Ainsworth, Justin Shur, Brenda Morris. Barak Cohen, Rae Woods, and Eric Olshan. The United States Attorney's Office for the Middle District of Alabama is also involved in this case: Please tell me whether you know, or have ever heard of, any of these lawyers, Leura Canary, who is the US Attorney; Louis Franklin; Steve Feaga; Jerusha Adams; Gray Borden; Todd Brown; Kent Brunson; DeAnne Marie Calhoon; Brandon Essig; Tommie Hardwick; Clark Morris; Ran Neeley; Susan Redmond; Andy Schiff; Verne Speirs; Sandra Stewart; Brent Woodall; former member of the Staff O.B. Perrine. The lawyers from that group who will participate in this case are Louis Franklin and Steve Feaga. Do you know their spouses or any of their family members?

(c) Do you know, or have you ever heard of, Debbie Shaw, who is an employee of the United States Attorney's office in Montgomery? Do you know, or have you heard of Keith Baker of the FBI? Philip Harrod of the FBI? George Glaser of the FBI? John McEachern of the FBI? Erik Doell of the FBI? Do you know, or have you heard of Joe Herman of the ABI or any other ABI agent?

(d) Does anyone on the venire believe that the Federal Bureau of Investigation is always right when it contends someone has violated the Law?

**Additional Questions:**

1. Is there anyone on the venire who does not believe that sometimes people just misunderstand one another when they speak to each other? That is, that they misunderstand what is intended by a particular comment?
2. Put another way, is there anyone who believes when you talk to someone, you always understand what the other person meant by a particular remark?
3. Tell me if you disagree with this. When you're talking to someone, it's easier to misunderstand what that person means when you don't know that person all that well?
4. Did you see on television reports of the defendants being arrested?
5. Did you see the Government making the arrest of Milton McGregor at 7 am in the morning?
6. Were any of you curious about how WSFA television got word that the arrest would be made and appeared at Mr. McGregor's home at 7 am to film his being led out of his home in handcuffs?
7. Do any of you have an idea about why the Government would have wanted to have television cameras present when it made an arrest of a person presumed to be innocent of the charges against him?
8. When a person has been told charges are being brought against him, and volunteers to turn himself in, do you believe the Government should permit the person to voluntarily turn himself in?
9. Let me ask the question in reverse. When a person has been told charges are being brought against him, and volunteers to turn himself in, do you believe the Government should reject that offer, call the television station with coverage throughout the area where the jury will be selected, and permit the television station to film the person being escorted to the vehicle of the arresting agents?
10. Did any of you see the Press conference the government held on the day these people were arrested, which press conference was carried live in the area from which the jury in this case would be selected?
11. Have any of you read about the actual charges made in indictment in this case?

12. Have you read any of the quotes taken from wiretapped telephone calls that appear in the indictment?

13. When the Government has gone out of its way to generate publicity about the arrest of the defendants, is there anyone who feels it is improper in any way for the defendant to do a poll to determine what effect the Government's activities have had on public opinion.

14. Is there anyone on the jury venire who believes the Government is not capable of trying purposefully to affect the opinion of jurors adversely about the defendants prior to trial?

15. Is there anyone on the venire who believes that simply because charges have been brought against a person by the federal government, that person is guilty?

16. Is there anyone on the venire who does not believe the Government can make a mistake?

17. Is there anyone on the venire who does not believe that people working for the Federal Government in law enforcement positions can engage in actual wrongdoing?

s/Robert D. Segall

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, May 23, 2011, I filed the foregoing with the Clerk of the Court electronically using the CM/ECF System which will send notification of such filing to all counsel of record:

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