

## **Chapter Twenty-six**

Jury selection is a critical phase of every trial, if not the most critical. You can make the strongest arguments until you're blue in the face, but if the jury is not impartial and open-minded, you're in dangerous waters. I was not looking for jurors who were religiously committed. It would defeat the purpose of the trial. A favorable verdict by such jurors would not strike a blow against the American Identity Party and the Church of Natural Humanism. Besides, Calabrese would probably reject them for cause, and he would be right to do so.

The prospective jurors were brought into the courtroom and took seats in the gallery. Judge Baker usually had prospective jurors called one by one to the witness box, where they were questioned in front of the other jurors. In this case, she decided that jurors would be questioned at a side bar. She was concerned that some of the questions would be of a sensitive nature and would give the other jurors time to formulate answers that were less than spontaneous. I thought it was a good idea. I wanted a clean jury.

She stepped down to the side of the bench right near the door to her chambers and motioned the attorneys over. Then she had the bailiff bring over one juror at a time. She allowed the defense to ask questions first.

The first seven prospective jurors were rejected for cause by one side or the other. The eighth candidate was an elderly Korean man wearing an out-of-style suit and a white shirt open at the collar.

"Good day, sir," said the judge. "Can we have your name please?"

"Kim Kwan."

"And your place of birth?"

"South Korea."

"Are you an American citizen?"

“Yes. Ten years.”

“Thank you, Mr. Kim. You may ask your questions, Mr. Calabrese.”

Calabrese gave the man a reassuring smile. “What is your business or profession, sir?”

“I have a fruit store in Manhattan.”

“Was that your profession in Korea as well?”

“No. I was a high school teacher.”

“I see. What is your religion?”

“I am a Buddhist.”

“Have you formed any opinions about the Bible?”

“I have no opinions about the Bible. I never think about it.”

“Does it matter to you if the Bible is true or false?”

The man shrugged. “Why should I care?”

Calabrese smiled at him. “Why indeed. We accept Mr. Kim.”

The judge looked to me.

“Mr. Kim,” I said, “what did you teach in high school?”

“I taught geography, Chinese history and English.”

“Thank you, Mr. Kim. The plaintiff accepts Mr. Kim.”

The judge signaled for the next juror. Three more jurors were eliminated, and the judge called for a lunch break. The first juror after lunch was a slender man in his forties. His name was Jason Mandelbaum. He was born in the United States.

Calabrese went first. “What is your business or profession, sir?”

“I’m a chemist.”

“What is your religion?”

“I’m a Conservative Jew.”

“What do you think about the Bible?”

“Uh, I think it’s a holy book.”

“Do you know who wrote it?”

“I’m not sure. Some rabbis in our movement say that the Exodus never occurred and that the Bible was written many years later.”

“And what do you believe?”

“Uh, I’m not sure. I don’t know what to believe.”

“Do you think you could accept that those rabbis are right?”

“I think I could.”

“Would it cause you any problems in your personal life? You know, with friends, family, business associates and the like.”

“No, I don’t think so. It wouldn’t change anything for me. Maybe they’d ask me to speak about the trial for study groups in the synagogue. After it’s over, of course. But I wouldn’t have any trouble, I don’t think.”

“We accept Mr. Mandelbaum.”

“Mr. Mandelbaum,” I began, “are you a religious man?”

“I already said that I’m a Conservative Jew.”

“But are you religious? Does Judaism play a part in your life?”

“I suppose. I mean, we keep kosher in the house. We go to the synagogue as often as we can. We never miss the High Holidays.”

“Do you believe in God?”

“Of course, I do.”

“Do you believe Jewish people have a special relationship with God?”

He hesitated. “I guess. I mean, sort of. I mean, yes.”

“The plaintiff accepts Mr. Mandelbaum.”

The next prospective juror, a short black man with long arms and luminous eyes, took the stand. His name was Matthew Cooper.

“What is your business or profession, sir?” asked Calabrese.

“I’m a recording artist.”

“What kind of music do you sing?”

“All kinds. Mostly soul, R&B and gospel.”

“Are you a Christian?”

“Yes.”

“Do you have any opinions about the authorship of the Bible?”

“I believe I have an open mind.”

“What if it turns out the Bible is a fraud? Would you continue singing

gospel music?”

“I don’t know. I think I would. Music is music. I love gospel music.”

“The defense rejects Mr. Cooper for cause.”

After two hours of this, we had ten jurors. The next prospective juror was a slender young woman named Jane Li.

“What is your place of birth?” asked Calabrese. I suppose he asked people with Asian names where they were born. He meant no harm.

“Pasadena, California.”

“And your parents?”

“My parents were originally from Shanghai. They immigrated to the United States from Hong Kong.”

“What is your religion?”

She shrugged. “I’m not really religious. My parents weren’t either. My grandparents back in Shanghai followed the teachings of Confucius, so I guess that makes us Confucianists, if there is such a word; is there?”

Calabrese smiled. “I really don’t know. What are the teachings of Confucius?”

“You would have to ask my parents. I think it means you have to respect your ancestors or something like that.”

“How about you? What do you believe?”

“I’m not very religious. I’m divorced with two young children and a job. I don’t have the time or energy to think about those things. I suppose I’m a secular person.”

“Are you against religion?”

“Not for or against. People should be free to worship as they please.”

“The defendant accepts Ms. Li.”

My turn. I was conflicted about this juror, but I felt she had potential. I knew she was an artist. Perhaps I could explore that. I thought for a moment before I began.

“Ms. Li, what kind of job do you do?”

“I’m a graphic designer.”

“Are you familiar with ancient art?”

“Actually, I am. Strange you should ask. I love ancient art.”

“What do you think of the people in the ancient world? Do you think they were less intelligent than we are today?”

“Oh, I don’t think so. Actually, I think they were more intelligent.”

“Really? How so?”

“Well, they didn’t have the technology we have today or the knowledge about many different things. But they had the opportunity to think about life and things. They didn’t watch television, and their phones weren’t ringing all the time. And they weren’t bombarded by advertising wherever they went. They had the time and peace of mind to sit under the stars and just think and get in touch with their inner selves and feelings. We can’t really do that today.”

“But aren’t our advanced technology and scientific knowledge proof that we are more intelligent today?”

“Not at all. Technology and science are like a pile of bricks, each one based on the one below. They develop by steps. If we’d been born in those days, we couldn’t make today’s technology. And if the ancients had been born today, they’d do just as good a job as we do, if not better.”

I was pleased. “The plaintiff accepts Ms. Li as our eleventh juror.”

Fifteen minutes later, the bailiff called on a heavyset man with the rough hands of a manual laborer. The sleeves of his jacket strained against his biceps. He introduced himself as Mike Murdock.

“What is your profession, sir?” asked Calabrese.

“I’m an automobile technician, a transmission specialist.”

“Are you a religious man?”

“Yeah. The wife and me, we go to church at least once a month.”

“And what church is that?”

“Second Methodist Church on Bay Ridge Avenue in Bensonhurst.”

“Do you read the Bible?”

“Not much.”

“Do you know who wrote the Bible?”

“I think different people wrote it.”

“Could you please explain that?”

“Sure. I think Moses wrote the first part. Jesus wrote the second part.

And the last part, I think Billy Graham wrote it.”

Calabrese bit his lower lip and tried to keep a serious face.

“The defense accepts Mr. Murdock.”

It was my turn.

“Mr. Murdock, what kind of training did you receive in order to become an automobile mechanic?”

“I went to technical school for two years.”

“Can you read schematics?”

“Sure thing. I was number three in my class in diagnostics.”

“And how many were in your class?”

“Forty-six, I think.”

“Do you read much now that you’ve graduated and have a job?”

“Well, depends on what you call much. I read all the computer magazines cover to cover, and I read *Popular Science* and *Popular Mechanics*. I read *National Geographic*, but mostly, I look at the pictures. And I read the sports section. I like to see how my Mets are doing. Sometimes, I read the front page, like if there’s hot news from the Middle East or if there’s a big election coming or terrorism.”

“Sounds like you read quite a lot. And pretty heavy stuff, too. But you haven’t really read the Bible, have you?”

“Nah, not too much. I hear the preacher read from the Bible when I go to church, so I know a little something about it. Like I said before, I only look at it when we’re on a trip or something. The hotel room usually has a Bible, and I read it in the bathroom ... sometimes. We don’t have a Bible at home. Maybe we should get us one.”

“The plaintiff accepts Mr. Murdock.”