

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Deputy Chief, Criminal Division

4 MATTHEW A. PARRELLA (NYBN 2040855)
JEFFREY D. NEDROW (CABN 161299)
5 MERRY JEAN CHAN (CABN 229254)
Assistant United States Attorneys

6 150 Almaden Boulevard, Suite 900
7 San Jose, CA 95113
Telephone: (408) 535-5045
8 Facsimile: (408) 535-5066
Email: jeff.nedrow@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 BARRY BONDS,)
17 Defendant.)

No. CR 07-0732-SI

**UNITED STATES'S
RECOMMENDATION REGARDING
PUBLIC ACCESS TO VOIR DIRE AND
TRIAL**

Date: March 1, 2011
Time: 1:30 p.m.
Judge: Honorable Susan Illston

19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION..... -1-

FACTUAL BACKGROUND. -1-

ARGUMENT..... -2-

 I. Overview of law on First Amendment right of public access to *voir dire*..... -2-

 A. Presumption of open access can be overcome by conflicting
 compelling interest..... -2-

 B. To overcome presumption of open access, this Court must make specific
 findings to support a narrowly-tailored limitation..... -3-

 II. The United States’s recommendation. -7-

 A. Compelling interests warrant limited limitations on public access. -7-

 1. Juror candor. -7-

 2. Juror privacy and freedom from harassment. -8-

 3. Juror ability to follow instructions to refrain from
 communications about the case. -10-

 B. Suggested narrowly-tailored limitations to balance the compelling
 interests in juror candor, privacy, and ability to follow instructions,
 against right of public access..... -10-

 1. Jury questionnaires..... -10-

 2. Oral *voir dire*. -11-

 3. Trial. -12-

 C. Alternative limitations..... -13-

CONCLUSION. -14-

TABLE OF AUTHORITIES

FEDERAL CASES

1
2
3 *Presley v. Georgia*, 130 S. Ct. 721 (2010)..... 1, 3
4 *Press-Enterprise Co. v. Superior Court of California, Riverside County*,
5 464 U.S. 501 (1984)..... 2, 3, 4, 8
6 *Stockton v. Virginia*, 852 F.2d 740 (4th Cir. 1988). 10
7 *United States v. Blagojevich*, 612 F.3d 558 (7th Cir. 2010). 4, 6, 7
8 *United States v. Blagojevich*, 614 F.3d 287 (7th Cir. 2010). 3, 4, 8
9 *United States v. Jackson*, 209 F.3d 1103 (9th Cir. 2000). 9
10 *United States v. King*, 140 F.3d 76 (2d Cir. 1998)..... 4, 5, 6, 7
11 *United States v. McAnderson*, 914 F.2d 934 (7th Cir. 1990)..... 10
12 *United States v. Mitchell*, - F. Supp. 2d -, 2010 WL 3222416 (D. Utah 2010). 13
13 *United States v. Ruggiero*, 928 F.2d 1289 (2d Cir. 1991). 9
14 *United States v. Sylvester*, 143 F.3d 923 (5th Cir. 1998)..... 9
15 *United States v. Wecht*, 537 F.3d 222 (3d Cir. 2008). 3, 4
16 *Waller v. Georgia*, 467 U.S. 39 (1984). 3, 4

STATE CASES

17 *Bellas v. Superior Court of Alameda Cty.*, 85 Cal. App. 4th 636 (Cal. 2000)..... 11
18 *Copley Press Inc. v. San Diego Cty. Superior Court*, 228 Cal. App. 3d 77 (Cal. 1991)..... 10
19 *Gannett Co. v. State*, 571 A.2d 735 (Del. 1990). 9
20 *Leshar Communications, Inc. v. Superior Court*, 224 Cal. App. 3d 774 (Cal. 1990). 11
21 *People v. Kelly*, 397 Ill. App. 3d 232 (1 Dist. 2009). 12
22 *People v. Kozlowski*. 8
23 *State v. Bisaccia*, 319 N.J. Super. 1 (N.J. Super. A.D. 1999). 9
24 *State v. Ross*, 174 P.3d 628 (Utah 2007). 11
25 *Stephens Media, LLC v. Eighth Judicial District Court of State of Nevada*, 221 P.3d
26 1240 (Nev. 2009)..... 4, 14

MISCELLANEOUS REFERENCES

1 Abraham S. Goldstein, *Jury Secrecy and the Media: The Problem of Postverdict Interviews*,
2 1993 U. Ill. L. Rev. 295. 8
3 David Weinstein, *Protecting a Juror's Right to Privacy: Constitutional Constraints and*
4 *Policy Options*, 70 Temple L. Rev. 1, 2-3 (1997). 8
5 Kenneth J. Melilli, *Disclosure of Juror Identities to the Press: Who Will Speak for the*
6 *Jurors?*, 8 Cardozo Pub. L. Policy & Ethics J. 1 (2009). 8
7 Kenneth B. Nunn, *When Juries Meet the Press: Rethinking the Jury's Representative*
8 *Function in Highly Publicized Cases*, 22 Hastings Const'l L. Q. 405, 429-34 (1995). 8
9 Nancy J. King, *Nameless Justice: The Case for the Routine Use of Anonymous Juries in*
10 *Criminal Trials*, 49 Vand. L. Rev. 123, 129 (1996). 8

RULES

11 California Rule of Professional Conduct 5-120(A) (2011). 12
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION

1
2 At the February 18, 2011 status hearing, this Court asked the parties to provide the Court
3 with recommendations regarding the Press Organizations' February 26, 2009 motion (Docket #
4 154) to vacate this Court's February 19, 2009 order (Docket #136) sealing completed juror
5 questionnaires, in light of *Presley v. Georgia*, 130 S. Ct. 721 (2010), and other relevant
6 intervening case law. This Court also asked the parties to provide feedback regarding the use of
7 an internal video feed to an overflow courtroom in securing public access to proceedings.

8 *Presley* does not alter the law pertaining to public access to *voir dire* proceedings under
9 the First Amendment, but simply clarifies that a defendant's Sixth Amendment right to a public
10 trial precludes a judge from simply barring public attendance at the trial. Applying well-
11 established principles on public access to the specific circumstances of this case, this Court
12 should (1) find that the defendant's right to a fair trial will be compromised by immediate and
13 concurrent access to jury questionnaires, (2) consider alternatives in limiting the media's access
14 to jury questionnaires, (3) craft a limitation that is no broader than necessary to protect the
15 defendant's right to a fair trial, and (4) make explicit, specific, supported findings to justify that
16 limitation. The United States has made specific recommendations for permitting information to
17 be redacted from the jury questionnaires, sealed from the oral *voir dire* transcript, releasing juror
18 questionnaires, and the disclosure of empaneled juror names.

19 The United States supports the Court's suggestion of using an internal video feed to an
20 overflow room. In addition, the United States suggests that the Court reserve seats in the
21 courtroom for representatives from the press to observe live proceedings during *voir dire* and at
22 trial.

FACTUAL BACKGROUND

23
24 On February 6, 2009, this Court asked the parties for their positions on the use of an
25 internal video feed from a stationary camera to an overflow courtroom. By letters dated February
26 11, 2009, both the defendant and the United States indicated no objection, provided that the
27 transmissions were not made available for recording or rebroadcast. Docket ##115, 116.

1 In its Final Pretrial Scheduling Order of February 19, 2009, this Court ruled that on
2 March 2, 2009, it would “provide a questionnaire to be completed by the full panel of time-
3 qualified jurors.” Docket #136 at ¶ 3. Copies of the completed questionnaires would be
4 provided to counsel the same day. *Id.* Oral voir dire in the courtroom would commence the
5 following day. *Id.* “All completed questionnaires will be filed and retained under seal.” *Id.*

6 On February 26, 2009, nine media groups consisting of The Associated Press, ESPN,
7 Hearst Corporation, The New York Times Company, KNTV Television, Inc., NBC Subsidiary
8 (KNBC-TV), Inc., Los Angeles Times Communications, LLC, Sports Illustrated (a division of
9 Time, Inc.), and Medianews Groups (publishers of the San Jose Mercury News, Contra Costa
10 Times, and Oakland Tribune), collectively known as Press Organizations, filed a motion to
11 vacate the Court’s order regarding the sealing of the completed jury questionnaires, and for
12 “immediate and concurrent access to the completed questionnaires.” Docket ## 154, 151.

13 By letter dated February 10, 2011, the Press Organizations asked that its motion be
14 entertained, and cited two additional cases decided in 2009 and 2010.

15 On February 19, 2011, this Court asked the parties to make recommendations with
16 respect to the Press Organizations’ motion.

17 The parties have not yet filed a final proposed jury questionnaire, but a version of the
18 most recent draft is attached as Exh. A.

19 ARGUMENT

20 I. Overview of law on First Amendment right of public access to *voir dire*

21 A. Presumption of open access can be overcome by conflicting compelling 22 interest

23 Emphasizing that “the right of everyone in the community to attend the *voir dire* which
24 promotes fairness” is “difficult to separate” from “the primacy of the accused’s right” to “a fair
25 trial,” the Supreme Court held in *Press-Enterprise Co. v. Superior Court of California, Riverside*
26 *County*, 464 U.S. 501, 508, 510 (1984), that there is therefore a “presumption of openness” to
27 jury selection. This presumption is premised on the “view of human nature, true as a general
28 rule, that judges, lawyers, witnesses, and jurors will perform their respective functions more

1 responsibly in open court than in secret proceedings.” *Waller v. Georgia*, 467 U.S. 39, 46 n.4
2 (1984) (internal citation and quotation omitted). The Supreme Court has not decided, and there
3 is no federal consensus, on whether the presumption of openness extends to juror names or jury
4 questionnaires, and to what extent. *See United States v. Blagojevich*, 614 F.3d 287, 295-97 (7th
5 Cir. 2010) (Posner, J., dissenting from denial of r’hg en banc) (stating that panel improperly
6 found that federal common law and statutes create a presumptive right of public access to jurors’
7 names before verdict, and that there is no First Amendment right of public access to jurors’
8 names during trial); *United States v. Wecht*, 537 F.3d 222, 251-70 (3d Cir. 2008) (Van
9 Antwerpen, J., dissenting in part) (disagreeing with majority’s decision that First Amendment’s
10 requirement of public access to criminal trial *voir dire* includes right to know names of
11 prospective and trial jurors prior to impanelment of trial jury).

12 But where there is a presumption of openness, it may be overcome in “some limited
13 circumstances,” when “necessitated by a compelling governmental interest, and . . . narrowly
14 tailored to serve that interest.” *Press-Enterprise Co.*, 464 U.S. at 509-11. For example, a trial
15 judge may “impose reasonable limitations on access to a trial” if it finds that, rather than
16 promoting a fair trial, the specific circumstances of the case mean that open proceedings would
17 in fact interfere with the responsible performance of duty by judge, court staff, counsel, and
18 jurors in a defendant’s trial. *Id.* at 511 n.10 (internal quotations and citation omitted); *see*
19 *Presley*, 130 S. Ct. at 724 (explaining that presumption of openness may ““give way”” to
20 ““defendant’s right to a fair trial or the government’s interest in inhibiting disclosure of sensitive
21 information”” (quoting *Waller*, 467 U.S. at 45).

22 **B. To overcome presumption of open access, this Court must make specific**
23 **findings to support a narrowly-tailored limitation**

24 Procedurally, a trial court must (1) find that there is a compelling government interest that
25 is “likely to be prejudiced” by public access to a criminal trial; (2) find that the limitation to that
26 public access “is no broader than necessary”; (3) in determining that the limitation is no broader
27 than necessary, the trial court must specifically “consider reasonable alternatives”; and (4) “make
28

1 findings adequate to support the limitation.” *See United States v. King*, 140 F.3d 76, 81 (2d Cir.
2 1998) (citing *Waller*, 467 U.S. at 48).

3 Cases that have reversed a trial court’s limitations on public access have generally been
4 based on the trial court’s failure to consider alternatives or make specific findings to justify its
5 limitation. In *Press-Enterprise*, the Supreme Court faulted the judge for failing to “articulate
6 findings with the requisite specificity” but also for “failing to consider alternatives to closure and
7 to total suppression of the transcript.” 464 U.S. at 513. In *United States v. Blagojevich*, 612 F.3d
8 558, 559, 563 (7th Cir. 2010), *reh’g en banc denied*, 614 F.3d 287 (with four judges dissenting
9 because “there is no good argument for releasing the jurors’ names before the trial ends” given
10 “the extremely high profile of this case nationwide as well as in Illinois”), the Seventh Circuit
11 remanded the district court’s order deferring disclosure of juror names until the end of trial so
12 that the parties could “present evidence” and the court could make “findings of fact” to overcome
13 the presumption in favor of disclosure. In *Wecht*, 537 F.3d at 240, the Third Circuit faulted the
14 district court for failing to establish that there was “anything unusual about this case, aside from a
15 locally prominent defendant,” to justify its decision to empanel an anonymous jury. In *Stephens*
16 *Media, LLC v. Eighth Judicial District Court of State of Nevada*, 221 P.3d 1240, 1250-51 (Nev.
17 2009), the Supreme Court of Nevada directed the district court to make “specific findings to
18 support its denial of access to juror questionnaires,” and noted its failure to “discuss alternatives
19 to closure.”

20 The Supreme Court of Nevada explicitly distinguished *Stephens Media, LLC* from *King*.
21 *Id.* at 1251. In *King*, the Second Circuit held that the district court (Hon. Lawrence M.
22 McKenna) properly restricted the public’s access to jury questionnaires and oral *voir dire* in light
23 of substantial publicity concerning the re-trial of defendant, boxing promoter Don King. 140
24 F.3d at 76, 78, 80, 82. The district court made “explicit findings,” in part based on the first trial,
25 ““that candor on the part of prospective jurors is of particularly great importance in this case,””
26 and (2) ““that, absent a degree of juror privacy, such candor is likely to be restricted.”” *Id.* at 79,
27 82. Further, the judge found that if prospective jurors were ““aware that their views will be
28

1 publicly disseminated in the next day's newspapers or radio or television broadcasts," they
2 would "be under pressure not to express unpopular opinions relevant to their choice as trial
3 jurors." *Id.* at 79.

4 In *King*, the district court's findings were supported by several "subsidiary findings"
5 supported by specific examples and data concerning press about the defendant: (1) the defendant
6 was extremely controversial, "a fact abundantly supported by the record"; (2) the defendant had
7 been subjected to a very substantial amount of publicity, a large proportion of which was
8 negative, also "abundantly supported by the record," which included specific newspaper articles;
9 (3) based on the *voir dire* in the first trial, it was likely that a number of prospective jurors would
10 have strong views about the defendant; (4) knowledge that their answers on *voir dire* might be
11 reported in the press might so inhibit or chill truthful responses that the defendant would be
12 denied the fair trial to which he was entitled; and (5) given the vast amount of publicity, "the
13 usual instruction to members of the venire not to read press reports of the trial, including jury
14 selection, cannot be relied on to avoid inhibiting candor because the jurors might be told of press
15 accounts of their responses by others, before they could prevent such communication," and fear
16 of adverse reactions from friends, employers, and others might also stifle jurors from giving
17 candid views. *Id.* at 79-80.

18 Based on its findings, the district court in *King* crafted limited restraints on disclosure to
19 address its concern about jury candor and compliance with instructions. *Id.* at 80. First, the press
20 could access the uncompleted questionnaire form, but not completed questionnaires until the jury
21 had been impaneled. *Id.* Second, individual follow-up questioning of follow-up jurors would be
22 conducted out of the presence of the public and press, and each juror would have the opportunity
23 to request that because his or her answer touched on deeply personal matters he or she had
24 legitimate reasons for keeping out of the public domain, that information be redacted from the
25 transcript, which would be available to the public and press once the jury had been impaneled.

26 *Id.*

27 //

1 Further, the district court adopted these limitations “only after considering various
2 alternatives, rejecting both more extensive steps suggested by the defendants as too burdensome
3 upon a right of public access and less extensive steps suggested by the press as inadequate to
4 protect the defendant’s right to a fair trial.” *Id.* at 82. The alternatives the judge considered and
5 rejected included juror anonymity, redaction of names from completed questionnaires, and also
6 increasing or decreasing the amount of time the public and press would be walled off from
7 information. *Id.*

8 The findings necessary to sustain a limitation on the public’s and press’s access to a
9 criminal trial, including *voir dire* proceedings and juror information, are also exemplified by the
10 district court’s actions upon remand in *Blagojevich*, the trial concerning controversial former
11 governor and celebrity Rod Blagojevich. *See* Exh. B. The district court (Hon. James B. Zagel)
12 in that case held an evidentiary hearing, and four days later, issued a comprehensive
13 memorandum opinion and order citing numerous examples of press coverage, *id.* at 4, the judge’s
14 own experience receiving unsolicited communications from opinionated members of the public,
15 *id.* at 5-7, examples of individuals viewing this case as “an opportunity to be noticed,” *id.* at 7,
16 and a sampling of cases in which jurors were exposed to unsolicited outside influence (including
17 “jurors receiving letters and threatening phone calls, and being followed and confronted by
18 strangers (both out in public and, in one case, outside a juror’s home),” *id.*

19 Further, the district court analyzed various other alternatives to deferring disclosure of
20 juror names until after trial. *Id.* at 20. While instructing jurors not to answer calls or open letters
21 might help to reduce the potential for receiving unsolicited contact, it would make life
22 unnecessarily difficult for jurors, fail to address the peculiar difficulties of avoiding press
23 coverage on the case when the press is specifically about the juror, and fail to address the
24 concerns about inhibitions on jury candor. *Id.* at 20-21. The district court also rejected
25 sequestration as unduly burdensome and inappropriate in the context of the *Blagojevich* case. *Id.*
26 at 22-23.

27 //

1 **II. The United States's recommendation**

2 **A. Compelling interests warrant limited limitations on public access**

3 **1. Juror candor**

4 The United States believes that as in *King* and *Blagojevich*, juror candor would be
5 significantly inhibited by full and concurrent access to *voir dire* proceedings and jury information
6 prior to the end of the trial.

7 The defendant in this case is baseball's "home run king," perhaps the best known baseball
8 player of the last fifteen years, in a sport with worldwide popularity. *See* Exh. C. He was a
9 member of the San Francisco Giants, whose ticket sales are about 25% ahead of last year, in part
10 due to its historic win of the 2010 World Series championship. *See* Exh. D. Hundreds of
11 thousands of people showed up on a work day, to attend the November 3, 2010 parade
12 celebrating the Giants. *See* Exh. E. Recently, 40,000 people showed up prior to Spring Training
13 to celebrate the Giants. *See* Exh. D. The defendant is also highly controversial, and the subject
14 of significant press accounts, including positive and negative editorializing. *See* Exh. F.

15 Intense media interest and scrutiny is focused on this case. *See* Exh. G. In just the past
16 month, thousands of articles have been published about his case. *See id.* According to Google
17 News, approximately 350 sources covered the story of the defendant's third superseding
18 indictment. *See id.* at 4 (see graph). These sources include well-known national and local media,
19 as well as Internet sites and blogs with an international presence. *See id.*

20 Particularly given the ease, speed, and unlimited reach with which information can be
21 disseminated – never to be erased – using the Internet, and this courthouse's infrastructure
22 enabling use of wireless mobile devices, *see* <http://www.cand.uscourts.gov/pages/700>, there is a
23 heightened risk that information about and opinions of jurors will be publicly disseminated.
24 Knowing that he or she would be exposed in such a manner and vulnerable to cyber-bullying or
25 other electronic contact could cause a reasonable person to shy away from jury service in this
26 case, and to avoid being fully candid during the *voir dire* process. Indeed, knowledge that he or
27 she could be thrust into the international spotlight for his or her role as a juror in this case would
28

1 tend to skew the jury towards individuals who have a desire to profit from association with a
2 celebrity-case, rather than individuals who are willing to perform jury service and dutifully apply
3 the law to evidence. This would severely hamper this Court's ability to select a fair and impartial
4 jury, which is critical to the defendant's right to a fair trial. See Abraham S. Goldstein, *Jury*
5 *Secrecy and the Media: The Problem of Postverdict Interviews*, 1993 U. Ill. L. Rev. 295; Nancy
6 J. King, *Nameless Justice: The Case for the Routine Use of Anonymous Juries in Criminal*
7 *Trials*, 49 Vand. L. Rev. 123, 129 (1996); Kenneth J. Melilli, *Disclosure of Juror Identities to*
8 *the Press: Who Will Speak for the Jurors?*, 8 Cardozo Pub. L. Policy & Ethics J. 1 (2009);
9 Kenneth B. Nunn, *When Juries Meet the Press: Rethinking the Jury's Representative Function in*
10 *Highly Publicized Cases*, 22 Hastings Const'l L. Q. 405, 429-34 (1995); David Weinstein,
11 *Protecting a Juror's Right to Privacy: Constitutional Constraints and Policy Options*, 70 Temple
12 L. Rev. 1, 2-3 (1997).

13 2. Juror privacy and freedom from harassment

14 The United States believes that jury privacy and freedom from harassment are also
15 compelling interests that necessitate some limitation on the public's and press's access to juror
16 information. See *Press-Enterprise Co.*, 464 U.S. at 511-12 (noting that prospective juror's
17 "compelling interest" in keeping "deeply personal matters" out of public domain may justify
18 some restrictions).

19 Although evidence "about jury experiences or behavior in similar trials would be difficult
20 to obtain, especially since electronic harassment is a relatively new phenomenon of which little
21 empirical evidence may yet exist," in other high profile cases, the media have shown an interest
22 in making the identities of jurors public. *Blagojevich*, 614 F.3d at 289 (Posner, J., dissenting
23 from denial of r'hg en banc) (listing sample of articles published on identity of jurors in
24 Blagojevich trial). But as the sampling below shows, contact by press and public of venire
25 members during jury selection or trial is not a speculative concern:

26 (1) Tyco Mistrial (*People v. Kozlowski*, New York, 2004). After a juror's identity
27 was published during deliberations, the juror received a letter pressuring her to convict, leading
28

1 the judge to declare mistrial. See [http://www.nytimes.com/2004/04/03/business/tyco-mistrial-](http://www.nytimes.com/2004/04/03/business/tyco-mistrial-overview-tyco-trial-ended-juror-cites-outside-pressure.html)
2 [overview-tyco-trial-ended-juror-cites-outside-pressure.html](http://www.nytimes.com/2004/04/03/business/tyco-mistrial-overview-tyco-trial-ended-juror-cites-outside-pressure.html).

3 (2) *United States v. Jackson*, 209 F.3d 1103, 1107-08 (9th Cir. 2000). During jury
4 deliberations, a juror received a threatening phone call from an unidentified person. Although
5 the juror initially denied that he believed the call was related to the trial, he told the defendant's
6 investigator after trial that he believed the call was an attempt to hang the jury.

7 (3) *State v. Bisaccia*, 319 N.J. Super. 1, 7-9 (N.J. Super. A.D. 1999). Shortly before
8 closing argument, a juror notified the court that jurors regularly discussed newspaper reports
9 about the trial. Another juror's car was shot at during trial. Two other jurors were concerned
10 about being followed by a man who was always in the courtroom, who had approached one of
11 the jurors in the car wash and asked was "this your kid."

12 (4) *United States v. Sylvester*, 143 F.3d 923, 930-32 (5th Cir. 1998). There were three
13 separate instances of potential jury tampering, including phone calls to two jurors (one followed
14 by the attempted delivery of a mysterious package), and an in-person incident in which an
15 individual told a juror to "take it easy" on the defendants.

16 (5) *United States v. Ruggiero*, 928 F.2d 1289, 1292, 1294-96, 1299-1300 (2d Cir.
17 1991). A neighbor of a juror received an anonymous note stating that he should not serve on the
18 jury. Further, that juror was confronted in his driveway late at night by two men who addressed
19 him as being on the trial on the eve of deliberations and jury sequestration. The juror became
20 fearful and refused to vote during deliberations. After receiving an *Allen* charge, the juror sent a
21 note to the judge expressing worry that his residence was known and for his family.

22 (6) *Gannett Co. v. State*, 571 A.2d 735, 737-38 (Del. 1990). The Court upheld an
23 order restricting access to juror names and notes in a serial murder trial, where, in a recent child-
24 murder case, a local newspaper published an article in the midst of trial highlighting the names
25 and giving unflattering, detailed profiles of individual jurors, and a television crew followed
26 some jurors to lunch and attempted to film them eating.

27 \\
28

1 (7) *United States v. McAnderson*, 914 F.2d 934, 943-44 (7th Cir. 1990). Four jurors
2 received threatening calls during trial, as well as a fifth juror who had heard about the threatening
3 calls, and were genuinely fearful. All five were dismissed.

4 (8) *Stockton v. Virginia*, 852 F.2d 740, 743 (4th Cir. 1988). Jurors lunching at a diner
5 on the day they deliberated the defendant's sentence in a capital case were approached by a man
6 who asked them about the progress of their deliberations and advised them to "fry that son of a
7 bitch."

8 3. Juror ability to follow instructions to refrain from communications 9 about the case

10 As the Ninth Circuit Model Jury Instruction 1.8 provides, and as contemplated by the
11 parties' discussions pertaining to language regarding social networking sites in the jury
12 questionnaire, the jury should be instructed not to communicate with anyone in any way, or to
13 allow anyone to communication with them, about the merits of the case. This includes any
14 external information, whether "in person, in writing, by phone or electronic means, via email,
15 text messaging, or any Internet chat room, blog, website or other feature." For the reasons
16 articulated by the district court in *Blagojevich*, Exh. B at 20-21, the United States believes that
17 the jury's ability to adhere to these instructions will be significantly impaired without some
18 limitation on the public's and press's access to juror information.

19 Members of the press obviously are not bound by the limitations imposed on the jurors
20 and the possibility that the media will confront members of the jury is unacceptably high.

21 B. Suggested narrowly-tailored limitations to balance the compelling interests in 22 juror candor, privacy, and ability to follow instructions, against right of 23 public access

24 1. Jury questionnaires

25 The United States recommends that prospective jurors be informed that they have the
26 option of having identifying information redacted from questionnaires, which are otherwise
27 public records. *See Copley Press Inc. v. San Diego County Superior Court*, 228 Cal. App. 3d 77,
28 87 (Cal. 1991). The redactable information would consist of information that would permit the
media or other individuals to identify, approach, harass, or influence any potential or empaneled

1 juror, including:

- 2 - Name
- 3 - Place of birth
- 4 - Employer (#5)
- 5 - Employer of adult with whom potential juror shares a household (#8)
- 6 - Names of relatives and personal friends who are judges or attorneys or court personnel
- 7 (#14)

8 - Name and signature on declaration that answers are answered under penalty of perjury

9 Such redactions should be permanent for any members who are not ultimately impaneled.

10 The names of the jurors who ultimately decide the merits of the case shall be un-redacted at the
11 end of trial. All other redactions should be permanent.

12 Prospective jurors should also be informed that if they have concerns about providing
13 information they believe is sensitive or private, they may provide that information during oral
14 *voir dire* out of the hearing of other prospective jurors and public, and the Court will make a
15 particularized and individual determination of whether their answers should be redacted from the
16 transcript, which will be accessible to the public and press when produced. *See Bellas v.*
17 *Superior Court of Alameda Cty.*, 85 Cal. App. 4th 636, 639 (Cal. 2000).

18 Only juror questionnaires for prospective jurors actually called to the jury box will be
19 publicly available, and this shall not be done before the Court takes peremptory challenges. *See*
20 *Leshar Communications, Inc. v. Superior Court*, 224 Cal. App. 3d 774, 779 (Cal. 1990)
21 (assuming that jury questionnaires play no role until prospective juror is actually called to jury
22 box).

23 2. Oral *voir dire*

24 The United States recommends that during oral *voir dire*, (1) potential jurors be
25 referenced by juror number and not by name, with the instruction that this is only to protect their
26 privacy and should not be taken as a sign that service would be dangerous in any way, *see State*
27 *v. Ross*, 174 P.3d 628, 638 (Utah 2007); (2) potential jurors be notified that if they have

28

1 information that they believe is sensitive or private, they may request to speak out of the hearing
2 of the other prospective jurors and public, and that the Court will determine whether their
3 answers should be redacted from the transcript, which will be immediately accessible to the
4 public and press; (3) a live video-feed, not to be recorded or broadcast, of proceedings to an
5 overflow courtroom be provided to accommodate public and press interest in the proceedings; (4)
6 four seats in the first row of the gallery, in full sight of this Court, be reserved in the courtroom
7 so two members of the press and two members of the public may observe proceedings live; (5)
8 members of the press and public be instructed not to approach or speak to potential jurors.

9 3. Trial

10 The United States recommends that (1) jurors be referenced by juror number and not by
11 name until 9 a.m. the morning after they have been dismissed from jury service at the end of trial,
12 at which point the names of jurors may be disclosed; (2) a live video-feed, not to be recorded or
13 broadcast, of proceedings to an overflow courtroom be provided to accommodate public and
14 press interest in the proceedings; (3) two rows be reserved for members of the press; and (4) this
15 Court issue a decorum order addressing the parties, counsel, witnesses, jurors, court staff, media,
16 and observers of the trial.

17 The decorum order should order:

18 - all attorneys associated with the case, including Michael Rains, to refrain from
19 communications that are likely to be disseminated unless in compliance with California Rule of
20 Professional Conduct 5-120(A) (2011), which states: "A member [of the bar] who is participating
21 or has participated in the investigation or litigation of a matter shall not make an extrajudicial
22 statement that a reasonable person would expect to be disseminated by means of public
23 communication if the member knows or reasonably should know that it will have a substantial
24 likelihood of materially prejudicing an adjudicative proceeding in the matter." *See People v.*
25 *Kelly*, 397 Ill. App. 3d 232, 240-41, 267-70 (1 Dist. 2009) (upholding order restricting
26 dissemination of evidence not admitted at trial in child pornography trial of prominent entertainer

27 //

1 where trial court found this necessary to protect jury from exposure to inadmissible or highly
2 prejudicial evidence, in light of non-speculative widespread publicity in case).

3 - members of the media and public to refrain from approaching the defendant, counsel,
4 witnesses, or jurors inside the courthouse. *See United States v. Mitchell*, – F. Supp. 2d –, 2010
5 WL 3222416, at *4 (D. Utah 2010).

6 - any party, counsel, representative of the media, or member of the public to refrain from
7 approaching, following, photographing, contacting, communicating with, or publishing
8 information about any juror or prospective juror prior to the end of trial/dismissal of the jury.

9 **C. Alternative limitations**

10 In considering whether to adopt the limitations suggested by the United States, the
11 government respectfully suggests that this Court consider various alternatives and their ability to
12 address the concerns of juror candor, privacy, harassment, and ability to follow instructions to
13 shield themselves from extrajudicial opinions and information on the case. Among those
14 alternatives:

- 15 - Sealing the entirety of the jury questionnaires
- 16 - Sealing jury questionnaires permanently
- 17 - Sealing jury questionnaires until the verdict is rendered and the jury dismissed
- 18 - Sealing jury questionnaires until a jury is impaneled
- 19 - Sealing only jury questionnaires for prospective jurors who are not impaneled
- 20 - Publicly releasing impaneled juror questionnaires at the end of trial, with juror names

21 and address redacted

- 22 - Avoiding the use of jury questionnaires altogether
- 23 - Disclosing impaneled juror names once the jurors have been impaneled
- 24 - Sequestration of jurors
- 25 - Requiring jurors to abstain from accessing computers or phones once *voir dire* begins,
- 26 until they have been dismissed

27 //

Exhibit A

DRAFT

Juror No. _____

United States v. Barry Lamar Bonds
Juror Questionnaire

The indictment charges defendant Barry Bonds with four counts of giving a false declaration in violation of 18 U.S.C. § 1623(a), and one count of obstruction of justice, in violation of 18 U.S.C. § 1503. The indictment is not evidence. The indictment is simply the document used to advise a defendant of the accusations against him. The defendant has pleaded not guilty to all the charges.

Instructions

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in the case of United States v. Barry Lamar Bonds. The purpose of these questions is not to ask unnecessarily about personal matters. It is simply to determine whether a prospective juror can decide the case fairly and impartially.

Please do not discuss the questionnaire or your answers with anyone. It is very important that the answers be yours and yours alone. Remember that there are no "right" or "wrong" answers; only truthful answers. Because this questionnaire is part of the jury selection process, it is to be answered under oath. You are sworn to give true and complete answers to all questions.

Please print your answers and use ink to ensure legibility. Please write your assigned juror number on the first page. Do not write on the back of any page. If you require additional space for any of your answers or wish to make further comments, please use the explanation sheets attached to the end of this questionnaire.

Thank you for your cooperation.

Name: _____ Juror Number: _____

City or Community: _____ Age: _____ Gender: _____

Do you rent or own your residence? Own Rent Neither (live with family)

How long have you been at this residence? _____

PLACE OF BIRTH: _____

1. What is your marital status?

- Single and never married Married for _____ years Separated
- Divorced, not remarried Divorced, now remarried
- Widowed, not remarried Widowed, now remarried
- Single but living with non-marital partner for _____ years

2. What is the highest level of education you have completed?

- Grammar school Junior high Some high school High school diploma
- Trade or technical school Subject studied: _____
- _____
- Some college Major/Degree: _____ School attended: _____
- College degree Major: _____ School attended: _____
- Graduate school Major/Degree: _____
- School attended: _____

If you plan to attend or are currently attending school, please describe:

If you have taken any courses or had any training in law or a related subject, please describe:

3. Is English your first or native language? Yes No

If no, what language is your first or native language? _____

How well do you understand written English? Very well Well Not very well Poorly

How well do you understand spoken English? Very well Well Not very well Poorly

4. What is your current job status?

- Working full-time Working part-time Retired Disabled
 Unemployed Homemaker Student

How long has this been your job status? _____

5. What is your current or most recent job? (Please state if you are retired, a homemaker, unemployed, disabled, or a student. If so, describe your previous occupation or your most recent job):

Employer: _____

Job title: _____

6. What are your specific duties and responsibilities on the job:

7. Does your job involve supervising other people? Yes No

If yes, approximately how many? _____

What other full-time employment have you had over your working life?

8. If married, or sharing a household with another adult, please describe that person's job. (Please state if they are retired, a homemaker who does not work outside the home, unemployed, disabled, or a student. If so, describe their previous occupation or most recent job):

Employer: _____

Job title: _____

Please describe their job duties: _____

How long have they had (or did they have) this job? _____ years

9. Do you have any children? Yes No

IF YES, please indicate age, education and occupation of your children.

AGE

EDUCATION

OCCUPATION

10. Please list any organizations, civic clubs, societies, professional associations, recreational groups, or clubs that you have belonged to within the last 5 years.

11. Do you hold a leadership position in any of the groups or organizations you belong to?

Yes No

IF YES, what? _____

12. Have you ever previously served on a jury? Yes No

If yes, how many were criminal trials? _____

How many were civil trials? _____

IF YES, did you serve as a foreperson? Yes No

Without indicating what the verdict was, did the jury reach a verdict in all the cases?

Yes No

Please explain how you felt about your prior jury experience.:

13. If you have been to court for any reason other than divorce, please explain:

14. If you have relatives or close personal friends who are judges or attorneys or court personnel, what are their name and relationship to you?

15. Please describe any problem (vision, hearing or other medical problems) that may affect your jury service:

16. Have you ever served in the military?

Yes, currently Yes, but not currently No

17. Have you, a family member or close friend ever considered working in law enforcement?

Yes No IF YES, who? _____

IF YES, please explain: _____

18. Have you, or any family member or close friend, ever been employed by any of the following?

(a) Federal, State or County Prosecutors' Offices Yes No

(b) Federal or State Correctional agencies such as a prison, jail or probation or parole office? Yes No

(c) Any Federal law enforcement or investigative agency (examples of which are FBI, DEA, BATF, CIA, Customs, Immigration, Secret Service, etc.) Yes No

(d) Any state law enforcement agency (examples of which are local police departments; sheriffs, highway patrol, etc.) Yes No

(e) Public Defender or AID organization Yes No

(f) Law office or law firm? Yes No

19. If you answer to any of the above is yes, please explain which agency/office, the dates and describe the employment:

20. Have you ever had to appear in court or in any court proceeding in a case as a plaintiff, defendant, victim, or witness for any reason other than that stated above?

- Plaintiff Defendant Victim Witness No

IF YES, please state when and explain why you appeared in court:

21. Have you, an immediate family member or close personal friend ever suffered from a substance abuse problem?

- Yes No

If yes, would that experience make it difficult for you to serve as an impartial juror in this case?

22. Have you ever been a party to a lawsuit, whether civil or criminal? Yes No

IF YES, what was the nature of the case? _____

23. Have you ever had your deposition taken? Yes No

IF YES, what was the nature of the case? _____

24. Have you or has anyone close to you, ever been asked to testify in court as an expert witness, or as a witness with special knowledge or training? Yes No

IF YES, please describe: _____

25. Have you, or has someone close to you, ever been the victim of a crime? Yes No

IF YES, please describe the crime(s): _____

Was anyone arrested? Yes No

IF YES, there was an arrest, what was the outcome? _____

IF there was a trial, did you testify? Yes No

Were you satisfied with the way law enforcement handled the matter? Yes No

Why or why not? _____

26. Have you, or has anyone close to you, been strongly affected by a crime, either growing up or as an adult? Yes No

IF YES, please describe the circumstances: _____

27. Have you, a family member or close friend ever been accused of or convicted of a crime?

Yes No

IF YES, please describe: _____

Were you satisfied with the way law enforcement handled the matter?

Yes No

Why or why not? _____

Do you feel you were treated well by your own attorney(s)? Yes No

Please describe: _____

28. How often do you get your news from:

- | | | | | |
|-------------|--------------------------------|----------------------------------|---------------------------------|--------------------------------|
| Newspapers | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |
| Magazines | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |
| Radio | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |
| Television | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |
| Internet | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |
| Other _____ | <input type="checkbox"/> Never | <input type="checkbox"/> Monthly | <input type="checkbox"/> Weekly | <input type="checkbox"/> Daily |

29. Please list newspapers and/or magazines that you read regularly:

30. How often do you read either in print or on-line any of these publications, if at all?

- | | | | | | |
|-------------------------|--------------------------------|-----------------------------------|------------------------------------|--------------------------------|------------------------------------|
| San Francisco Chronicle | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| SF Gate | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| San Francisco Examiner | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| Sports Illustrated | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| ESPN Magazine | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| Sporting News | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |
| Yahoo! Sports | <input type="checkbox"/> Never | <input type="checkbox"/> A little | <input type="checkbox"/> Sometimes | <input type="checkbox"/> A lot | <input type="checkbox"/> Every day |

31. How often do you use the Internet?

- Never A little Sometimes A lot Every day

What sort of things do you use the Internet for? _____

What sort of information do you obtain from the Internet? _____

Which web sites do you visit regularly? _____

32. Do you like to "blog" or read blogs on the Internet? Yes No

IF YES, which blogs do you visit? _____

33. Do write your own blog or post comments on other blogs? Yes No

IF YES, what is the name of your blog or what blogs do you post comments to?

34. Have you ever followed any trials closely on TV, the radio, or in the news?

Yes No

IF YES, which trials: _____

35. Have you or an immediate family member ever participated in organized sports?

Yes No

IF YES, please explain, including level (i.e. high school, college, Division I, II or III, professional)

36. Have you or an immediate family member ever coached an organized sport?

Yes No

IF YES, please explain, including level (i.e. high school, college, Division I, II or III, professional)

37. Generally, how closely do you follow sports news? (**Check only one**)

Never A little Sometimes A lot Every day

38. What is your main source of sports news? (**Check only one**)

Television Radio
 Newspaper Friends/Family/Coworkers
 Magazine Internet

39. Are you a fan of professional baseball? Yes No

40. Have you attended a professional baseball game in the past five years? Yes No

IF YES, how many games have you attended in the past five years? _____

41. Have you attended a San Francisco Giants' game in the past five years? Yes No

If yes, how many games have you attended in the past five years? _____

42. Have you heard, read or seen anything about other cases concerning accusations of steroid use by athletes?

Yes No

IF YES, please explain: _____

43. Are you familiar with recent investigation and charges concerning the Bay Area Laboratory Co-Operative's (BALCO) involvement with steroids or performance enhancing drugs?

Yes No

IF YES, please describe what have you seen, read or heard: _____

44. Have you heard, read or seen anything about the Mitchell Report?

Yes No

IF YES, please describe what have you seen, read or heard: _____

45. Have you heard, read or seen anything about the Congressional hearings regarding steroid use in Major League Baseball (MLB)?

Yes No

IF YES, please describe what have you seen, read or heard: _____

IF YES, what was your opinion of these hearings?

Positive Neutral Negative

PLEASE EXPLAIN your answer: _____

How strongly do you agree with the following statements:

46. Governmental agencies should be involved with professional sports and their governing of steroid use.

Disagree strongly Disagree Neither Agree Agree strongly

47. Reports about this case have appeared in the news. Have you seen, heard or read anything about this case? (This includes not only anything you may have seen or read in the media, but also anything you might have heard from relatives, friends or coworkers.)

Yes No

IF YES, please indicate where you heard or read about this case by checking **all that apply**:

TV News Radio News Newspaper Magazines Books, including "Game of Shadows" Internet On-Line Conversations Overheard others discussing the case

48. How would you describe the amount of news coverage you have seen about this case:

None A little Some A lot

49. Describe what you recall hearing about this case:

50. Do you have a favorable or unfavorable opinion of Barry Bonds?

Favorable Unfavorable No Opinion

51. Have you formed any opinions about this case? If so, please describe.

52. Is there anything that you have heard about this case that you feel would make it hard for you to be a juror in this case? Yes No

IF YES, please explain: _____

53. In general, would you view the evidence presented by the defense differently than you would the evidence presented by the prosecution? Yes No

IF YES how?

54. Do you have any ethical, religious, or political views or beliefs that may affect your service as a juror in this case? Yes No

If so, please describe _____

55. Under the law, the facts at issue in the trial are for the jury to determine. The law applicable to the charges in the case is something on which the court will instruct you. You are required to accept the law as the judge explains it to you regardless of any opinions you might have as to what the law is or should be. Would you have any difficulty following that instruction?

Yes No

IF YES, explain why: _____

56. Some witnesses in this case may be law enforcement officers and government officials. The credibility of these witnesses is to be judged by the same standards as any other witness. Their testimony is not entitled to any greater or lesser weight simply because they are involved in law enforcement. Would you have any difficulty following this rule?

Yes No

IF YES, explain why: _____

57. Under the law, a defendant need not testify or produce any evidence. The burden of proof is always on the government. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision. Would you have any difficulty following this rule?

Yes No

IF YES, explain why: _____

58. Every defendant is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence in the case decides that his guilt has been proved beyond a reasonable doubt. Would you have any difficulty following this rule?

Yes No

IF YES, explain why: _____

59. The jurors in this case will be required to take an oath that they will decide the facts in this case according to the evidence and the law as the judge gives it to you, and that they will do so without fear or favor to any person. Is there anything about this case that may prevent you from following that oath?

Yes No

60. If you are selected as a juror and hear this case, you will be required to deliberate with other jurors. This will required you to discuss the evidence and the law in this case with the other jurors. Do you anticipate that you will have difficulties engaging in such group discussions?

Yes No

IF YES, explain why: _____

61. Is there any matter that you should call to the court's attention that may have any bearing on your qualifications to serve as a juror, or that may affect your ability to render an impartial verdict based solely on the evidence and the court's instructions on the law?

Yes No

IF YES, explain why: _____

62. Can you think of any reason that would prevent you from being a fair and impartial juror in this case? _____

63. Attached is a list of law firms representing the parties in this case, organizations involved in this case, attorneys in this case, and persons who are potential witnesses in this case. If you know, or think you know, any of the persons or persons in the organizations listed, please circle any name that is familiar to you.

United States Attorney's Office
Federal Bureau of Investigation
Riordan & Horgan
Rains, Lucia & Wilkinson LLP

Internal Revenue Service
Arguedas, Cassman & Headley LLP
Law Offices of Allen Ruby

J. Douglas Wilson	Jeff Novitzky	Jeffrey Nedrow
Matthew Parrella	Jeffrey Finigan	Ross Nadel
Barry Bonds	Cris Arguedas	Allen Ruby
Ted Cassman	Michael Anderson	Dennis Riordan
Donald Horgan	Michael Rains	Kimberly Bell
Marvin Benard	Wendy Bergland	Dr. Don Catlin
Stan Conte	Bobby Estalella	Ana Geter
Jason Giambi	Jeremy Giambi	Kathy Hoskins
Steve Hoskins	Larry Izzo	Dr. Jean Joseph
Dale Kennedy	Amjad Qaqish	Armando Rios
Dr. Barry Sample	Benito Santiago	Dr. Arthur Ting
Jim Valente	Randy Velarde	Mike Wilson
Greg Anderson	Melissa Duncan	Brian Bishop
Borislav Starcevic	Yvonne Chambers	Todd McGauley
Stephen Kauffman	Brian Aherns	Dr. Brian Goldman
Harvey Shields	Mark Letendre	Dr. David Black
Dr. Ronald Swerdloff	Ken Bonano	Erwin Rogers
Jon Colombet	Ed Barberini	Christopher Fuelling
Brian Cook	Heather Young	Anthony Montero
Douglass Doss	John Posusney	Steve Coffin
Vincent Browning	Gregory Jenkins	

If you circled any of these names or organizations, please explain how that person is familiar to you:

I, (insert name) _____, understand that I have been ordered by the Court to refrain from disseminating or obtaining information about Barry Bonds, the Bonds trial, the court, any of the parties, attorneys, or witnesses, to or from any source outside the courtroom from this day until the end of the trial. This order prohibits me from disseminating or obtaining information about Barry Bonds, the Bonds trial, the court, any of the parties, attorneys, or witnesses by way of the internet, newspaper, television, personal conversation, social networking sites, or supplying or gaining information to or from any source outside of the courtroom. This order is necessary in order to protect the right of both sides to have a fair trial based on evidence introduced in a court of law.

I further understand that if I were to violate this order I could be held in contempt of court which is punishable by jail and/or monetary fine.

I, (insert name) _____, declare under penalty of perjury that the answers set forth in the above Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing the questionnaire.

Dated: _____

Signature _____

Exhibit B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROD BLAGOJEVICH and
ROBERT BLAGOJEVICH,

Defendants.

No. 08 CR 888 -1, 6
Judge James B. Zagel

MEMORANDUM OPINION AND ORDER

I. BACKGROUND

This order involves a motion to intervene filed in the ongoing criminal proceeding against former Illinois governor Rod Blagojevich and his brother Robert Blagojevich.

On June 1, 2010, Chicago Tribune Company, New York Times Company, Illinois Press Association, and Illinois Broadcasters' Association (collectively "Press Intervenors") filed a Motion to Intervene and for Immediate Access to Names of Jurors in the trial of Rod and Robert Blagojevich. In their motion, Press Intervenors sought to intervene "for the limited purpose of objecting to an anonymous jury trial and seeking immediate access to the names of jurors during this public criminal trial." Press Intervenors argued that both the common law and First Amendment mandate a presumption of public access to jurors names, and that there is no justification for withholding the names until after the verdict is returned. Press Intervenors made no request for a hearing. The motion was noticed for presentment on June 3, the day voir dire was scheduled to begin. On June 2, potential jurors came to the courthouse to complete juror questionnaires. That afternoon, I informed the venire that their names would not be made public

and that the names of the jurors selected for the trial would be released only after the verdict was delivered.

On the morning of June 3, Press Intervenors presented their motion to the Court. The government objected, arguing that there is no qualified right of access to juror names before the verdict is returned, and even if there were such a right, non-disclosure would be justified to protect Defendants' right to a fair trial in this case. Press Intervenors maintained that the First Amendment right of access to criminal proceedings generally attaches to voir dire and includes the names of the jurors. In this case, the personal safety of the jurors is not at issue, and the "hypothetical problem" of contact from bloggers could be more effectively (and less restrictively) dealt with by properly instructing the jurors. Access is most important in cases of great public interest, and the press could, as it had in the past, help to deter intentional misrepresentations by jurors and uncover any relevant omissions that could lead to the dismissal of certain jurors.¹

After finding that the motion was untimely,² and denying the motion for intervention, I

¹ It is worth noting that Press Intervenors were not asking for a hearing on the issue of intervention or the issue of the release of juror names. It is entirely possible that this issue may be being litigated for reasons that bear less on the media's view of what is necessary in the coverage of this trial and more on vindication of general principles of access that media has long claimed is nearly constitutionally absolute. The press traditionally (and consistently), with a reasonable view of their own interests, often defends principles which are not closely related to their immediate concerns. At the July 22nd hearing, I noted that the Chicago Tribune printed as news (not opinion) an article which states only one purpose for seeking access to juror identities in this case. The article entitled "Identities of Blagojevich Jurors Could Be Made Public," by John Chase, states that Press Intervenors "want the jurors' names, [sic] so they can try to interview them about their deliberations after the verdict."
<http://www.chicagotribune.com/news/local/blagojevich/ct-met-blagojevich-jurors-20100702,0,5771825.story> (visited July 16, 2010). Press Intervenors disavowed this statement as a complete representation of their position and I accept their disavowal.

² For what it is worth, I do not dispute the time-counting reasoning of the Court of Appeals on my decision not to allow intervention. On May 17, 2010, fourteen days before the

addressed the merits of the motion. Essentially, I explained that the withholding of names was necessary to protect the jurors from outside influence, and therefore, to protect the Defendants' right to a fair trial. I had personally received several unsolicited communications from opinionated members of the public, which was itself evidence of the potential that the jurors, the decision makers here, could face similar contact. I disagreed with holding in *United States v. Wecht*, 537 F.3d 222 (3d Cir. 2008), a case relied upon heavily by the Press Intervenors, noting that it contained no specific analysis of the facts before the court. Press Intervenors appealed my ruling.

On appeal, the Seventh Circuit vacated the deferred-disclosure order. *United States v. Blagojevich*, --- F.3d ---, 2010 WL 2649879, at *7 (7th Cir. July 12, 2010). The Court rejected an absolute right of access to the names of the jurors, but required that a hearing be held so that the parties may present evidence, alternatives may be considered, and findings of fact may be made. I held this hearing on July 22, 2010.

motion to intervene was filed, I announced to members of the media (including one individual who I know to be an editor of the Tribune) an unambiguous decision to withhold the jurors' names. *See, e.g.*, Jeff Coen and Bob Sexter, "Judge to Shield Blagojevich Trial Jurors' Identities," CHICAGO TRIBUNE (May 17, 2010) at <http://www.chicagobreakingnews.com/2010/05/judge-to-shield-blagojevich-trial-jurors-identities.html> (visited July 20, 2010). The Court of Appeals declined to count that day as the start of a running of time to intervene, because I did not enter the order formally. Informal announcements even made in the presence of the Intervenor may not present an occasion to file objections. While the Press Intervenors might stand on solid ground with regard to the timing of their motion, the fact remains that their timing ought to count for something against them. Their sense of urgency on this issue may be questioned when they waited fourteen days to move to intervene, and even after prevailing on appeal they allowed six days to pass before requesting a status hearing (rather than a hearing on the merits). Finally I note I held a hearing and issue this opinion with fourteen days of the date Press Intervenors set for a status at which the hearing was requested.

II. THE FACTS AND EVIDENCE

That this is a highly publicized case is not in dispute. The international media coverage in this case has been thorough and extensive, both before and during the trial. *See, e.g.*, Bob Secter and Jeff Coen, "The Prosecution Rest..." CHICAGO TRIBUNE (July 15, 2010); Richard Roeper, "Blago on the Stand?" CHICAGO SUN TIMES (July 15, 2010); Associated Press, "Prosecution Rests in Blagojevich Corruption Trial," BOSTON GLOBE (July 15, 2010); "Rod Blagojevich Says He'll Testify in his Own Defense," NBC TODAY SHOW (July 14, 2010); Mark Guarino, "Rod Blagojevich Defense: Advisers Gave Him Bum Advice," CHRISTIAN SCIENCE MONITOR (July 13, 2010); Peter Slevin, "Blagojevich: Musings of Ex-Governor Include Bleep the Public, Oprah for Senator," WASHINGTON POST (July 13, 2010); James Warren, "When Adversity Comes Calling, Some Actually Answer the Door," NEW YORK TIMES (July 11, 2010); Mike Robinson and Michael Tarn, "Aide: Blago Hid From Staff," NEWSDAY (July 9, 2010); Lauren Etter, "Obama is Invoked at Blagojevich Trial," WALL STREET JOURNAL (June 25, 2010); Michael Tomasky, "The Blago Trial," GUARDIAN.CO.UK (July 8, 2010); Toby Harnden, "Tawdry Tale of the Senate Seat for Sale," SUNDAY TELEGRAPH (July 4, 2010); Sean Hannity, "Inside the Blago Courtroom," FOX (June 25, 2010); "United States: Corruption Trial Begins for Former Illinois Governor Rod Blagojevich," THAI PRESS REPORTS (June 7, 2010); Jeff Coen and Bob Secter, "A Little Swagger in the Court," CHICAGO TRIBUNE (June 2, 2010); Cheryl Corley, "Next Stop on Blagojevich's PR Tour: Court," NPR ALL THINGS CONSIDERED (June 2, 2010); Peter Slevin, "Illinois Prepares for Blago Trial," WASHINGTON POST (June 2, 2010); Doug Belkin, "As Blagojevich Seeks Fame, Chicago Asks: Is He Nuts?" WALL STREET JOURNAL (June 1,

2010); Judy Keen, "Taking the Stage on the Stand, Former Illinois Governor's Corruption Trial Promises to Offer Some High Drama," USA TODAY (May 28, 2010); Associated Press, "Prosecutors Fight Blagojevich Effort to Postpone Trial," BOSTON GLOBE (May 11, 2010).³ In addition, Defendant has made numerous television appearances in the time leading up to the trial.⁴ Numerous Internet blogs have discussed the proceedings at length.⁵ Each day of trial, members of the public have lined up for the chance to sit in on the proceedings, and in an overflow courtroom a live audio feed streams for additional members of the press and public.

During the time leading up to trial, as well as during the trial, I have received several communications from opinionated members of the public. At a July 12, 2010 hearing on this matter, I explained the number and content of certain unsolicited e-mails I received regarding this trial. I noted that for the most part, these e-mails seemed to be an attempt to be persuasive to the reader. On July 13, 2010, I informed the parties of two voice mails and a letter I had received, all

³ This is but a small sample of the thousands of articles and transcripts produced by a Westlaw search.

⁴ Together, Defendant and his wife have made more than 35 television appearances from the time of arrest, on programs including *Late Show with David Letterman*, *Good Morning America*, *Today*, and *Celebrity Apprentice*, and *I'm a Celebrity . . . Get Me Out of Here*. See Gov't Ex. 1.

⁵ See, e.g., "Andy Martin on the Rod Blagojevich Trial," <http://contrariancommentary.wordpress.com/2010/07/14/andy-martin-on-the-rod-bлагоjevich-trial/> (visited July 15, 2010); "Is Blago Judge Protecting Obama?" <http://theruleoflaw.blogspot.com/2010/07/is-bлаго-judge-protecting-obama.html> (visited July 15, 2010); "Judge Keeping Very Tight Reins on Blago Trial," <http://www.bluegrassbulletin.com/2010/06/judge-keeping-very-tight-reins-on-bлаго-trial.html> (visited July 15, 2010); "Friday Audio Dump: Blagojevich Cursing Obama Over Senate Seat," <http://michellemalkin.com/2010/07/02/friday-audio-dump-bлаго-cursing-obama-over-senate-seat/> (visited July 15, 2010); "Ex-Blago Chief of staff: Obama Knew of Senate Seat Sale Plot--and What About Alexi?" <http://marathonpundit.blogspot.com/2010/06/ex-bлаго-chief-of-staff-obama-knew-of.html> (visited July 15, 2010).

expressing, either directly or indirectly, some opinion of the proceedings or my conduct in them.⁶ One call consisted mostly of obscenities.⁷ In the other, the caller explained that “the federal government has developed a new kind of electronic where they can copy exactly the voice of someone and then pretend that they are that person.” The caller then suggested that this technology may be in use at this trial, in an attempt to fraudulently implicate Defendant Rod Blagojevich through faked recordings. The letter, claiming to be from President Barack Obama (written on a facsimile of White House stationery, though postmarked Cedar Rapids, Iowa), is a notice that pursuant to his executive powers, the President has decided to dismiss Defendant Rod Blagojevich and has ordered me to close the case against him.⁸

On July 19, a member of the public called my office and repeatedly asked my assistant whether, at the close of the day’s proceedings, he might have a chance to stand up in court and tell me that he thought I was being unfair and that I should allow all of the recordings of Defendant to be played (a view expressed publicly and consistently by Defendant Rod Blagojevich). On July 20, I received an e-mail from a person claiming to be the King of Japan. The author explains that she was told by Defendant Rod Blagojevich that Blagojevich would

⁶ The transcripts and audio recordings of these voice mails, as well as copies of the letter and an e-mail discussed *infra* are attached as exhibits to this order.

⁷ This call does not specifically reference Defendant Rod Blagojevich, however, the U.S. Marshals, after hearing the call, conducted an interview with the caller and determined that he was expressing his discontent with certain rulings I had made in this case. The caller admitted that he had heard the evening news and felt compelled to speak his mind.

⁸ The evidence I discuss here was the same evidence I referenced in my June 3rd denial of Press Intervenors’ motion (except for the voice mail referring to the faking of recordings which post-dates my initial denial). It is evidence I considered in deciding then, and it is evidence I consider in my decision now.

leave an envelope containing a check for \$200,000 at an office in the Thompson Center. When author tried to pick up the envelope, she was told it was not there. In the e-mail, the author asks that the Court arrange for the collection of the money.

On one other occasion, I was stopped on the street by a member of the public (who I did not recognize) and advised that I should take into account the “guilt” of the voters who elected Defendant governor.

The government points out that there have been several instances of individuals not related to this case seeking to insert themselves into the proceedings, in one instance by filing an uninvited amicus brief asserting a mass government conspiracy (docket entry 441), and in another by filing a “counterclaim” seeking \$10 billion as well as certain records pertaining to the theft and sale of her grandchildren - records she claimed were taken from Defendant Rod Blagojevich’s office in the course of the government’s investigation (docket entry 376). Subsequently, this individual attempted to enter the courtroom against the Marshals’ orders, became disruptive, and was eventually charged and convicted of contempt of court. As I iterated in my initial denial of the Press Intervenors’ motion, the extraordinary attention being paid to this case leads not only to the expression of opinions, but also to the view that the trial is an opportunity to be noticed.

Also presented by the government is a sampling of cases in which jurors were exposed to unsolicited outside influence. These cases involved jurors receiving letters and threatening phone calls, and being followed and confronted by strangers (both out in public and, in one case, outside a juror’s home).

Attached to Press Intervenors' initial motion to intervene is the affidavit of Matt O'Connor, an editor for the Courts/Metro section of the *Chicago Tribune*, in which he declares that in his more than 35 years of reporting, including 15 years of covering court proceedings in this courthouse, there has been a long history of "an open, public jury selection process, which includes public access to juror names in both routine and high profile cases." He further avers that he has personally routinely observed the names and hometowns of jurors stated in open court during voir dire, with rare exceptions usually in cases where the safety of the jurors was a concern. Press Intervenors also include copies of model jury instructions regarding various forms of electronic communication.

III. DISCUSSION

In moving to intervene, Press Intervenors argue that there exists at least a qualified right of access to the identities of impaneled jurors in a criminal case while the trial is pending. According to Press Intervenors, both the First Amendment and the common law mandate a presumption of public access to the jurors' names, and this presumptive right attaches no later than the swearing and impaneling of the jury. This presumption of openness may be overcome only by a showing that closure is necessary to "preserve higher values and is narrowly tailored to serve that interest." Only threats to jurors' safety or jury tampering may justify the withholding of the jurors' names, and Press Intervenors maintain that in this case no such evidence has been presented. The potential for unsolicited juror contact or the publishing of background stories about the jurors exists in every high-profile case, movants argue, but such hypothetical and generalized concerns are not enough to overcome the presumption that they assert exists. At the June 22nd hearing, Press Intervenors explained that obtaining the names once the jury is

impaneled enables them not only to do human interest reporting on individual members, but also to protect the public and the judicial process by fulfilling a “watch-dog” role and exposing any problems with juror conduct. Also, Press Intervenors note that transparency is an interest in and of itself that is served by immediate disclosure.

In support of their argument, Press Intervenors rely primarily on *Press-Enterprise Company v. Superior Court of California*, 464 U.S. 501, 510 (1984), in which the Court recognized a rebuttable presumption, rooted in the First Amendment, that jury selection is a public process, and *United States v. Wecht*, 537 F.3d 222 (3d Cir. 2008), which extended this presumption to encompass the jurors’ names. In *Wecht*, the Court vacated the district court’s order restricting access to the jurors’ names, finding that there is a presumptive First Amendment right of access to the names of both prospective and impaneled jurors and that there was insufficient evidence of threats or harassment to jurors to overcome the presumption.

In its opinion on appeal in this case, the Seventh Circuit rejected an absolute right of access to jurors’ names. In finding a presumption in favor of disclosure, the Seventh Circuit declined to rely on the First Amendment, an approach embraced by *Wecht* Court.⁹ The Court

⁹ I note that I am not persuaded by the majority’s opinion in *Wecht*, and I agree with the Seventh Circuit that *Wecht* is not dispositive in this case. However, even if the *Wecht* analysis is correct, and there is a First Amendment right of access to juror names, this case can be distinguished from *Wecht* in two important ways. First, the names of the jurors in this case will be made public once the verdict is entered, whereas in *Wecht*, the district court gave no indication that the names would be made available at any time after the trial. 537 F.3d at 230. Second, in this case, there is evidence that outside forces may attempt to influence jurors or at the very least that unsolicited contact is a real possibility. I relied on this evidence in making my initial ruling and continue to rely on it here. Although in *Wecht* the district court referred to certain threats made by the defendant to non-jurors, it included no finding of fact about them in the record and declined to rely on them in deciding to impanel an anonymous jury. *Id.* at 241, n.35. Therefore, even if the *Wecht* approach is correct, the facts and evidence in this case elevate concerns of improper jury contact beyond hypothetical and generic, and are sufficient to overcome any First

noted that in this case, “[t]he right question is not *whether* names may be kept secret, or disclosure deferred, but *what justifies* such a decision.” *Blagojevich*, 2010 WL 2778838, at *3 (7th Cir. 2010) (emphasis in original). The presumption in favor of disclosure, rooted in both the common law and the Jury Selection and Service Act, 28 U.S.C. §§ 1861-78, cannot be overcome without affording the parties an opportunity to present evidence. *Id.* at *5. Only then, held the Court, can the trial judge make findings of fact, address the interests at stake, and discuss alternatives to closure.¹⁰ *Id.* Barring some “unusual risk,” jurors’ names must be disclosed. *Id.*

I am bound by the Seventh Circuit’s holding on appeal, and therefore begin my analysis with a presumption that the names of the jurors in this case should be disclosed. Improper contact with a juror during the course of a trial is governed by a presumption as well; such contact is presumptively prejudicial to the defendant. *United States v. Harbin*, 250 F.3d 532, 544 (7th Cir. 2001) (citing *Remmer v. United States*, 347 U.S. 227, 229 (1954)). Attempts to communicate with a juror, even if heartfelt and impartial, pose a danger to the rights of the person on trial and his opponent are discouraged. Actions which have a significant potential of intimidating jurors or disturbing their tranquility to the point that they lose the ability to rationally consider the evidence or follow instructions are also to be discouraged.

That such actions can and do occur is undisputed. But the simple fact that this conduct *might* occur does not justify any level of juror anonymity. There must be a significant risk that

Amendment presumption of openness that might exist.

¹⁰ The Seventh Circuit’s holding has not been heretofore delineated, and establishes requirements that had not been clearly enunciated in this circuit.

the conduct will occur in order to overcome the presumption.¹¹ In this case, such a risk exists, and the presumption of openness is overcome.

There is precedent in this district for deferred disclosure of juror names. In *United States v. Black*, 483 F. Supp. 2d 618 (N.D. Ill. 2007), another high-profile criminal prosecution in this district, Judge St. Eve deferred release of the jurors' names.¹² She found no right of access under the First Amendment, but noted that even if such a right exists, releasing juror names during the pendency of the trial posed an unnecessary threat to the defendant's Sixth Amendment rights. In considering the effects of disclosure, Judge St. Eve rightly found a "risk that, during the course of the trial, jurors will be subjected to improper and presumptively prejudicial contact." *Id.* at 630-31 (citing *Sheppard v. Maxwell*, 384 U.S. 333, 362 (1966); *United States v. Koubriti*, 252 F. Supp. 2d 418, 422 (E.D. Mich. 2003); *United States v. Warner*, Nos. 02 CR 506-1, 02 CR 506-4, 2006 WL 2583722, **49-51 (N.D. Ill. Sept. 7, 2006)). Also present was the potential transformation of "jurors' personal lives into public news" which, may "unnecessarily interfere with the jurors' ability or willingness to perform their sworn duties." *Id.* (citing *In re Globe Newspaper Co.*, 920 F.2d 88, 95 (1st Cir. 1990); *United States v. Brown*, 250 F.3d 907, 918 (5th Cir. 2001)). Although she discussed no evidence of either risk, Judge St. Eve found that these concerns "counsel in favor of prohibiting access to juror names during the pendency of trial," notwithstanding any First Amendment right of access that might exist.

¹¹ I note here that I am not dealing with considerations that justify a fully anonymous jury.

¹² In *Black*, as here, the parties knew the identities of the twelve jurors and six alternates, and voir dire proceedings were open to the media and members of the public. 483 F. Supp. 2d at 624. While the Seventh Circuit seems to overrule, at least partly, Judge St. Eve's ruling rejecting a presumption in favor of disclosing the jurors' names, it does appear to endorse Judge St. Eve's approach to deferred disclosure.

Here, not only do the same risks exist, but there is evidence that if jurors' names are made public, they will be subjected to improper outside contact. It is true that the possibility of jurors being inappropriately contacted by phone is not a new one, but the possibility of contact by e-mail or through social networking sites is relatively recent, and the ubiquity of these media is astounding. I have already received several communications by e-mail, telephone and in writing. All of these communications are clearly an attempt to somehow influence the decision maker in this case. Although the voice mails and forged letter are clearly the work of "cranks and gadflies," (as they are referred to by Press Intervenors), they would most likely be distressing to a juror who receives them. A parade of insults from a stranger, while perhaps less startling to a judge, is no doubt alarming to most people. Another caller insisted that he be allowed to express his view of the trial thus far to me in the courtroom at the end of the day's proceedings, and yet another e-mail received only days ago, explains that its author, the King of Japan, was told by Defendant Rod Blagojevich that the defendant would pay him \$200,000.¹³ While some may be quick to discount a conspiracy theorist and forger, it is highly likely that a juror would be disturbed that such people have been able to obtain their personal contact information. It is easy to see how contact like this could interfere with a jurors' ability to perform his sworn duties. Furthermore, one must bear in mind that when such communication is made, and it is clear that

¹³ In addition to the receipt of unsolicited communications, I have been approached in person by a member of the public expressing an opinion on this case, and there have been two unauthorized filings by unrelated parties, one of whom had to be removed by the U.S. Marshals and was later charged for her conduct. While such conduct may certainly occur in any high-profile case, the fact that it has already occurred in this case raises more than the spectre that prejudicial contact with jurors might well occur.

third parties have access to a juror's contact information, that juror's concern may extend until well after the trial is over, when he is no longer under the watchful eye of the court.

Perhaps more problematic than the contacts from "cranks and gadflies" are the well-reasoned and articulate e-mails I have received which are clearly attempts to persuade me and influence my decision-making. Such communications seem to be an example of the prevailing public view that individuals should express their views regardless of their knowledge or skill.¹⁴ There is little emphasis today in media or entertainment on the notion of withholding judgment until all the facts are in.¹⁵ "I think, therefore I am," a precept of Western philosophy, seems to have been supplanted by "I feel, therefore I opine."

Also apparent in contemporary media is that the request for individual expression seems to revolve entirely on highly publicized events. There seem to be few requests for public input on more obscure issues such as arms treaties and city parks, as well as other topics that have transited quickly across the public horizon. The events on which members of the public are

¹⁴ See, e.g., "What Are Your Ideas for How to Stop the Spill?" a CNN.com online survey inviting readers' ideas on how to stop the massive BP oil spill that occurred in April 2010, located at <http://ac360.blogs.cnn.com/2010/06/09/what-are-your-ideas-for-how-to-stop-the-spill/> (visited July 23, 2010).

¹⁵ See, e.g., "Poll - van der Sloot, Guilty or Innocent?" NEWSVINE.COM, http://myview-222.newsvine.com/_news/2010/06/03/4459727-poll-van-der-sloot-guilty-or-innocent (visited June 23, 2010); "CNN Viewers: Williams 'Guilty' In Atlanta Child Murders," CNN.COM, <http://www.cnn.com/2010/CRIME/06/11/atlanta.murders.poll.ireport/index.html?iref=allsearch> (visited July 23, 2010); and "FOX News Poll: Majority Says O.J. Simpson Guilty of Robbery," FOXNEWS.COM, <http://www.foxnews.com/story/0,2933,298304,00.html> (visited June 23, 2010), and most pointedly, "Poll: Blagojevich Winning (Sort of) with Dems," CHICAGO NEWS COOPERATIVE, <http://www.chicagonewscoop.org/poll-blagojevich-winning-sort-of-with-dems/> (visited June 23, 2010), in which it is reported that an Illinois poll conducted one week into the trial revealed that "68 percent of Republicans saying Blagojevich should be convicted and sent off to prison, compared to only 44 percent of Democrats."

invited and encouraged to opine are those currently in the news.¹⁶ It is undisputed that this case has received intense media coverage, and it is reasonable to infer that this coverage is one underlying cause for the many communications I have thus far received. Another factor unique to this case is the personal interest of the voters in the outcome of the proceedings.¹⁷ Nearly 3.5 million citizens of this state voted in the 2006 gubernatorial election in which Defendant Rod Blagojevich won his second term in office. A reading of public comments on news stories about the trial demonstrates, at least anecdotally, that many voters have a personal opinion that either Defendant Rod Blagojevich had betrayed their trust, or that the government has unfairly deprived them of their governor.¹⁸

Press Intervenors argue that there is no “unusual risk” in this case that would justify the deferred disclosure of juror names. They cite to several comments I have made including comments that indicate that certain forms of outside influence “are all problems we’ve dealt with before,” and that the receipt of certain communications by judges is not uncommon. According to the Press Intervenors, these comments reveal that the situation currently before me is in no

¹⁶ See *supra*, n. 14.

¹⁷ The only case in my personal experience that could be comparable was *People v. Richard Speck*, and that case was in the news for months not years, and generated far less information than this case, demonstrating that the term “high-profile” can be used to describe varying degrees of publicity. Furthermore, *Speck*, just as in many high profile cases, involved a defendant accused of doing bad things to a certain few people. This case, in contrast, presents allegations that implicate the personal interests of all the residents (and especially voters) of this state.

¹⁸ See, e.g.,
<http://discussions.chicagotribune.com/20/chinews/ct-met-blagojevich-trial-0709-20100708/10>
(visited July 23, 2010);
<http://discussions.chicagotribune.com/20/chinews/ct-met-blagojevich-0707-20100706/10> (visited
July 23, 2010);
<http://discussions.chicagotribune.com/20/chinews/ct-met-blagojevich-trial-0722-20100721/10>
(visited July 23, 2010).

way exceptional. They argue: "There have always been cranks and gadflies that will send letters or stand up in the courtroom and tell the jury what to do." However, just because such issues have arisen in the past does not mean that they cannot justify deferred disclosure, that they are not "unusual" in the context of the dozens of trials held in this courthouse each year. Courts everywhere have dealt with the threat of prejudicial contact in high profile cases - sometimes by deferred disclosure, *see, e.g., In re Globe Newspaper Co.*, 920 F.2d 88, 91 (1st Cir.1990), by anonymity, *see, e.g., United States v. Calabrese*, 515 F. Supp. 2d 880 (N.D. Ill. 2007); by sequestration, or by special instruction.

Press Intervenors maintain that the fact that "cranks and gadflies" may now reach jurors by e-mail and phone "is a difference of degree, not of kind" and should not overcome the presumption of openness. But it is a difference in kind. A person standing up in court attempting to make his voice heard is not the same as a "gadfly" appearing at a juror's home, calling him on the phone, or bombarding him with e-mails. Such invasions of privacy by strangers -- whether a harmless "gadfly" or "crank," a person who is out of touch with reality, or a well-informed opinionated citizen who might typically write a letter to the editor -- can lead to, at worst, fear and intimidation on the part of the juror, or, at least, a preoccupation by what is being said about them in the media (assuming their names have been made public).

Press Intervenors cite *United States v. Antar*, 38 F.3d 1348, 1363 (3d Cir. 1994) for the proposition that threats to the deliberative process must be "actual and specific, not conclusory and generic[.]" and the court "must articulate findings of the actual expectation of an unwarranted intrusion upon deliberations or of a probability of harassment of jurors." Such threats are real in this case, and not generic or ordinary. In the months leading up to trial, through to July 20, 2010 (two days before this hearing), I have received numerous

communications by e-mail, phone, letter, and in person. At least one communication has bordered on threatening (and is certainly harassing), others have expressed a wide variety of opinions on both the Defendants' guilt or innocence as well as evidence presented, and still others have alleged certain unverified (and often incredible) facts in connection with this case. Furthermore, the government has presented instances in which jurors in other publicized cases have been pestered by letter, phone, package delivery, and in person. Press Intervenors discount these accounts because none of these incidents has resulted in a mistrial based solely on the outside communications. Essentially, Press Intervenors argue that any threat of prejudicial contact is "speculative" until a juror on *this case actually receives* a harassing phone call, letter, electronic post or visit from a third party which would result in a mistrial. This basically requires me to wait for the prejudicial contact to occur before I can evaluate the threat that it might occur. I do not believe that this is what the Court of Appeals had in mind. Moreover, in order to "test" the likely possibility that harassment would occur in the way that Press Intervenors suggest, I would have to release the names, thereby precluding any possibility of protecting the jurors identities down the road. Again, I do not think this is what was contemplated by the Seventh Circuit or the common law tradition on which its opinion is founded. The common-law tradition and applicable statute make it clear that judges may take preventative measures where justice requires. *Blagojevich*, 2010 WL 2778838, at *5.

Press Intervenors' evidence in this matter is telling in that it helps to demonstrate the unique nature of this case. As reflected by the declaration of Matt O'Connor, I and other judges have released the names of jurors in most cases, even in many high-profile cases. Deferred disclosure is not justified in every criminal case, nor even in every high-profile criminal case. *Id.* at *7. However, the case before me is not a typical example of even the relatively small number

of high-profile cases.¹⁹ It is a case of intense media scrutiny and involves a colorful Defendant who has, since the day of his arrest, thrust himself and the question of his guilt in the spotlight. He has consistently, publicly commented on potential evidence in this case and what it would show,²⁰ inviting the views of the court of public opinion.²¹ He maintains a Twitter account urging members of the public to follow along for updates and asserts “I am innocent and look forward to clearing my name.” See <http://twitter.com/governorrod> (visited July 23, 2010). For a person of his public stature this is exceptional conduct. Persons well known for their activities in business, politics, sports and entertainment overwhelmingly either avoid the public or let attorneys or publicists issue generic statements on their behalf.

In addition to the risks of disclosure to the public, the press’ investigation itself also presents significant risks that the jurors will be distracted and unable to fulfill their sworn duties, and that such investigation would “undermine the jurors’ ability to adhere to the Court’s repeated instructions not to read, watch, or listen to any media coverage regarding this case.” *Black*, 483 F. Supp. 2d at 631. Although the law recognizes only limited circumstances in which an individual right of privacy is actionable against the media, jurors may well feel a sense of

¹⁹ Included in O’Connor’s list is the corruption trial of former Chicago Heights mayor Charles Panici, No. 92 CR 213, a case over which I presided and in which the juror names were publicly disclosed. The amount of publicity received in these two cases is incomparable.

²⁰ See, e.g., “Blagojevich Wants Tapes Played In Court,” NEW YORK TIMES (Feb. 10, 2010), at <http://www.nytimes.com/2010/02/11/us/11blago.html> (visited July 23, 2010); and On the Record with Greta “Blago: ‘President Obama Could Help Prove My Innocence,’” FOXNEWS.COM (April 27, 2010) at <http://www.foxnews.com/story/0,2933,591562,00.html> (visited July 23, 2010).

²¹ While, unlike Kevin Trudeau, Defendant Rod Blagojevich has not instructed his devoted supporters to bombard the court with e-mails proclaiming his innocence, the substance of his media appearances does enhance the risk of improper contact with jurors in this case. See *F.T.C. v. Trudeau*, 606 F.3d 382, 384 (7th Cir. 2010).

invasion that accompanies a personal investigation, and knowledge that the media is conducting such an investigation carries a significant risk that jurors will not be able to function effectively. At the very least, jurors whose lives are thrust into the media spotlight will be curious and tempted to seek out media coverage of them personally.²²

In addition to the general risks of disclosure, disclosure at this point in the trial poses additional hazards. In this case, all of the potential jurors were informed on the afternoon of June 2, 2010 that their names would be disclosed only at the end of the trial. As Judge Posner points out in his dissent from the denial of a rehearing *en banc*, were I to renege on this promise now “the jurors may well be upset, concerned for their privacy, fearful of the prospect of harassment . . . and angry at having been induced by false pretenses to agree to take months out of their life to perform jury service.” *United States v. Blagojevich*, - - - F.3d - - - -, 2010 WL 2767760, at *2 (July 14, 2010). Such reactions are likely to interfere with the jurors’ ability to perform their duties.

Of further concern in releasing the names at this point is the possible impairment of judicial authority. As I explained in my July 13, 2010 order in this matter, the judge is the neutral in an adversary system. Jurors see the judge as a protector and arbiter of fairness and

²² Also, potentially disturbing to jurors is an investigation which involves interviews of friends, family, neighbors and co-workers; however, I doubt this is a major concern in this case because the media has not, to my knowledge, sent cameras to jurors’ homes or investigators to interview friends and neighbors, nor does it appear that such tactics were employed in the jury investigation connected with the trial of former Governor George Ryan. *United States v. Warner*, No. 02 CR 506, 2006 WL 2931903 (N.D. Ill. Oct. 13, 2006); *United States v. Warner*, 498 F.3d 666 (7th Cir. 2007). However, a consistent pattern of such conduct by the press might justify preventive actions by the trial judge. I do note, however, that Press Intervenors in this case have not committed to conducting a non-intrusive investigation, and, were I in their shoes, I would likely refrain from doing so as well even if the intervenors were able to state (I think, truthfully here) that they have not engaged in such practices. The Press Intervenors do not speak for or represent all media.

civility. For the judge to revoke his or her assurance that the jurors' privacy would be protected could result in a sense of distrust and lend a sense of illegitimacy to the process and the judge's role. In a case with divergent views about which arguments are legitimate, some of which have already played out in the presence of the jury, there is an unacceptable risk that one or more jurors might doubt the reliability of the instructions I give them.

A final issue is the question of which twelve names should be released. This jury panel consists of twelve members who will deliberate and reach a verdict, and six (now five) alternates who will not participate in the deliberations.²³ In a case such as this, where disclosing the jurors' names poses substantial risks of improper contact, a purely theoretical option would be to release only the names of twelve of the jurors, thereby preserving the temporary anonymity of and reducing the risk of contact to the alternates. We do not know and cannot know exactly which twelve jurors will decide the Defendants' fate, and there have certainly been instances where jurors have been excused from service and replaced by an alternate even during deliberations. Furthermore, the jurors themselves do not know at this point who has been designated as an alternate (a common practice) and this enables them each to remain engaged throughout the trial. To speculate publicly as to which twelve jurors will deliberate may not only turn out to be inaccurate, but may also affect the focus and engagement of those who think they will not be participating in the deliberations.

The amount of media attention in this case, the personal connection of the voters to one of the defendants, the public statements and appearances of Defendant Rod Blagojevich, and the number and quality of communications I have received lead to my judgment that the unusual

²³ I note that I have already excused one juror due to illness in the family. At this time, the jury panel consists of seventeen members, the jury consists of twelve members.

risks associated with releasing the jurors' names during trial overcome the presumption of disclosure. Compounding these general risks of disclosure are the risks specific to this case, which stem from the fact that jurors were told at the start of selection that their names would be withheld until after a verdict is entered.

The fact that the presumption has been overcome does not necessarily justify withholding the jurors' names if there is some lesser way to prevent the harm I have discussed.

While there exist in theory some alternatives to deferred disclosure, many of these alternatives would no doubt impose significant hardship on members of the jury. One alternative would be to instruct jurors not to answer calls, listen to voice mails, or open e-mails and letters from numbers and addresses they do not recognize and to change their privacy settings on all social networking sites. Or, similarly, jurors could be required to surrender their cell phones and computers.²⁴ While this may reduce the potential for receiving unsolicited contact, it would certainly make life unnecessarily difficult, especially for those jurors who are employed and must conduct their work by phone and e-mail during their lunch breaks, evenings and days off from jury service. Moreover, as Judge St. Eve pointed out in *Black*, "public reports discussing the jurors' specific identities (or other personal information about the jurors) also would undermine the jurors' ability to adhere to the Court's repeated instructions not to read, watch, or listen to any media coverage regarding this case." 483 F. Supp. 2d at 631. An instruction not to answer calls or correspondences from those who appear to be strangers does nothing to address this problem.

²⁴ Another related option would be for court-appointed staff to set up a system whereby all jurors' e-mails and electronic communications would be screened prior to opening; however, this is not only burdensome to both the jurors and the court, but it is also intrusive and difficult to execute in terms of determining who approved contacts are and how they might change over the course of the trial.

Press Intervenors note the presumption that juries will obey the Court's instructions in support of their argument that instructions prohibiting the use of certain electronic communication will suffice to minimize the risk of prejudicial contact. *See, e.g., Jonasson v. Lutheran Child & Family Servs.*, 115 F.3d 436, 439 (7th Cir. 1997); *Jones v. Lincoln Elec. Co.*, 188 F.3d 709, 732 (7th Cir. 1999). But, in this case, I cannot rely solely on instructions. First, much of my concern lies not with the conduct of the jurors, but with that of outsiders. I have little doubt that the jurors in this case would do their best to follow the instruction to alert the court or its staff to any contact from outsiders, but it is that contact itself that concerns me. Instructions will not curtail such contact. Furthermore, Press Intervenors seem to brush aside concerns that my judicial authority would be undermined and my ability to bind jurors to instructions impaired were I to renege on my promise to the jurors of deferred disclosure. However, these issues must be addressed.

First, the presumption that jurors will follow instructions is certainly rebuttable, and renegeing on a promise involving the revelation of jurors' identities during the trial may certainly be enough to overcome that presumption. *See Bruton v. United States*, 391 U.S. 123, 135 (1968) (noting that "there are some contexts in which the risk that the jury will not, or cannot, follow instructions is so great, and the consequences of failure so vital to the defendant, that the practical and human limitations of the jury system cannot be ignored.").

Second, Press Intervenors seem to give great weight to the presumption that jurors will follow instructions, but little weight to the presumption that a juror will be truthful (even if mistaken or inaccurate) during voir dire and in the questionnaires. *See United States v. Huguenin*, 950 F.2d 23, 30 (1st Cir. 1991) (agreeing with the Fifth and Sixth Circuits that there is a presumption that veniremen tell the truth on voir dire, even in response to "sensitive and

potentially embarrassing questions.”) (citations omitted). This makes little sense, and Press Intervenors fail to make clear why one presumption should be given more weight than another, especially in light of the fact that release of the jurors’ names at this time might well distract or disturb jurors to a point where they may be unable or unwilling to follow instructions.

Sequestration at this point during the trial would also result in significant hardship on the jurors. As the Seventh Circuit seemed to acknowledge in its opinion, sequestration generally is an extreme alternative. *Blagojevich*, 2010 WL 2778838, at *5-6. At the time I expressed my views about deferred disclosure (on June 1, 2009 and May 17, 2010), the trial was expected to last anywhere from twelve to sixteen weeks. A three-to-four-month period of sequestration might be unduly burdensome on individual jurors, and the possibility of sequestration would have created a serious risk that the jury pool would have been significantly depleted. In addition, the recent long-term sequestration in *People v. Simpson*, demonstrates its undesirability for such a length of time as well as the profound disservice to those involved.²⁵ Furthermore, ordering sequestration midway through a trial would be even more burdensome and inappropriate where the jury was never advised of the possibility to begin with. Jurors would need to find child and elder care solutions (five jurors have school-age children and two of those jurors have children under the age of 5), make arrangements with spouses and family, and address work issues all within a matter of days. They would be plucked from their lives for a substantial period of time,

²⁵ The issue of sequestration is discussed in Mary Strauss’s article *Sequestration*, 24 Am. J. Crim. L. 63 (1996). There, Strauss examines the costs and benefits of sequestration generally and also in the context of the nine-month O.J. Simpson trial. Aside from the great financial costs of sequestration, Strauss discusses the significant psychological effects of long-term sequestration, as well as the threat it poses to the judicial process. Among those dangers are: (1) the possibility of impaneling a non-representative jury; (2) a jury’s “rush to judgment” during deliberations; and (3) unfair alignment with one side. *Id.* at 106-16. To their credit, Press Intervenors do not appear to urge sequestration here.

the duration of which no one can be sure. The jurors in this case were never warned that sequestration was an option, and had they known, at least some of them might have sought to be excused on the basis that such an arrangement would result in undue hardship.²⁶ To impose this alternative on them now would be unthinkable.²⁷

Because alternative methods of protecting the jurors from improper contact are not satisfactory, I find that the jurors' names should not be made public prior to the entry of a verdict. There is little precedent involving the unique circumstances surrounding this case, and it is set against a relatively new backdrop of public openness via blogs, electronic communication, and social networking sites. As a result, there is, I think, some degree of judgment necessary to determine the best way to protect the legitimate interests put forth by both sides. Of the interests cited by Press Intervenors, both human interest reporting and juror investigations can be conducted once the names are released at the end of the trial. Any issues raised by juror investigations can be addressed and remedied even after the trial is over. However, the risks that jurors will be improperly contacted, or may be unable to perform their sworn duties either due to stress, distraction, or a lack of trust in my instruction implicate far weightier public interests in this case than the interest of the Intervenors in pre-verdict rather than post-verdict revelation of jurors' names. Under these circumstances, the danger of a mistrial resulting from juror

²⁶ Compounding the hardship would be the change in schedule that would most likely accompany a decision to sequester. Customarily, trials in which the jury is sequestered are held five or five and a half days a week.

²⁷ Another alternative addressed at trial was the possibility of releasing the jurors' names to the movants on the condition that they refrain from contacting the jurors and from publishing their names prior to verdict. The Chicago Tribune has declined to pursue this option. Notwithstanding its usual practice not to publish juror names prior to verdict, the Tribune is "reluctant to enter into such an agreement that would restrict [its] freedom to publish potentially newsworthy material." I understand this view, find it to be a reasonable one, and would most likely hold the same view were I the movant in this case.

misconduct is less likely than the possibility of prejudice to Defendants or the United States resulting from outside contact or other risks I have discussed. With all this in mind, I find that deferred disclosure would be the most effective and least-burdensome way to protect Defendants' interests in a jury free from improper influence and confident in the given instructions and stature of the judge, as well as the public's interest in a fair judicial process.

IV. CONCLUSION

For the foregoing reasons, Press Intervenors' motion for immediate public access to jurors' names during this criminal trial is denied, and the government's motion to limit public release of juror names is granted. Jurors' names will be made public after a verdict is returned.

ENTER:



James B. Zagel
United States District Judge

DATE: July 26, 2010

Exhibit 1

Voice mail received 4/21/2010 9:37 PM

From 773 727 4829

Fuck you, Judge Zagel. You fucking arrogant bitch ass mother fucker. Fuck you, fuck you, James B. Zagel. Fuck you.

Exhibit 2



THE WHITE HOUSE

WASHINGTON

MAY 27, 2010

Dear friend Judge Zagel:

This is a notice of my president executive powers. I'm giving notice that the Rod Blagojevich trial will be dismissed without further proceedings. Case is Permanently closed. That is my executive order, and a non-changeable order at that.

Sincerely,

A handwritten signature in black ink, appearing to read "Barack Obama".
Barack Obama



CEDAR RAPIDS IA 524

27 MAY 2010 PM 1 L

THE WHITE HOUSE
WASHINGTON, DC 20500

Judge James B. Zagel
219 S. Dearbourne St.
Chicago, Illinois 60604

60604\$1702



Exhibit 3

Received 6/23/2010 8:52 AM
From 863 701 5126

Hello, Judge Zagel?

This is a woman named Jeanette Blar(sp?), and I just wanted to let you know that the federal government has developed a new kind of electronic where they can copy exactly the voice of someone and then pretend that they are that person. And they developed it, I don't know if they used it on Ron Bagelvich, but I'll always wonder if he's guilty or not. So, if you want to, give me a call at area code 863 701 5126.

Exhibit 4

TELEPHONE CALL DETAILS

Monday, July 19

Call to 312 435 5713

Between 2:00 - 4:00 p.m.

Caller number (trunk) 1325-xx

The male caller began asking general questions about how he could observe the trial. He asked questions about getting in and if the public is allowed entry to the courtroom. He also asked if he could speak up at the end of the trial day. I explained that only the Judge, lawyers and defendants are allowed to speak in the courtroom. He asked his question about speaking up in a few different ways. He was surprised at my answer, even asked me if I was sure about it. He assumed he could have a chance to comment in court. He said that he thought the Judge was unfair with Blagojevich, and he should be allowed to play all or more of the tapes in court.

The caller had an Eastern European accent, and his demeanor was excited and slightly agitated. I suspected that he might have been in the courthouse when he called, but I have no evidence of that.

I believe that the same caller had called previously (on another day). It was a brief call, and the caller ranted about the unfairness of the tapes, but was not specific or clear about his reason for calling.

Exhibit 5

July 20, 2010

To: ALL THE JUDGES

FROM: IAM (SELENA ERIKA NICHOLE WILSON)

Chief Judge James F. Holderman

Judge Wayne R. Andersen

Magistrate Judge Martin C. Ashman

Judge Marvin E. Aspen

Magistrate Judge Geraldine Soat Brown

Judge Elaine E. Bucklo

Judge Ruben Castillo

Judge David H. Coar

Magistrate Judge Jeffrey Cole

Judge Suzanne B. Conlon

Magistrate Judge Susan E. Cox

Judge John W. Derrah

Magistrate Judge Morton Denlow

Judge Samuel Der-Yeghayan

Judge Robert M. Dow Jr.

Magistrate Judge Sheila Finnegan

Judge Robert W. Getteman

Magistrate Judge Jeffrey T. Gilbert

Judge Joan B. Gottschall

Judge John F. Grady

Judge Ronald A. Guzman

Judge William T. Hart

Judge William J. Hibbler

Judge Frederick J. Kapala

Judge Wayne R. Andersen

Judge Marvin E. Aspen

Judge Elaine E. Bucklo

Judge Ruben Castillo

Judge David H. Coar

Judge Virginia M. Kendall

Judge Matthew F. Kennelly

Magistrate Judge Arlander Keys

Magistrate Judge Young B. Kim

Judge Charles P. Kocoras

Judge Joan Humphrey Lefkow

Judge Harry D. Leinenweber

Judge George W. Lindberg

Magistrate Judge P. Michael Mahoney

Judge Blanche M. Manning

Judge George M. Marovich

Magistrate Judge Michael T. Mason

Magistrate Judge Nan R. Nolan

Judge John A. Nordberg

Judge Charles R. Norgle, Sr.

Judge Rebecca R. Pallmeyer

Judge Philip G. Reinhard

Presiding Magistrate Judge Sidney I. Schenkier

Judge Milton I. Shadur

Judge Amy J. St. Eve

Magistrate Judge Maria Valdez

Judge James B. Zagel

Judge Virginia M. Kendall

Judge Matthew F. Kennelly

Judge Charles P. Kocoras

Judge Joan Humphrey Lefkow

Judge Harry D. Leinenweber

Judge Suzanne B. Conlon

Judge John W. Darrah

Judge Samuel Der-Yeghayan

Judge Robert M. Dow Jr.

Judge Robert W. Gettleman

Judge Joan B. Gottschall

Judge John F. Grady

Judge Ronald A. Guzman

Judge William T. Hart

Judge William J. Hibbler

Judge Frederick J. Kapala

Judge Martin C. Ashman

Judge Geraldine Soat Brown

Judge Jeffrey Cole

Judge Susan E. Cox

Judge Morton Denlow

Judge Sheila Finnegan

Judge Jeffrey T. Gilbert

Judge George W. Lindberg

Judge Blanche M. Manning

Judge George M. Marovich

Judge John A. Nordberg

Judge Charles R. Norqle, Sr.

Judge Rebecca R. Pallmeyer

Judge Phillip G. Reinhard

Judge Milton I. Shadur

Judge Amy J. St. Eve

Judge James B. Zegel

Judge Arlander Keys

Judge Young B. Kim

Judge P. Michael Mahoney

Judge Michael T. Mason

Judge Nan R. Nolan

Judge Maria Valdez

Dear Judges,

I want to apologize to you for having to write to you all. I have a judge I think by Blagojevich however I don't have your name. I am IAM, I am King of Japan and are eager to get to my home and places. I use (Selena Erika Nichole Wilson) for law. I am in Municipal, Civil, and State law in which is ward I think.

I am told by Gov. Rod Blagojevich to go to the office on Randolph at the Thomson building and get my envelope, he told me what's inside it's my check for the amount 200,000 dollars. I went there and have asked, and even recently last week I went there and I called, but I was only told no there wasn't any thing for me and also to call back.

Blagojevich told me to leave as soon as the incident happened. An incident that has high security going on with it. I tried to get my envelope, however it wasn't there when I went

to pick it up. Another thing judge I am a King as I mentioned above and are ignored by the people that I have to rent from I let them know I am a king and they ignored me and my writing. I learned in school they are not suppose to. I am a paralegal student at Robert Morris. I learned King and Heir and civil in King Law. I learned who and how to write also. I learned other things and am trying to practice, however I am blocked from normal living.

I have to go walk around and travel in other ways with a lot of people connected to my head and vision, although I am ok, I want it to stop. They talk to each other while using me and they interrupt my company, I have someone to be with and it isn't right that he has to be with me under these conditions. Now judge, I have learned that I will have an operation that can get rid of the whole thing but as for now I am bothered with individuals commenting on who I am with, what I vision at times, routs I should take, are interrupted so that these people can have me there way and other things.

I don't know all the individuals and have reported, the numbers are HR494594 to CPD officer Moser.

I haven't heard any thing from him but this is *right* and I understand. Back to Blagojevich, I want my money (the envelope he told me about) to leave please, so may I have court to pick it up please.

Sincerely



IAM (Selena Erika Nichole Wilson)
PO BOX 12714 Seattle Washington 98111
PO BOX 53470 Chicago Illinois 60653
Number 206-255-0619

Exhibit C

 **[PRINT]** **ESPN.com:** Baseball

[Print without images]



Tuesday, August 7, 2007
Updated: August 8, 1:14 PM ET

Bonds moves into eternity, assumes MLB home run record

Associated Press

SAN FRANCISCO -- Barry Bonds raised both arms over his head like a prize fighter in victory, fists clenched -- and then he took off.

It was over at long last.

Like him or not, legitimate or not, he is baseball's new home run king.

Bonds hit No. 756 to the deepest part of the ballpark Tuesday night, and hammered home that very point. He broke Hank Aaron's storied record with one out in the fifth inning, hitting a full-count, 84 mph pitch from Washington's Mike Bacsik.

"I knew I hit it," Bonds said. "I knew I got it. I was like, phew, finally."

Later, he firmly and flatly rejected any suggestion that this milestone was stained by steroids.

"This record is not tainted at all. At all. Period," Bonds said.

Bonds sent the ball arcing high into the night, 435 feet into the right-center field seats.

"Thank you very much. I got to thank all of you, all the fans here in San Francisco. It's been fantastic," he said shortly after crossing home plate, his godfather, Willie Mays, at his side.

"I've got to thank my teammates for their support," Bonds said. "Through all of this, you guys have been strong, and you've given me all of the support in the world and I'll never forget it, as long as I live."

After thanking his children, he said: "I'm glad I did it before you guys went to school."

To the Nationals, he said: "Thank you for understanding this game. It means a lot to me."

Conspicuous by their absence were the commissioner and Hammerin' Hank himself.

Though he was on hand for the tying homer three days ago, deciding to put baseball history ahead of the steroid allegations that have plagued the Giants slugger, Bud Selig wasn't there for the record-breaker.

Instead, he sent two emissaries, Major League Baseball executive vice president Jimmie Lee Solomon and Hall of Famer Frank Robinson.

"I congratulate Barry Bonds for establishing a new, career home run record. Barry's achievement is noteworthy and remarkable," Selig said in a statement. "While the issues which have swirled around this record will continue to work themselves toward resolution, today is a day for congratulations on a truly remarkable achievement."

Bonds also heard personally from the commissioner.

"Bud Selig called me after the game and congratulated me. I was very happy about that," Bonds said.

As for Aaron, he said all along he had no interest in being there whenever and wherever his 33-year-old mark was broken. He was true to his word, but he did offer a taped message of congratulations that played on the stadium's video board during a 10-minute tribute.

"It is a great accomplishment which required skill, longevity and determination," he said.

"Throughout the past century, the home run has held a special place in baseball and I have been privileged to hold this record for 33 of those years. I move over now and offer my best wishes to Barry and his family on this historic achievement.

"My hope today, as it was on that April evening in 1974, is that the achievement of this record will inspire others to chase their own dreams," he said.

A woman who answered the phone at Aaron's home in Georgia shortly after Bonds' homer said that Aaron was asleep.

"When I saw Hank Aaron that made everything," Bonds said. "We've always loved him. He's always the home run king."

With a long, satisfied stare, Bonds watched as the ball sailed over the fence and disappeared into the scrum in the first few rows. Then he raised both arms over his head like a victorious prize fighter, fists clenched, and took off.

His 17-year-old batboy son Nikolai was already bouncing on home plate as Dad rounded third and ran the final 90 feet to make it official. After a long embrace, the rest of the family joined in -- his mother, two daughters and wife. And then there was Mays, who removed his cap and congratulated his godson.

Bonds saved his most poignant words for last, addressing his late father, Bobby.

"My dad," he said, looking to the sky and choking back tears. "Thank you."

Bonds had wanted to break the record at home, where he would be assured of a friendly crowd. They were all right, unlike in San Diego where some fans held up signs with asterisks indicating that his power was steroid-induced.

Bonds has always denied knowingly using performance-enhancing drugs.

Bonds had already doubled and singled before hitting the solo home run. Bacsik put his left hand to the back of his head as soon as Bonds connected.

"I dreamed about it as a kid, but when I dreamed about it, I was the one hitting the home run and not giving it up," Bacsik said.

BARRY BONDS TRIBUTE

As a tribute to the new



Home Run King, ESPN Classic will air Barry Bonds programming all day Wednesday from **12 a.m. to 10 p.m. ET.**

"I didn't really want to be part of history as a bad part, but I am," he said on ESPN. "I'm OK with it."

Bacsik later spoke with Bonds and got an autographed bat from the Giants star.

Bonds took his position in left field to start the sixth, then was replaced and drew another standing ovation.

Bonds: Most HRs vs. opponent

The Nationals are used to giving up home runs to Barry Bonds. Bonds hit his 756th career homer Tuesday, giving Washington a tie for second place for teams who have surrendered home runs to the new home run king.

Homers Team

87	Padres
64	Dodgers
64	Phillies
64	Nationals/Expos
59	Reds

A fan wearing a Mets jersey wound up with the historic ball. Matt Murphy of New York emerged from the stands with the souvenir and a bloodied face, and was whisked to a secure room.

Even with Bonds at the top of the chart, fans will surely keep debating which slugger they consider the true home run champion. Some will continue to cling to Aaron while other, older rooters will always say it's Babe Ruth.

"It's all about history. Pretty soon, someone will come along and pass him," Mays said before the game.

Aaron held the top spot for 12,173 days after connecting for No. 715 to pass the Babe on April 8, 1974.

"This is the greatest record in all of sports," Giants manager Bruce Bochy said. "We are all fortunate to witness it. It's awesome. This road to history has been a lot of fun."

Bonds homered exactly three years after Greg Maddux earned his 300th victory at the same ballpark. It's been quite a week of baseball milestones -- over the weekend, Alex Rodriguez hit his 500th home run and Tom Glavine won No. 300.

A seven-time NL MVP, the 43-year-old Bonds hit his 22nd home run of the year. Bonds broke Mark McGwire's single-season record by hitting 73 in 2001 and while he's no longer such a force, opposing pitchers remain wary.

Bonds and Giants management bickered in the offseason over contract issues. This big night was the main reason owner Peter Magowan brought back the star left fielder for a 15th season in San Francisco, signing him to a \$15.8 million, one-year contract.

Bonds' once-rapid quest for the record had slowed in recent years as his age and balky knees diminished his pace. He hit 258 home runs from 2000-04, but has only 53 since then.

While steroids have tinged Bonds' pursuit, it was race that was the predominant issue when Aaron broke Ruth's mark in 1974. Aaron dealt with hate mail and death threats from racist fans who thought a black man was not worthy of breaking the record set by a white hero, the beloved Babe.

Former commissioner Bowie Kuhn watched Aaron tie the record but was not present for the record-breaker, a slight that bothered many fans of Aaron. Selig is a close friend of Aaron's and offered Bonds tepid congratulations when he tied the record.

"I think Hank is his own man," Mays said. "I think if he wanted to be here he would be here."

"When he hit 715, the commissioner wasn't there," he said. "You may not blame him because he wasn't represented the right way."

Bonds was destined for stardom at an early age. The son of All-Star outfielder Bobby Bonds and the godson of one of the game's greatest players, Bonds spent his childhood years roaming the clubhouse at Candlestick Park, getting tips from Mays and other Giants.

"I visualized him playing sports at a high level. He was 5 when he was in my locker all the time," Mays said.

In a matter of years, Bonds went from a wiry leadoff hitter with Pittsburgh in 1986 to a bulked-up slugger. That transformation is at the heart of his many doubters, who believe Bonds cheated to accomplish his feats and should not be considered the record-holder.

There are plenty of fans already hoping for the day that Bonds' total -- whatever it ends up -- is topped. Rodriguez may have the best chance, with his 500 home runs at age 32 far ahead of Bonds' pace.

Exhibit D

SFGate.com

Print This Article

Back to advertisement | your ad here

Article
SFGate.com

SF Giants' championship begets banner ticket sales

Tom FitzGerald, Chronicle Staff Writer

Thursday, February 17, 2011



More...

(02-16) 21:23 PST -- As the Giants limber up in Arizona this week, the action is already hot on another front: ticket sales.

How crazy is Giants fever? Total ticket sales are about 25 percent ahead of last year, said Russ Stanley, the managing vice president of ticket sales.

You can't swing a rally thong without smacking a Giants fan or two these days. They're willing to put up with roughly a 7 percent increase in ticket prices. Season ticket holders aren't blinking at paying \$1,700 for parking passes, up \$80 from last year.

The gold rush for tickets isn't surprising after the team's riveting championship run. No National League team has successfully defended its World Series title since the 1976 Cincinnati Reds, but that thought doesn't bother Giants fans. They're too busy worshipping their heroes - and buying tickets.

At the club's recent FanFest, when 40,000 fans mingled with the players at AT&T Park, 127 season tickets were sold.

Those are full season tickets, of course. The Giants are the only big-league team that doesn't sell partial plans, although they help people find partners to share them.

Last year the Giants sold 21,000 season tickets. Already they've sold 25,000 and the home opener is almost two months away. That means there are already 4,000 fewer tickets available per game to single-game buyers than there were last year.

Games going fast

In the resale market, single-game tickets are moving at well over double the pace of last year at this time, StubHub spokeswoman Joellen Ferrer said.

chevy owner appreciation days

2011 Traverse LS FWD

Current owners/lessees of a 1999 or newer GM vehicle.
Low mileage lease example for qualified lessees

\$279 for 39 plus **\$2,249**

/month /months Due at Signing

No security deposit required. Mileage charge of \$.20/mile over 39,000 miles. Tax, title, license and dealer fees extra.



LEARN MORE

Example based on street. Each dealer sets its own price. Your payments may vary. Payments are for a 2011 Traverse LS FWD with an MSRP of \$29,800. 39 monthly payments total \$11,550. Cannot be purchased at lease end for an amount to be determined at lease signing. All financial and lease agreements require credit review. Not available with other offers. Residency restrictions apply. Take delivery by 2/28/11.

The San Francisco-based online ticket marketplace, a partner of Major League Baseball, also reported that the Giants' opener against St. Louis is its top selling major-league game for the season so far. The Giants' second game is in third place, after the Red Sox's home opener against the Yankees.

"Already total sales for the Giants' spring training tickets have surpassed all (the club's) previous years' totals (on StubHub)," Ferrer said.

At this rate, only two other teams - the Yankees and Phillies - will sell more season tickets, or full-season equivalents in partial plans, than the Giants. The Giants have so much ticket momentum that it's possible they could challenge their club-record attendance of 3.3 million in 2000, the park's opening season.

"It would be a real stretch, but not out of the realm of possibility," Stanley said.

The Giants didn't catch fire last year until September. That helps explain why their attendance of 3.04 million, though commendable, was the third lowest in the 41,584-seat park's history.

After ranking in the top three of the 30 major-league teams their first four years in the park, they have hovered around 10th the last three years. Other teams were feeling the bite of the recession too: league attendance dropped in 2010 for the third straight season. The Giants, however, were also going through a post-Barry Bonds falloff at the gate.

What hard times?

Although the recession is far from over, you wouldn't know it at 24 Willie Mays Plaza.

"We haven't had an offseason," said Mario Alioto, vice president for revenue. "It feels like we just finished playing two or three weeks ago. It hasn't been like this since we opened the ballpark."

It might be a good time to sell a charter seat license, a requirement for buying season tickets for 16,000 of the best seats. On the team's online seat-license marketplace, 418 licenses were for resale recently with asking prices as high as \$35,000 for a premium field club seat. License-holders then have to commit to years of buying season tickets. Most of the new season ticket sales, however, don't involve seat licenses.

This is the second full year of variable ticket pricing, a system in which prices rise or fall based on how hot the demand for a particular game is. The demand changes with the opponent and other variables, such as the Giants' starting pitcher and the predicted weather. Last season's climactic series with the Padres, for example, eventually was priced much higher than it was at the start of the season.

As a rule of thumb, it's smarter to buy early than take a chance that the demand for a targeted game or series will go down and the prices with it.

The toughest ticket at the moment is for either of the first two home games against the Cardinals. At the April 8 opener, the championship banner will be hoisted and Giants calendars will be given out, along with the usual opening-day festivities. The next night, the Giants will be presented their World Series rings, and fans will get commemorative ring key chains.

Win the lottery

Fans will need to win a lottery in March to get tickets for those games.

"We could have a few hundred thousand in the lottery," Stanley said. "That's what we had for the postseason games." In terms of ticket demand, "it's as big as a World Series game."

Of the ring ceremony, Alioto said, "We'll make it pretty special. We've been waiting 56 years for it."

The ceremony will help make up for the fact that the Giants won the World Series in Arlington, Texas, rather than at home, Alioto said.

"The players and their fans haven't celebrated together in their ballpark," he said. "The parade was great, but the ballpark was where the magic is. We haven't had that moment yet where the team takes the field (as champions). It's going to be pretty special."

Season's big hits

Starting strong: The Giants' home schedule could start with six straight sellouts. The Cardinals are in town for the 1 opening-day championship ceremony on April 8, followed by the 2 World Series ring presentation on April 9, then 3 Buster Posey's Rookie of the Year award ceremony the next day.

4 5 6 Then the Dodgers come to town for three games.

Special days: The bobblehead giveaways come a bit later: Cody Ross on June 4, Aubrey Huff on June 25, Buster Posey on July 10 and Tim Lincecum on Aug. 27.

Other fan giveaways: April 24 - replicas of the World Series trophy; May 6 - replicas of the Willie Mays' statue outside the park, as part of Mays' 80th birthday celebration; May 21 - World Series championship caps.

Legends: AT&T Park will host its first old-timers game - or rather "The Legends Game with Giants Alumni" - on June 11. Will Clark has promised club officials he'll put on his eye black.

- Tom FitzGerald

E-mail Tom FitzGerald at tfitzgerald@sfchronicle.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/02/17/MN4S1HN49K.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle

Exhibit E

SFGate.com
Article
SFGate.com

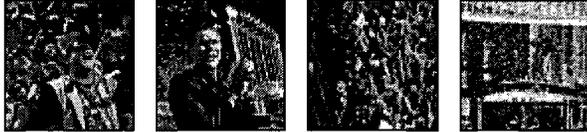
[Print This Article](#)

[Back to advertisement | your ad here](#)

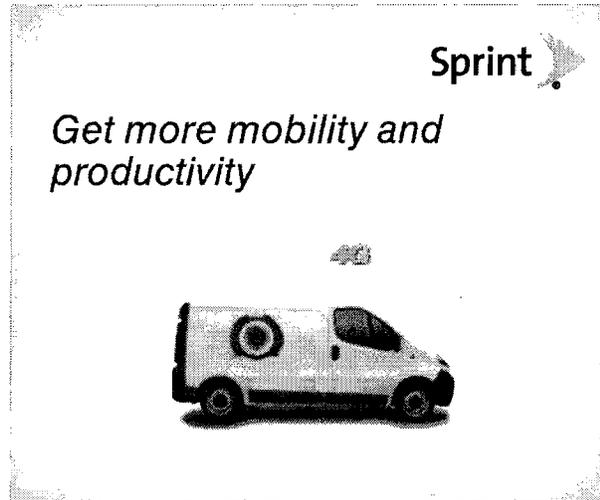
Hundreds of thousands pack Giants parade route

Kevin Fagan, Justin Berton, Demian Bulwa, Chronicle Staff Writers

Thursday, November 4, 2010



[More...](#)



(11-03) 18:22 PDT SAN FRANCISCO -- It

was a deliriously fun combination of Mardi Gras, New Year's Eve and world championship - with the crowd of the century on hand to celebrate.

Hundreds of thousands of people jammed downtown San Francisco on Wednesday for the Giants' World Series victory parade, one of the largest gatherings the city has seen in years. They perched on building rooftops and stood 50 deep at some spots along Market Street, screaming themselves hoarse as the first San Francisco Giants team ever to win the world championship rode motorized cable cars from the Financial District to City Hall.

At the head of the parade were luminaries associated with the team and the city - Hall of Famers Willie McCovey and Willie Mays, managing general partner Bill Neukom, Mayor Gavin Newsom and Sen. Dianne Feinstein.

Manager Bruce Bochy rode in a classic car, with the World Series trophy in his hands and a big grin on his face.

The Giants estimated that more than 1 million people watched the parade along the 1 1/2-mile route. Police, in keeping with their practice in recent years, declined to give a crowd size. But few, if any, could remember a bigger throng.

Downtown looked like an open-air festival gone wild as confetti rained from skyscrapers. Fans dressed up in black beards to honor star reliever Brian Wilson and long-haired wigs for two-time Cy Young Award winner Tim Lincecum.

Everywhere along the route, people stood on fire engines, automobiles, benches, portable toilets - anything that would give them a view.

Even the weather seemed to get into the spirit, blessing the day with blue skies and summer-like temperatures in the high 70s.

"It's unreal," Lincecum marveled as he leaned out of his cable car.

Wilson, with his Mohawk haircut and curiously black beard, hopped off his cable car at times to slap high fives with the crowd.

As late-season pickup and playoff star Cody Ross' cable car rolled by, chants of "Cody! Cody!" filled the air, bouncing off the walls of the skyscrapers. When World Series Most Valuable Player Edgar Renteria's car came into view, the crowd screamed, "MVP! MVP!"

Vindication

Some staked out choice spots for the parade the night before. Others braved packed public transit to get there - both BART and Caltrain said ridership was up by tens of thousands.

Despite the huge crowds, police reported no major incidents.

Lisa Fitzgerald, nine months pregnant and due any day, said she traveled with her husband, Rick, from Daly City, rolling the dice with fate. "If she's born today and right here," Fitzgerald said, "then I'll have a great story."

For many, it was a day of vindication for years of following a team that had great players, good years and bad and a few near-misses, but had never won it all since 1954 - as the New York Giants.

Bruce Riordan, 52, carried a life-size cardboard cutout of Will Clark, the former Giants stalwart whose team was swept by the Oakland A's in the 1989 World Series.

"Will didn't get a parade," Riordan said. "So I thought I'd bring him to this one."

A father on Market Street held his infant high above his head, and in the baby's hands was a sign reading: "I've waited for this for seven months."

At the end of the route, thousands of fans overflowed Civic Center Plaza - the same place the original San Francisco Giants ended their welcome-to-the-city parade when they came to town in 1958.

Politicos and players

City Hall politicians and Gov. Arnold Schwarzenegger mingled with the Giants as the team hung out in the South Light Court, waiting for the ceremony at which Neukom was given the keys to the city. Newsom, sporting an orange tie, seemed particularly awed to meet Wilson, who was sporting silver shoes.

"This is the easiest crowd I've seen in a long time," Newsom said. "Just announce you're running for mayor. I just won the lieutenant governor's race. It's an opportunity, man."

Wilson didn't do that when he addressed the packed plaza a few minutes later. "I'm kinda having a mini-heart attack," he said. "I don't really know the cause ... maybe the smell of Prop. 19" - an allusion to the heavy aroma of marijuana wafting everywhere.

First baseman Aubrey Huff lit up the crowd when he shoved his hands deep into his pants and produced his red rally thong, a good-luck charm that he supposedly wore as the Giants surged into the playoffs.

Several Giants made a point of telling the crowd that the world's championship belonged as much to the fans as it did to them.

"They wanted to win it for you as bad as they wanted to win it for themselves," Bochy proclaimed, pointing to the team.

Jason McClintock, his two teenage children and their friend came in from the Central Valley city of Madera and took up a spot at Fifth and Market streets at 1 a.m. The teens dozed while McClintock guarded the folding chairs.

"It was easy to get out of school," said 16-year-old Steffanie McClintock. "Dad said, let's go, and that was it."

John Shugarte and friend Anthony Poggi drove from Sacramento to the Walnut Creek BART Station, where they got on a standing-room-only train.

"I think our bosses understand," said Poggi, 27. "This is a once-in-a-lifetime thing. You should see me - I listen to KNBR (the Giants' flagship radio station) all day. There's no way I would miss this."

Stacey Wehr, a dental assistant from Novato, left at 6 a.m. for the drive into the city. She pulled her two sons, ages 7 and 5, from school for the occasion.

"It may not happen again," Wehr explained.

Far from being upset, the 5-year-old's kindergarten teacher took the day off and came with them.

Chronicle staff writers Henry K. Lee, Heather Knight, Jessica Kwong, John King, Michael Cabanatuan and Will Kane contributed to this report. E-mail the writers at kfagan@sfgate.com, jbarton@sfgate.com and dbulwa@sfgate.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/11/04/MNM51G6DMS.DTL>

This article appeared on page **A - 1** of the San Francisco Chronicle

© 2011 Hearst Communications Inc. | [Privacy Policy](#) | [Feedback](#) | [RSS Feeds](#) | [FAQ](#) | [Site Index](#) | [Contact](#)

Exhibit F

ADVERT

Shop | Fantasy | Golf Guide | Free e-mail | Travel | Subscribe SI | About Us

CNN Sports Illustrated **INSIDE GAME GANG**
cnn.com

He Loves Himself Barry Much

Posted: Tuesday August 21, 2001 5:55 PM

[Click here for more on this story](#)

[SAVE THIS](#) [EMAIL THIS](#) [PRINT THIS](#) [MOST POPULAR](#)



In the San Francisco Giants' clubhouse, everybody knows the



score: 24-1.

There are 24 teammates, and there's Barry Bonds.

There are 24 teammates who show up to pose for the team picture, and there's Bonds, who has blown it off for the last two years.

There are 24 teammates who go out on the field before the game to stretch together, and there's Bonds, who usually stretches indoors with his own flex guy.

There are 24 teammates who get on the players' bus at the hotel to go to the park, and there's Bonds, who gets on the bus with the broadcasters, the trainers and the manager who coddles him.

There are 24 teammates who eat the clubhouse spread, and there's Bonds, whose nutritionist brings in special meals for him.

There are 24 teammates who deal with the Giants' publicity man, and there's Bonds, who has his own clubhouse-roving p.r. guy, a freelance artist named Steve Hoskins, who turned down George Will's request for an interview with Bonds because Hoskins had never heard of him.

There are 24 teammates who hang out with one another, play cards and bond, and there's Bonds, sequestered in the far corner of the clubhouse with his p.r. man, masseur, flex guy, weight trainer, three lockers, a reclining massage chair and a big-screen television that only he can see.

Last week, after Bonds hit his 51st home run in a 13-7 win over the Florida Marlins, most of the players stayed to celebrate the victory, and at least one was gone before the press arrived in the clubhouse:

U.S. SPORTS

scoreboards

baseball S

pro football S

col. football S

pro basketball S

m. college bb S

w. college bb S

hockey S

golf plus S

tennis S

soccer S

nascar plus

▶ outdoor

▶ extreme

▶ winter

salt lake 2002

more sports

WORLD SPORT

other sports ▼

EVENTS

Sportsman of the Year
Heisman Trophy
Swimsuit 2001

CENTERS

Fantasy Central
Inside Game
Video Plus
Statitudes
Your Turn
Message Boards
Email Newsletters
Golf Guide
Cities

CNN.com GROUP

Sports Illustrated
Life of Reilly
SI Women
SI for Kids
Press Room
TBS/TNT Sports
CNN Lanquages

COMMERCE

SI Customer Service
SI Media Kits
Get into College
Sports Memorabilia
TeamStore

Bonds.

"That's Barry," says San Francisco second baseman Jeff Kent. "He doesn't answer questions. He palms everybody off on us, so we have to do his talking for him. But you get used to it. Barry does a lot of questionable things. But you get used to it. Sometimes it rubs the younger guys the wrong way, and sometimes it rubs the veterans the wrong way. You just hope he shows up for the game and performs. I've learned not to worry about it or think about it or analyze it. I was raised to be a team guy, and I am, but Barry's Barry. It took me two years to learn to live with it, but I learned."

If you get the feeling that Kent, who's in his fifth season with San Francisco, wouldn't spit on Bonds if Bonds were on fire, you might be right. Maybe it has something to do with last year, when Kent and Bonds were running neck and neck for the National League MVP award. The week before the award was to be announced, Bonds had a member of his entourage call the commissioner's office to try to find out who had won. We've got to know, said the stooge, because if he's not going to win, he can get out of town.

Perfect! No staying around to congratulate Kent. Or going to the press conference to shake his hand. Just, "If it ain't me, I'm outta here." The commissioner's office didn't know the results of the voting. Kent won.

Someday they'll be able to hold Bonds's funeral in a fitting room. When Bonds hit his 500th home run, in April, only one person came out of the dugout to greet him at the plate: the Giants' batgirl. Sitting in the stands, you could've caught a cold from the freeze he got. Teammates 24, Bonds 1.

Bonds isn't beloved by his teammates. He's not even beliked. He often doesn't run out grounders, doesn't run out flies. If a Giants pitcher gives up a monster home run over Bonds in leftfield, Bonds keeps his hands on his knees and merely swivels his head to watch the ball sail over the fence. He's an MTV diva, only with bigger earrings.

"On the field, we're fine," says Kent, "but off the field, I don't care about Barry and Barry doesn't care about me. [Pause.] Or anybody else."

Bonds will be a free agent after this season, and if he decides to sign elsewhere, will the Giants be devastated? Kent grimaces. "See: Seattle Mariners," he says, walking away.

Bonds is brilliant. He was the best player of the 1990s, and at 37 he's having his most magnificent season, on pace at week's end to break the single-season home run record of 70 and nearly lapping the league in slugging percentage, on-base percentage and walks. He should be the MVP.

But that doesn't mean you have to root for him.

Issue date: August 27, 2001

Have something to say about Rick Reilly's musings? [Click here to submit a comment.](#)

Don't miss The Life of Reilly (Total/SPORTS ILLUSTRATED, \$22.95) -- a best-of compilation of Rick Reilly's columns and features, with a foreword written by Charles Barkley, available now at bookstores everywhere.

Related information

Stories

- ▶ [Rick Reilly's Insider Archive](#)
- ▶ [SI Online: Current Issue and Archives](#)

Multimedia

- ▶ Visit **Video Plus** for the latest audio and video

Search our site

Watch CNN/SI 24 hours a day

Sports Illustrated and CNN have combined to form a 24 hour sports news and information channel. To receive CNN/SI at your home call your cable operator or DirecTV.



Copyright © 2001
CNN/Sports Illustrated
An AOL Time Warner Company.
All Rights Reserved.

[Terms under which this service is provided to you.](#)
[Read our privacy guidelines.](#)



Powered by Clickability

'Back Off or I'll Snap!'

Posted: Wednesday October 30, 2002 9:40 AM



Don't you feel a *little* sorry for Barry Bonds?

True, Bonds has the warmth of a dyspeptic IRS auditor. He dispenses more snarls than twin Dobermans. He's rude, insular and grouchy. And that's on his birthday.



But nobody, not even Barry Bonds, deserves a World Series week like he just had. All his life he'd dreamed of getting to one of these babies, and when he did it brought him all the joy of an upper G.I. cleansing.

Pitchers walked him like a Fifth Avenue poodle. Blood-red stadium crowds shook monkeys at him. Forty-four thousand people slapped 88,000 plastic sausages together until his ears popped.

He spent most of the week watching four pitches finish five feet outside the plate, walking to first base and remaining there until the inning ended. It was a whole lot of good walks spoiled.

Hell, maybe it was his teammates' revenge. After all, in the postseason he'd treated them like strangers on a prison bus. When they whipped the St. Louis Cardinals for the National League pennant, no champagne sprayed him. And during the World Series Game 3 introductions, he was the only player on the Giants to jog straight to his spot without greeting the line of teammates.

Oh, do you work here, too?

Suddenly, it seemed, they were paying back their cleanup hitter. In the No. 3 slot, second baseman Jeff Kent had one big game out of seven. The No. 5 hitter, human shar-pei Benito Santiago, seemed to need an Anaheim maneuver. Two guys, Rich Aurilia and Reggie Sanders, struck out nine times each. Bonds made 30 plate appearances, 19 of those with nobody on. He was stranded 13 times -- or as much as Gilligan in one season.

Yet with what little help, love and strikes he got, he nearly won this thing for San Francisco despite swinging the bat only 25 times in those 30 plate appearances. He absolutely nuked four home runs, though three of them came with nobody on. He was on base a preposterous 70% of the time. In fact, for about 20 minutes last Saturday night, during the sixth inning of Game 6, he was the World Series MVP.

The Giants led the game 5-zilch and the series 3-2. All that was left was the parade down Market Street. In their clubhouse, workers were starting to assemble the stage for the traditional bedlam-filled interviews. Plastic was about to be hung over the lockers. Up in the press box all the votes for MVP were collected, and though baseball won't announce this now, it was Bonds in a runaway.

But then the Angels began their monkey business. Balls started landing one foot away from San Francisco outfielders, including Mr. Bulky himself. Bonds has gotten so thick that he doesn't seem to be able to bend over and pick up a baseball. He doesn't run down bloop and flares anymore, either, and he has this new habit of trying to barehand a bouncing ball, as though he no longer needs a glove. His botching of Garret Anderson's bloop single in the eighth inning of Game 6 -- Bonds looked like a man in a tub trying to find the soap -- led to the unearned winning run in the worst clinching-game choke in World Series history.

The next night, Game 7, left Bonds's dream dead at the Ed, and a few hundred reporters had no choice but to go to his locker to ask him about it. He greeted them with, "Back off or I'll snap."

Ohh-kaay.

They asked if he would take solace in his amazing World Series performance. "What are you going to write," he growled, "that I had a good postseason and we still lost?"

They asked if the Game 6 loss would haunt him during the off-season. "Why would it haunt me?" he grumbled. "What does that have to do with me?"

Our bad. We thought you were actually part of the, er, Giants.

The whole thing lasted four minutes, tops. And then he bolted, leaving an unforgettable imprint on anybody who watched the Series, one of the clubhouse attendants included. "He didn't tip," the attendant said. "Nothing." And to think the man employs three public relations agents.

One hundred feet down the hall, the mostly starless Angels were up to their eyebrows in joy and hugs and Korbel, 25 lucky guys who will forever know the glory of winning a team sport as a *team*.

So, no, Barry Bonds doesn't get his ring. But then, he doesn't get a lot of things.

And that's the sorry part.

Issue date: November 4, 2002

Don't miss The Life of Reilly (Total/SPORTS ILLUSTRATED, \$22.95) -- a best-of compilation of Rick Reilly's columns and features, with a foreword written by Charles Barkley, available online and at bookstores everywhere.

Related information

Stories

- ▶ Rick Reilly's Insider Archive
- ▶ SI Online: Current Issue and Archives

Multimedia

- ▶ Visit **Video Plus** for the latest audio and video

Find this article at:

http://sportsillustrated.cnn.com/inside_game/rick_reilly/news/2002/10/29/life_of_reilly

Check the box to include the list of links referenced in the article.

Copyright © 2007 CNN/Sports Illustrated.



HOT TIPS?
CALL US! 1-888-847-9869

T.O. to Barry Bonds: Gimme the Juice*

Originally posted Feb 26th 2008 12:53 PM PST by TMZ Staff

As if you needed another reason to hate Terrell Owens, here's number 4,789: He's hanging out with Barry Bonds!

Cameras caught Bonds at the Palms Hotel and Casino in Las Vegas, peer pressuring the NFL's biggest crybaby into downing a performance enhancing substance – Le Tourment Vert absinthe. We're not sure which is more shocking, the look on T.O.'s face when he tries to suck it down, or the fact that Bonds managed to squeeze his gigantic head through the casino door.

Then again, anything's possible with a little Crisco and a running start.

Permalink:

<http://www.tMZ.com/2008/02/26/t-o-to-barry-bonds-gimme-the-juice/>

PRINT

Email

©2008 TMZ Productions, Inc.

Exhibit G

Google news

barry bonds steroids

Search News

Advanced news search

News

Results 1 - 10 of about 1,011 for **barry bonds steroids**. (0.06 seconds)

Top Stories

More sections ▾

All news

Images

Blogs

Any recent news

Past hour

Past day

Past week

Past month

2010

2009

2008

2006

2004-2005

Archives

Sorted by relevance

Sorted by date

Reset options

Follow **barry bonds steroids** news



Globe and Mail

Barry Bonds perjury trial: Federal judge allows key tape recording

San Jose Mercury News - [Howard Mintz](#) - Feb 15, 2011

A federal judge will allow prosecutors to play a tape-recorded 2003 conversation of **Barry Bonds'** former personal trainer allegedly discussing giving the star ballplayer **steroids**, over the objections of defense ...

[Barry Bonds facing fewer felony charges](#) Los Angeles Times

[Barry Bonds' case lawyers move to limit testimony](#) San Francisco Chronicle

[Bonds seeks exclusion of recording from trial](#) The Associated Press

[Reuters](#) - [WEEI.com](#)

[all 1,382 news articles »](#)



New York Daily News

Barry Bonds prosecutors urge no limit on witnesses

San Francisco Chronicle - Feb 22, 2011

Kimberly Bell, **Bonds'** former girlfriend, who has told investigators that **Bonds** admitted his **steroid** use to her. -- Dr. Arthur Ting, **Bonds'** orthopedic surgeon, who told the government he suspected that Anderson was supplying **steroids** to **Bonds**. ...

[No signs of plea bargain agreement for all-time home run king Barry Bonds in ...](#)

New York Daily News

[Baseball Odds for Barry Bond's Trial](#) Bookmakersinc.co.uk

[Feds submit more evidence in Bonds perjury case](#) SI.com

[ESPN](#) - [The Canadian Press](#)

[all 205 news articles »](#)



The San Francisco Appeal

Judge Suggests Barry Bonds Consider Plea Deal In Steroid Perjury Trial

The San Francisco Appeal - Feb 18, 2011

by Bay City News With less than five weeks to go before the federal perjury trial of home run champion **Barry Bonds** in San Francisco, the judge presiding over the case asked both sides today whether they would consider a plea bargain. ...

[Resolution Requested in Bonds Case](#) New York Times

[Judge asks for plea bargain in Bonds perjury case](#) San Francisco Chronicle

[Judge asks sides in Bonds trial to resolve case](#) Washington Post

[The Canadian Press](#) - [California Watch](#)

[all 139 news articles »](#)



ESPN

A cheer for sports' rats and snitches

ESPN - [Johnette Howard](#) - 3 hours ago

I was thinking about snitches the other day because the US District Court judge presiding over **Barry Bonds'** never-ending perjury case just allowed this fascinating secret recording of Bonds' personal trainer, Greg Anderson, admitted as evidence into ...

Bonds' lawyers seek to ban secret steroids recording

California Watch - [Lance Williams](#) - Feb 1, 2011

In May 2003, before a game against the old Montreal Expos, an acquaintance approached **Barry Bonds'** weight trainer in the San Francisco Giants' clubhouse



California Watch

and struck up a conversation. In the nine minutes that followed, trainer Greg Anderson described ...

Mike McCann, SI.com Legal Expert

WEEI.com - Feb 16, 2011

The people will show that Greg Anderson **bonds'** trainer told Steve Hoskins. **Bonds** is business manager that he was giving **bonds steroids** he's giving him the clear. But could still say well I didn't really know what it was. And when the question was asked ...



Fox News

Game over for Pujols, Cards

Salt Lake Tribune - Feb 16, 2011

A federal judge in the perjury case against **Barry Bonds** on Tuesday decided to allow an audio recording in which, prosecutors say, the baseball star's personal trainer discussed his **steroids** use. Bonds' lawyers had asked the judge to exclude the ...

[Video: Cardinals' Chairman on Pujols](#) CBSSports.com
[La Russa: Players' union pushing Pujols](#) Austin American-Statesman
[Pujols To Giants? An Opportunity Neither Party Should Pass Up](#) Bleacher Report
[The Trades - Denver Post](#)
[all 2,749 news articles »](#)



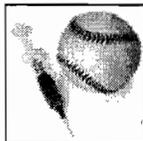
Chicago Breaking Sports - Tribune (blog)

Byrd not worried about relationship with Conte

MLB.com - [Carrie Muskat](#) - Feb 16, 2011

Conte's name is what it is because he admitted to supplying banned performance-enhancing drugs to **Barry Bonds** and has been connected to other athletes in other sports during his days with BALCO. That didn't scare Byrd. "I did my background work," Byrd ...

[Cubs CF Marlon Byrd says relationship with Victor Conte still based on trust](#) The Canadian Press
[Byrd 'not afraid' of association with convicted steroid dealer](#) Chicago Sun-Times
[all 182 news articles »](#)



BoSox Injection

Stupid is, as Stupid Does: William Abreu Suspended 50 Games

BoSox Injection - [Brian Phair](#) - Feb 16, 2011

We witnessed Mark McGwire and Roger Clemens vehemently deny their connection with PEDs and, just this week, we are still watching **Barry Bonds** being indicted. Severely increased testing of players and increased penalties, combined with the media ...



New York Daily News

Jose Canseco says his third book will avoid performance-enhancing drugs ...

New York Daily News - Feb 9, 2011

... 462 career homers don't warrant Hall admission, but that other players tainted by **steroid** accusations or admissions of guilt should "absolutely" get into Cooperstown. "Does McGwire (deserve admission)? Absolutely. Does (**Barry Bonds**)? Absolutely. ...

Create an email alert for barry bonds steroids

Add a custom section for barry bonds steroids to Google News

Search Google Fast Flip for barry bonds steroids

1 2 3 4 5 6 7 8 9 10 **Next**

The selection and placement of stories on this page were determined automatically by a computer program.
The time or date displayed reflects when an article was added to or updated in Google News.

barry bonds steroids

Search News

[RSS](#) - [Other News Editions](#) - [About Google News](#) - [About Feeds](#) - [Blog](#) - [Help](#) - [Terms of Use](#)

©2011 Google - [Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

Web Images Videos Maps News Shopping Gmail more -

Sign in

Google news

Search News

Advanced news search

Full coverage

Updated Feb 16, 2011

Top Stories

More sections v

Search this story

Go

All news

Articles

Images

Blogs

Any location

United States

San Francisco, CA

San Jose, CA

Sorted by relevance

Sorted by date

Yes, Barry Bonds could very well be convicted

msnbc.com - [Craig Calcaterra](#) - Feb 16, 2011

I probably need to clarify a point regarding my assessment of the prosecution's case in the whole Barry Bonds. I've said many times that I think it's a weak case. Recently my comments to this effect have been picked up by various blogs and have been ...

Bonds prosecutors get an evidentiary win

msnbc.com - [Craig Calcaterra](#) - Feb 16, 2011

Yesterday I outlined some of the things I thought were on the silly side when it came to the evidentiary battles in the Barry Bonds prosecution. There was a ruling yesterday, however, that is not at all silly. At least if you're Barry Bonds: the judge ...

Barry Bonds jury could hear Greg Anderson tape

San Francisco Chronicle - Feb 15, 2011

(02-15) 21:38 PST -- Barry Bonds' jury will probably hear part of a secret recording of a trainer who claims he provided steroids to the former San Francisco Giants star. In a ruling yesterday, US District Judge Susan Illston said she was inclined to ...

Prosecutors plead with judge: No Playboy for Bonds jury

msnbc.com - [Rick Chandler](#) - Feb 15, 2011

Lawyers for Barry Bonds swear that they're just interested in the articles, but we've all used that excuse. We're just a few weeks from March Madness, and by that I mean Barry Bonds' federal perjury trial, which begins March 21. ...

Barry Bonds perjury trial: Federal judge allows key tape recording

San Jose Mercury News - [Howard Mintz](#) - Feb 15, 2011

A federal judge will allow prosecutors to play a tape-recorded 2003 conversation of Barry Bonds' former personal trainer allegedly discussing giving the star ballplayer steroids, over the objections of defense ...

[All 91 related articles »](#)

Blogs

Prosecution: No copies of Playboy for Barry Bonds jury box

Yahoo! Sports (blog) - Feb 15, 2011

By 'Duk Federal lawyers finally airbrushed an interesting curve into the Barry Bonds perjury case on Monday, filing a request to prevent jurors from seeing copies of the November 2007 issue of Playboy magazine. That edition happens to contain a few ...

With Trial Looming, Feds Streamline Charges Against Bonds

Wall Street Journal (blog) - [Ashby Jones](#) - Feb 11, 2011

The most interesting thing to us about the Barry Bonds news out Thursday isn't the news itself, that federal prosecutors cut the number of felony charges against the former slugger from 11 to five. Frankly, we were most surprised by the ...

Bonds defense seeks ban on testimony about temper

Chicago Breaking Sports - Tribune (blog) - Feb 14, 2011

SAN FRANCISCO -- Barry Bonds' attorneys are seeking to keep details about the slugger's temper from the jury. On Monday, they asked the federal judge overseeing the perjury case to bar testimony from Bonds' former girlfriend, his doctor and others that ...

[All 7 related blogs »](#)

United States

Secret recording may be heard at Barry Bonds trial

Reuters - [Peter Henderson](#) - Feb 15, 2011

Related

[Barry Bonds](#)

[Grand jury](#)

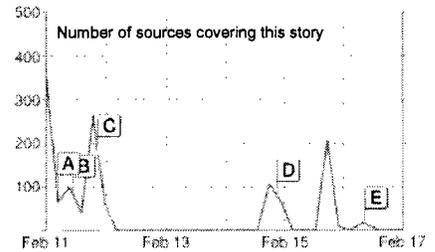
[San Francisco Giants](#)

[Greg Anderson](#)

[Susan Illston](#)

[Finance](#)

Timeline of articles



- F** [Yes, Barry Bonds could very well be convicted](#)
Feb 16, 2011 - msnbc.com
- D** [Bonds defense seeks bar to testimony about temper](#)
Feb 14, 2011 - San Francisco Chronicle
- C** [Bonds to be arraigned March 1 on latest indictment against him](#)
Feb 11, 2011 - San Jose Mercury News
- B** [Prosecutors drop six of the 11 charges against Barry Bonds](#)
Feb 11, 2011 - msnbc.com
- A** [Barry Bonds facing fewer felony charges](#)
Feb 10, 2011 - Los Angeles Times

Images



New York Daily ...



New York Daily ...



San Francisco E...



Bleacher Report



Bleacher Report



Bleacher Report



News Quest Onli...



The San Francis...



International B...

[All related images »](#)

SAN FRANCISCO (Reuters) - A US judge on Tuesday ruled that a secret locker room audio recording about injections, urine tests and Barry Bonds could be used at the baseball home run king's perjury trial next month. ...

Some fun evidentiary fights in the Barry Bonds trial

msnbc.com - [Craig Calcaterra](#) - Feb 15, 2011

There's an article in the New York Daily News today that gives a rundown of some of the evidentiary fights the Barry Bonds prosecution and defense are having. Among them: Bonds' ex-girlfriend Kimberly Bell posed in Playboy and told them her story back ...

Barry Bonds' case lawyers move to limit testimony

San Francisco Chronicle - Feb 15, 2011

Federal prosecutors don't want Barry Bonds' lawyers to argue that the government spent too much money in their seven-year probe of the former Giants outfielder's suspected use of steroids. Bonds' lawyers, meanwhile, are eager to stop his former ...

[All 136 related articles from United States »](#)

San Francisco, CA

Judge in Bonds' case ponders trainer's absence

San Francisco Chronicle - Feb 11, 2011

Eric Risberg / AP (02-11) 15:01 PST SAN FRANCISCO -- The judge in Barry Bonds' perjury case wonders what to tell the jury about weight trainer Greg Anderson, who has vowed to go back to prison rather than testify about the former Giants slugger's ...

Prosecutors drop some charges against Barry Bonds

San Francisco Chronicle - [Bob Egelko](#) - Feb 11, 2011

Baseball home-run king Barry Bonds faces five felony counts related to testimony before a grand jury in 2003. Federal prosecutors narrowed their indictment against Barry Bonds on Thursday by dropping six of the 11 felony counts, but retained their ...

Bonds trial has finally reached point of exhaustion

San Francisco Examiner - [Art Spander](#) - Feb 16, 2011

The federal government has spent upwards of \$6 million in taxpayers' money to prove that home run king Barry Bonds lied under oath. The 7½-year itch. The government's unrelenting attempt to convict Barry Bonds begins once again next month, ...

[All 19 related articles from San Francisco, CA »](#)

San Jose, CA

Barry Bonds case: Attorneys playing hardball with perjury trial looming

San Jose Mercury News - [Howard Mintz](#) - Feb 14, 2011

FILE -- Barry Bonds arrives at the Federal Courthouse in San Francisco, Calif., Friday morning Jan. 21, 2011 for hearing in front of US District Court Judge Susan Ilston. The former baseball slugger's perjury trial begins March 21. ...

Bonds to be arraigned March 1 on latest indictment against him

San Jose Mercury News - [Howard Mintz](#) - Feb 11, 2011

SAN FRANCISCO -- Home run king Barry Bonds and his former personal trainer, Greg Anderson, will return to the federal courthouse here in a few weeks, the result of more legal wrangling unfolding as the former San ...

Judge allows Bonds conversation recording in trial

San Jose Mercury News - [Paul Elias](#) - Feb 15, 2011

SAN FRANCISCO—A federal judge in the perjury case against Barry Bonds on Tuesday decided to allow an audio recording in which, prosecutors say, the baseball star's personal trainer discussed his steroids use. Bonds' lawyers had asked the ...

[All 11 related articles from San Jose, CA »](#)

The selection and placement of stories on this page were determined automatically by a computer program. The time or date displayed (including in the Timeline of Articles feature) reflects when an article was added to or updated in Google News.

Search News

[RSS](#) - [Other News Editions](#) - [About Google News](#) - [About Feeds](#) - [Blog](#) - [Help](#) - [Terms of Use](#)
©2011 Google - [Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

Google news

barry bonds perjury

Search News

Advanced news search

News

Results 1 – 10 of about 483 for **barry bonds perjury**. (0.07 seconds)

Top Stories

More sections ▾

All news

Images

Blogs

Any recent news

Past hour

Past day

Past week

Past month

2006-2011

2002-2005

1995-1997

1990-1994

1980-1989

Archives

Sorted by relevance

Sorted by date

Reset options

Follow **barry bonds perjury** news



The San Francisco Appeal

Judge asks for plea bargain in Bonds perjury case

San Francisco Chronicle - [Paul Chinn](#) - Feb 18, 2011

Barry Bonds faces trial on **perjury** charges related to his testimony to the BALCO grand jury. (02-18) 14:21 PST SAN FRANCISCO -- **Barry Bonds'** trial judge wants lawyers to strike a plea bargain that would settle the **perjury** case against baseball's home ...

[Resolution Requested in Bonds Case](#) New York Times

[Judge Suggests Barry Bonds Consider Plea Deal In Steroid Perjury Trial](#) The

San Francisco Appeal

[Judge asks sides in Bonds trial to resolve case](#) Washington Post

[The Canadian Press](#) - [California Watch](#)

[all 139 news articles »](#)



Globe and Mail

Barry Bonds perjury trial: Federal judge allows key tape recording

San Jose Mercury News - [Howard Mintz](#) - Feb 15, 2011

A federal judge will allow prosecutors to play a tape-recorded 2003 conversation of **Barry Bonds'** former personal trainer allegedly discussing giving the star ballplayer steroids, over the objections of defense ...

[Feds Cut Six Charges In Barry Bonds Perjury Case](#) International Business Times

[Judge tells Barry Bonds to enter plea for 3rd time | Baseball](#) Seattle Times

[Prosecution: No copies of Playboy for Barry Bonds jury box](#) Yahoo! Sports (blog)

[SB Nation Bay Area](#) - [San Francisco Chronicle](#)

[all 1,382 news articles »](#)



New York Daily News

Barry Bonds prosecutors urge no limit on witnesses

San Francisco Chronicle - Feb 22, 2011

Prosecutors today urged a judge not to further restrict their evidence in the **Barry Bonds perjury** case. In pleadings filed in US District Court in San Francisco, the prosecutors told Judge Susan Illston that there was no valid reason to limit the ...

[No signs of plea bargain agreement for all-time home run king Barry Bonds in ...](#)

New York Daily News

[Baseball Odds for Barry Bond's Trial](#) Bookmakersinc.co.uk

[Feds submit more evidence in Bonds perjury case](#) SI.com

[ESPN](#) - [California Watch](#)

[all 205 news articles »](#)

Feds submit more evidence in Bonds perjury case

Forbes - Feb 22, 2011

AP , 02.22.11, 06:34 PM EST SAN FRANCISCO -- Federal prosecutors are fighting to show the jury in **Barry Bonds'** **perjury** trial a trove of evidence alleging the slugger mistreated his wife, girlfriends and other people around him. ...

[Sports at 11:26 a.m.](#)

SI.com - Feb 11, 2011

A full Sports Digest will move by 3 pm - SAN FRANCISCO - **Barry Bonds'** lawyer will ask a US District judge to prohibit a secretly recorded conversation from being played during the former player's **perjury** trial next month. - NASHVILLE, Tenn. ...



Fox News

Game over for Pujols, Cards

Salt Lake Tribune - Feb 16, 2011

A federal judge in the **perjury** case against **Barry Bonds** on Tuesday decided to allow an audio recording in which, prosecutors say, the baseball star's personal trainer discussed his steroids use. Bonds' lawyers had asked the judge to exclude the ...

- [Video: Cardinals' Chairman on Pujols](#) CBSSports.com
- [La Russa: Players' union pushing Pujols](#) Austin American-Statesman
- [La Russa accuses union of pushing Pujols](#) The Augusta Chronicle
- [American Chronicle - Washington Post](#)
- [all 2,749 news articles »](#)

San Francisco Giants as fun-loving as ever, but can they repeat?

ESPN - [Jerry Crasnick](#) - Feb 16, 2011

Tim Lincecum's arm is still intact, Pablo Sandoval arrived in better shape and those **Barry Bonds perjury** updates aren't generating much buzz in Scottsdale. So unless Aubrey Huff has some startling thong-related revelations to share, the Giants will be ...

Feds submit more evidence in Bonds perjury case

San Francisco Chronicle - Feb 22, 2011

AP Source: Nets acquire Deron Williams from Jazz 02.23.11 Federal prosecutors urged a judge Tuesday to let them show the jury in **Barry Bonds' perjury** trial a trove of evidence alleging the slugger mistreated his wife, girlfriends and other people ...



New York Daily News

Paula Canny, lawyer for Bonds' trainer Greg Anderson, recalls cancer, BALCO in ...

New York Daily News - [Paula Canny](#) - Jan 30, 2011

Anderson, **Bonds'** former trainer, will be in the spotlight this spring when the **Bonds perjury** trial is set to begin in March. Canny has said Anderson will refuse to testify again if called as a witness, meaning more jail time looms. ...



Bleacher Report

An Open Letter To Barry Bonds

Bleacher Report - [Bob Lazzari](#) - Feb 2, 2011

I can now say it with a clear conscience: you're a BUM, Mr. **Bonds**. I know, I know, you'll probably tell me that there's been no conviction yet and that the **perjury/obstruction** charges you now face are STILL bogus; after all, you're **Barry Lamar** ...

Create an email alert for barry bonds perjury

Add a custom section for barry bonds perjury to Google News

Search Google Fast Flip for barry bonds perjury

1 2 3 4 5 6 **Next**

The selection and placement of stories on this page were determined automatically by a computer program. The time or date displayed reflects when an article was added to or updated in Google News.

barry bonds perjury

Search News

[RSS](#) - [Other News Editions](#) - [About Google News](#) - [About Feeds](#) - [Blog](#) - [Help](#) - [Terms of Use](#)

©2011 Google - [Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)