IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

§
§
§
§
§
§

Case No. 21-CR-00046-RDM

v.

PATRICK MONTGOMERY,
BRADY KNOWLTON, and
GARY WILSON

§
§
§
§
§
§

Defendants

DEFENDANTS' MOTION TO CHANGE VENUE

TO THE HONORABLE RANDOLPH D. MOSS, UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA:

PATRICK MONTGOMERY, BRADY KNOWLTON, and GARY WILSON, the Defendants in the above styled and numbered cause, by and through their respective, undersigned counsel, pursuant to Federal Rule of Criminal Procedure 21(a), and the Fifth and Sixth Amendments to the United States Constitution, respectfully request that this Court move their trial outside the District of Columbia.

———

> "[J]uries can bring strongly held views to the courtroom in criminal trials involving political subject matters, and those views can, in turn, affect the likelihood of obtaining a conviction, separate and apart from the strength of the actual evidence and despite a court's best efforts to empanel a fair and impartial jury."
>
> -- *John Durham, Special Counsel, Department of Justice*, REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS, May 12, 2023[1]

---

[1] Available at https://www.justice.gov/storage/durhamreport.pdf.

Although the Defendants are aware that this Court — like several other courts in this District — has previously denied a motion to change venue raised by another defendant charged with offenses related to their actions at the United States Capitol on January 6, 2021, the Defendants nevertheless request this Court consider their request to move their trial outside the District of Columbia. *See United States v. Bochene*, 579 F. Supp. 3d 177, 185–86 (D.D.C. 2022) (RDM); *see, e.g., United States v. Rhodes*, 610 F. Supp. 3d 29, 56–57 (D.D.C. 2022) (APM); *United States v. Brock*, ── F. Supp. 3d ──, 2022 WL 3910549, at *7 (D.D.C. Aug. 31, 2022) (JDB).

The Defendants have no doubt that this Court would intend to do its best following the procedure set out in *United States v. Haldeman,* 559 F.2d 31 (D.C. Cir. 1976), using voir dire first to determine juror partiality and prejudice before considering changing venue. *Id.* at 62–64. However, the sentiment expressed by Special Counsel John Durham to Attorney General Merrick Garland last month cannot be ignored. Given (a) the overwhelming presumption of guilt among prospective D.C. jurors toward January 6 defendants, (b) the fact that D.C. jurors are demonstrably more hostile towards January 6 defendants than adults surveyed nationwide, as well as in demographically comparable federal court divisions, (c) the impact of sustained and inflammatory media coverage of January 6 cases on the D.C. jury pool, and (d) the political subject matter that will encompass this trial, the Defendants believe that, despite this Court's best efforts to empanel a fair and impartial jury, their case involves the "extreme circumstances" that the court in *Haldeman* recog-

nized demands "a change of venue prior to attempting selection of a jury" in order to preserve their right to due process. *See id.* at 60, 62. Special Counsel Durham's concern about juror prejudice in cases involving political subject matters (particularly ones that involve the actions of former President Donald J. Trump) undeniably recognizes a society dominated by electronic devices and social media that did not exist in 1976 when *Haldeman* was decided. Accordingly, this Court should move the Defendants trial to a district outside of the District of Columbia.

ARGUMENT

Both the Fifth and Sixth Amendments secure the right to trial by an impartial jury. *See* U.S. CONST. amends. V, VI; *Skilling v. United States*, 561 U.S. 358, 377, 130 S. Ct. 2896, 2912, 177 L. Ed. 2d 619 (2010). The importance of an impartial jury is so fundamental to Due Process that, when prejudice makes it such that a defendant cannot obtain a fair and impartial trial in the indicting district, the district court must transfer the proceedings upon the defendant's motion. *See* FED. R. CRIM. P. 21(a); *Skilling*, 561 U.S. at 378.

In some instances, the hostility of a venue is so severe that there can be "a presumption of prejudice in a community that the jurors' claims that they can be impartial should not be believed." *Patton v. Yount,* 467 U.S. 1025, 1031, 104 S. Ct. 2885, 81 L. Ed. 2d 847 (1984). In *Skilling*, the Supreme Court reaffirmed the presumption approach articulated in *Patton* and identified three factors to guide trial and appellate courts in determining whether a presumption should attach: (1) "the size and characteristics of the community in which the crime occurred"; (2) the type

of information included in the media coverage; and (3) the time period between the arrest and trial, as it relates to the attenuation of the media coverage.[2] *Skilling*, 561 U.S. at 382–83.

Where presumption of prejudice attaches, the Supreme Court has further recognized that it overrides juror declarations of impartiality during *voir dire* because such attestations may be insufficient to protect a defendant's rights in particularly charged cases. *Murphy v. Florida*, 421 U.S. 794, 802, 95 S. Ct. 2031, 44 L. Ed. 2d 589 (1975) ("Even these indicia of impartiality might be disregarded in a case where the general atmosphere in the community or courtroom is sufficiently inflammatory."). Indeed, on appeal of a denial of a motion for change of venue, an appellate court need not even examine the *voir dire* record if it finds that the presumption attached. *Rideau v. Louisiana*, 373 U.S. 723, 727, 83 S. Ct. 1417, 10 L. Ed. 2d 663 (1963) ("But we do not hesitate to hold, without pausing to examine a particularized transcript of the *voir dire* examination of the members of the jury, that due process of law in this case required a [transfer]."). Thus, *voir dire* is not a cure for significant and substantiated Due Process concerns about the jury pool.

The Defendants submit that each of the three *Skilling* factors compels transfer of venue in this case.

---

[2] Not relevant to the instant motion, the Supreme Court identified a fourth factor for consideration upon appellate review following trial in the contested venue: whether the jury convicted the defendant on all counts or only on a subset of counts. The lack of uniformity in result after denial of a motion to transfer venue, the Court observed, indicates that the jury was impartial and capable of rendering a verdict on only the facts presented, rather than preconceived notions of guilt. *Skilling*, 561 U.S. at 383.

A. The survey data, size, and characteristics of the D.C. jury pool demonstrate that the presumption of juror prejudice attaches.

The foundation for the presumption of prejudice is found in *Rideau*, 373 U.S. at 727. In *Rideau*, half of the small jury pool had been exposed to prejudicial media — a widely-circulated video of the defendant's confession. *Id.* at 726. Despite *voir dire* revealing that only three seated jurors had actually seen the broadcasts at issue, the Court found that the share of the pool that the video tainted was significant enough to render the defendant presumptively prejudiced. *Id.* at 725. In applying *Rideau*, many courts have focused on population size and diversity as a proxy for the population's share that was likely impacted. For example, in *Skilling*, the Court observed that while the number of Enron victims in Houston was higher than that of other crimes, it was far from universal: because Houston is the fourth-largest city in the United States and highly diverse, a significant number of prospective jurors would lack any connection to Enron. *Skilling*, 561 U.S. at 358 ("[E]xtensive screening questionnaire and followup [sic] *voir dire* yielded jurors whose links to Enron were either nonexistent or attenuated.").

Three circumstances of the Defendants case distinguish it from *Skilling*: 1) the size and demographics of D.C., 2) the unprecedented impact of the event of January 6 on D.C. and its residents, and 3) the steady drumbeat of pretrial publicity. Therefore, this case more closely parallels the presumptively prejudicial circumstances in *Rideau*. Indeed, survey data confirms the conclusion that the Defendants will not be able to assemble a fair and impartial jury as the Constitution requires.

1. Survey data from multiple sources show that prejudice has attached in this District.

On behalf of all indigent clients charged in the wake of January 6, the Federal Public Defender for D.C. retained the services of the professionals of Select Litigation to survey the D.C. jury pool. As explained in its report ("SL Report"), attached as Exhibit 1, Select Litigation polled 400 potential D.C. jurors, and 400 potential jurors in the Atlanta Division of the Northern District of Georgia in *January 2022,* one year after the alleged actions of January 6, 2021. The FPD also retained the services of a media research firm, News Exposure, to analyze aspects of news coverage concerning January 6. *See* Ex. 1, App. B.

Around the same time — *between January 18 and 22, 2022* — John Zogby of Zogby Strategies conducted his own survey of 400 D.C. registered voters on behalf of defendant Gabriel Garcia, No. 21-cr-129 (ABJ). His report ("Zogby Report") is attached as Exhibit 2.

Another survey was conducted by In Lux Research between *February 14 and March 16, 2022*, on behalf of defendants Thomas Caldwell and Connie Meggs, No. 21-cr-028 (APM). Unlike the two previous reports, their report deployed an identical community attitude study that surveyed four separate federal venue units, the United States District Court for the District of Columbia, the United States District Court for the Middle District of Florida – Ocala Division, the United States District Court for the Eastern District of North Carolina, and the United States District Court for the Eastern District of Virginia. Their findings are documented in their report ("ILR Report I") attached as Exhibit 3.

Finally, In Lux Research conducted another similar survey between **September 21 and October 9, 2022**, on behalf of defendants, Joseph R. Biggs, Zachary Rehl, Enrique Tarrio, Dominic J. Pezzola, and Ethan Nordean, No 21-cr-175 (TJK). Their findings are documented in their report ("ILR Report II") attached as Exhibit 4.

All these reports show the inescapable conclusion that prejudice has attached to the D.C. jury pool and, over the course of the year, changed very little.

2. Substantial majorities of potential jurors in D.C. have prejudged January 6 defendants

All four surveys of D.C. potential jurors showed that significant majorities have unfavorable impressions of January 6 defendants, have already concluded they are guilty, and have already concluded they had the specific intent to obstruct.

Exhibit 1 summarizes Select Litigation's findings. Highlights include that D.C. residents overwhelmingly:

- have unfavorable opinions of those arrested for participating in the January 6 demonstrations (84%); and

- would characterize these individuals with broad brushes as conspiracy theorists, white supremacists, and members of violent right-wing organizations (70%, 58%, 54% respectively).

SL Report ¶¶ 9, 14. Significant majorities also:

- would characterize these individuals as "criminals" (62%); and

- have already formed the opinion that these individuals are people "guilty" of the charges brought against them (71%).

SL Report ¶¶ 14, 10.

Despite jurors' well-known duty not to determine guilt before hearing the ev-

idence, over half of D.C. respondents admit that they are more likely to vote "guilty" if they find themselves on a jury in one of these cases (52%). SL Report ¶ 11. Equally alarming, one-third of D.C. respondents would not trust a D.C. jury to give them a fair trial if they were accused of violating the law on January 6th. SL Report ¶ 8 (reporting that only 67% of potential D.C. jurors stated that they believe that they personally would receive a fair trial if they were defendants in a January 6 case).

Further, the assessment of those respondents who claim that the January 6 defendants *can* get a fair trial is suspect. Of those who believe that January 6 defendants can get a fair trial in D.C., 76% have already decided that these defendants are guilty. *Id.* ¶ 12. Further, 56% of that group confessed that they would be more likely to vote "guilty" if they were on a jury. *Id.*

The Zogby Report reveals similar results. Highlights include:

- Nearly 3 out of 4 respondents (73%) believe that any individual who was inside the Capitol on January 6, 2021 should be convicted of insurrection. (Question 9).

- Seven out of 10 (70%) respondents believe that ANYONE who went inside the Capitol building that day were trying to stop the certification of the Electoral College vote for president. And almost two-thirds (63.9%) of respondents believe that despite not personally committing acts of vandalism or violence, an individual could still be held responsible for such serious crimes assuming they went inside the building that day (Questions 15 and 16).

ILR Report I shows even more disturbing findings. Indeed, 91% of the D.C. respondents who answered the "pre-judgment test questions" admitted to making at least one prejudicial prejudgment. ILR Report I at 2. In that survey, 85% of the D.C. respondents characterized the events of January 6 as criminal in nature, even when given the option to reserve judgment on that question. *Id.* at 3. Seventy-two percent of the respondents said that they are likely to find the defendants guilty, even when

given the choice "it is too early to decide." *Id.* The survey also demonstrates that the bias is far more prevalent among D.C. respondents than the three other judicial districts surveyed. ILR Report I, Table 1(A) and (B), Figure 1 and 2.

Perhaps most striking of all, the surveys show that an overwhelming percentage of D.C. residents have already made up their minds about an essential element for several counts in the Superseding Indictment. To prove that the Defendants knowingly entered a restricted building, the government must prove that they entered the Capitol building or grounds and knew it was restricted as defined by the statute. 18 U.S.C. § 1752. The ILR Report I showed that 71% of D.C. respondents believe that all who entered the Capitol without authorization planned in advance to do so, even when offered options to reserve judgment on that question. ILR Report I at 3. The median response in all the districts surveyed for that question was 49%. *Id.* Thus, not only have most D.C. respondents reached the broad conclusion that January 6 defendants are all "guilty," but the vast majority have prejudged an element essential to several charges in the case.

Then, demonstrating that time does no favor to temper these sentiments, ILR Report II reflected the following:

- 74% of D.C. Community respondents said that they are likely to find defendants guilty even when given the choice, "It is too early to decide."

- 87% of the D.C. Community characterizes the events of January 6th as acts that are criminal in nature (insurrection, attack or riot), even when given options to reserve judgment on that question.

- 61% of the D.C. Community believes that all who entered the U.S. Capitol without authorization planned in advance to do so, even when offered options to reserve

This is the type of pernicious bias that a typical voir dire would not reveal as voir dire usually does not entail inquiring into jurors' ideas about each element of charged offenses. And asking jurors to state whether they have reached conclusions that they cannot set aside during the trial will not reveal such prejudgment: jurors do not always understand which of their opinions are relevant, and what they cannot take for granted without proof beyond a reasonable doubt. *See Smith v. Phillips*, 455 U.S. 209, 221–22, 102 S. Ct. 940, 71 L. Ed. 2d 78 (1982) (O'Connor, J., concurring) ("Determining whether a juror is biased or has prejudged a case is difficult, partly because the juror may have an interest in concealing his own bias and partly because the juror may be unaware of it.").

The weight of these four different studies conducted at four different times is overwhelming. To put the findings into perspective, however, it is worth looking at what the surveys found in other judicial districts surveyed.

3. Survey results from other judicial districts show significant differences from the DC jury pool.

Select Litigation surveyed 400 prospective jurors in the Atlanta Division of the Northern District of Georgia, which is similar demographically to D.C. SL Report ¶¶ 19–26. The results show that significantly fewer potential Atlanta jurors have set their minds against January 6 defendants. For example:

- 84% of D.C. survey respondents view people arrested in the wake of January 6th unfavorably, but only 54% of Atlanta division respondents do;

- 71% of D.C. respondents believe that individuals charged are guilty, but only 54% of Atlanta division respondents share this opinion;

- More than half of D.C. respondents say they are more likely to vote "guilty" if on a jury, but fewer than half of Atlanta division respondents say this;

- 62% of D.C. respondents characterize the January 6 defendants as "criminals," and well over 50% characterize them as "white supremacists" and "members of a violent right-wing organization," whereas fewer than half of Atlanta division respondents would characterize the January 6 defendants in these three ways (48%, 40%, and 39%, respectively).

SL Report ¶¶ 23, 24.

Select Litigation also asked both sets of survey respondents in D.C. and the Atlanta division to state whether they associated those who entered the Capitol on January 6 with certain purposes, a question that had also been asked in a recent national poll conducted by CBS/YouGov. SL Report ¶¶ 3, 18, 25. The results show that potential jurors in Atlanta hold prejudicial views on this issue at similar rates as national survey respondents. *Id.* ¶ 25. By contrast, a far greater share of D.C.'s potential jurors hold prejudicial views on this issue.

Comparison of Beliefs among Jury-eligible Citizens in D.C. & Atlanta Division, & adults nationwide		USA	D.C.	GA
Trying to overturn the election and keep Donald Trump in Power	Would	63%	84%	68%
	Would not	37	9	19
Insurrection	Would	55%	76%	55%
	Would not	45	13	27
Trying to overthrow the US government	Would	54%	72%	57%
	Would not	46	20	33

A protest that went too far	Would	76%	69%	70%
	Would not	24	24	21
Patriotism	Would	26%	13%	25%
	Would not	74	81	63
Defending freedom	Would	28%	10%	21%
	Would not	72	86	70

Both studies by InLux showed similar patterns. In their first study in February and March 2022 — where they surveyed three separate federal venue units: (1) the United States District Court for the Middle District of Florida – Ocala Division, (2) the United States District Court for the Eastern District of North Carolina, and (3) the United States District Court for the Eastern District of Virginia ("The Test Areas"), in addition to the United States District Court for the District of Columbia — InLux noted that "while the Test Areas differ from each other in geographic location, demographic composition and political party alignment, the Test Areas produced remarkably similar results on most questions in the survey, **with the DC Community standing apart**." ILR Report at 2 (emphasis added). "By measure, the DC Community attitude toward the Events of January 6th and toward all defendants associated with those events proves to be **an outlier**." *Id.* (emphasis added). Furthermore, "[t]he response distributions from the DC Community deviate considerably from both the medians and means of the response distributions throughout the Study." *Id.*

As the report continued, "Key differences between the DC Community and other Test Areas fall into at least five general categories: (1) prejudgment, (2) per-

sonal impact and perceived victimization, (3) exposure to information related to the case(s), (4) recognition and disclosure of bias, and (5) eligible population size. *See generally id.* at 2–6.

Months later, InLux conducted a second survey, surveying two *different* federal district divisions — the United States District Court for the Middle District of Pennsylvania, the United States District Court for the Southern District of Florida, — in addition to United States District Court for the Eastern District of Virginia and the District of Columbia as "Test Areas." ILR Report II at 1–2. InLux found that the D.C. Community's attitude toward Defendants was not only undeniably different than the Test Areas in this second survey, the responses also continued to differ from those Test Areas in their *original* survey. ILR Report II at 3. "This marked and persistent deviation [was] statistically meaningful in the same five general categories as the first survey." *Id.* In short, even with the passage of some time, the jury pool in D.C. continued to show demonstrated bias compared to other federal districts.

B. The size and makeup of the D.C juror pool ensures that prejudice has attached.

The District of Columbia is a compact major U.S. city and the smallest federal district in the nation. Counsel respectfully submits that, due to the district's unique characteristics, prejudice has attached.

First, the government and the media have portrayed the events of January 6

as an attempt to overthrow the government – and an attack on democracy itself.[3] As the Court is aware, a large proportion of D.C. residents either work for the federal government themselves or have friends or family who do. As of September 2017, the U.S. Office of Personnel Management reported that there are 600,000 federal civil workers and annuitants in the greater D.C. area (not including postal workers, F.B.I. employees, and staff on several federal commissions).[4] Nearly 190,000 of those workers and annuitants work within D.C. itself. *Id.* With a total population of around 690,000,[5] it seems clear that any given member of the district's jury pool has a greater likelihood of being closely connected to the federal government than one in a comparable metro area. In fact, as of 2019, according to the D.C. Policy Center, *active* federal employment (including postal workers) accounts for nearly a third of all jobs in D.C. itself, which figure does not include the many retired and former federal employees living in D.C.[6]

Importantly, nearly 15,000 D.C. metro area residents work for Congress directly, each of whom have friends and family in D.C.[7] Many others have friends and

---

[3] *See, e.g.,* Kevin McCoy & Kevin Johnson, *Investigators Signal Some Capitol Riot Suspects Could Be Charged with Conspiring to Overthrow U.S. Government*, USA Today, (Feb. 19, 2021), https://www.usatoday.com/story/news/2021/02/19/capitol-riot-did-conspirators-try-overthrow-u-s-government/6750393002/; *see also The January 6 Attack on the U.S. Capitol*, American Oversight (Jan. 5, 2022), https://www.americanoversight.org/investigation/the-january-6-attack-on-the-u-s-capitol ("Trump supporters having for weeks discussed openly their plans for a violent overthrow.").

[4] *Federal Civilian Employment,* OPM (Sept. 2017), https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/federal-civilian-employment/

[5] District of Columbia Population – April 1, 2020, U.S. Census Bureau, https://www.census.gov/quickfacts/fact/table/washingtoncitydistrictofcolumbia,US

[6] *Trends in Federal Employment in DC,* DC Pol'y Ctr. (Mar. 28, 2019), https://www.dcpolicycenter.org/wp-content/uploads/3019/03/Fed-jobs-role-in-DC-economy.png.

[7] *Vital Statistics on Congress,* Brookings Institute (July 11, 2013), https://www.brookings.edu/wp-content/uploads/2016/06/Vital-Statistics-Chapter-5-Congressional-Staff-and-Operating-

family in law enforcement that responded to the Capitol on January 6.[8]

In sum, an enormous share of D.C. residents have connections with the federal government and entities that were directly affected by January 6. The quantity of such connections is unlikely to be present in any other district. Because the government and much of the media have characterized the events of January 6 — including the attempted obstruction in which the government alleges the Defendants participated — as an attack on our elections, government institutions generally, and democracy as a whole, a disproportionate number of D.C. residents are more likely to view themselves as the direct victims of the events. Stated differently, if the federal government is the victim of many of the offenses alleged against the Defendants, its employees and their families that consider it a monumental part of their lives cannot be expected to set aside those connections and be truly fair and impartial.

Expenses_UPDATE.pdf.

[8] As reported in the Human Capital Strategic Plan, as of early 2021, 2,250 individuals were employed by the U.S. Capitol Police Force. *Human Capital Strategic Plan 2021-2025*, U.S. Cap. Police 1, 12 fig. 5 (2020), https://www.uscp.gov/sites/uscapitolpolice.house.gov/files/wysiwyg_uploaded/USCP%_20Human%20Capital%20Strategic%20Plan%20for%202021-2025.pdf, 4,400 individuals are employed by the Metropolitan Police Force, and 2,700 individuals are active members of the D.C. National Guard. *See Metropolitan Police Force Annual Report 2020*, Gov't D.C. Metro. Police Dep't 32 (2020), https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/AR2020_lowres_a.pdf ; *see also About Us*, DC Nat'l Guard (last visited Apr. 23, 2022), https://dc.ng.mil/About-Us/. More than 140 officers were allegedly injured from the events of January 6. *See* Michael Schmidt, *Officers' Injuries, Including Concussions, Show Scope of Violence at Capitol Riot*, N.Y. Times (July 12, 2021), https://www.nytimes.com/2021/02/11/us/politics/capitol-riot-police-officer-injuries.html. And while not all individuals employed by these agencies reported to the Capitol on January 6, all 9,350 individuals *were* directly and adversely affected by the January 6 events in the form of increased presence and overtime demands in the weeks that followed, greatly affecting morale. Indeed, as reported by local media, more than 75 officers left the Capitol Police force in the few months following January 6. Celine Castronuovo, *More Than 75 Capitol Police Officers Have Quit Amid Low Morale Since Jan. 6*, The Hill (July 7, 2021, 11:01 AM)), https://thehill.com/policy/national-security/561832-more-than-75-capitol-police-officers-have-quit-amid-low-morale-since.

Additionally, in the days following January 6, the D.C. Mayor declared a state of emergency, implemented a city-wide curfew, restricted access to particular roads and bridges, and requested that residents not attend inauguration.[9] Metropolitan Police and over 25,000 military personnel occupied D.C. neighborhoods in the weeks that followed.[10] Indeed, a local subsidiary of the national public broadcasting network, *D.C.ist*, reported that:

> Some residents have rescheduled medical appointments or switched up their bike and run routes to steer clear of downtown D.C. or the Capitol complex. Others say they are avoiding speaking Spanish in public or buying items like baseball bats for personal protection. Some are making plans to leave the city for inauguration. And many have feelings of anger, sadness, and heightened anticipation for the near future. [...] Some residents are also worried that a stepped up military and police presence in the city may only add to their unease.[11]

As the Court is no doubt aware, the effects of these events continue to be felt in D.C. Prior to protests to support detained January 6 defendants planned for September 2021, the Associated Press similarly reported, "In Edgy Washington, Police Outnumber Jan 6 Protestors."[12]

Further, an overwhelming number of D.C. residents — over 92 percent —

---

[9] *Mayor Bowser Orders Citywide Curfew Beginning at 6PM Today*, Gov't D.C. Muriel Bowser, Mayor (Jan. 6, 2021), https://mayor.dc.gov/release/mayor-bowser-orders-citywide-curfew-beginning-6pm-today; *Mayor Bowser Issues Mayor's Order Extending Today's Public Emergency for 15 Days*, Gov't D.C. Muriel Bowser, Mayor (Jan 6, 2021), https://mayor.dc.gov/release/mayor-bowser-issues-mayor%E2%80%99s-order-extending-today%E2%80%99s-public-emergency-15-days-a1.

[10] Ellen Mitchell, *Army: Up to 25,000 National Guard in DC for Biden Inauguration*, The Hill (Jan. 15, 2021, 3:55 PM),https://thehill.com/policy/defense/534497-army-up-to-25000-national- guard-in-dc-for-biden-inauguration.

[11] Jenny Gathright & Rachel Kurzius, *What It Feels Like to Live Under D.C.'s State of Emergency*, DCist (Jan. 13, 2021 12:27 PM), https://dcist.com/story/21/01/13/dc-state-of-emergency-residents/.

[12] Associated Press, *In Edgy Washington, Police Outnumber Jan. 6 Protesters*, US News (Sept. 18, 2021), https://www.usnews.com/news/politics/articles/2021-09-18/police-say-theyre-ready-for-rally-supporting-jan-6-rioters

voted for President Biden.[13] According to the government's theory of the case, many of those who came to the Capitol in connection with January 6 acted to prevent Biden from becoming President. Again, this stark political divide (and impact on juror attitudes) would not be as uniformly present in a different jurisdiction.

Finally, the government, the media, and judges in this district speak of January 6 prosecutions as designed to prevent "another January 6."[14] As such, D.C. residents as jurors are highly likely to view the Defendants not only as someone who victimized them, but also as someone who might victimize them again, raising a concern about conviction for prevention rather than the Defendants' individual guilt.

The survey results, size, and characteristics of the D.C. jury pool make clear that prejudice has attached, and that the Defendants cannot obtain a fair and impartial trial here.

C. Media coverage in the district also prejudices the Defendants.

The Sixth Amendment guards against jurors' conclusions being induced by "*any* outside influence" rather than "only by evidence and argument in open court[.]" *Skilling*, 571 U.S. at 378 (quoting *Patterson v. Colo. ex rel. Att'y Gen.*, 205 U.S. 454, 462, 27 S. Ct. 556, 51 L. Ed. 879 (1907)) (emphasis added). That outside influence

---

[13] *General Election 2020: Certified Results*, DC Bd. Elections (Dec. 2, 2020, 11:26 AM), https://electionresults.dcboe.org/election_results/2020-General-Election.

[14] *See, e.g.*, Zachary B. Wolf, *These Republicans Are Worried About Trump's Attempted Coup 2.0*, CNN (Nov. 5, 2021) https://www.cnn.com/2021/11/05/politics/january-6-insurrection-trump-documentary-what-matters/index.html; *see also* Jordan Fischer et. al, 'Resolving the crime of the century with misdemeanors' *Judge Skewers DOJ At January 6 Sentencing*, WUSA9 (Oct. 28, 2021, 2:47 PM), https://www.wusa9.com/article/news/national/capitol-riots/resolving-the-crime-of-the-century-with-misdemeanors-judge-skewers-doj-at-january-6-sentencing-beryl-howell-jack-griffith-anna-morgan-lloyd/65-352274e8-7279-4792-a878-cf4cb0cc20ae (explaining that the sentence was **designed to alert** "others who might consider attacking the Capitol to know their punishment would 'hurt.'").

can be "public print" *or* "private talk." *Id.* (quoting *Patterson*, 205 U.S. at 462). It can be "the sheer number of victims." *See id.* at 437–38 (Sotomayor, J., concurring in part and dissenting in part) (quoting with approval the Fifth Circuit's statement that the district court overseeing Skilling's trial "seemed to overlook that the prejudice came from more than just pretrial media publicity, but also from the sheer number of victims"). The improper outside influence may be the *nature* of the media to which jurors have been exposed, or its prevalence close to the time of the trial, or its tendency to provoke identification with those directly affected by the conduct at issue such that the jurors feel a personal stake in the outcome. *See Skilling*, 561 U.S. at 372 (discussing broadcast of confession in small town in *Rideau*); *United States v. McVeigh*, 918 F. Supp. 1467, 1473 (W.D. Okla. 1996). The outside influence may also be "such identification with a community point of view that jurors feel a sense of obligation to reach a result which will find general acceptance in the relevant audience." *McVeigh*, 918 F. Supp. at 1473.

Like the pretrial publicity in *Rideau* that led the Supreme Court to rule that the district court should have transferred the case to a new venue, the pretrial publicity about January 6 cases has "invited prejudgment of . . . culpability" and been of the "smoking gun variety." *Skilling*, 561 U.S. at 383.[15] In *Rideau,* the Court conclud-

---

[15] In *Skilling*, although the Court established no bright line rules about when media can contribute to a constitutional need to transfer venue, as the Court noted, when the Court has ruled that a case should have been transferred to a new venue in order to preserve defendants' constitutional right to trial by an impartial jury, it has emphasized (1) "the size and characteristics of" the district, (2) the extent to which news stories about the defendant contained confessions "or other blatantly prejudicial information of the type readers or viewers" in that venue "could not reasonably be expected to shut from sight," and (3) the time that has passed between periods of significant publicity and the trial. *Skilling*, 561 U.S. at 382-83; *id.* at 381 ("[P]resumption of prejudice . . . attends only the extreme case.").

ed that no *voir dire* could cleanse the taint of a video of the defendant's uncounseled interrogation and "confession," which had been broadcast in a small town several times before trial. *Rideau*, 373 U.S. at 727. Here, potential jurors have been exposed to hours and hours of videos of the events of January 6 and hundreds of images of those events.

Whereas the single recording at issue in *Rideau* captured a "dramatically staged confession of guilt," the hundreds of January 6 videos and photos circulated over the last two and half years capture many of the alleged crimes themselves. *Skilling*, 561 U.S. at 382–83. Vivid images splashed across D.C. papers' websites and television for the last two and a half years show people scaling the Capitol walls, hoisting a hangman's gallows and noose, waving Confederate flags, putting their feet on the desks in the Capitol, rifling through papers on congressional desks, hanging from the balconies in the Senate Chamber, and trying to break into the House chamber, among hundreds of other scenes.[16] Many of the images are "likely imprinted indelibly in the mind of anyone who [viewed them]." *See Skilling*, 561 at 382–83. Most, if not all this evidence has nothing to do with the Defendants or this prosecution, but because D.C. jurors have been inundated with these videos for over two years, they cannot be expected to "shut [them] from sight" during trial. *See Skilling*, 561 U.S. at 382.

---

[16] *See, e.g.* Staff, *'No pictures, no pictures': The Enduring Images from Jan. 6*, The Washington Post (Jan. 4, 2022), https://www.washingtonpost.com/nation/interactive/2022/photos-jan-6-capitol/; *Chilling Images from the Capitol Riot: Jan. 6 Insurrection in Photos*, USA Today (Jan 5. 2022), https://www.usatoday.com/picture-gallery/news/politics/2022/01/03/jan-6-insurrection-photos-capitol-riot/9052798002/; D. Bennett, et al., *41 Minutes of Fear: A Video Timeline from Inside the Capitol Siege*, The Washington Post (Jan. 16, 2021), https://www.washingtonpost.com/investigations/2021/01/16/video-timeline-capitol-siege/.

As such, the pretrial publicity about January 6 has been "blatantly prejudicial," and is distinguishable from the type of press coverage that failed to convince the Supreme Court in *Skilling* that a change of venue was warranted. *See Skilling*, 561 U.S. at 382-83 (distinguishing publicity in that case from the publicity in *Rideau* because it contained "[n]o evidence of the smoking-gun variety" and was not so shocking that it could not be shut from jurors' minds during trial).

Moreover, data gathered by News Exposure establishes that coverage of January 6 has been extensive and persistent, particularly in D.C. In one year, D.C. newspapers published at least 500 articles about January 6, and local news syndicates broadcast over 7000 stories about the day. Ex. 1, App. B-7 (print data); App. B-1 (broadcast data).[17] This coverage is far more extensive and contemporaneous than that in *Skilling* with repeated trials involving January 6 . *See Skilling*, U.S. at 428-30 (Sotomayor, J., concurring in part and dissenting in part) (noting that it took multiple years between Enron's collapse and trial for there to accumulate hundreds of *Houston Chronicle* articles, and 1,600 local broadcast stories about Skilling); *McVeigh*, 918 F. Supp. at 1471 (noting how, in the weeks following the explosion, there was less media coverage of the explosion outside of Oklahoma, however, "Oklahoma coverage, in contrast, remained focused on the explosion and its aftermath for a much longer period of time. Television stations conducted their own investigations, interviewing 'eyewitnesses' and showing reconstructions and simulations of

---

[17] These estimates may understate coverage of January 6, as News Exposure only counted hits containing a short list of terms: "January 6 riot" or "Capitol insurrection" or "Capitol riot" or "2021 US Capitol attack" or "Capitol violence." The Washington, DC newspapers News Exposure considered were The Washington Post, The Washington Times, and Washington Examiner.

alleged events. Such 'investigative journalism' continued for more than four months after the explosion.").

News Exposure also analyzed coverage of January 6 in the Northern District of Georgia. SL Report ¶¶ 27-32. Comparison of coverage in this District to coverage in Atlanta reinforces how persistent coverage has been in D.C. The lowest month of January 6 coverage in D.C. still surpassed January 6 coverage in 9 out of 12 months in Atlanta. SL Report ¶ 30; *see also* Ex. 1, App. B-1, B-2 (August 2021 in D.C. had the lowest coverage of January 6 and, even then, it surpassed Atlanta's coverage in all but 3 months of the study). The data also show that D.C. print, broadcast, and web coverage of January 6 has exceeded Atlanta's almost every month and has far surpassed Atlanta's coverage over the last year as a whole. Ex. 1, App. B. Indeed, for every story about January 6 in the *Atlanta Journal-Constitution* since January of 2021, there have been at least two in *The Washington Post*. SL Report ¶ 28.[18]

In short, the data shows that D.C. residents have been exposed to more constant coverage of January 6 than residents of a comparable district. Consequently, the Defendants maintain that this Court will be unable to seat a truly impartial jury in this district.

D. Transferring this case out of the district is the only way to safeguard the Defendants' constitutional right to an impartial jury.

The Supreme Court has recognized certain conditions that make it more diffi-

---

[18] Again, the ILR Report supports the results of the Select Litigation Survey. Only 4.83% of District respondents said they "never or almost never" follow news coverage as opposed to 13.4% in the Eastern District of Virginia. ILR Report, Table 1(C).

cult for a juror to accurately assess her own bias or to ignore salient community atti-

tudes about the case. *See Rideau,* 373 U.S. at 726-27 (concluding that no review of

"the *voir dire* examination of the members of the jury" was necessary to determine

that in that case "due process of law. . . required a [transfer]"); *see also Irvin v. Dowd,*

366 U.S. 717, 728, 81 S. Ct. 1639, 1645, 6 L. Ed. 2d 751 (1961) ("No doubt each juror

was sincere when he said that he would be fair and impartial to petitioner, but psy-

chological impact requiring such a declaration before one's fellows is often its father.

Where so many, so many times, admitted prejudice, such a statement of impartiali-

ty can be given little weight. As one of the jurors put it, 'You can't forget what you

hear and see.'"). Judge Matsch described this sentiment perfectly in *McVeigh*:

> The existence of such a prejudice is difficult to prove. Indeed it may go
> unrecognized in those who are affected by it. The prejudice that may
> deny a fair trial is not limited to a bias or discriminatory attitude. It
> includes an impairment of the deliberative process of deductive reason-
> ing from evidentiary facts resulting from an attribution to something
> not included in the evidence. That something has its most powerful ef-
> fect if it generates strong emotional responses and fits into a pattern of
> normative values.

McVeigh, 918 F. Supp. at 1472.

The presumption of juror prejudice here stems from the small size of this dis-

trict, its many federal employees, the aftermath of January 6, and the political

makeup of D.C., coupled with the government's theory of the case — which make

this venue uniquely unlikely to produce an impartial jury. Data confirms extremely

high levels of prejudice among potential jurors in this district. Most potential D.C.

jurors have already made up their minds that the January 6 defendants are crimi-

nals. Many do not realize that they have already prejudged essential elements of the

government's case. As a result, even those striving to be honest during *voir dire* and to meet their obligations as jurors, would nevertheless remain partial in ways that *voir dire* could not reveal. *See id.* at 1473 ("Properly motivated and carefully in-structed jurors can and have exercised the discipline to disregard that kind of prior awareness. Trust in their ability to do so diminishes when the prior exposure is such that it evokes strong emotional responses or such an identification with those directly affected by the conduct at issue that the jurors feel a personal stake in the outcome. That is also true when there is such identification with a community point of view that jurors feel a sense of obligation to reach a result which will find general ac-ceptance in the relevant audience.").

Under these extreme and rare circumstances, prejudice must be presumed, and the Court should transfer this case to another venue to preserve the Defend-ant's rights under to the Constitution, or at least pursuant to the Court's discretion under Rule 21. *See Skilling*, 561 U.S. at 446 n.9 (Sotomayor, J., concurring in part and dissenting in part) (noting that district courts have wide discretion to transfer a case to another venue even if trial in the originating venue would not violate the Constitution, and that it would not have been imprudent to transfer the *Skilling* case given "the widely felt sense of victimhood among Houstonians and the commu-nity's deep-seated animus toward Skilling" even if these issues did not preclude a constitutional trial).

Defendants are scheduled for trial on October 16, 2023. As of this filing, D.C. jurors have almost exclusively convicted January 6th defendants on all counts. By

October 2023, more January 6 defendants will have gone to trial. Media outlets will continue the constant coverage of trial proceedings, guilty pleas, verdicts, and sentences. The already-small pool of potentially eligible jurors will shrink, and pretrial publicity will continue to erode potential jurors' impartiality. As a result, the reasons for the Court to presume prejudice will only grow between now and the Defendant's trial. To ensure that the Defendants' trial proceeds as scheduled, and that they are tried by an impartial jury, the Court should transfer this case to another suitable venue as soon as possible.[19]

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request this Court move their trial outside the District of Columbia.

Respectfully Submitted,

/s/ *John M. Pierce*
John M. Pierce
21550 Oxnard Street
3rd Floor, PMB #172
Woodland Hills, CA 91367
Tel: (213) 400-0725
jpierce@johnpiercelaw.com

Attorney for Patrick Montgomery

---

[19] If the Court were to require a suggested alternative, the Defendants would propose transferring the case to the District of Utah as it is accessible to all the defendants. However, the Defendants are more concerned simply with having their trial moved out of the District of Columbia and are willing to consider transfer to other districts.

RONALD SULLIVAN LAW, PLLC

by: /s/ *Ronald S. Sullivan Jr.*
RONALD S. SULLIVAN JR.
D.C.D.C. Bar ID 451518
rsullivan@ronaldsullivanlaw.com

1300 I Street NW, Suite 400 E
Washington, DC 20005
Telephone: (202) 935-4347
Fax: (617) 496-2277

MAYR LAW, P.C.

by: /s/ *T. Brent Mayr*
T. BRENT MAYR
D.C.D.C. Bar ID TX0206
bmayr@mayr-law.com

5300 Memorial Dr., Suite 750
Houston, TX 77007
Telephone: 713-808-9613
Fax: 713-808-9613

WAGNER PLLC

by: /s/ *Camille Wagner*
CAMILLE WAGNER
DC Bar No. 1695930
law@myattorneywagner.com

1629 K Street NW, Suite 300
Washington, DC 20006
202-630-8812

Attorneys for Brady Knowlton

PRICE BENOWITZ, LLP

by: /s/ *David B. Benowitz*
DAVID B. BENOWITZ
D.C.D.C. Bar ID 451557
david@pricebenowitz.com

by: /s/ *Amy Collins*
AMY COLLINS
D.C.D.C. Bar ID 1708316
amyc@pricebenowitz.com

409 Seventh Street, NW, Suite 200
Washington, DC 20004
Telephone: (202) 417-6000
Fax: (202) 664-1331

Attorneys for Gary Wilson

<u>CERTIFICATE OF SERVICE</u>

I certify that a true and correct copy of this motion was sent to Counsel for the Government, Kelly Moran, Carolina Nevin, and Karen Rochlin and, on July 17, 2023, via CM/ECF and email.

/s/ T. Brent Mayr
T. BRENT MAYR
Attorney for Brady Knowlton

EXHIBIT 1

SL SELECT LITIGATION

February 4, 2022

Ms. Ann Mason Rigby
Ms. Elizabeth A. Mullin
Assistant Federal Public Defenders
Federal Public Defender's Office for the Eastern District of Virginia
1650 King Street, Suite 500
Alexandria, VA 22314

Dear Ms. Rigby and Ms. Mullin,

As you know, the Federal Public Defenders' Office for the District of Columbia commissioned Select Litigation, LLC, of Washington, D.C., to assess the federal jury pool in the District of Columbia on behalf of the many indigent clients indicted for activities arising out of the January 6, 2021, demonstrations at the U.S. Capitol building who are represented by either Assistant Federal Public Defenders or other counsel appointed pursuant to the Criminal Justice Act. To that end, Select Litigation conducted two public opinion polls, one among jury-eligible citizens of the District of Columbia, and one among jury-eligible citizens of the Atlanta Division of the Northern District in Georgia. Select Litigation also retained the services of a leading media research firm, News Exposure, to analyze news coverage related to the January 6, 2021, demonstrations. For ease of reference, I have numbered the paragraphs of this letter reporting on our results and the results of News Exposure's media study.

Jury Pool Analysis

1.   The samples for the polls were drawn from current lists including both landlines and cellular devices, and the sampling was done in a manner to ensure that every jury-eligible citizen on the lists from each of the two jurisdictions would have an equal probability of being included in the final sample. Interviewing for the polls was conducted by professional interviewers by telephone January 9-14, 2022. Respondents were interviewed on both landlines and mobile devices. The total sample size was 800 respondents comprised of 400 interviews in each jurisdiction. The wording and ordering of the substantive questions were identical in both jurisdiction, and copies of the questionnaires are included as an addendum to this letter.

2.   All polls are subject to errors related to interviewing a sample of a universe rather than the entire population. The margin of estimation or sample error for a sample size of 400 is 4.9 percentage points at the 95% confidence interval. This means that in 95 out of 100 cases, the responses in these polls should be within plus or minus 4.9 percentage points of the responses that would have been obtained interviewing the entire population in each jurisdiction. The sampling error for

subgroups contained in these samples would be larger. Small adjustments were made to the interviews collected to ensure that the samples are reflective of the best available information about the composition of the populations in these jurisdictions. In this and other respects, the methods used in conducting these polls were according to or exceed professional standards for public opinion research.

3.   In preparation for this research, Select Litigation reviewed numerous polls conducted about the events of January 6. In these polls, Select Litigation included one question taken from a national poll conducted by CBS News/YouGov was included so we could compare results from these two jurisdictions with results for adults nationwide. The CBS News/YouGov poll was conducted December 27-31, 2021, with 2,063 adults. The margin of sampling or estimation error with this size is 2.3 percentage points, plus or minus. The results of the poll are reviewed at https://www.cbsnews.com/news/january-6-opinion-poll-2022/, and a descriptions of its methodology can be found at the bottom of the document located at this link: https://drive.google.com/file/d/1QNzK7xBJeWzKlTrHVobLgyFtId9Cgsq_/view.

4.   I was the project manager for this research by Select Litigation. Over the past four decades, I have conducted over 3000 public opinion polls. I am a political scientist by training, having earned a degree with departmental honors at Guilford College, an M.A. from the University of Nebraska, completed doctoral course work and comprehensive exams at Tulane University, and did advanced study in opinion research and statistics at the University of Michigan.

Key Findings of Jury Pool Analysis

5.   Prospective jurors in the District of Columbia have decidedly negative impressions of individuals arrested in conjunction with the activities of January 6, 2021. Their bias against the defendants is evident in numerous results and is reflected in a significant prejudgment of the case: a clear majority admit they would be inclined to vote "guilty" if they were serving on a jury at the defendants' trial. The attitudes of prospective jurors in the District of Columbia are decidedly more hostile toward the defendants than adults nationwide or prospective jurors in a demographically comparable federal court division.

6.   The first part of this document describes the findings from the poll of jury-eligible citizens of the District of Columbia. The next section compares the views of the District of Columbia jury pool with the jury-eligible citizens in the Atlanta Division of the Northern District of Georgia. A final section reviews the findings of a study of the media coverage of the events of January 6.

The District of Columbia Jury Pool

7.   Essentially every jury-eligible individual in the District of Columbia (99%) is aware of the demonstrations that took place at the Capitol on January 6, 2021. Awareness that "several hundred people were arrested on charges related to those demonstrations" is almost as high (93% aware). *See* Appendix A, Q1, Q3.

8.   Most jury-eligible District of Columbia citizens (80%) express confidence that the current defendants will receive a "fair trial" in the District of Columbia. Fewer than this (67%) believe that they themselves would receive a fair trial if they were defendants in the case.   Other responses undermine the notion that these expressions of confidence in a fair trial are an accurate reflection of what would occur. *See Appendix A*, Q7, Q6.

9.   The vast majority (84%) have an unfavorable opinion of the "people arrested for participating in the events at the Capitol on January 6." Only 6% have a favorable view of those arrested; another 4% volunteer that their opinion is mixed, and 6% do not offer an opinion of those arrested. *See Appendix A,* Q2.

10.   An overwhelming majority of the District of Columbia jury pool have a prejudgment about the case. When asked whether they think the "people who were arrested for activities related to those demonstrations are guilty or not guilty of the charges brought against them," 71% say "guilty" and 3% say "not guilty." About one of every six volunteer that "it depends," while only 10% offer no opinion as to the guilt of those arrested. *See Appendix A,* Q4.

11.   This perception of guilt goes beyond a simple, loosely held opinion. For example, from early in life, most every American is exposed to the monition that, if they serve as jurors, they must treat defendants as "innocent until proven guilty." Despite this, a majority of jury-eligible residents of the District of Columbia (52%) admit in this anonymous interview that if they were "on a jury for a defendant charged with crimes for his or her activities on January 6th," they would be more likely to vote the defendant "guilty." Only 2% say they would be more likely to vote "not guilty." About a third of the jury pool volunteer that "it depends" on how they would vote, and 13% offer no opinion. *See Appendix A*, Q5.

12.   The prejudgment revealed in responses to these two questions are in sharp contrast to the expressions of confidence for a "fair trial." It is of particular interest that 76% of those who stated that they believe the defendants will receive a fair trial think the defendants are guilty, and 56% of them say they would vote "guilty" if they were on a jury.

13.   Almost all prospective jurors in District of Columbia remember being exposed to media coverage of January 6th (over 90% have seen, read, or heard some). Most of them say the media coverage implied that the defendants are guilty of "the charges brought against them." Only 4% say the coverage suggests they are not guilty, and 17% say the media coverage had been mixed. *See Appendix A,* Q8, Q9.

14.   These opinions of the defendants among prospective District of Columbia jurors are buttressed by strong underlying beliefs about the defendants' associations, beliefs, actions, and motivations. First, large majorities accept, and few prospective jurors reject, negative descriptions of the defendants. Seven of every ten (70%) would describe the defendants as "conspiracy theorists," 62% would describe them as "criminals," 58% would describe them as "white supremacists," and 54% would describe them as "members of a violent right-wing organization." No more

3

than 30% say they would not use any one of these terms to describe the defendants. *See Appendix A,* Q10.

15.   Second, many potential jurors reveal preconceived notions about the intent of at least those defendants who "forced their way into the U.S. Capitol," to use the terminology used in the CBS News/YouGov poll of December 27-30, 2021. More than eight of every ten (85%) think "trying to overturn the election and keep Donald Trump in power" would describe these defendants' actions; only 9% believe that would not be a valid description. Three-quarters (76%) believe that the term "insurrection" would describe their actions on January 6, and 72% believe "trying to overthrow the US government" would be an apt description. About two-thirds (69%) think "a protest that went too far" describes their actions. On the other hand, alternative positive descriptions are roundly rejected. Only 13% think that "patriotism" and only 10% think that "defending freedom" would describe their actions. *See Appendix A,* Q11.

16.   Responses to this question raise additional questions about the extent to which prejudgments about the defendants undermine widespread expression of confidence that defendants will receive a "fair trial." That is, overwhelming majorities of those in the District of Columbia jury pool who say that they believe the defendants will receive a fair trial also reveal existing judgments about the motivations and intentions of the defendants. That is, 78% of them believe the term "trying to overthrow the government to keep Donald Trump in power" would describe them; and 82% believe the term "insurrection" is an apt description for their actions. By contrast, only 10% believe "patriotism" would describe them, and only 6% think "defending freedom" would.

17.   Note that we used the same question wording as the national CBS News/YouGov December 27-30, 2021, poll to facilitate comparisons between the two juror pools we analyzed with adults nationwide. We used this question wording despite the fact that the CBS News/YouGov question wording is leading and includes language characterizing the defendants that the defendants do not accept as accurate, i.e., "the people who forced their way into the U.S. Capitol."

18.   As the following table demonstrates, prospective jurors in the District of Columbia are more likely than adults nationwide, by a statistically significant margin, to believe that the January 6 defendants were trying to overturn the election and keep Donald Trump in power, were involved in an "insurrection," and were "trying to overthrow the U.S. government." And they are less likely to believe that the defendants' actions would be described as "patriotism" or "defending freedom."

Comparison of Beliefs among Adults Nationwide and Jury-eligible Citizens of DC				
Do you believe this term would or would not describe the actions of on January 6?*				
		USA	DC	*Difference*
Trying to overturn the election and keep	Would	63%	85%	*+22*
Donald Trump in Power	Would not	37	9	*- 28*

4

Insurrection	Would	55%	76%	+21
	Would not	45	13	- 32
Trying to overthrow the US government	Would	54%	72%	+18
	Would not	46	20	- 26
A protest that went too far	Would	76%	69%	- 7
	Would not	24	24	+ 0
Patriotism	Would	26%	13%	- 13
	Would not	74	81	+ 7
Defending freedom	Would	28%	10%	- 18
	Would not	72	86	+14

* The wording of the CBS/YouGov poll question was as follows: "Thinking about the people who forced their way into the U.S. Capitol on January 6, 2021. Would you describe their actions as …?" The question on the telephone polls reported here was worded as follows: "Thinking about the people who forced their way into the U.S. Capitol on January 6, 2021, tell me whether you would or would not describe their actions in the following ways. Here's the first description: [READ ITEM] Would you describe or would you not describe the actions of the people who forced their way into the U.S. Capitol on January 6, 2021, in that way?

The fact that the CBS News/YouGov poll was administered on-line and the polls reported here were conducted via telephone accounts for the slight difference in wording. In addition, the fact that the CBS News/YouGov poll did not permit answers other than "yes" and "no" is the reason the responses to those questions all add to 100%. The telephone polls that we conducted included space for the interviewers to note when respondent answers were something other than the offered answers, in particular, "it depends," or some indication of "mixed," and a refusal or reluctance to venture any response ("don't know"). As a result, the DC responses reported here do not add up to 100%.

Comparison of Jury-Eligible Citizens in the District of Columbia and in the Atlanta Division

19.   The comparison of results for a comparable question asked nationwide and in the District of Columbia illustrates that prospective jurors in the District of Columbia differ from adults nationwide in their views of the defendants. We also compared the opinions of prospective jurors in the District of Columbia about the defendants with those of prospective jurors in another federal court division.

20.   The selection of the additional district in which to poll was based on numerous considerations and research into other divisions of the federal court system. From study and prior experience, we know that most urban areas in the United States have relatively similar distributions of gender, age, and other demographic measures of their populations. One of the biggest differences among the

5

divisions is the racial composition. In that regard, the division with the closest approximation of the racial composition of the District of Columbia is the Atlanta division of the Northern District of Georgia. The following table shows the racial composition of twelve divisions.

Comparison of the Racial Composition of Various Federal Court Divisions	White	Black	Hispanic
District of the District of Columbia	41%	39%	11%
Atlanta Division of Northern District of Georgia	40%	38%	12%
Northern Division of Middle District of Alabama	55%	37%	3%
Norfolk Division of the Eastern District of Virginia	55%	29%	7%
Eastern District of Louisiana	55%	29%	9%
District of Delaware	62%	21%	9%
Middle District of North Carolina	62%	21%	9%
Southern Division of Eastern District of Michigan	69%	18%	4%
Eastern Division of the Eastern District of Missouri	73%	17%	3%
Eastern District of Pennsylvania	65%	16%	10%
Eastern Division of the Northern District of Illinois	52%	16%	22%
Southern District of New York	43%	16%	30%

21.   This is not to say that the Atlanta Division is the same as the District of Columbia in every regard. Adults in the District of Columbia have higher levels of formal education than in other divisions (64% of adults in the District of Columbia have an associate degree or higher). The comparable number in the Atlanta Division is 51%. While the level of formal education is lower in Atlanta, it is higher than any other division examined other than the Southern District of New York which also has 51% with associate degrees or higher.

22.   Another obvious contrast is the percentage of vote won by the candidates in the 2020 Presidential election. Trump won about 5% (to Biden's 92%) in the District of Columbia, while the split in the counties of the Atlanta Division was 65%-33% for Biden. In fact, no other federal court division had a Presidential vote as lopsided as the District of Columbia in 2020; the closest one in the divisions examined here was SDNY (Biden 72%-Trump 26%). But since formal education and political leanings traditionally are not factors to consider in selecting venue, the decision was to use the Atlanta Division because the similarity of the two districts on a variety of demographic measures, including the race/ethnic composition of the two populations.

23.   A poll with identical questions was conducted in the Atlanta Division over the same days as the poll in the District of Columbia discussed above. With one exception, prospective jurors in the District of Columbia have more negative views of the defendants by a statistically significant margin on each of these questions as these examples show.

Comparison of opinions among prospective jurors in DC and Atlanta Division			DC	GA	Difference
Q2. Opinion of the people arrested for participating in the events at the U.S. Capitol on January 6		Favorable	6%	18%	-12
		Unfavorable	84	54	+30
	Volunteered	(Mixed)	4	16	-12
	Volunteered	(Don't know/refused)	6	12	-6
Q4. Opinion of whether people arrested for Jan 6 activities are guilty or not guilty of the charges brought against them		Guilty	71%	54%	+17
		Not guilty	3	10	-7
	Volunteered	(Depends)	16	19	-3
	Volunteered	(Don't know/refused)	10	17	-7
Q5. How are you more likely to vote if on a jury for a defendant charged with crimes for his or her activities on January 6th		Guilty	52%	45%	+7
		Not guilty	2	9	-7
	Volunteered	(Depends)	33	37	-4
	Volunteered	(Don't know/refused)	13	8	+5

24.   The difference in underlying opinions of prospective jurors in the District of Columbia is even more evident on questions about descriptions of the defendants than it is on the questions for which there is an obvious socially acceptable response. Jury-eligible citizens of the District of Columbia are more likely by a statistically significant margin than their counterparts in the Atlanta division to believe the terms "conspiracy theorists," "criminals," "white supremacists," and "members of a violent right-wing organization" describe most of the January 6 defendants.

Comparison of Beliefs about January 6 defendants in DC and Atlanta Division					
Q10. Would you or would you not describe most of the people who were arrested for their involvement in the events on January 6th at the U.S. Capitol building using this description?					
			DC	GA	Difference
Conspiracy theorists		Would	70%	52%	+18
		Would not	15	32	- 17
Criminals		Would	62%	48%	+14
		Would not	28	35	- 7
White supremacists		Would	58%	40%	+18
		Would not	25	41	- 16
Members of a violent right-wing organization		Would	54%	39%	+15
		Would not	29	41	- 12
NOTE: The results do not add to 100% because some respondents answered in ways not included in the question, most frequently "it depends," "mixed," or offered no opinion.					

25.   Prospective jurors in the District of Columbia also are more likely to have formed the opinion that the defendants had specific intent on January 6 than their counterparts in Georgia with one exception. The similarity between the opinions of the Georgia respondents and adults nationwide is additional evidence that the District of Columbia is an outlier in these matters.

Comparison of Beliefs among Jury-eligible Citizens in DC & Atlanta Division, & Adults Nationwide				
Q11. Do you believe this term would or would not describe actions on January 6?*				
		USA	DC	GA
Trying to overturn the election and keep Donald	Would	63%	84%	68%
Trump in Power	Would not	37	9	19
Insurrection	Would	55%	76%	55%
	Would not	45	13	27
Trying to overthrow the US government	Would	54%	72%	57%
	Would not	46	20	33
A protest that went too far	Would	76%	69%	70%
	Would not	24	24	21
Patriotism	Would	26%	13%	25%
	Would not	74	81	63
Defending freedom	Would	28%	10%	21%
	Would not	72	86	70
See the note on the comparable table above for the wording of the questions and pertinent information about the responses on the nationwide poll and the telephone polls reported here.				

26.   In sum, these polls demonstrate that jury-eligible citizens in the District of Columbia are decidedly more biased against the January 6 defendants than either their counterparts in the Atlanta Division of the Northern District of Georgia or adults nationwide. This bias and their clear prejudgment about the case raise significant questions about the viability of obtaining a fair trial in the District of Columbia.

Comparison of Media Coverage in Two Markets

27.   Data generated by a leading media research firm, News Exposure show that stories about and mentions of the January 6 incident were more common by District of Columbia media outlets than by comparable outlets in Atlanta in print, broadcast, and internet. *See Appendix B.* News Exposure's findings and conclusions are summarized below. Their report can be found in Appendix B and at this link:
https://docs.google.com/spreadsheets/d/1-gGzNFhGmQPZAiRkoZjzTO8uqiq9Zve2I4L15mddpqU/edit?usp=sharing

28.   **Print stories**. During the first year after the events of January 6, 2021, the dominant newspaper in the District of Columbia (the Washington Post) ran roughly twice as many stories totally or mostly dedicated to the January 6 matter as the dominant newspaper in Atlanta (the Atlanta Journal-Constitution).   The following table shows the distribution of stories on the demonstration and its aftermath in each publication beginning January 6, 2021. With a few exceptions (April, May, and October 2021), the Washington Post published more stories on the matter than the Atlanta Journal-Constitution. During the most recent three months, the Post published 57 stories to 9 in the Journal-Constitution.

Number of Stories in Two Newspapers		
	Atlanta Journal-Constitution	Washington Post
Jan 2021	15	28
Feb 2021	9	19
Mar 2021	11	10
Apr 2021	7	5
May 2021	3	3
Jun 2021	9	30
Jul 2021	11	26
Aug 2021	8	10
Sep 2021	7	15
Oct 2021	10	7
Nov 2021	4	19
Dec 2021	2	18
Jan 2022	3	20
Totals	**99**	**210**

29.   **Web coverage.** Disparity between media coverage in the two markets was perhaps greatest on the internet. As this table shows, the number of hits from internet sites based in the District of Columbia area was four times higher than the comparable number of hits from sites based in the Atlanta area.

Number of Web Hits in Two Markets		
	Atlanta	Washington
Jan 2021	286	8,428
Feb 2021	2,016	3,570
Mar 2021	771	2,170
Apr 2021	522	1,724
May 2021	747	2,450
Jun 2021	659	2,562
Jul 2021	549	2,428
Aug 2021	360	1,131
Sep 2021	486	1,441
Oct 2021	471	1,805
Nov 2021	349	1,814
Dec 2021	389	1,873
Jan 2022	507	1,951
Totals	**8,112**	**33,347**

9

30.   Other common ways of reporting internet broadcasting (e.g. impressions, ad value) show even larger disparities between the District of Columbia and Atlanta.   Those are not reported here because controversies over the methodologies could distract from the simple and incontrovertible conclusion that District of Columbia-based sites provided many more hits on the internet than their counterparts in Atlanta.

31.   **Broadcast coverage**.   The findings are similar with respect to the number of stories broadcast on the local programming of the network television affiliates of ABC, CBS, Fox, and NBC in each market that included significant mention of the events of January 6, 2021, and its aftermath. The comparison is shown in the following table. It is worth mentioning that the larger number of mentions on broadcast news compared to print is in part because of the multiple news broadcasts that appear each day on each outlet.

Number of Hits on Local Broadcasts		
	Atlanta	Washington
Jan 2021	1,090	1,250
Feb 2021	369	874
Mar 2021	394	616
Apr 2021	202	523
May 2021	305	549
Jun 2021	195	388
Jul 2021	234	561
Aug 2021	92	356
Sep 2021	226	533
Oct 2021	135	423
Nov 2021	173	473
Dec 2021	290	444
Jan 2022	300	310
Totals	**4.005**	**7,300**

32.   In addition to the simple difference in the number of hits on the local broadcasts of the network affiliates, the table shows the persistence of the coverage in the District of Columbia market as compared to the Atlanta market. The fewest number of hits on the news broadcast by the District of Columbia affiliates in 2021 was 356 in August of last year. The number of hits during the lowest month in the District of Columbia exceeded the comparable mentions in nine of the twelve months on comparable broadcasts in Atlanta.

33.   This disparity of media exposure might help explain the differences in the views of jury-eligible citizens in the District of Columbia and the views of their counterparts in a comparable division and among adults nationwide.

Sincerely yours,

s/

Harrison Hickman
Select Litigation, LLC
5301 Wisconsin Ave, NW, Suite 330
Washington, DC 20015

Appendix A
Select Litigation Results

SL | SELECT LITIGATION

Hello, my name is _____ from **[PHONEBANK]**, a national research firm.

[IF LANDLINE] We're conducting a survey in **(Washington, D.C./Georgia)** to get people's opinions on important local issues. This number was selected at random and according to the research procedure, I would like to speak to the youngest **(ALTERNATE: MAN/WOMAN)** at this address who is registered to vote.

[IF CELL PHONE] We're conducting a survey of cell phone users in **(Washington, D.C./Georgia)** to get people's opinions on important local issues. Since you are on a cell phone, I can call you back if you are driving or doing anything else that requires your full attention. Can you talk safely and privately now? **[IF YES, CONTINUE. IF NO, SCHEDULE CALLBACK]**

		D.C.	Atlanta
Number		400	400
Margin of error		+/- 4.9	+/- 4.9

RESUME ASKING ALL RESPONDENTS

QA. To ensure we have a proper sample, would you please tell me the name of the county you live in? **[CODED]**

QB. Are you officially registered to vote in **(Washington, D.C./Georgia)**?

		D.C.	Atlanta
Yes		99%	94%
No		1	6
VOL: (Don't know)		-	-

ASK QC IF NOT REGISTERED TO VOTE OR DON'T KNOW [QB=2,3]
QC. Do you currently have a driver's license with a **(Washington, D.C./Georgia)** address?

		D.C.	Atlanta
Yes		1%	6%
No/Don't know ────────────────────────►		**TERMINATE**	
Registered to vote		99	94

RESUME ASKING ALL RESPONDENTS
QD. [DC ONLY] And to make sure we interview people in all parts of the city, please tell me the ZIP code at the address where you live. **[CODED]**

QE. In the last month, have you received a summons to appear for jury duty?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

QF. Are you a member of federal, state, or local law enforcement?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

QG. Are you an active-duty military member?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

QH. Are you, or any of your immediate family members, congressional staff?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

QI. Are you, or any of your immediate family members, employed by the Department of Justice, or **(D.C./state or local)** or federal courts?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

QJ. Are you, or any of your immediate family members or close personal friends CURRENTLY employed by or have any affiliation with the media?

		D.C.	Atlanta
No		100%	100%
Yes/Don't know ──────────────────────►		**TERMINATE**	

Q1. Are you aware or not aware of the demonstrations that took place at the Capitol on January 6, 2021?

		D.C.	Atlanta
Aware		99%	93%
Not aware		1	7
VOL: (Refused)		-	-

Q2. Do you have an unfavorable or favorable opinion of the people arrested for participating in the events at the U.S. Capitol on January 6?

		D.C.	Atlanta
	Favorable	6%	18%
	Unfavorable	84	54
VOL:	(Mixed)	4	16
VOL:	(Don't know/Refused)	6	12

Q3. Are you aware or not aware that several hundred people were arrested on charges related to those demonstrations?

		D.C.	Atlanta
	Aware	93%	87%
	Not aware	6	13
VOL:	(Refused)	1	*

Q4. From what you have heard or read, do you think the people who were arrested for activities related to those demonstrations are guilty or not guilty of the charges brought against them?

		D.C.	Atlanta
	Guilty	71%	54%
	Not guilty	3	10
VOL:	(Depends)	16	19
VOL:	(Don't know/Refused)	10	17

Q5. Assume you are on a jury for a defendant charged with crimes for his or her activities on January 6th. Are you more likely to vote that the person is guilty or not guilty of those charges?

		D.C.	Atlanta
	Guilty	52%	45%
	Not guilty	2	9
VOL:	(Depends)	33	37
VOL:	(Don't know/Refused)	13	8

Q6. If you were a defendant charged with crimes for your activities on January 6th, do you think you would or would not get a fair trial in the District of Columbia?

		D.C.
	Would	67%
	Would not	21
VOL:	(Depends)	5
VOL:	(Don't know/Refused)	7

Q7. Do you think the defendants currently charged with crimes for their activities on January 6th will or will not get a fair trial in the District of Columbia?

		D.C.
	Will	80%
	Will not	10
VOL:	(Depends)	4
VOL:	(Don't know/Refused)	5

Q8. Since the demonstrations took place on January 6th, how much news coverage have you seen, heard, or read about the demonstrations at the Capitol, the investigations, arrests, and court proceeding of individuals involved in those demonstrations – a lot, quite a bit, some, not much, or none at all?

		D.C.	Atlanta
	A lot	33%	30%
	Quite a bit	28	20
	Some	25	25
	Not much	9	18
	None at all	4	7
VOL:	(Don't know/Refused)	*	*

Q9. Has most of the media coverage you have seen, heard, or read suggested the defendants are likely guilty or are likely not guilty of the charges brought against them?

		D.C.	Atlanta
	Likely guilty	63%	61%
	Likely not guilty	4	10
VOL:	(Depends)	17	14
VOL:	(Don't know/Refused)	16	16

Q10. I am going to read some descriptions of people. For each of these, tell me if you would or would not describe most of the people who were arrested for their involvement in the events on January 6th at the U.S. Capitol building using each description. Here's the first one: **[READ ITEM]** Would you describe, or would you not describe most of the people who were arrested for their actions on January 6th as **[ITEM]**?

SCRAMBLE

		Would	Would not	(Not sure/Don't know)	(Refused)
• Conspiracy theorists	Washington, D.C.	70%	15	13	2
	Atlanta	52%	32	14	2
• Criminals	Washington, D.C.	62%	28	7	2
	Atlanta	48%	35	16	1
• White supremacists	Washington, D.C.	58%	25	14	3
	Atlanta	40%	41	17	1
• Members of a violent right-wing organization	Washington, D.C.	54%	29	15	2
	Atlanta	39%	41	18	2

Q11. Thinking about the people who forced their way into the U.S. Capitol on January 6, 2021, tell me whether you would or would not describe their actions in the following ways. Here's the first description: **[READ ITEM]** Would you describe, or would you not describe the actions of the people who forced their way into the U.S. Capital on January 6, 2021, in that way?

SCRAMBLE

		Would	Would not	(Not sure/Don't know)	(Refused)
• Trying to overturn the election and keep Donald Trump in power ...	Washington, D.C.	85%	9	4	2
	Atlanta	68%	19	11	2
• Insurrection	Washington, D.C.	76%	13	9	2
	Atlanta	55%	27	15	3
• Trying to overthrow the U.S government	Washington, D.C.	72%	20	6	2
	Atlanta	57%	33	9	1
• A protest that went too far	Washington, D.C.	69%	24	5	2
	Atlanta	70%	21	7	2
• Patriotism	Washington, D.C.	13%	81	5	1
	Atlanta	25%	63	12	1
• Defending freedom	Washington, D.C.	10%	86	3	2
	Atlanta	21%	70	8	1

Now let's go to some final questions with a reminder that this survey is completely confidential.

D100. Gender.

	D.C.	Atlanta
Male	46%	48%
Female	54	52

D101. What is your age?

	D.C.	Atlanta
18-24	2%	8%
25-29	8	8
30-34	13	16
35-39	20	8
40-44	12	11
45-49	7	12
50-54	7	7
55-59	7	8
60-64	2	6
65+	20	14
VOL: (Refused)	3	1

D102. What is the last grade you completed in school?

	D.C.	Atlanta
Some grade school (1-8)	*	1%
Some high school (9-11)	5	3
Graduated high school	8	14
Technical/Vocational	2	6
Some college	13	18
Graduated college	31	35
Graduate/Professional	38	21
VOL: (Don't know/Refused)	4	2

Q12. And when it comes to politics, do you generally think of yourself as a Democrat, an Independent, or a Republican?

	D.C.	Atlanta
Democrat	59%	36%
Independent	29	29
Republican	4	20
VOL: (Other)	3	4
VOL: (Don't know)	5	5

ASK ONLY IF REGISTERED TO VOTE IN QB [QB=1]

Q13. Regardless of how you feel about the parties, how are you registered to vote: as a Democrat, an Independent, or a Republican?

	D.C.
Democrat	69%
Independent	18
Republican	4
VOL: (Other)	2
VOL: (Don't know)	6
NOT REGISTERED	1

RESUME ASKING ALL RESPONDENTS

D300. And just to make sure we have a representative sample of voters, could you please tell me your race? [IF NECESSARY] Well, most people consider themselves black or white?

		D.C.	Atlanta
	Black	44%	41%
	White	43	41
VOL:	(Other)	8	14
VOL:	(Don't know/Refused)	4	4

D301. Do you consider yourself a Hispanic, Latino, or Spanish-speaking American?

		D.C.	Atlanta
	Yes	6%	11%
	No	91	86
VOL:	(Don't know/Refused)	3	3

Thank you for taking the time to complete this interview.

Appendix B
Report Provided By
News Exposure

Index

B-1: Broadcast Data Table

January 6th Project - Broadcast

Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	1,090	369	394	202	305	195	234	92	226	135	173	290	300	4,005
D.C.	1,250	874	616	523	549	388	561	356	533	423	473	444	310	7,300

Impressions	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	53,433,525	19,245,682	17,361,862	9,849,990	13,709,287	9,424,368	10,810,099	3,325,521	10,413,013	4,525,155	6,224,636	11,516,021	11,352,754	181,191,913
D.C.	49,674,375	33,296,693	23,175,453	18,762,475	22,269,773	14,788,074	20,188,274	13,978,000	18,628,333	17,761,234	20,246,625	17,847,052	14,579,659	285,196,020

AD Value	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	2,912,232	1,140,827	1,258,297	613,390	865,057	413,673	573,568	260,514	603,059	351,116	450,772	1,055,785	1,180,513	11,678,804
D.C.	3,839,977	1,859,177	1,402,766	1,299,934	1,469,772	1,203,665	1,365,284	760,834	1,082,430	985,874	1,421,944	1,567,187	1,245,426	19,504,270

PUB VALUE	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	8,736,695	3,422,481	3,774,892	1,840,171	2,595,172	1,241,018	1,720,703	781,542	1,809,178	1,053,349	1,352,315	3,167,356	3,541,540	35,036,412
D.C.	11,519,931	5,577,530	4,208,298	3,899,803	4,409,315	3,610,996	4,095,852	2,282,503	3,247,290	2,957,622	4,265,832	4,701,561	3,736,277	54,776,533

B-2: Broadcast Data – Coverage Over Time

Coverage Over Time - Broadcast

Atlanta and D.C.

■ D.C. ■ Atlanta

Stories/Hits

January | February | March | April | May | June | July | August | September | October | November | December | January 2022
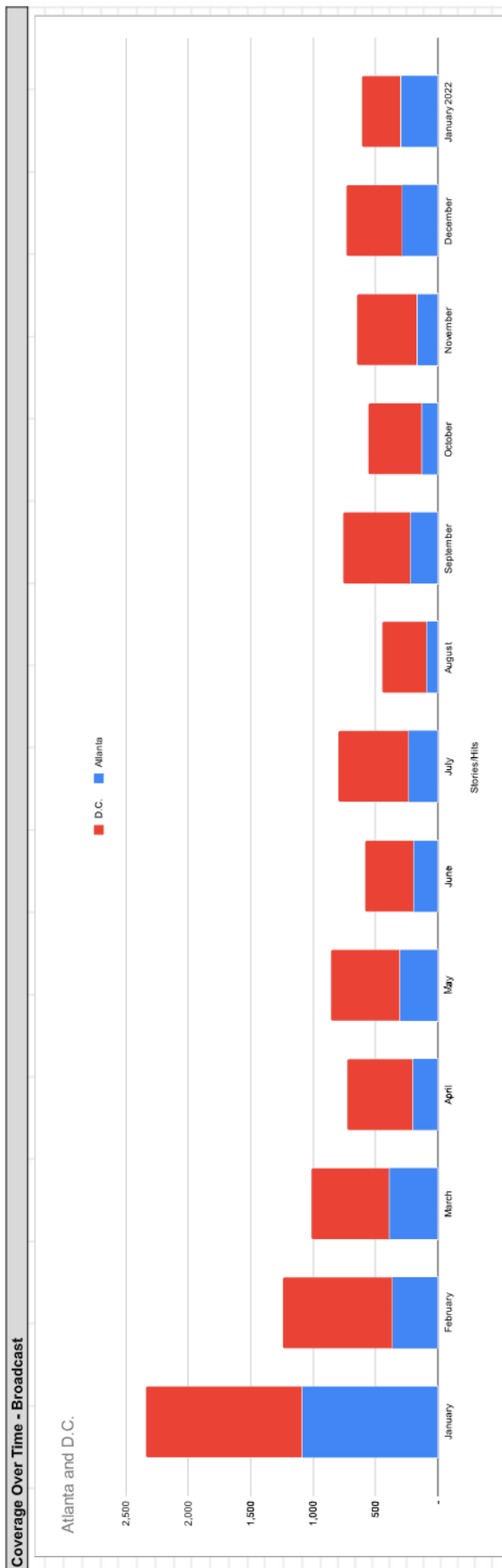
Charts & Graphs (Impressions/Publicity Value) - Broadcast

Atlanta and D.C. - Impressions

Legend: ■ D.C.   ■ Atlanta

Y-axis: 125,000,000 / 100,000,000 / 75,000,000 / 50,000,000 / 25,000,000 / –

X-axis (Impressions): January / February / March / April / May / June / July / August / September / October / November / December / January 2022

Atlanta and D.C. - Pub Value

Legend: ■ D.C.   ■ Atlanta

Y-axis: 25,000,000 / 20,000,000 / 15,000,000 / 10,000,000 / 5,000,000 / –

X-axis (PUB VALUE): January / February / March / April / May / June / July / August / September / October / November / December / January 2022
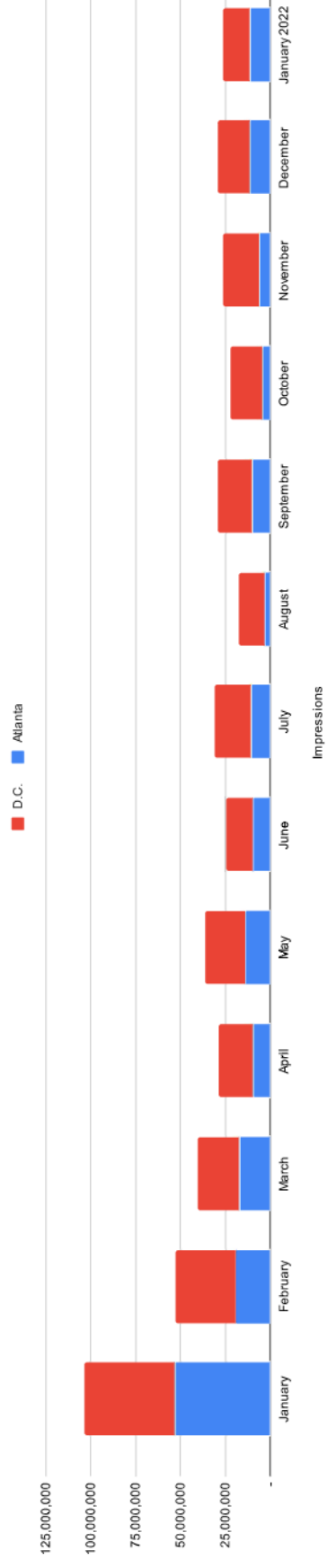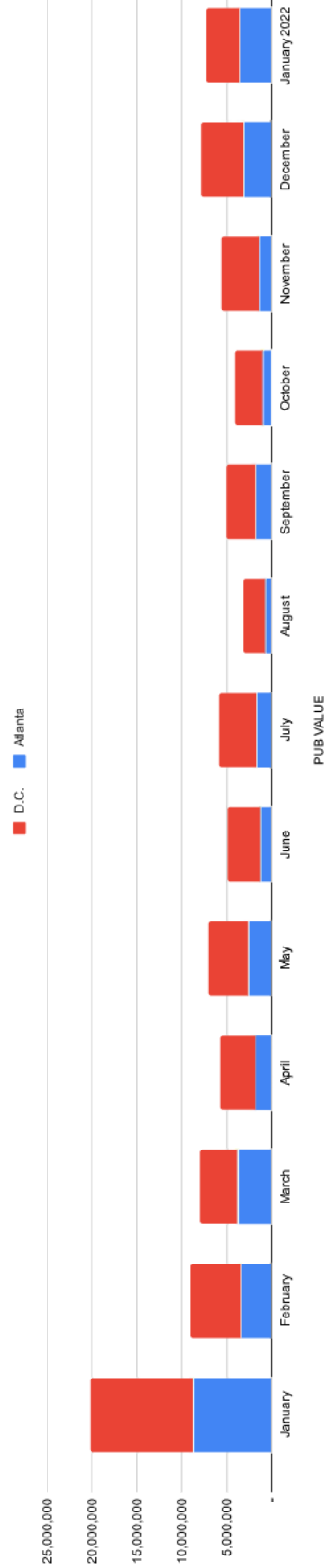
B-4: Web Data Table

January 6th Project - Web

Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	1,090	369	394	202	305	195	234	92	226	135	173	290	300	4,005
D.C.	1,250	874	616	523	549	388	561	356	533	423	473	444	310	7,300

Impressions	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	53,433,525	19,245,682	17,361,862	9,849,990	13,709,287	9,424,368	10,810,099	3,325,521	10,413,013	4,525,155	6,224,636	11,516,021	11,352,754	181,191,913
D.C.	49,674,375	33,296,693	23,175,453	18,762,475	22,269,773	14,788,074	20,188,274	13,978,000	18,628,333	17,761,234	20,246,625	17,847,052	14,579,659	285,196,020

AD Value	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	2,912,232	1,140,827	1,258,297	613,390	865,057	413,673	573,568	260,514	603,059	351,116	450,772	1,055,785	1,180,513	11,678,804
D.C.	3,839,977	1,859,177	1,402,766	1,299,934	1,469,772	1,203,665	1,365,284	760,834	1,082,430	985,874	1,421,944	1,567,187	1,245,426	19,504,270

PUB VALUE	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	8,736,695	3,422,481	3,774,892	1,840,171	2,595,172	1,241,018	1,720,703	781,542	1,809,178	1,053,349	1,352,315	3,167,356	3,541,540	35,036,412
D.C.	11,519,931	5,577,530	4,208,298	3,899,803	4,409,315	3,610,996	4,095,852	2,282,503	3,247,290	2,957,622	4,265,832	4,701,561	3,736,277	54,776,533

B-5: Web Data – Coverage Over Time

Coverage Over Time - Web

Atlanta and D.C.

Legend: D.C. (red), Atlanta (blue)

Months: January, February, March, April, May, June, July, August, September, October, November, December, January 2022

Axis label: Stories/Hits

Y-axis values: 2,500 · 2,000 · 1,500 · 1,000 · 500
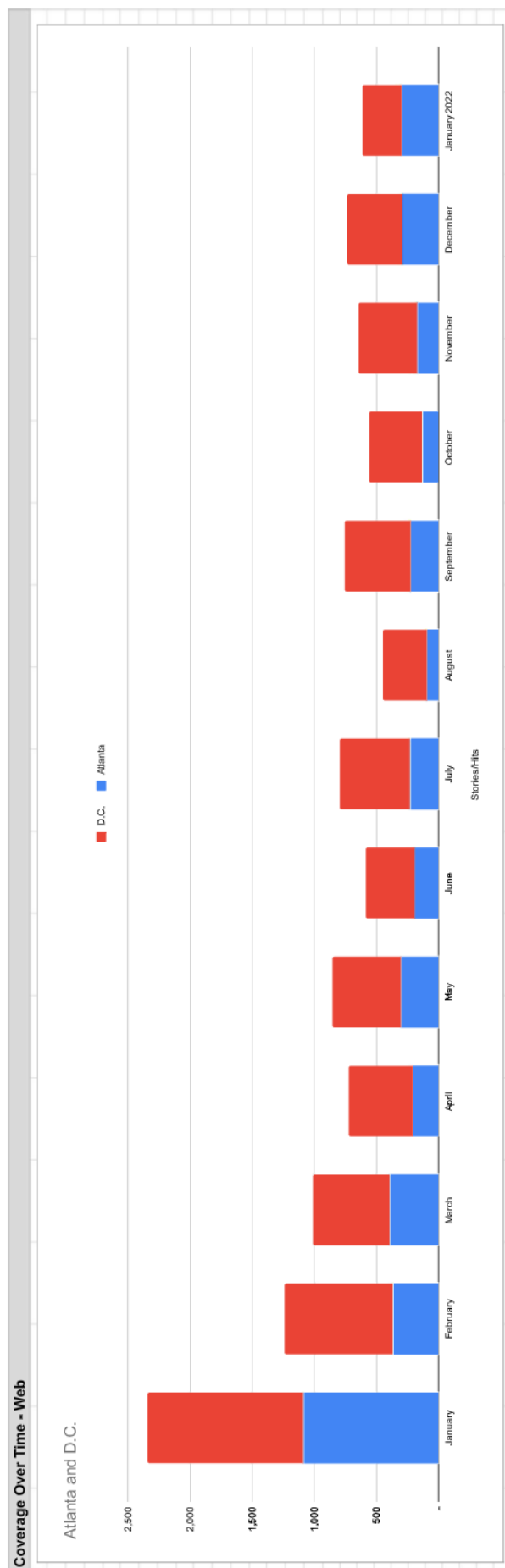
B-6: Web Data – Charts & Graphs (Impressions/Publicity Value)

Charts & Graphs (Impressions/Publicity Value) - Web

Atlanta and D.C. - Impressions
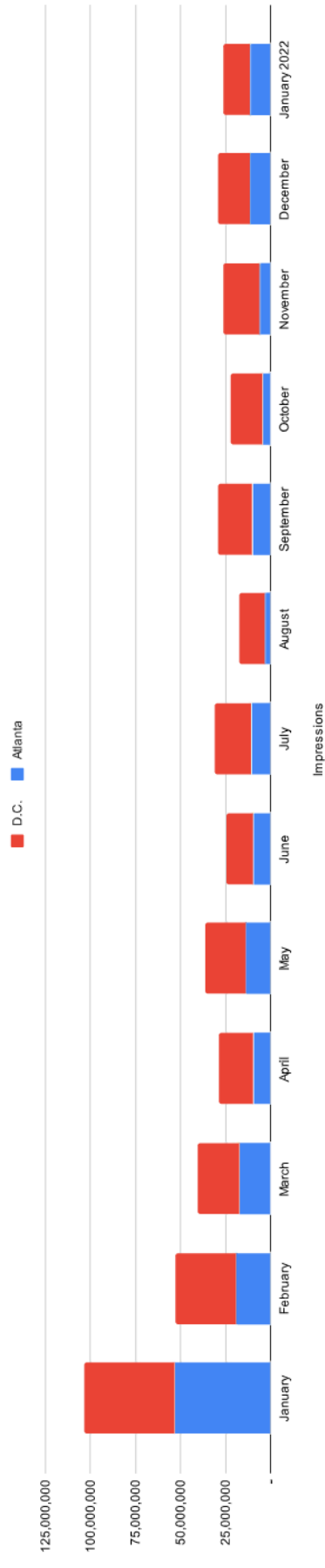
Atlanta and D.C. - Pub Value
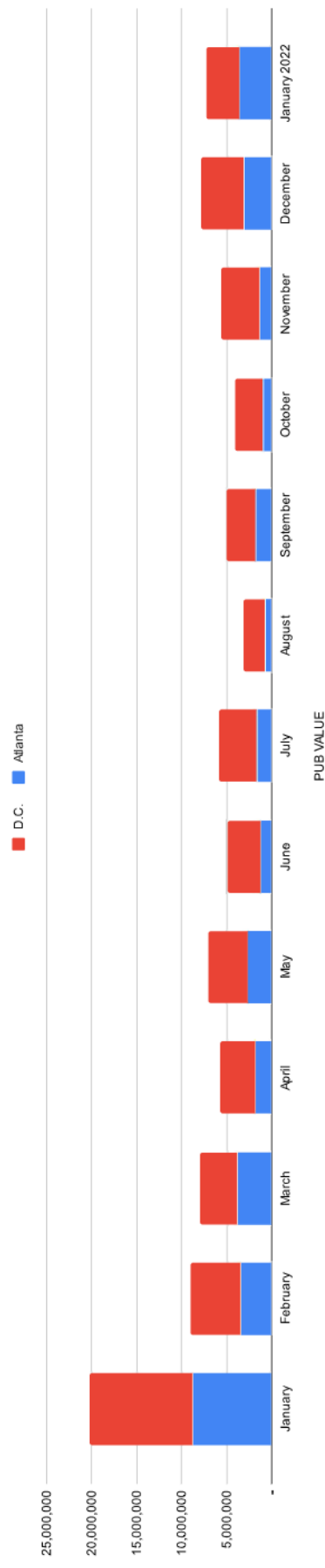
B-7: Print Data Table

January 6th Project - Print

Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	65	35	41	9	10	18	24	20	29	26	10	9	7	303
D.C.	87	30	24	10	6	57	63	21	33	13	60	47	86	537

Impressions	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	7,476,150	4,186,644	1,943,799	897,138	598,092	598,092	299,046						1,046,661	17,045,622
D.C.	15,600,600	6,500,250	5,400,300	3,500,000	2,600,000	13,500,000	15,600,000	6,700,150	7,900,500	4,250,000	14,900,500	11,750,100	14,600,500	122,802,900

B-8: Print Data – Coverage Over Time

Coverage Over Time – Print

Atlanta and D.C.

Legend: D.C. (red), Atlanta (blue)

Months: January, February, March, April, May, June, July, August, September, October, November, December, January 2022

X-axis: Stories/Hits

Y-axis values: 50, 100, 150, 200

EXHIBIT 2

JOHN ZOGBY
STRATEGIES

DATA > ANALYZE > REPORT > STRATEGIZE
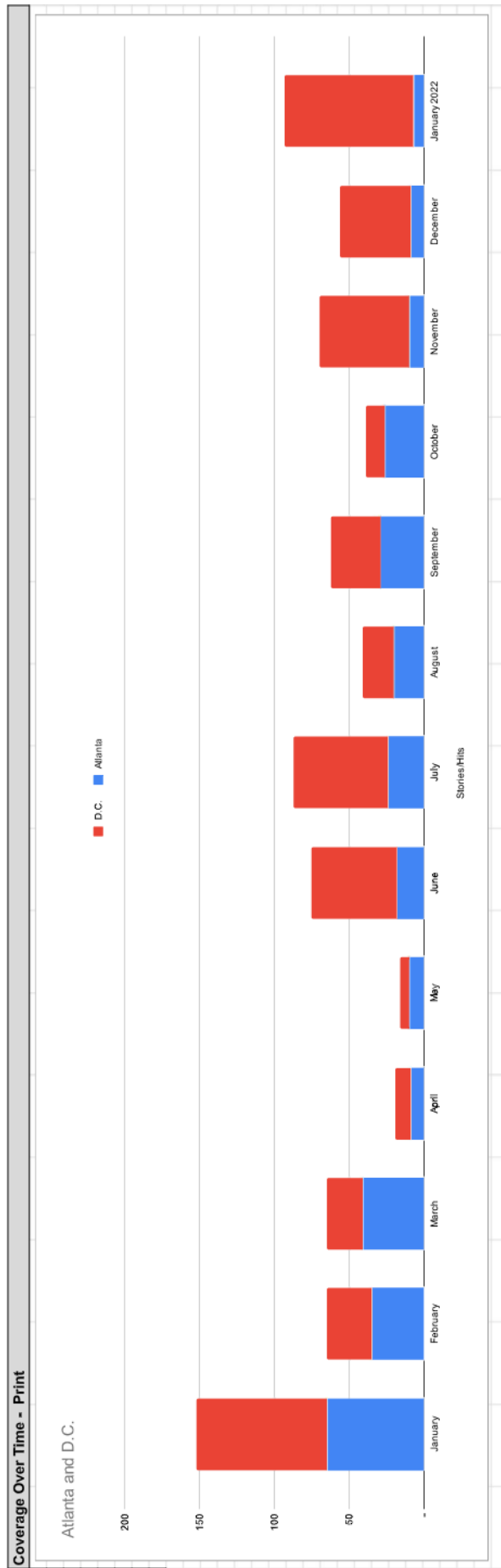
Survey of Washington DC Registered Voters on Opinions Concerning the January 6, 2021 Events at the Capitol Building

Methodology

- John Zogby Strategies was commissioned by Gabriel Garcia's legal team to conduct an online survey of 400 Washington DC registered voters regarding their opinions about the January 6, 2021 events at the Capitol building and sources of media about such events.

- The margin of error for the sample of 400 DC registered voters is +/- 5 percentage points from a universe of emails of such registered voters.

- Each invitation for this survey was password coded and secured so the IP addresses were not tracked as well as to prevent each respondent from taking the survey more than once. Subsets of the data have a larger margin of error than the whole data set.

- While additional factors can create error, such as question wording and question order, JZS took steps to reduce such error. Slight weights were applied to age and race to more closely reflect the population of those aged 60 and above.

Executive Summary/Analysis of Overall Findings

Washington, DC does not appear to be a hospitable venue for a fair trial of Mr. Garcia for his alleged involvement in the events at the Capitol on January 6, 2021.

- Q6. Greater than 9 in 10 respondents (95%) said they have **overall familiarity (very and somewhat combined)** with the January 6, 2021 events at the Capitol; and more than two-thirds (67%) of whom stated they are very familiar with these events.

- Q7. A majority (54%) of the sample responded that national media sources were more responsible in shaping views about the events in question. Just under 4 out of 10 respondents (39%) said local news sources were more instrumental.

- Q8. Just under 2 in 3 respondents (66%) agreed that the January 6, 2021 events **posed a dire threat to our nation and democracy (Statement A)**; this same opinion held by both age groups above 50 years old (50 – 64 and 65+ years of age) rose above three-fourths of respondents (75.1% and 78%, respectively).

- Q9. Nearly 3 out of 4 respondents (73%) believe that any individual who was inside the Capitol on January 6, 2021 should be convicted of insurrection.

- Q10. Seven in 10 respondents (70%) stated they are familiar with the Proud Boys organization. This figure climbed to 8 in 10 (78%) among 30 – 49 year-old respondents.

- Q11. When asked their opinion of the Proud Boys, over two-thirds of respondents (68%) said they hold an **overall unfavorable (very and somewhat combined)** opinion, with a clear majority (60%) who expressed a very unfavorable opinion.

- Q12. Meanwhile, greater than a majority of those familiar with the Proud Boys (54%) expressed familiarity with Gabriel Garcia, with many fewer – approximately one-third (34%) – having said they are unfamiliar.

- Q13. **Close to 9 out of 10 respondents (88%) who are familiar with Mr. Garcia, felt that if he were shown to have been inside the Capitol building on January 6, 2021 he should be convicted of obstruction of justice and civil disorder. And just about two-thirds of these respondents (65%) said this view of theirs is more attributable to national media than local media sources** (Q14).

- **(Keep in mind that 54% of all respondents stated that national media sources were more instrumental in shaping their views of the January 6, 2021 events at the Capitol** [Q7].**)**

- Q15. Seven out of 10 (70%) respondents believe that ANYONE who went inside the Capitol building that day were trying to stop the certification of the Electoral College vote for president. And almost two-thirds (64%) of respondents believe that despite not personally committing acts of vandalism or violence, an individual could still be held responsible for such serious crimes assuming they went inside the building that day (Q16).

- Q17. More than one-third respondents who said yes to Q16 (35%) stated the reason for holding such a view was because they believe that ANYONE who entered the building that day is guilty of such acts **(Statement A)**. While greater than 6 in 10 respondents (62%) stated they hold such a belief because just being inside regardless of personal commission means they were involved in planning or orchestrating the events **(Statement B)**.

Q6: How familiar are you with the January 6, 2021 events at the US Capitol?
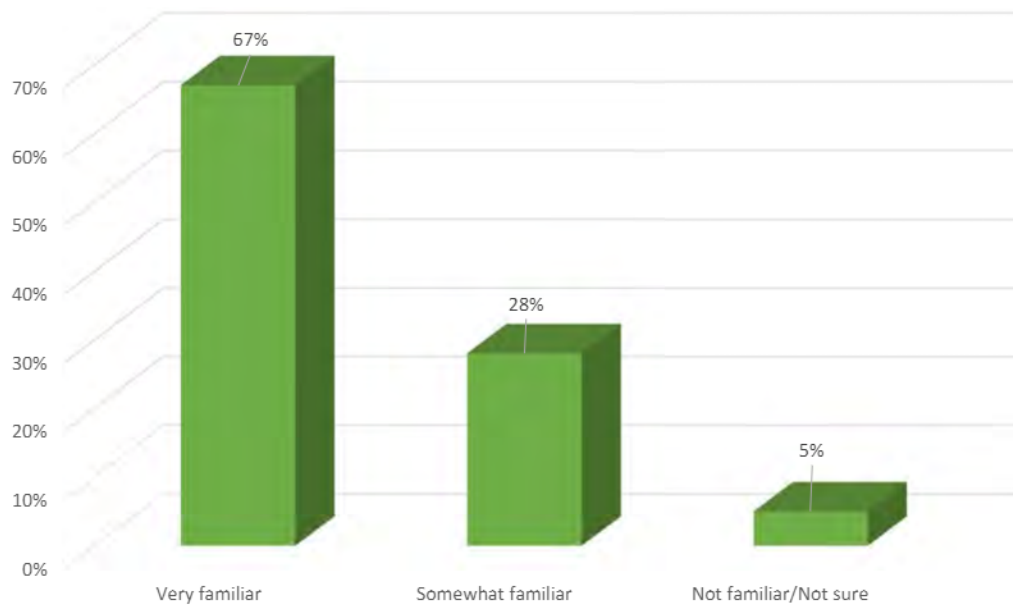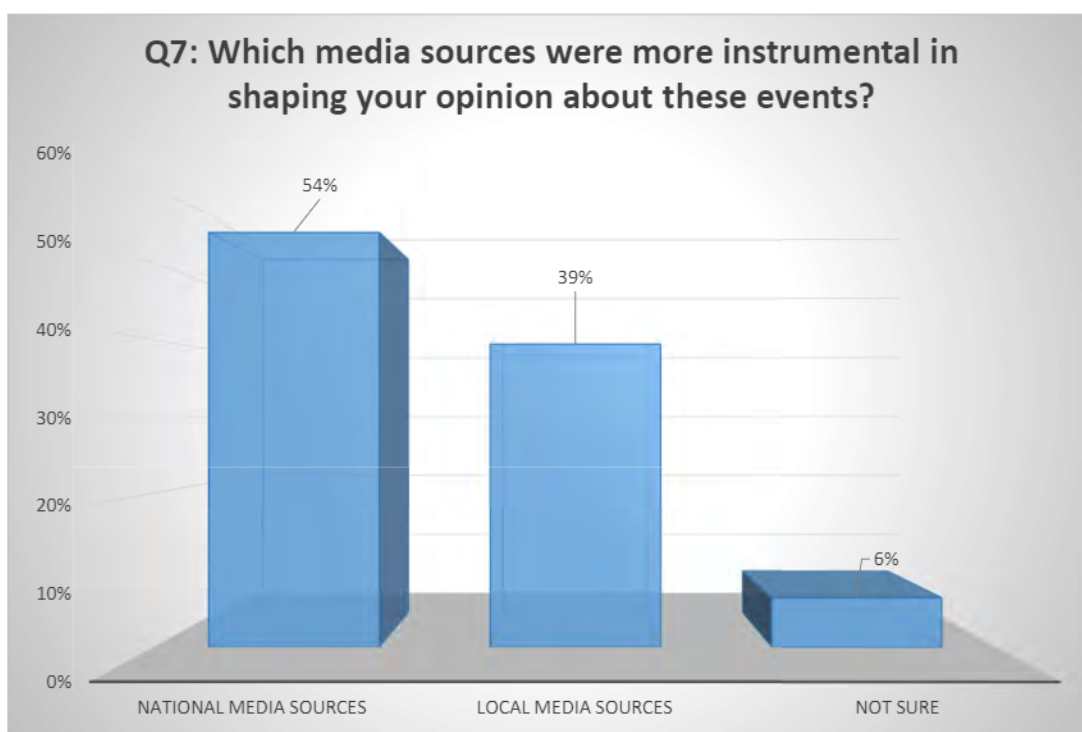
Q8: Which description of the January 6, 2021 events at the US Capitol comes closer to your opinion about it?

Q9: Do you believe that any individual who was inside the US Capitol on January 6, 2021 should be convicted of insurrection?
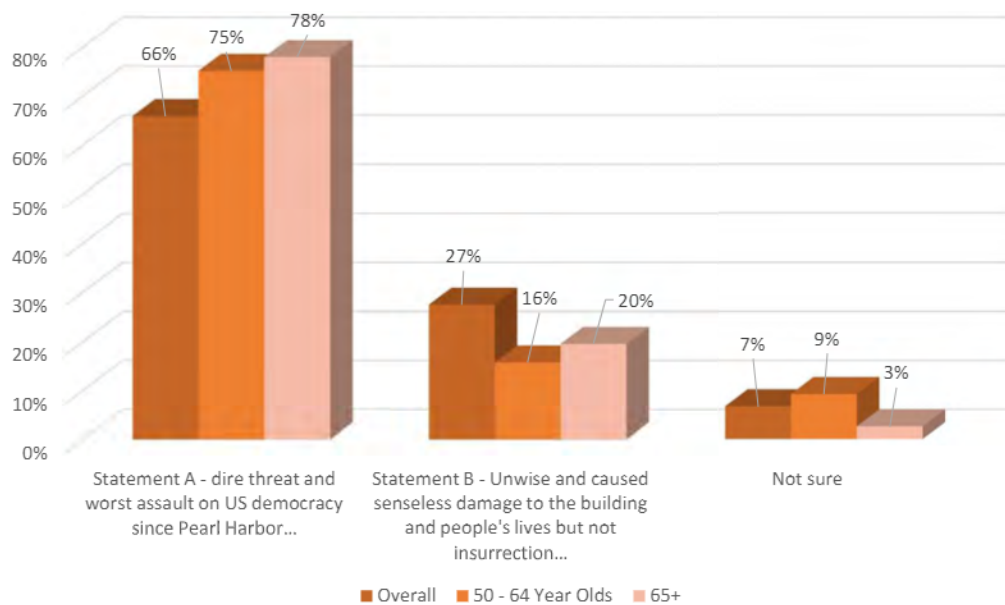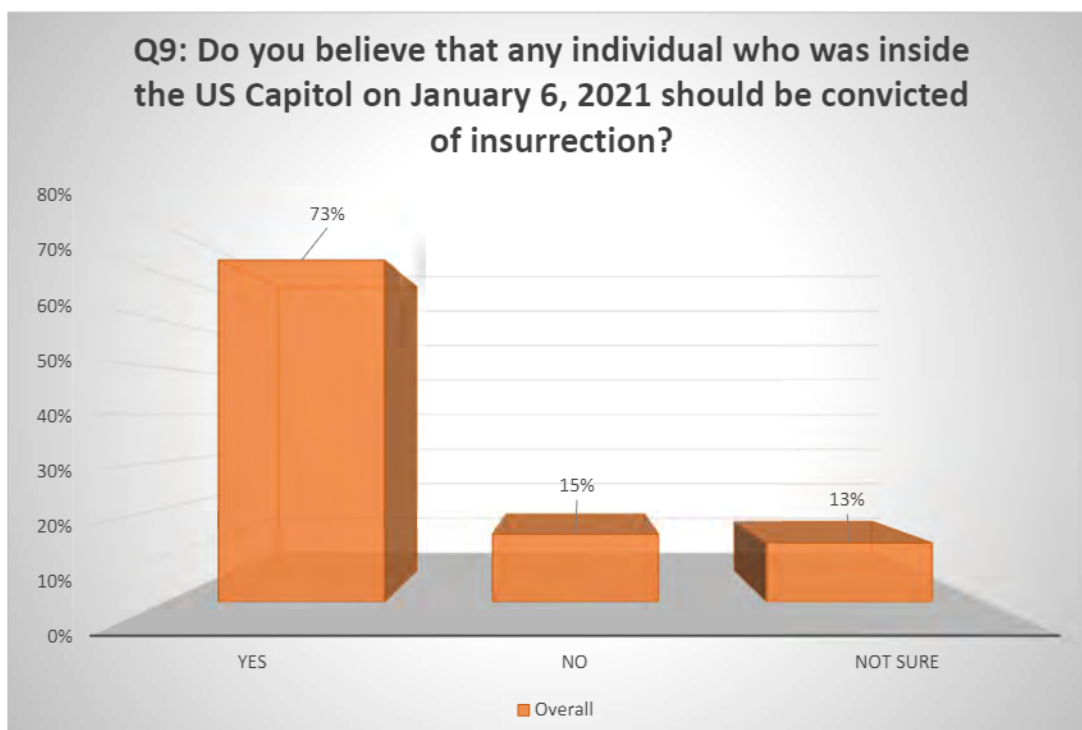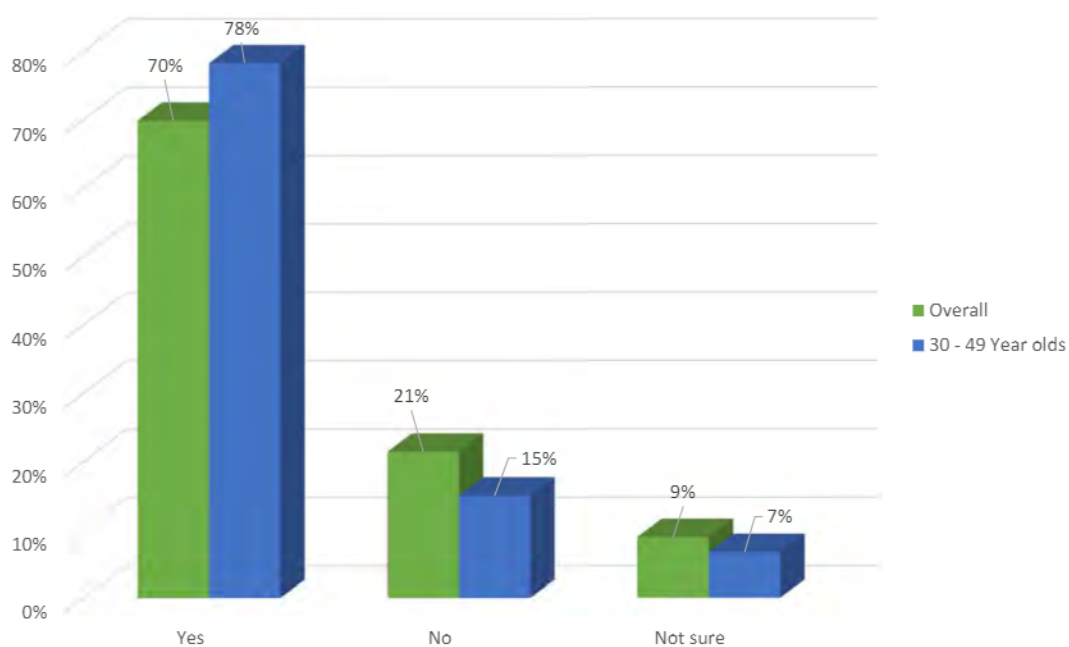
Q10: Are you familiar with the organization called the Proud Boys?

Q12: ARE YOU FAMILIAR WITH THE PROUD BOYS ORGANIZATION MEMBER NAMED GABRIEL GARCIA?
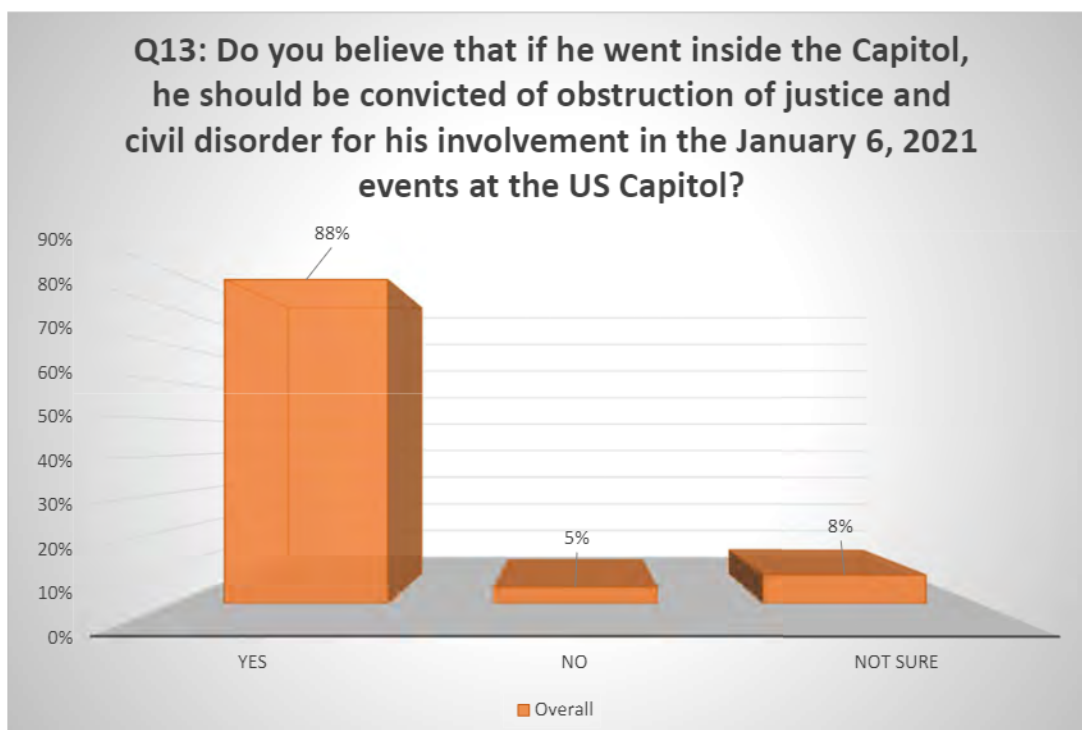
Overall

Q13: Do you believe that if he went inside the Capitol, he should be convicted of obstruction of justice and civil disorder for his involvement in the January 6, 2021 events at the US Capitol?

Q14: Which media sources were more instrumental in shaping your opinion about Gabriel Garcia?

Q15: . Do you believe that anyone who went inside the Capitol building on January 6, 2021 was trying to stop Congress's certification of the electoral vote?

Q16: ASSUMING SOMEONE DID GO INSIDE THE CAPITOL BUILDING ON JANUARY 6, 2021 AND DID NOT COMMIT ANY ACTS OF VANDALISM OR VIOLENCE, DO YOU BELIEVE THEY COULD STILL BE HELD RESPONSIBLE FOR OTHER PEOPLE'S ACTS OF VANDALISM AND/OR VIOLENCE?

Overall
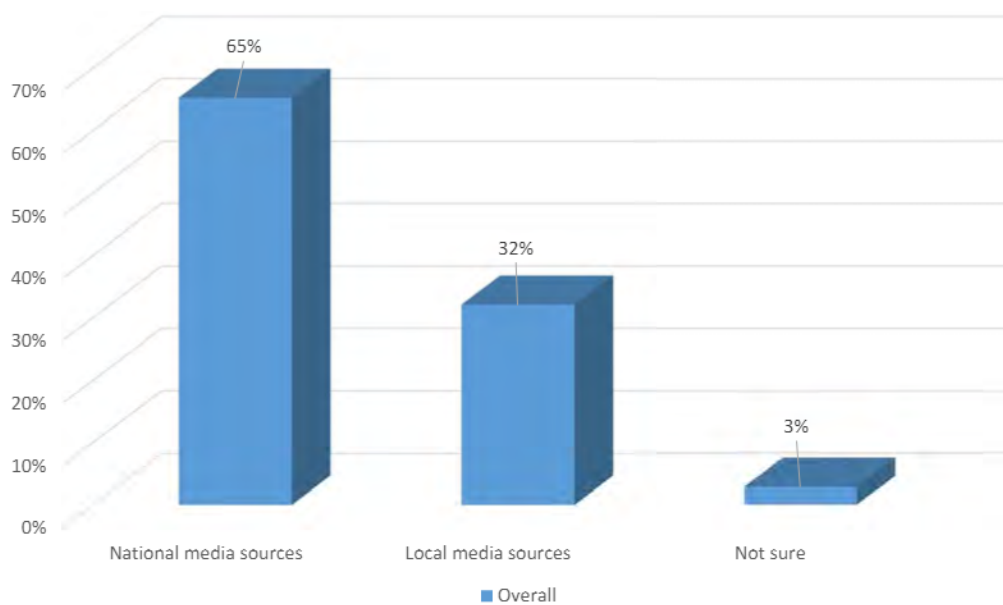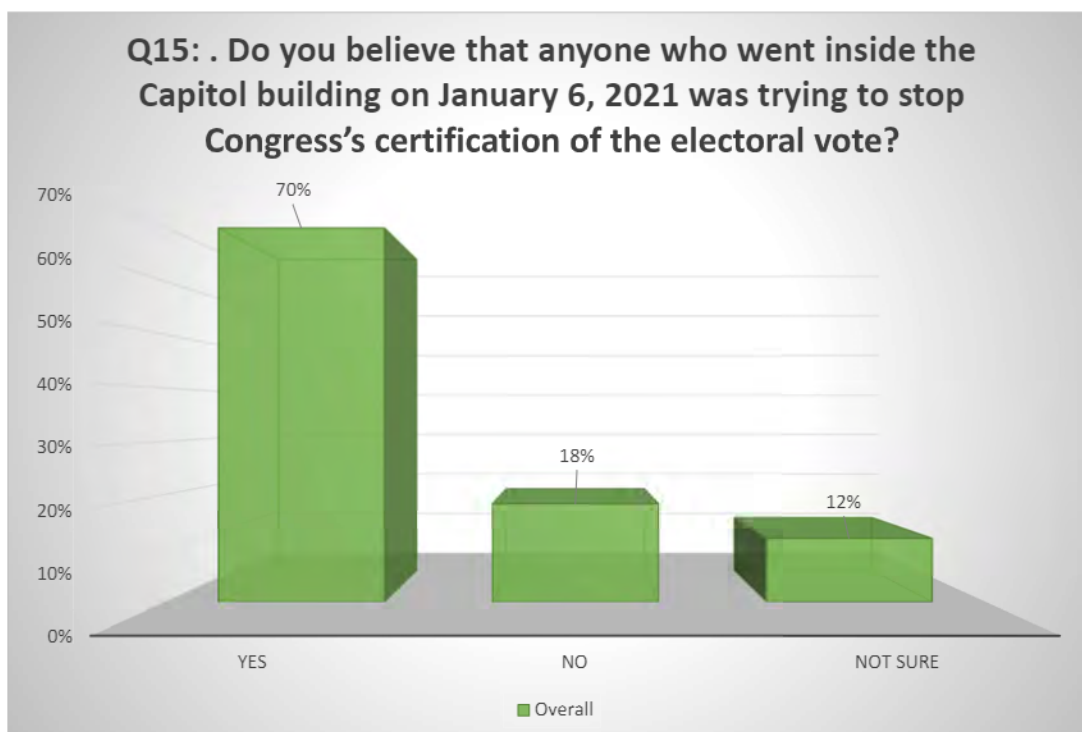
64% — Yes
22% — No
15% — Not sure
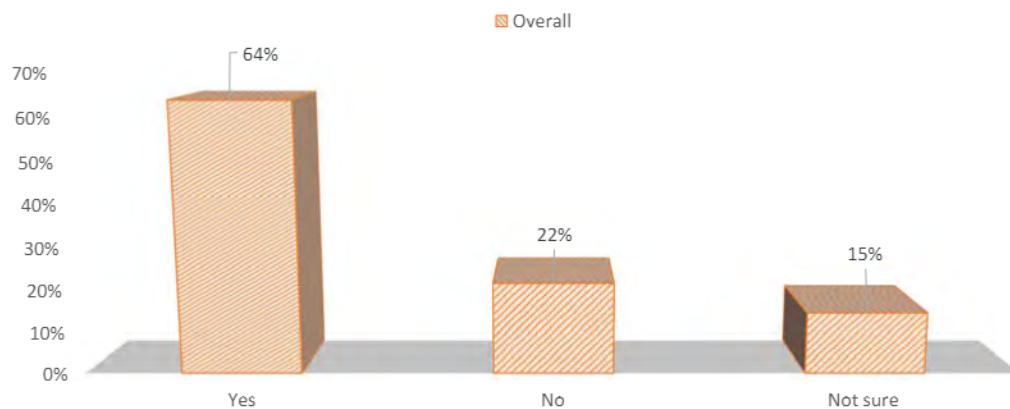
Q17: Why do you believe such a person could still be held responsible for the events that occurred on January 6, 2021 despite not personally committing acts of vandalism or violence?

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

3. Do you generally follow national news events closely?

		Gender							Ideology											
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	306	76.4	151	82.1	153	71.8	2	60.6	34	89.3	87	87.6	110	74.3	32	64.0	22	78.0	5	94.6	17	51.3
No	75	18.6	27	14.5	46	21.9	1	31.9	3	7.7	10	10.3	32	21.6	12	24.2	6	22.0			11	34.5
Not sure	20	5.0	6	3.4	13	6.3	0	7.5	1	3.0	2	2.0	6	4.1	6	11.8			0	5.4	5	14.2
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

			Age Group								Age GroupB								
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	306	76.4	74	68.1	127	85.7	61	76.0	45	69.6	52	70.9	58	74.1	108	84.8	62	78.1	27	62.1
No	75	18.6	26	24.2	18	12.1	16	19.6	15	22.9	15	20.0	17	21.8	17	13.7	14	17.4	11	26.7
Not sure	20	5.0	8	7.7	3	2.2	4	4.4	5	7.5	7	9.1	3	4.0	2	1.5	4	4.5	5	11.2
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

			Age GroupC								Race								Race Group B	
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	306	76.4	74	68.1	109	85.2	79	78.5	45	69.6	130	82.2	25	78.3	126	71.3	14	87.7	8	63.7	130	82.2	172	72.9
No	75	18.6	26	24.2	16	12.2	18	18.0	15	22.9	21	13.5	5	17.4	40	22.6	1	7.1	4	33.7	21	13.5	51	21.5
Not sure	20	5.0	8	7.7	3	2.6	4	3.6	5	7.5	7	4.3	1	4.2	11	6.1	1	5.2	0	2.6	7	4.3	13	5.6
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

4. Do you generally follow local news events closely?

	Gender								Ideology												
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	326	81.4	156	84.6	168	79.1	2	57.9	32	84.5	86	87.0	114	76.9	40	80.0	22	80.5	5	94.6	26	81.7
No	55	13.6	22	12.1	32	14.8	1	22.8	3	8.3	12	11.8	26	17.6	7	13.9	5	16.4	0	5.4	2	6.3
Not sure	20	5.0	6	3.4	13	6.1	1	19.3	3	7.2	1	1.2	8	5.5	3	6.2	1	3.1			4	12.0
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

	Age Group								Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	326	81.4	77	71.0	126	85.3	72	89.6	51	79.7	50	68.7	66	83.9	110	86.1	69	86.9	32	74.3
No	55	13.6	19	17.1	19	12.7	6	7.4	11	17.8	13	18.2	8	10.4	16	12.4	8	10.1	9	21.9
Not sure	20	5.0	13	11.9	3	2.1	2	3.0	2	2.5	10	13.2	4	5.7	2	1.5	2	3.0	2	3.7
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

	Age GroupC								Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	326	81.4	77	71.0	111	86.2	88	87.7	51	79.7	132	83.9	26	82.7	143	80.8	11	68.4	8	71.4	132	83.9	188	79.7
No	55	13.6	19	17.1	15	11.5	10	10.0	11	17.8	20	12.8	4	11.9	23	13.2	3	19.3	3	25.7	20	12.8	33	14.0
Not sure	20	5.0	13	11.9	3	2.4	2	2.4	2	2.5	5	3.3	2	5.4	11	6.1	2	12.2	0	2.9	5	3.3	15	6.2
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

5. Which events do you generally follow more closely?

| | Gender | | | | | | | | Ideology | | | | | | | | | | | | |
| | Total | | Male | | Female | | Transgender | | V liberal | | Liberal | | Moderate | | Conservative | | V conservative | | Libertarian | | No answer | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National	189	47.1	102	55.1	85	40.0	2	48.8	25	65.4	53	53.4	58	39.0	29	57.9	17	61.8	3	56.0	4	11.9
Local	182	45.4	73	39.7	107	50.3	2	51.2	11	28.4	43	43.7	72	48.8	18	35.1	8	30.7	2	44.0	27	83.8
Not sure	30	7.5	10	5.2	21	9.7			2	6.2	3	2.8	18	12.1	3	6.9	2	7.5			1	4.3
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

| | Age Group | | | | | | | | Age GroupB | | | | | | | | | |
| | Total | | 18-29 | | 30-49 | | 50-64 | | 65+ | | 18-24 | | 25-34 | | 35-54 | | 55-69 | | 70+ | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National	189	47.1	52	48.2	73	49.2	37	45.5	27	42.2	38	51.8	40	50.3	57	44.6	40	50.5	15	34.3
Local	182	45.4	49	45.5	69	46.3	38	47.1	26	41.1	31	42.2	34	43.8	65	50.8	31	38.8	22	50.1
Not sure	30	7.5	7	6.3	7	4.5	6	7.3	11	16.7	4	6.1	5	6.0	6	4.6	8	10.7	7	15.6
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

| | Age GroupC | | | | | | | | Race | | | | | | | | | | Race Group B | | | |
| | Total | | 18-29 | | 30-44 | | 45-64 | | 65+ | | White | | Hispanic | | Black | | Asian | | Other | | White | | Not white | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National	189	47.1	52	48.2	67	52.1	43	42.6	27	42.2	92	58.6	18	55.7	59	33.2	11	71.6	6	50.8	92	58.6	94	39.7
Local	182	45.4	49	45.5	56	43.4	51	50.6	26	41.1	54	34.3	13	42.5	104	58.5	3	16.1	4	34.8	54	34.3	124	52.3
Not sure	30	7.5	7	6.3	6	4.5	7	6.8	11	16.7	11	7.1	1	1.8	15	8.3	2	12.3	2	14.5	11	7.1	19	8.0
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

6. How familiar are you with the January 6, 2021 events at the US Capitol?

	Gender																					Ideology												
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very familiar	269	67.1	131	70.8	136	64.0	2	60.6	33	86.4	77	77.2	88	59.4	27	54.1	20	70.7	4	73.5	21	64.1
Somewhat familiar	111	27.7	43	23.4	67	31.5	1	26.8	4	9.2	22	22.2	50	33.5	20	40.1	6	20.8	1	26.5	9	26.9
Not familiar/Not sure	21	5.2	11	5.9	9	4.5	1	12.6	2	4.4	1	.5	10	7.1	3	5.8	2	8.5			3	9.0
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

	Age Group										Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very familiar	269	67.1	69	63.4	104	70.1	59	73.5	38	58.5	41	55.6	60	76.3	88	68.9	61	77.3	20	45.6
Somewhat familiar	111	27.7	30	28.2	36	24.5	20	25.5	24	37.2	24	33.0	15	19.4	34	26.8	17	21.6	21	48.1
Not familiar/Not sure	21	5.2	9	8.5	8	5.4	1	1.1	3	4.3	8	11.3	3	4.3	5	4.3	1	1.1	3	6.3
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

	Age GroupC										Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very familiar	269	67.1	69	63.4	92	71.3	71	71.2	38	58.5	108	68.6	22	70.0	121	68.4	7	42.6	8	67.6	108	68.6	158	66.9
Somewhat familiar	111	27.7	30	28.2	30	23.1	27	27.0	24	37.2	44	27.9	9	28.4	41	23.2	9	57.4	4	32.4	44	27.9	63	26.7
Not familiar/Not sure	21	5.2	9	8.5	7	5.6	2	1.8	3	4.3	5	3.5	1	1.6	15	8.3					5	3.5	15	6.5
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

7. Which media sources were more instrumental in shaping your opinion about these events?

| | Gender | | | | | | | | Ideology | | | | | | | | | | | |
| | Total | | Male | | Female | | Transgender | | V liberal | | Liberal | | Moderate | | Conservative | | V conservative | | Libertarian | | No answer | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	206	54.2	102	58.9	102	50.3	2	51.9	23	63.6	56	56.4	65	47.7	31	66.2	21	81.3	2	36.9	8	26.6
Local media sources	150	39.4	67	38.4	81	40.0	2	48.1	10	27.5	41	41.8	65	47.4	9	19.0	3	10.6	4	63.1	18	61.8
Not sure	24	6.4	5	2.7	20	9.7			3	9.0	2	1.8	7	4.9	7	14.8	2	8.2			3	11.6
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

| | Age Group | | | | | | | | | Age GroupB | | | | | | | | |
| | Total | | 18-29 | | 30-49 | | 50-64 | | 65+ | | 18-24 | | 25-34 | | 35-54 | | 55-69 | | 70+ | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	206	54.2	57	57.6	83	59.1	35	43.7	31	51.2	40	61.7	43	56.8	68	55.5	39	49.6	17	42.5
Local media sources	150	39.4	37	37.2	51	36.6	41	51.4	21	33.8	22	34.7	29	37.9	46	38.0	33	42.6	19	47.6
Not sure	24	6.4	5	5.2	6	4.3	4	4.9	9	15.0	2	3.6	4	5.3	8	6.5	6	7.8	4	9.9
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

| | Age GroupC | | | | | | | | | Race | | | | | | | | | | Race Group B | | |
| | Total | | 18-29 | | 30-44 | | 45-64 | | 65+ | | White | | Hispanic | | Black | | Asian | | Other | | White | | Not white | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	206	54.2	57	57.6	73	60.6	44	44.8	31	51.2	104	68.3	21	66.2	62	38.0	12	78.6	6	50.5	104	68.3	101	45.5
Local media sources	150	39.4	37	37.2	44	36.7	48	48.4	21	33.8	37	24.6	9	30.1	92	56.9	2	12.3	5	38.9	37	24.6	108	49.0
Not sure	24	6.4	5	5.2	3	2.7	7	6.8	9	15.0	11	7.1	1	3.7	8	5.1	1	9.0	1	10.6	11	7.1	12	5.5
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

8. Which description of the January 6, 2021 events at the US Capitol comes closer to your opinion about it? Statement A. The even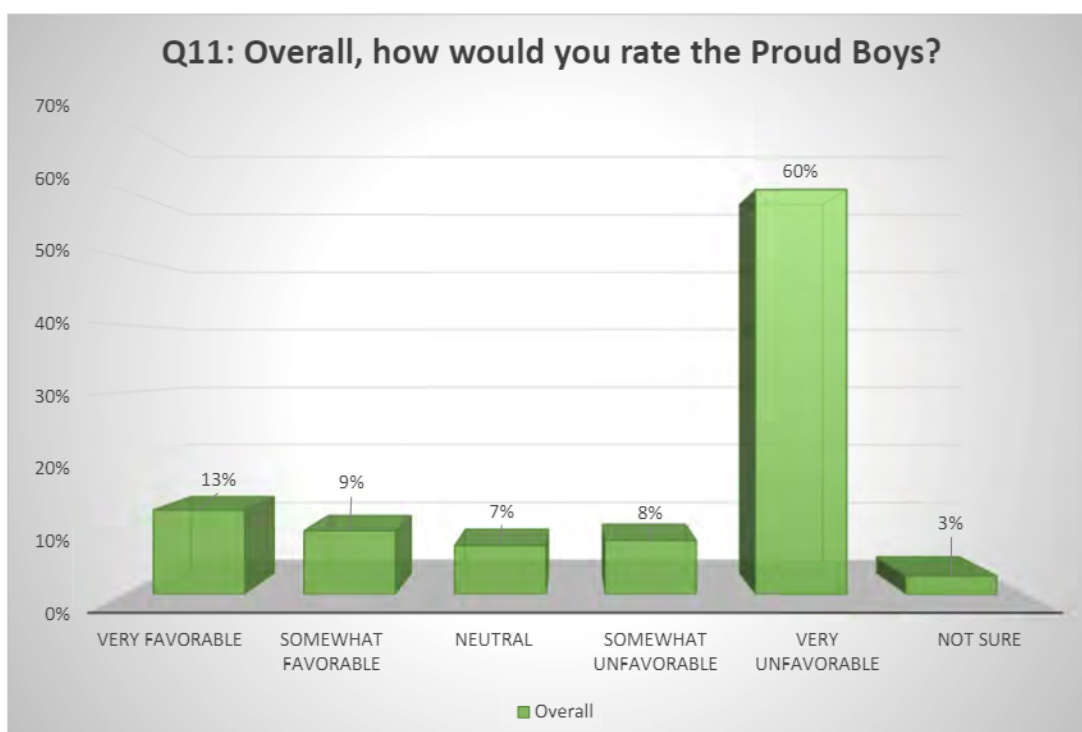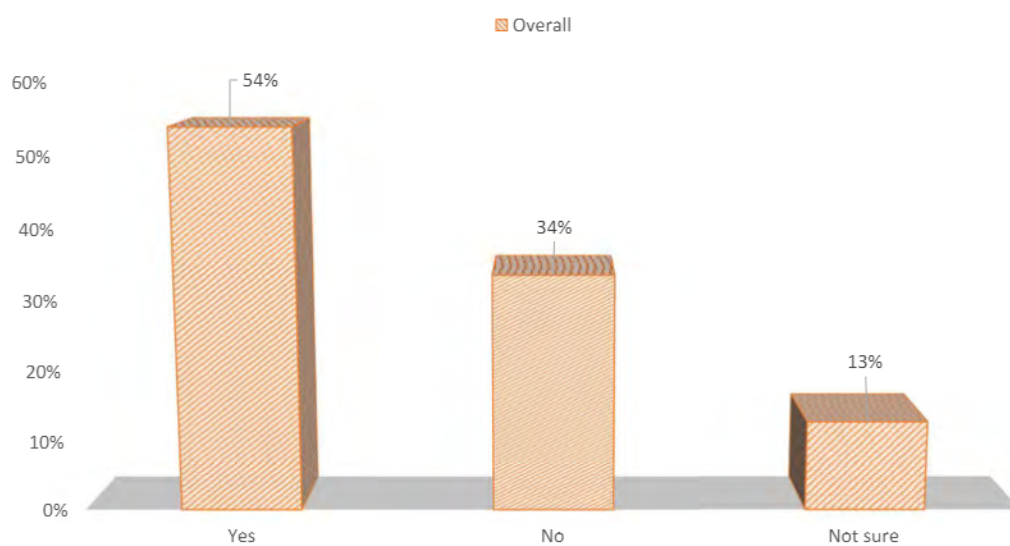ts at the US Capitol on January 6, 2021 posed a dire threat to the fabric of our nation and were the worst assault on US democracy since 9/11, Pearl Harbor, or even the Civil War. Statement B. The events at the US Capitol on January 6, 2021 were unwise and caused senseless damage to the Capitol building and people's lives, some of whom were lost, but the events were not insurrectionist and did not pose a threat to US democracy.

	Total		Gender Male		Female		Transgender		Ideology V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Description A	251	65.9	110	63.2	140	68.7	1	39.5	32	88.2	79	79.7	91	66.2	19	40.2	12	49.0	2	44.0	15	50.9
Description B	104	27.4	50	29.1	52	25.4	2	60.5	3	8.7	17	16.9	33	24.2	26	54.9	13	51.0	3	56.0	9	31.2
Not sure	25	6.7	14	7.8	12	5.8			1	3.2	3	3.4	13	9.7	2	4.9					5	17.9
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

	Total		Age Group 18-29		30-49		50-64		65+		Age GroupB 18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Description A	251	65.9	60	60.4	83	59.3	60	75.1	48	77.9	38	58.7	42	55.6	79	64.7	61	77.8	31	77.2
Description B	104	27.4	32	31.8	48	34.4	12	15.7	12	19.5	22	34.6	29	39.1	32	26.1	13	16.7	8	18.8
Not sure	25	6.7	8	7.8	9	6.3	7	9.2	2	2.6	4	6.6	4	5.3	11	9.2	4	5.5	2	4.0
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

	Total		Age GroupC 18-29		30-44		45-64		65+		Race White		Hispanic		Black		Asian		Other		Race Group B White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Description A	251	65.9	60	60.4	70	57.7	73	74.0	48	77.9	100	66.0	16	53.2	113	69.7	11	67.3	6	49.7	100	66.0	146	66.1
Description B	104	27.4	32	31.8	44	36.2	17	17.2	12	19.5	44	28.8	13	43.1	39	23.8	4	25.6	4	31.6	44	28.8	60	27.1
Not sure	25	6.7	8	7.8	7	6.1	9	8.8	2	2.6	8	5.2	1	3.7	11	6.5	1	7.1	2	18.7	8	5.2	15	6.8
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

9. Do you believe that any individual who was inside the US Capitol on January 6, 2021 should be convicted of insurrection?

	Gender										Ideology											
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	277	72.9	119	68.7	156	76.6	2	61.6	33	91.5	83	84.4	94	68.3	27	57.9	14	56.4	4	65.0	21	72.3
No	55	14.5	30	17.4	24	11.6	1	38.4	1	3.8	6	6.0	20	14.5	15	31.5	11	43.6	2	35.0		
Not sure	48	12.6	24	13.8	24	11.8			2	4.7	9	9.6	24	17.2	5	10.5					8	27.7
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

	Age Group									Age GroupB								
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	277	72.9	67	67.3	106	75.6	64	80.6	40	65.7	43	66.9	60	79.8	88	72.2	56	71.5	30	74.3
No	55	14.5	18	18.6	14	10.2	8	9.7	15	24.0	12	18.6	8	10.6	14	11.4	12	15.5	9	22.8
Not sure	48	12.6	14	14.1	20	14.2	8	9.7	6	10.3	9	14.5	7	9.6	20	16.4	10	13.0	1	3.0
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

	Age GroupC									Race									Race Group B		
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	277	72.9	67	67.3	93	76.8	77	78.2	40	65.7	103	67.9	23	75.2	125	77.1	11	71.6	8	70.4	103	67.9	168	76.1
No	55	14.5	18	18.6	11	8.8	11	11.6	15	24.0	32	21.3	4	14.4	11	6.9	3	21.4	2	18.9	32	21.3	21	9.6
Not sure	48	12.6	14	14.1	18	14.5	10	10.3	6	10.3	16	10.8	3	10.5	26	15.9	1	7.0	1	10.7	16	10.8	32	14.3
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

10. Are you familiar with the organization called the Proud Boys?

| | Gender | | | | | | | | | | | | | Ideology | | | | | | | | | | | | |
| | Total | | Male | | Female | | Transgender | | V liberal | | Liberal | | Moderate | | Conservative | | V conservative | | Libertarian | | No answer | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	131	75.3	132	64.9	3	77.9	35	95.1	72	72.6	99	72.0	28	59.2	14	57.2	5	91.8	12	42.2
No	81	21.4	28	16.2	53	26.2					16	16.7	32	23.6	12	25.3	10	38.1	0	8.2	10	34.9
Not sure	34	8.9	15	8.6	18	8.9	1	22.1	2	4.9	11	10.7	6	4.4	7	15.5	1	4.7			7	22.8
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

| | Age Group | | | | | | | | | Age GroupB | | | | | | | | |
| | Total | | 18-29 | | 30-49 | | 50-64 | | 65+ | | 18-24 | | 25-34 | | 35-54 | | 55-69 | | 70+ | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	71	72.0	110	78.2	50	62.9	34	55.7	45	69.1	62	82.1	88	72.0	47	59.8	24	60.2
No	81	21.4	21	21.1	21	15.0	22	27.6	17	28.1	15	23.2	9	12.0	25	20.4	24	30.5	8	21.0
Not sure	34	8.9	7	6.8	9	6.7	8	9.5	10	16.2	5	7.6	4	5.9	9	7.5	8	9.7	8	18.8
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

| | Age GroupC | | | | | | | | | Race | | | | | | | | | | Race Group B | | | |
| | Total | | 18-29 | | 30-44 | | 45-64 | | 65+ | | White | | Hispanic | | Black | | Asian | | Other | | White | | Not white | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	71	72.0	99	81.6	61	61.7	34	55.7	111	72.8	24	77.1	109	67.3	11	69.2	9	72.1	111	72.8	153	69.0
No	81	21.4	21	21.1	16	13.0	27	27.7	17	28.1	25	16.7	5	16.1	40	24.6	5	30.8	3	27.9	25	16.7	53	24.0
Not sure	34	8.9	7	6.8	7	5.4	10	10.6	10	16.2	16	10.5	2	6.8	13	8.1					16	10.5	15	6.9
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

11. Overall, how would you rate the Proud Boys?

													Gender				Ideology								
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very favorable	33	12.5	24	18.2	9	7.1			8	22.1	10	14.2	3	3.3	2	8.2	10	66.4				
Somewhat favorable	25	9.4	16	12.4	9	6.8			1	4.0	8	10.6	9	9.5	6	21.9					1	4.9
Neutral	19	7.2	8	6.3	9	7.2	1	49.3	1	2.0	1	1.2	9	9.2	3	10.1	2	14.7	2	46.0	1	9.3
Somewhat unfavorable	21	8.0	12	9.6	9	6.7			1	2.5	2	3.2	13	13.2	3	9.7	2	10.7	1	15.0		
Very unfavorable	160	60.1	67	51.5	91	68.9	1	50.7	24	69.5	50	69.2	61	61.4	11	40.3	1	8.2	2	39.0	11	85.7
Not sure	7	2.7	3	2.1	4	3.4					1	1.6	3	3.3	3	9.9						
Total	265	100.0	131	100.0	132	100.0	3	100.0	35	100.0	72	100.0	99	100.0	28	100.0	14	100.0	5	100.0	12	100.0

					Age Group									Age GroupB					
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very favorable	33	12.5	9	12.1	18	16.2	5	10.1	2	4.7	7	14.7	10	16.6	15	16.6			2	6.6
Somewhat favorable	25	9.4	8	10.8	17	15.8					8	17.3	6	8.9	12	13.5				
Neutral	19	7.2	11	15.2	7	6.7	1	1.8			8	16.8	5	7.4	6	7.0	1	1.9		
Somewhat unfavorable	21	8.0	7	9.6	9	7.8	6	11.7			4	8.0	5	8.3	8	9.3	4	9.4		
Very unfavorable	160	60.1	36	50.5	55	50.5	38	76.4	30	87.2	18	40.6	36	58.8	44	49.9	41	88.7	20	81.9
Not sure	7	2.7	1	1.6	3	3.0			3	8.2	1	2.6			3	3.7			3	11.5
Total	265	100.0	71	100.0	110	100.0	50	100.0	34	100.0	45	100.0	62	100.0	88	100.0	47	100.0	24	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

11. Overall, how would you rate the Proud Boys?

	Total		Age GroupC 18-29		30-44		45-64		65+		Race White		Hispanic		Black		Asian		Other		Race Group B White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Very favorable	33	12.5	9	12.1	18	18.0	5	8.3	2	4.7	21	18.6	6	24.9	6	5.9					21	18.6	12	8.1
Somewhat favorable	25	9.4	8	10.8	16	16.6	1	1.4			14	12.4	5	21.7	4	3.7	1	10.1	1	11.2	14	12.4	11	7.4
Neutral	19	7.2	11	15.2	5	4.8	3	5.7			6	5.7	2	7.1	7	6.8	3	30.8	0	3.5	6	5.7	13	8.4
Somewhat unfavorable	21	8.0	7	9.6	9	8.6	6	9.7			4	3.4	1	3.2	15	13.9	1	10.1	0	5.3	4	3.4	18	11.5
Very unfavorable	160	60.1	36	50.5	48	48.7	46	74.9	30	87.2	64	57.4	10	43.1	73	66.4	5	49.0	6	69.1	64	57.4	94	61.7
Not sure	7	2.7	1	1.6	3	3.3			3	8.2	3	2.5			4	3.2			1	10.8	3	2.5	4	2.9
Total	265	100.0	71	100.0	99	100.0	61	100.0	34	100.0	111	100.0	24	100.0	109	100.0	11	100.0	9	100.0	111	100.0	153	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

12. Are you familiar with the Proud Boys organization member named Gabriel Garcia?

| | Gender | | | | | | | | Ideology | | | | | | | | | | | |
| | Total | | Male | | Female | | Transgender | | V liberal | | Liberal | | Moderate | | Conservative | | V conservative | | Libertarian | | No answer | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	143	53.8	72	55.4	68	51.8	2	71.7	22	64.3	43	59.9	47	47.6	12	42.3	12	83.6	2	46.0	4	33.6
No	89	33.5	43	32.7	45	34.3	1	28.3	9	26.1	19	27.1	39	39.3	11	39.5	1	8.2	3	54.0	6	52.0
Not sure	34	12.7	15	11.8	18	13.9			3	9.6	9	13.1	13	13.1	5	18.2	1	8.2			2	14.4
Total	265	100.0	131	100.0	132	100.0	3	100.0	35	100.0	72	100.0	99	100.0	28	100.0	14	100.0	5	100.0	12	100.0

| | Age Group | | | | | | | | Age GroupB | | | | | | | | | |
| | Total | | 18-29 | | 30-49 | | 50-64 | | 65+ | | 18-24 | | 25-34 | | 35-54 | | 55-69 | | 70+ | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	143	53.8	32	44.3	74	67.4	26	51.4	12	33.7	22	48.1	32	51.7	60	68.3	23	49.8	6	24.8
No	89	33.5	28	39.1	27	24.3	18	35.1	17	48.7	16	34.9	21	33.4	22	25.2	15	32.0	15	63.7
Not sure	34	12.7	12	16.6	9	8.3	7	13.5	6	17.6	8	17.0	9	14.8	6	6.5	8	18.2	3	11.5
Total	265	100.0	71	100.0	110	100.0	50	100.0	34	100.0	45	100.0	62	100.0	88	100.0	47	100.0	24	100.0

| | Age GroupC | | | | | | | | Race | | | | | | | | | | Race Group B | | | |
| | Total | | 18-29 | | 30-44 | | 45-64 | | 65+ | | White | | Hispanic | | Black | | Asian | | Other | | White | | Not white | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	143	53.8	32	44.3	68	69.2	31	51.4	12	33.7	55	49.5	19	79.3	59	54.3	5	41.3	4	48.3	55	49.5	87	56.9
No	89	33.5	28	39.1	24	24.0	20	33.7	17	48.7	41	36.7	4	15.9	37	33.7	4	35.5	3	31.9	41	36.7	47	31.0
Not sure	34	12.7	12	16.6	7	6.9	9	14.9	6	17.6	15	13.8	1	4.8	13	12.0	3	23.2	2	19.8	15	13.8	18	12.1
Total	265	100.0	71	100.0	99	100.0	61	100.0	34	100.0	111	100.0	24	100.0	109	100.0	11	100.0	9	100.0	111	100.0	153	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

13. Do you believe that if he went inside the Capitol, he should be convicted of obstruction of justice and civil disorder for his involvement in the January 6, 2021 events at the US Capitol?

	Gender								Ideology											
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	125	87.8	63	87.6	62	90.6			21	91.9	41	95.0	41	87.1	8	70.9	9	76.9	1	49.9	4	100.0
No	6	4.5	3	4.5	3	4.1	0	15.4			1	2.0	1	3.0	1	9.8	2	14.5	1	50.1		
Not sure	11	7.7	6	7.9	4	5.3	2	84.6	2	8.1	1	3.0	5	9.8	2	19.3	1	8.6				
Total	143	100.0	72	100.0	68	100.0	2	100.0	22	100.0	43	100.0	47	100.0	12	100.0	12	100.0	2	100.0	4	100.0

	Age Group								Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	125	87.8	26	82.6	66	89.6	23	89.7	10	86.2	17	79.9	30	92.3	52	87.4	22	93.7	4	73.5
No	6	4.5	3	10.8	1	1.2	2	8.0			2	10.5	1	3.6	2	3.5	1	3.8		
Not sure	11	7.7	2	6.5	7	9.2	1	2.3	2	13.8	2	9.6	1	4.1	5	9.1	1	2.5	2	26.5
Total	143	100.0	32	100.0	74	100.0	26	100.0	12	100.0	22	100.0	32	100.0	60	100.0	23	100.0	6	100.0

	Age GroupC								Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	125	87.8	26	82.6	61	88.7	29	91.5	10	86.2	47	84.9	17	91.6	55	92.2	3	75.5	2	56.1	47	84.9	78	89.5
No	6	4.5	3	10.8	1	1.3	2	6.6			3	6.4	1	3.0	2	3.4			0	7.3	3	6.4	3	3.3
Not sure	11	7.7	2	6.5	7	9.9	1	1.9	2	13.8	5	8.7	1	5.4	3	4.4	1	24.5	2	36.5	5	8.7	6	7.2
Total	143	100.0	32	100.0	68	100.0	31	100.0	12	100.0	55	100.0	19	100.0	59	100.0	5	100.0	4	100.0	55	100.0	87	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

14. Which media sources were more instrumental in shaping your opinion about Gabriel Garcia?

	Gender																	Ideology													
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	86	65.1	49	73.5	37	56.7			13	65.0	29	69.2	27	64.2	7	72.8	8	69.3	1	37.3	1	20.8
Local media sources	42	32.0	15	22.7	27	41.2	0	100.0	5	22.9	12	29.2	14	34.2	3	27.2	3	30.7	1	62.7	3	79.2
Not sure	4	2.9	2	3.7	1	2.1			2	12.1	1	1.7	1	1.6								
Total	132	100.0	67	100.0	65	100.0	0	100.0	21	100.0	42	100.0	42	100.0	10	100.0	11	100.0	2	100.0	4	100.0

	Age Group										Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	86	65.1	15	49.7	45	67.3	17	68.0	9	88.0	11	58.7	16	52.2	39	71.4	16	71.2	3	73.0
Local media sources	42	32.0	15	50.3	18	26.9	8	32.0	1	12.0	8	41.3	14	45.6	12	22.7	7	28.8	1	27.0
Not sure	4	2.9			4	5.8							1	2.2	3	5.8				
Total	132	100.0	30	100.0	67	100.0	25	100.0	10	100.0	19	100.0	31	100.0	55	100.0	23	100.0	4	100.0

	Age GroupC										Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	86	65.1	15	49.7	43	69.2	20	64.2	9	88.0	38	75.3	13	71.6	29	51.0	3	100.0	2	70.8	38	75.3	47	58.3
Local media sources	42	32.0	15	50.3	15	24.5	11	35.8	1	12.0	10	20.1	5	28.4	26	46.3			1	29.2	10	20.1	32	39.8
Not sure	4	2.9			4	6.3					2	4.6			2	2.8					2	4.6	2	2.0
Total	132	100.0	30	100.0	62	100.0	31	100.0	10	100.0	50	100.0	18	100.0	57	100.0	3	100.0	3	100.0	50	100.0	81	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

15. The Constitution and the Electoral Act of 1887 require that Congress assemble on January 6 in a joint session to count and certify the Electoral College votes for presidential elections. Do you believe that anyone who went inside the Capitol building on January 6, 2021 was trying to stop Congress's certification of the electoral vote?

	Gender													Ideology												
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	122	70.0	141	69.6	2	69.3	31	85.6	76	77.3	97	70.5	24	50.6	17	65.7	4	64.2	17	57.3
No	69	18.3	36	20.6	33	16.0	1	30.7	4	10.4	12	12.7	24	17.7	15	31.4	8	32.0	1	21.2	5	15.9
Not sure	45	11.9	16	9.3	29	14.4			1	3.9	10	10.1	16	11.8	9	18.0	1	2.2	1	14.6	8	26.8
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

	Age Group										Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	55	55.4	106	76.0	61	76.2	43	70.7	37	56.8	50	66.5	93	76.3	57	73.4	28	70.2
No	69	18.3	31	31.4	17	12.0	8	10.4	13	21.5	21	32.6	13	17.7	13	11.0	13	16.8	8	20.9
Not sure	45	11.9	13	13.2	17	12.1	11	13.4	5	7.8	7	10.6	12	15.8	15	12.7	8	9.8	4	8.9
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

	Age GroupC										Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	265	69.8	55	55.4	94	77.7	73	74.0	43	70.7	101	66.7	21	68.1	124	76.6	6	41.1	8	70.1	101	66.7	160	72.5
No	69	18.3	31	31.4	14	11.2	11	11.6	13	21.5	31	20.1	6	18.9	25	15.6	4	26.3	2	18.3	31	20.1	37	17.0
Not sure	45	11.9	13	13.2	13	11.1	14	14.4	5	7.8	20	13.3	4	13.0	13	7.9	5	32.6	1	11.6	20	13.3	23	10.6
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

16. Assuming someone did go inside the Capitol building on January 6, 2021 and did not commit any acts of vandalism or violence, do you believe they could still be held responsible for other people's acts of vandalism and/or violence?

	Gender								Ideology													
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	243	63.9	113	65.3	128	62.8	2	61.6	28	77.6	71	71.7	86	62.3	22	47.1	13	49.8	4	65.0	20	67.7
No	82	21.6	41	23.8	39	19.4	1	38.4	4	10.4	13	12.7	29	21.0	20	43.2	11	45.4	2	35.0	3	10.4
Not sure	55	14.5	19	10.9	36	17.8			4	12.0	15	15.6	23	16.7	5	9.7	1	4.7			6	21.8
Total	380	100.0	174	100.0	203	100.0	4	100.0	37	100.0	99	100.0	137	100.0	47	100.0	25	100.0	6	100.0	29	100.0

	Age Group								Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	243	63.9	61	61.1	91	65.0	56	69.9	36	58.4	40	62.0	54	71.5	73	60.3	49	62.8	27	66.2
No	82	21.6	24	24.1	29	20.8	11	14.1	18	29.3	16	25.1	10	13.2	29	24.2	15	18.6	12	29.8
Not sure	55	14.5	15	14.8	20	14.2	13	16.0	8	12.3	8	12.9	12	15.3	19	15.5	15	18.6	2	4.0
Total	380	100.0	99	100.0	140	100.0	80	100.0	61	100.0	65	100.0	75	100.0	122	100.0	78	100.0	40	100.0

	Age GroupC								Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Yes	243	63.9	61	61.1	81	67.0	65	66.5	36	58.4	80	52.8	21	68.4	119	73.3	10	64.2	7	61.6	80	52.8	158	71.4
No	82	21.6	24	24.1	25	20.9	15	15.2	18	29.3	47	30.9	7	21.2	20	12.5	3	19.2	3	27.8	47	30.9	33	15.0
Not sure	55	14.5	15	14.8	15	12.1	18	18.3	8	12.3	25	16.3	3	10.4	23	14.2	3	16.5	1	10.6	25	16.3	30	13.6
Total	380	100.0	99	100.0	121	100.0	98	100.0	61	100.0	152	100.0	31	100.0	163	100.0	16	100.0	12	100.0	152	100.0	221	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

17. Why do you believe such a person could still be held responsible for the events that occurred on January 6, 2021 despite not personally committing acts of vandalism or violence? Statement A. Because anyone who entered the building on that day is guilty of such criminal acts. Statement B. Because even if a person did not personally commit such criminal acts inside the building, just being inside means they were part of planning or orchestrating the events that unfolded.

	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Statement A	86	35.3	57	50.0	28	22.3	1	28.4	15	52.1	21	29.4	30	35.5	4	20.0	8	63.3	2	64.8	5	25.5
Statement B	152	62.7	54	47.2	97	76.3	2	71.6	14	47.9	47	66.1	55	64.5	18	80.0	5	36.7	1	35.2	13	66.2
Not sure	5	2.0	3	2.8	2	1.4					3	4.5									2	8.3
Total	243	100.0	113	100.0	128	100.0	2	100.0	28	100.0	71	100.0	86	100.0	22	100.0	13	100.0	4	100.0	20	100.0

(Gender: Male, Female, Transgender; Ideology: V liberal, Liberal, Moderate, Conservative, V conservative, Libertarian, No answer)

	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Statement A	86	35.3	25	41.6	37	40.2	13	24.1	11	29.6	17	42.1	23	43.5	28	38.1	11	22.0	7	25.1
Statement B	152	62.7	33	54.3	53	58.4	41	74.1	25	70.4	21	53.3	29	54.1	45	60.9	37	75.9	20	74.9
Not sure	5	2.0	3	4.2	1	1.4	1	1.9			2	4.6	1	2.4	1	.9	1	2.1		
Total	243	100.0	61	100.0	91	100.0	56	100.0	36	100.0	40	100.0	54	100.0	73	100.0	49	100.0	27	100.0

(Age Group: 18-29, 30-49, 50-64, 65+; Age GroupB: 18-24, 25-34, 35-54, 55-69, 70+)

	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
Statement A	86	35.3	25	41.6	34	41.5	16	24.8	11	29.6	38	47.6	10	46.0	33	27.6	2	22.9	3	34.8	38	47.6	48	30.1
Statement B	152	62.7	33	54.3	46	56.8	48	73.6	25	70.4	40	49.8	11	54.0	85	71.4	8	77.1	4	56.7	40	49.8	108	68.7
Not sure	5	2.0	3	4.2	1	1.6	1	1.6			2	2.6			1	1.0			1	8.4	2	2.6	2	1.1
Total	243	100.0	61	100.0	81	100.0	65	100.0	36	100.0	80	100.0	21	100.0	119	100.0	10	100.0	7	100.0	80	100.0	158	100.0

(Age GroupC: 18-29, 30-44, 45-64, 65+; Race: White, Hispanic, Black, Asian, Other; Race Group B: White, Not white)

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

18. Which media sources were more instrumental in shaping your opinion about holding someone responsible for the events that occurred on January 6, 2021 despite not personally committing acts of vandalism or violence?

	Gender													Ideology											
	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	136	55.8	74	65.5	61	47.4	1	35.8	21	73.5	40	55.9	43	50.5	16	71.9	10	79.9	1	32.5	5	23.6
Local media sources	90	36.9	35	30.8	53	41.9	1	64.2	6	19.8	29	40.6	32	37.6	5	22.7	3	20.1	2	67.5	13	66.2
Not sure	18	7.3	4	3.7	14	10.6			2	6.7	2	3.5	10	11.9	1	5.4					2	10.2
Total	243	100.0	113	100.0	128	100.0	2	100.0	28	100.0	71	100.0	86	100.0	22	100.0	13	100.0	4	100.0	20	100.0

	Age Group										Age GroupB									
	Total		18-29		30-49		50-64		65+		18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	136	55.8	37	60.5	55	60.2	24	43.5	20	55.2	26	65.1	26	47.7	49	66.4	21	43.0	14	51.9
Local media sources	90	36.9	19	30.6	30	32.9	30	53.3	12	32.4	11	28.5	22	40.6	22	29.9	23	46.8	12	43.6
Not sure	18	7.3	5	8.8	6	6.9	2	3.2	4	12.3	3	6.4	6	11.7	3	3.7	5	10.2	1	4.5
Total	243	100.0	61	100.0	91	100.0	56	100.0	36	100.0	40	100.0	54	100.0	73	100.0	49	100.0	27	100.0

	Age GroupC										Race										Race Group B			
	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
National media sources	136	55.8	37	60.5	48	59.3	31	47.2	20	55.2	54	66.9	17	79.0	53	44.3	7	72.7	3	39.0	54	66.9	80	50.5
Local media sources	90	36.9	19	30.6	27	32.9	33	50.1	12	32.4	19	23.2	4	18.4	62	52.0	1	8.2	2	20.6	19	23.2	68	43.2
Not sure	18	7.3	5	8.8	6	7.7	2	2.7	4	12.3	8	9.9	1	2.7	4	3.7	2	19.2	3	40.4	8	9.9	10	6.2
Total	243	100.0	61	100.0	81	100.0	65	100.0	36	100.0	80	100.0	21	100.0	119	100.0	10	100.0	7	100.0	80	100.0	158	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

19. Which of the following do you regularly watch, read, or listen to?

	Total		Male		Female		Transgender		V liberal		Liberal		Moderate		Conservative		V conservative		Libertarian		No answer	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
ABC	194	48.3	96	52.0	96	45.4	1	31.9	15	40.0	46	46.7	82	55.2	23	45.1	11	38.5	3	50.4	14	44.7
CBS	178	44.3	93	50.2	84	39.7	1	19.3	12	30.3	42	42.8	75	50.7	24	48.2	14	51.7	1	13.8	10	29.4
NBC	174	43.3	82	44.5	90	42.6	1	26.1	15	38.6	45	45.0	65	44.3	22	43.9	10	37.8	2	35.7	14	44.2
CNN	215	53.6	109	58.9	104	48.7	3	64.6	25	65.5	63	63.0	74	50.4	23	46.4	14	50.5	0	8.2	15	46.9
Fox News	188	47.0	88	47.9	98	46.2	2	46.1	9	24.2	40	40.6	61	41.3	37	72.7	16	58.5	4	65.1	22	66.4
MSNBC	98	24.4	54	29.0	43	20.4	1	26.1	16	42.2	31	31.7	27	18.3	14	27.0	6	21.0	2	36.9	2	6.3
CNBC	58	14.5	36	19.3	22	10.6			7	17.7	17	17.0	24	16.4	8	15.5	2	6.7	0	8.2		
NPR (National Public Radio)	66	16.5	30	16.1	35	16.6	1	26.1	16	40.7	17	16.7	25	16.9	3	5.9	3	11.4	2	28.4	1	3.6
New York Times	111	27.8	58	31.3	54	25.2			18	47.7	30	30.1	40	27.3	14	27.4	7	26.8			2	5.4
Wall Street Journal	62	15.6	37	19.9	26	12.1			9	24.6	20	20.4	20	13.8	6	12.2	3	9.1	2	34.8	2	5.4
Bloomberg News	34	8.4	24	12.9	10	4.6			4	11.7	10	10.3	13	8.9	3	6.1	2	6.7			1	2.7
The Drudge Report	9	2.3	7	3.9	2	.9			2	5.5	2	1.6	4	2.6	1	1.4	1	3.3				
Newsmax	22	5.4	14	7.5	8	3.7			2	5.1	5	4.6	8	5.2	5	9.5	3	9.4				
Huffington Post	44	11.0	22	12.1	22	10.3			13	32.8	13	13.0	12	8.1	3	5.9	2	6.7	1	21.1	1	2.7
Breitbart News	15	3.7	13	6.8	2	1.1			3	8.3	2	2.4	6	4.0	3	5.2	1	3.3				
The Hill	41	10.3	28	15.1	13	6.3			9	22.8	7	6.6	12	8.0	10	19.0	4	13.7			1	2.7
Vox	31	7.7	18	9.5	13	6.3			10	26.1	6	6.2	9	5.8	3	6.7	3	10.0				
Daily kos	13	3.1	9	5.1	3	1.5			1	3.0	4	4.3	6	4.2			1	3.3				
Local TV News	158	39.5	78	42.2	81	37.9			15	40.3	34	34.2	65	43.8	21	42.0	10	35.6	2	29.3	12	36.0
Local newspaper	112	27.9	53	28.9	59	27.6			11	29.6	28	28.3	50	33.8	12	23.8	6	20.4	1	21.1	4	11.5
Other	35	8.8	21	11.2	14	6.6	1	19.3	6	15.2	4	4.5	15	10.3	3	6.4	4	13.4			3	8.9
None	18	4.6	2	1.3	15	7.2	1	15.3	2	6.1	2	2.1	8	5.5	3	5.3	1	4.3			2	6.3
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

19. Which of the following do you regularly watch, read, or listen to?

	Total		Age Group 18-29		30-49		50-64		65+		Age GroupB 18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
ABC	194	48.3	51	47.1	65	43.6	41	50.6	37	58.4	36	49.5	40	50.2	52	40.7	41	52.2	25	58.4
CBS	178	44.3	41	37.5	59	39.5	40	49.1	39	60.8	27	37.3	34	43.0	49	38.4	42	53.4	25	59.2
NBC	174	43.3	36	33.0	61	41.0	40	49.4	37	58.4	21	28.5	38	47.8	48	37.3	43	54.0	25	58.5
CNN	215	53.6	66	60.9	94	63.2	33	41.5	22	34.3	43	58.5	50	64.1	75	58.6	37	46.9	10	23.3
Fox News	188	47.0	56	52.1	68	45.6	41	50.6	24	37.0	40	55.3	41	51.8	56	44.1	35	44.1	16	37.7
MSNBC	98	24.4	23	21.1	32	21.4	28	35.2	15	23.6	14	19.3	20	25.2	27	21.4	29	36.5	8	18.6
CNBC	58	14.5	9	8.2	30	20.3	14	17.3	5	8.0	6	7.7	15	19.3	21	16.1	15	19.6	1	2.8
NPR (National Public Radio)	66	16.5	15	13.9	26	17.3	13	16.2	12	19.2	6	7.9	15	18.6	22	17.4	16	20.6	7	16.8
New York Times	111	27.8	32	29.2	53	35.7	15	18.1	12	19.1	20	27.0	31	39.0	40	31.0	13	16.6	8	19.3
Wall Street Journal	62	15.6	13	12.2	31	20.6	12	14.8	7	10.5	7	10.1	21	27.0	18	14.3	12	14.6	4	9.3
Bloomberg News	34	8.4	9	7.9	17	11.5	8	10.1			4	6.0	8	10.6	16	12.5	5	6.4		
The Drudge Report	9	2.3	2	1.5	6	4.2	1	1.5			1	1.6	4	5.2	3	2.1	1	1.5		
Newsmax	22	5.4	6	5.1	10	6.5	5	5.9	2	2.5	2	3.2	7	8.4	6	4.9	5	6.0	2	3.7
Huffington Post	44	11.0	12	10.8	19	13.1	9	11.8	4	5.6	6	8.2	12	15.2	16	12.2	9	12.0	1	2.8
Breitbart News	15	3.7	2	1.5	8	5.7	3	4.0	2	2.5	1	1.6	4	5.3	5	3.8	3	4.0	2	3.7
The Hill	41	10.3	10	9.5	15	10.1	8	9.7	8	12.9	7	8.9	10	12.2	11	8.9	8	10.5	6	12.8
Vox	31	7.7	12	11.4	17	11.2	2	2.4			7	10.2	10	12.5	14	10.6				
Daily kos	13	3.1	5	4.2	5	3.6	3	3.3			2	3.2	4	5.1	5	3.7	2	1.9		
Local TV News	158	39.5	31	28.5	57	38.7	42	52.0	28	44.2	13	18.2	38	47.9	49	38.8	39	49.2	19	44.4
Local newspaper	112	27.9	20	18.4	39	26.3	25	31.1	28	43.5	10	13.2	22	28.1	35	27.8	25	31.9	20	45.3
Other	35	8.8	5	4.4	11	7.2	9	10.6	11	17.8	2	3.0	7	8.5	7	5.1	11	14.3	9	20.3
None	18	4.6	4	3.9	6	3.9	4	4.8	4	6.8	4	5.1	2	3.2	4	3.0	6	7.5	2	5.5
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

19. Which of the following do you regularly watch, read, or listen to?

	Total		Age GroupC 18-29		30-44		45-64		65+		White		Hispanic		Race Black		Asian		Other		Race Group B White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
ABC	194	48.3	51	47.1	59	45.7	47	46.5	37	58.4	71	45.2	19	58.9	93	52.3	6	37.8	4	30.3	71	45.2	121	51.1
CBS	178	44.3	41	37.5	55	42.5	44	43.5	39	60.8	71	45.3	15	46.4	78	44.3	8	53.7	3	22.5	71	45.3	104	44.1
NBC	174	43.3	36	33.0	56	43.7	44	44.3	37	58.4	62	39.3	11	36.4	90	50.9	8	49.3	2	12.9	62	39.3	111	47.0
CNN	215	53.6	66	60.9	78	60.4	49	49.3	22	34.3	84	53.4	18	56.8	98	55.0	8	49.9	4	36.7	84	53.4	128	54.0
Fox News	188	47.0	56	52.1	59	45.7	50	49.5	24	37.0	63	40.1	11	33.9	97	54.9	8	50.3	5	40.7	63	40.1	121	51.1
MSNBC	98	24.4	23	21.1	27	21.3	33	32.6	15	23.6	32	20.4	8	24.3	52	29.2	5	28.6	2	15.7	32	20.4	66	27.8
CNBC	58	14.5	9	8.2	29	22.8	15	14.8	5	8.0	31	19.6	7	21.3	17	9.4	3	16.5	1	10.6	31	19.6	27	11.5
NPR (National Public Radio)	66	16.5	15	13.9	23	18.1	15	15.3	12	19.2	29	18.2	7	22.3	25	14.0	2	12.1	3	22.3	29	18.2	36	15.4
New York Times	111	27.8	32	29.2	49	37.8	19	18.9	12	19.1	67	42.4	11	35.5	27	15.5	5	28.6	1	11.7	67	42.4	44	18.8
Wall Street Journal	62	15.6	13	12.2	28	22.2	14	13.9	7	10.5	38	24.3	6	18.9	15	8.3	3	21.6			38	24.3	24	10.2
Bloomberg News	34	8.4	9	7.9	17	13.3	8	8.1			18	11.5	7	20.7	7	4.0	2	12.1			18	11.5	16	6.6
The Drudge Report	9	2.3	2	1.5	6	4.8	1	1.2			6	3.7	2	6.5	1	.7					6	3.7	3	1.4
Newsmax	22	5.4	6	5.1	10	7.5	5	4.7	2	2.5	12	7.6	3	8.1	6	3.3	1	7.1			12	7.6	10	4.0
Huffington Post	44	11.0	12	10.8	17	13.1	12	12.1	4	5.6	20	12.5	4	14.0	19	10.6			1	9.9	20	12.5	24	10.4
Breitbart News	15	3.7	2	1.5	8	6.6	3	3.2	2	2.5	9	5.4	2	6.5	3	1.8	1	7.1			9	5.4	6	2.7
The Hill	41	10.3	10	9.5	14	11.2	8	8.4	8	12.9	18	11.4	3	9.3	19	10.6			1	5.0	18	11.4	22	9.4
Vox	31	7.7	12	11.4	16	12.3	3	2.8			16	10.3	5	16.2	6	3.4	2	12.1	1	7.7	16	10.3	14	5.9
Daily kos	13	3.1	5	4.2	5	4.2	3	2.7			7	4.2	1	3.3	5	2.8					7	4.2	6	2.5
Local TV News	158	39.5	31	28.5	52	40.6	47	46.9	28	44.2	60	38.1	12	37.8	78	43.9	3	21.2	4	32.5	60	38.1	97	41.0
Local newspaper	112	27.9	20	18.4	36	27.8	28	28.2	28	43.5	44	28.1	8	26.5	51	28.9	2	12.1	5	41.8	44	28.1	66	28.1
Other	35	8.8	5	4.4	11	8.3	9	8.5	11	17.8	21	13.3	2	7.5	10	5.5	1	5.2	1	12.0	21	13.3	14	6.1
None	18	4.6	4	3.9	5	3.9	5	4.8	4	6.8	9	5.7			7	4.2	1	7.1	1	6.7	9	5.7	9	3.9
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

20. Which of these do you regularly listen to or watch for news?

| | Gender | | | | | | | Ideology | | | | | | | | | | | | | | |
| | Total | | Male | | Female | | Transgender | | V liberal | | Liberal | | Moderate | | Conservative | | V conservative | | Libertarian | | No answer | |
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
NBC Nightly News with Lester Holt	136	33.9	72	38.8	63	29.7	1	26.1	11	27.7	40	40.0	50	34.1	15	30.0	10	34.8	1	21.1	9	28.7
ABC World News with David Muir	120	30.0	61	32.9	59	28.0			4	11.2	35	35.2	45	30.3	16	31.7	11	38.4	1	21.1	8	25.9
CBS Evening News with Norah O'Donnell	102	25.4	56	30.5	46	21.4			8	20.6	27	27.2	37	24.8	17	34.4	8	29.7			5	14.6
Meet the Press with Chuck Todd	68	16.9	42	22.9	25	12.0			10	24.9	19	19.4	24	16.1	9	18.1	2	5.8			4	13.6
Rachel Maddow Show	65	16.2	39	21.3	24	11.5	1	26.1	11	28.4	19	19.2	18	12.3	10	19.6	4	14.8	1	21.1	2	4.8
Face the Nation with Margaret Brennan	47	11.7	31	16.9	16	7.4			3	8.2	11	11.5	17	11.6	9	18.1	3	10.0	1	21.1	2	6.3
60 Minutes	126	31.3	66	35.5	60	28.2	0	7.5	9	24.4	29	29.6	48	32.6	19	38.6	9	33.4	1	26.5	9	26.5
Tucker Carlson	51	12.7	32	17.5	19	8.7			4	11.1	8	7.9	17	11.6	12	23.9	6	21.4	2	30.4	2	6.3
Laura Ingraham	31	7.8	20	11.0	11	5.2			3	6.9	3	3.4	9	6.3	7	13.6	5	19.5	1	21.1	3	8.4
Fox News Sunday	100	25.0	55	29.9	44	20.8	1	19.3	4	9.2	20	20.0	38	26.0	13	25.4	12	42.3	0	8.2	13	41.6
Situation Room with Wolf Blitzer	45	11.2	27	14.4	17	8.2	1	26.1	8	22.0	9	9.5	20	13.3	4	8.7	3	11.3				
Don Lemon	54	13.5	25	13.5	29	13.8			8	19.8	16	16.5	18	12.3	6	12.7	3	10.9	1	21.1	2	4.6
The Daily Show with Trevor Noah	78	19.4	40	21.8	38	17.7			10	25.4	26	25.9	22	14.6	11	22.8	6	22.0	2	29.3	2	5.4
Other	50	12.6	26	14.1	24	11.5			3	7.8	11	10.8	18	12.4	10	19.1	4	13.4			5	16.0
None	47	11.8	13	7.3	32	15.1	2	47.1	9	22.5	8	7.8	18	11.9	7	13.1	1	4.3	1	13.8	5	15.8
Total	401	100.0	184	100.0	213	100.0	4	100.0	38	100.0	99	100.0	148	100.0	50	100.0	28	100.0	6	100.0	32	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

20. Which of these do you regularly listen to or watch for news?

	Total		Age Group 18-29		30-49		50-64		65+		Age GroupB 18-24		25-34		35-54		55-69		70+	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
NBC Nightly News with Lester Holt	136	33.9	30	27.7	45	30.6	35	43.3	26	40.0	20	26.8	25	32.4	40	31.5	34	43.3	16	38.1
ABC World News with David Muir	120	30.0	27	25.1	45	30.0	30	36.9	19	29.2	18	25.1	25	32.3	37	29.3	27	34.8	12	26.8
CBS Evening News with Norah O'Donnell	102	25.4	28	26.3	36	24.0	20	24.7	18	27.9	17	23.3	24	31.0	28	22.0	16	20.4	16	37.9
Meet the Press with Chuck Todd	68	16.9	15	14.2	17	11.5	19	23.5	16	25.5	10	14.1	10	12.1	13	9.9	22	27.5	14	31.6
Rachel Maddow Show	65	16.2	16	15.0	21	14.3	13	16.3	14	22.4	10	13.4	15	19.2	15	11.7	14	17.7	11	25.9
Face the Nation with Margaret Brennan	47	11.7	15	13.8	15	10.1	9	11.3	8	12.2	8	11.3	14	17.4	9	7.2	12	15.0	4	9.1
60 Minutes	126	31.3	30	27.4	45	30.3	32	39.2	20	30.5	18	24.7	25	31.9	39	30.8	30	37.7	14	31.4
Tucker Carlson	51	12.7	10	9.5	21	14.2	10	12.4	10	14.8	6	8.8	13	16.7	13	10.2	14	17.7	4	10.2
Laura Ingraham	31	7.8	5	5.1	14	9.4	6	8.0	6	8.6	4	5.0	9	11.8	8	6.1	9	11.6	2	3.7
Fox News Sunday	100	25.0	34	31.2	38	25.6	20	24.5	9	13.6	25	33.9	21	27.1	31	24.2	18	23.4	5	11.2
Situation Room with Wolf Blitzer	45	11.2	12	11.4	23	15.8	6	7.6	3	5.0	8	10.9	11	13.5	18	14.3	8	10.3		
Don Lemon	54	13.5	7	6.4	26	17.4	11	13.5	10	16.3	4	4.9	10	12.8	22	17.6	12	14.8	6	14.8
The Daily Show with Trevor Noah	78	19.4	24	22.4	32	21.6	17	21.0	5	7.4	14	18.9	23	29.7	24	19.1	14	17.3	3	6.3
Other	50	12.6	6	5.9	18	12.2	13	15.6	13	21.0	2	2.3	10	12.8	16	12.2	14	18.2	9	20.3
None	47	11.8	12	10.7	17	11.2	8	9.7	11	17.9	8	11.0	10	13.1	11	9.0	9	11.0	9	21.1
Total	401	100.0	108	100.0	148	100.0	80	100.0	64	100.0	73	100.0	79	100.0	127	100.0	79	100.0	43	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

20. Which of these do you regularly listen to or watch for news?

	Total		18-29		30-44		45-64		65+		White		Hispanic		Black		Asian		Other		White		Not white	
	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%	f	%
NBC Nightly News with Lester Holt	136	33.9	30	27.7	42	32.8	38	38.0	26	40.0	52	32.9	10	31.2	66	37.3	4	23.5	3	27.4	52	32.9	83	35.1
ABC World News with David Muir	120	30.0	27	25.1	39	30.1	36	35.4	19	29.2	52	33.1	7	22.5	49	27.4	7	45.6	2	16.8	52	33.1	65	27.4
CBS Evening News with Norah O'Donnell	102	25.4	28	26.3	35	27.0	21	20.7	18	27.9	38	24.4	8	26.4	52	29.2	1	7.0	2	18.7	38	24.4	63	26.8
Meet the Press with Chuck Todd	68	16.9	15	14.2	13	10.1	23	22.9	16	25.5	16	10.4	3	10.7	45	25.3	2	14.0	1	6.7	16	10.4	51	21.7
Rachel Maddow Show	65	16.2	16	15.0	19	14.9	15	15.1	14	22.4	24	15.4	8	23.9	31	17.7			2	13.4	24	15.4	41	17.1
Face the Nation with Margaret Brennan	47	11.7	15	13.8	13	10.1	11	11.0	8	12.2	15	9.6	6	18.9	25	13.9	1	7.0			15	9.6	32	13.4
60 Minutes	126	31.3	30	27.4	44	34.5	32	32.1	20	30.5	45	28.4	10	31.3	64	36.0	3	18.5	3	26.2	45	28.4	80	33.8
Tucker Carlson	51	12.7	10	9.5	20	15.5	11	11.1	10	14.8	29	18.5	5	17.1	13	7.5	2	14.1			29	18.5	21	8.9
Laura Ingraham	31	7.8	5	5.1	13	10.2	7	7.3	6	8.6	15	9.7	4	13.8	11	6.5			0	2.9	15	9.7	16	6.8
Fox News Sunday	100	25.0	34	31.2	35	26.9	23	23.0	9	13.6	28	17.6	8	24.9	53	30.1	5	34.2	2	15.5	28	17.6	68	28.9
Situation Room with Wolf Blitzer	45	11.2	12	11.4	20	15.7	9	9.3	3	5.0	17	10.9	5	16.6	22	12.5			0	2.9	17	10.9	28	11.7
Don Lemon	54	13.5	7	6.4	23	18.3	13	13.2	10	16.3	16	10.1	5	16.6	30	17.2			0	3.9	16	10.1	36	15.3
The Daily Show with Trevor Noah	78	19.4	24	22.4	26	19.9	23	23.3	5	7.4	26	16.3	9	29.7	35	19.5	5	33.8	2	15.5	26	16.3	51	21.7
Other	50	12.6	6	5.9	17	12.9	14	14.0	13	21.0	23	14.8	3	10.8	18	10.1	1	9.0	3	29.3	23	14.8	26	11.1
None	47	11.8	12	10.7	15	11.6	10	9.5	11	17.9	23	14.8	3	9.6	19	10.6	1	7.1	1	11.6	23	14.8	24	10.3
Total	401	100.0	108	100.0	128	100.0	100	100.0	64	100.0	158	100.0	32	100.0	177	100.0	16	100.0	12	100.0	158	100.0	236	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

Registered to Vote

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	401	100.0	100.0	100.0

3. Do you generally follow national news events closely?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	306	76.4	76.4	76.4
	No	75	18.6	18.6	95.0
	Not sure	20	5.0	5.0	100.0
	Total	401	100.0	100.0	

4. Do you generally follow local news events closely?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	326	81.4	81.4	81.4
	No	55	13.6	13.6	95.0
	Not sure	20	5.0	5.0	100.0
	Total	401	100.0	100.0	

5. Which events do you generally follow more closely?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	National	189	47.1	47.1	47.1
	Local	182	45.4	45.4	92.5
	Not sure	30	7.5	7.5	100.0
	Total	401	100.0	100.0	

6. How familiar are you with the January 6, 2021 events at the US Capitol?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very familiar	269	67.1	67.1	67.1
	Somewhat familiar	111	27.7	27.7	94.8
	Not familiar/Not sure	21	5.2	5.2	100.0
	Total	401	100.0	100.0	

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

7. Which media sources were more instrumental in shaping your opinion about these events?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	National media sources	206	51.4	54.2	54.2
	Local media sources	150	37.3	39.4	93.6
	Not sure	24	6.1	6.4	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

8. Which description of the January 6, 2021 events at the US Capitol comes closer to your opinion about it? Statement A. The events at the US Capitol on January 6, 2021 posed a dire threat to the fabric of our nation and were the worst assault on US democracy since 9/11, Pearl Harbor, or even the Civil War. Statement B. The events at the US Capitol on January 6, 2021 were unwise and caused senseless damage to the Capitol building and people's lives, some of whom were lost, but the events were not insurrectionist and did not pose a threat to US democracy.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Description A	251	62.5	65.9	65.9
	Description B	104	26.0	27.4	93.3
	Not sure	25	6.3	6.7	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

9. Do you believe that any individual who was inside the US Capitol on January 6, 2021 should be convicted of insurrection?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	277	69.1	72.9	72.9
	No	55	13.8	14.5	87.4
	Not sure	48	12.0	12.6	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

10. Are you familiar with the organization called the Proud Boys?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	265	66.1	69.8	69.8
	No	81	20.3	21.4	91.1
	Not sure	34	8.4	8.9	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

11. Overall, how would you rate the Proud Boys?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very favorable	33	8.2	12.5	12.5
	Somewhat favorable	25	6.3	9.4	21.9
	Neutral	19	4.8	7.2	29.1
	Somewhat unfavorable	21	5.3	8.0	37.1
	Very unfavorable	160	39.8	60.1	97.3
	Not sure	7	1.8	2.7	100.0
	Total	265	66.1	100.0	
Missing	.00	136	33.9		
Total		401	100.0		

12. Are you familiar with the Proud Boys organization member named Gabriel Garcia?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	143	35.6	53.8	53.8
	No	89	22.1	33.5	87.3
	Not sure	34	8.4	12.7	100.0
	Total	265	66.1	100.0	
Missing	.00	136	33.9		
Total		401	100.0		

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

13. Do you believe that if he went inside the Capitol, he should be convicted of obstruction of justice and civil disorder for his involvement in the January 6, 2021 events at the US Capitol?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	125	31.3	87.8	87.8
	No	6	1.6	4.5	92.3
	Not sure	11	2.8	7.7	100.0
	Total	143	35.6	100.0	
Missing	.00	258	64.4		
Total		401	100.0		

14. Which media sources were more instrumental in shaping your opinion about Gabriel Garcia?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	National media sources	86	21.4	65.1	65.1
	Local media sources	42	10.5	32.0	97.1
	Not sure	4	1.0	2.9	100.0
	Total	132	32.8	100.0	
Missing	.00	269	67.2		
Total		401	100.0		

15. The Constitution and the Electoral Act of 1887 require that Congress assemble on January 6 in a joint session to count and certify the Electoral College votes for presidential elections. Do you believe that anyone who went inside the Capitol building on January 6, 2021 was trying to stop Congress's certification of the electoral vote?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	265	66.2	69.8	69.8
	No	69	17.3	18.3	88.1
	Not sure	45	11.3	11.9	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

16. Assuming someone did go inside the Capitol building on January 6, 2021 and did not commit any acts of vandalism or violence, do you believe they could still be held responsible for other people's acts of vandalism and/or violence?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	243	60.6	63.9	63.9
	No	82	20.5	21.6	85.5
	Not sure	55	13.7	14.5	100.0
	Total	380	94.8	100.0	
Missing	.00	21	5.2		
Total		401	100.0		

17. Why do you believe such a person could still be held responsible for the events that occurred on January 6, 2021 despite not personally committing acts of vandalism or violence? Statement A. Because anyone who entered the building on that day is guilty of such criminal acts. Statement B. Because even if a person did not personally commit such criminal acts inside the building, just being inside means they were part of planning or orchestrating the events that unfolded.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Statement A	86	21.4	35.3	35.3
	Statement B	152	38.0	62.7	98.0
	Not sure	5	1.2	2.0	100.0
	Total	243	60.6	100.0	
Missing	.00	158	39.4		
Total		401	100.0		

18. Which media sources were more instrumental in shaping your opinion about holding someone responsible for the events that occurred on January 6, 2021 despite not personally committing acts of vandalism or violence?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	National media sources	136	33.8	55.8	55.8
	Local media sources	90	22.4	36.9	92.7
	Not sure	18	4.4	7.3	100.0
	Total	243	60.6	100.0	
Missing	.00	158	39.4		
Total		401	100.0		

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

19. Which of the following do you regularly watch, read, or listen to?

		n	%
$q19	ABC	194	48.3
	CBS	178	44.3
	NBC	174	43.3
	CNN	215	53.6
	Fox News	188	47.0
	MSNBC	98	24.4
	CNBC	58	14.5
	NPR (National Public Radio)	66	16.5
	New York Times	111	27.8
	Wall Street Journal	62	15.6
	Bloomberg News	34	8.4
	The Drudge Report	9	2.3
	Newsmax	22	5.4
	Huffington Post	44	11.0
	Breitbart News	15	3.7
	The Hill	41	10.3
	Vox	31	7.7
	Daily kos	13	3.1
	Local TV News	158	39.5
	Local newspaper	112	27.9
	Other	35	8.8
	None	18	4.6
	Total	401	100.0

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

20. Which of these do you regularly listen to or watch for news?

		n	%
$q20	NBC Nightly News with Lester Holt	136	33.9
	ABC World News with David Muir	120	30.0
	CBS Evening News with Norah O'Donnell	102	25.4
	Meet the Press with Chuck Todd	68	16.9
	Rachel Maddow Show	65	16.2
	Face the Nation with Margaret Brennan	47	11.7
	60 Minutes	126	31.3
	Tucker Carlson	51	12.7
	Laura Ingraham	31	7.8
	Fox News Sunday	100	25.0
	Situation Room with Wolf Blitzer	45	11.2
	Don Lemon	54	13.5
	The Daily Show with Trevor Noah	78	19.4
	Other	50	12.6
	None	47	11.8
	Total	401	100.0

Age Group

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-29	108	27.0	27.0	27.0
	30-49	148	36.9	36.9	63.9
	50-64	80	20.1	20.1	84.0
	65+	64	16.0	16.0	100.0
	Total	401	100.0	100.0	

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

Age GroupB

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-24	73	18.2	18.2	18.2
	25-34	79	19.6	19.6	37.8
	35-54	127	31.8	31.8	69.6
	55-69	79	19.7	19.7	89.3
	70+	43	10.7	10.7	100.0
	Total	401	100.0	100.0	

Age GroupC

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-29	108	27.0	27.0	27.0
	30-44	128	32.0	32.0	59.0
	45-64	100	25.0	25.0	84.0
	65+	64	16.0	16.0	100.0
	Total	401	100.0	100.0	

Ideology

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	V liberal	38	9.5	9.5	9.5
	Liberal	99	24.7	24.7	34.3
	Moderate	148	36.9	36.9	71.1
	Conservative	50	12.5	12.5	83.6
	V conservative	28	6.9	6.9	90.5
	Libertarian	6	1.4	1.4	91.9
	No answer	32	8.1	8.1	100.0
	Total	401	100.0	100.0	

John Zogby Strategies Survey of Washington DC Voters 1/18/22 - 1/21/22
N=401 Margin of Error +/- 5.0 percentage points

Race

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	White	158	39.3	40.0	40.0
	Hispanic	32	7.9	8.0	48.0
	Black	177	44.2	45.0	93.0
	Asian	16	3.9	4.0	97.0
	Other	12	2.9	3.0	100.0
	Total	394	98.3	100.0	
Missing	0	7	1.7		
Total		401	100.0		

Race Group B

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	White	158	39.3	40.0	40.0
	Not white	236	59.0	60.0	100.0
	Total	394	98.3	100.0	
Missing	0	7	1.7		
Total		401	100.0		

Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	184	46.0	46.0	46.0
	Female	213	53.0	53.0	99.0
	Transgender	4	1.0	1.0	100.0
	Total	401	100.0	100.0	

EXHIBIT 3

Overview

In Lux Research ("ILR") was engaged by Law Offices of Juli Haller, which represents Connie Meggs, and by Fischer & Putzi, P.A, which represents Thomas Edward Caldwell, to investigate whether the qualified jury pool for the United States District Court for the District of Columbia ("DC Community") harbors bias prejudicial to defendants, such as Meggs and Caldwell, who are facing criminal prosecution related to incidents at the U.S. Capitol in Washington, D.C., on January 6, 2021[1] ("Defendants"). ILR was asked to design and conduct a study that would meet the following objectives:

1. Identify any specific themes of bias.

2. Gauge the intensity of any prejudicial bias detected.

3. Determine whether the rates and intensity of any prejudicial bias discovered within the DC Community are unique to the DC Community.

4. Ascertain whether respondents who indicate harboring bias against Defendants report doubt in their ability to be fair and impartial jurors for Defendants.

To achieve these objectives, ILR impartially conducted a well-conceived community attitude survey ("CAS") of the DC Community and, concurrently, of the qualified jury pools in three additional federal districts ("Test Areas.")[2]. Over 1500 potential jurors were interviewed, yielding over 350 responses from each Test Area. Respondents were randomly selected from master lists of potential jurors in each Test Area created in the same manner master jury wheels for the federal districts are created. The accurately recorded results from the four Test Areas are presented side-by-side for this multi-district comparative study ("Study") so that the rate and intensity of bias in the DC Community can be viewed in comparison to the other Test Areas. This Study was guided by the American Society of Trial Consultants' Professional Standards for Venue Surveys[3] and is comprised of four qualified[4] opinion surveys to aid the Court in weighing the totality of circumstances, should it be asked to consider a motion to transfer venue or other questions concerning pretrial juror bias.

---

[1] Connie Meggs is a defendant in case 1:21-cr-00028-APM in D.D.C.; Thomas Edward Caldwell is a defendant in case 1:22-cr-00015-APM in D.D.C. Both cases are among multiple others listed on the U.S. Department of Justice website as "Capitol Breach Cases." https://www.justice.gov/usao-dc/capitol-breach-cases

[2] The United States District Court for the District of Columbia, the United States District Court for the Middle District of Florida - Ocala Division, the United States District Court for the Eastern District of North Carolina, and the United States District Court for the Eastern District of Virginia.

[3] https://www.astcweb.org/professional_code

[4] "'Qualified' means only that the survey be well-conceived, impartially conducted, and accurately recorded," see ABA Standards for Criminal Justice: Fair Trial and Free Press Standard 8-3.3. Change of venue or continuance (1992). "A survey should be acceptable even when it is conducted (as it usually is) at the behest and expense of an interested party," Corona v. Superior Court, 24 Cal. App. 3d 872 (1972).

Key Findings

Results from the Study show that the DC Community's attitude is unique among the Test Areas - and is decidedly negative toward Defendants. While the Test Areas differ from each other in geographic location, demographic composition and political party alignment, the three other Test Areas produced remarkably similar results on most questions in the survey, with the DC Community standing apart. By measure, the DC Community attitude toward the Events of January 6th and toward **all** defendants associated with those events proves to be an outlier. The response distributions from the DC Community deviate considerably from both the medians and means of the response distributions throughout the Study[5].

Key differences between the DC Community and other Test Areas fall into at least five general categories: (1) prejudgment, (2) personal impact and perceived victimization, (3) exposure to information related to the case(s) [6], (4) recognition and disclosure of bias, and (5) eligible population size. Key findings from each category are detailed below:

I.   Prejudicial Prejudgment

The Study shows that the DC Community is saturated with potential jurors who harbor actual bias against Defendants. In total, **91% of DC Community** respondents who answered all of the prejudgment test questions admit making **at least one prejudicial prejudgment** on issues related to the case(s), while the other Test Areas admit doing so at rates from 49% to 63%.[7] This bias is not only more prevalent in the DC Community, but it is also more intense. The DC Community also admits making more than one prejudicial prejudgment at a much higher rate than respondents from the other Test Areas. In fact, **30% of DC Community** respondents admit that they **have already made every prejudicial prejudgment tested for in the survey** – double the rate of the next highest Test Area[8].

Of the four questions used to test for prejudicial prejudgment, the DC Community indicates prejudging decisively against Defendants on each question, disclosing that it is more likely to find Defendants "guilty" than "not guilty" and opining that the Events of January 6th were criminal in nature, that **all** who entered the U.S. Capitol planned in advance to do so, and that **all** of the Events of January 6th were racially motivated. The three other Test Areas indicated much lower – and more similar - rates of prejudicial prejudgment[9]:

---

[5] Appendix B - Frequency Distribution Tables

[6] Specifically, case 1:21-cr-00028-APM in D.D.C. as to Meggs and case 1:22-cr-00015-APM in D.D.C. as to Caldwell, and, generally, any other similar case, including those listed on the U.S. Department of Justice website as "Capitol Breach Cases." https://www.justice.gov/usao-dc/capitol-breach-cases.

[7] Figure 2a.

[8] Figure 2d.

[9] Figure 1a-d.

- Q3. **72% of DC Community** respondents said that they are **likely to find Defendants guilty** – even when given the choice, "It is too early to decide." The median in the Study was 48%.

- Q5. 85% of the DC Community characterizes the Events of January 6th as acts that are criminal in nature (insurrection, attack or riot), even when given options to reserve judgment on that question. The median in the Study was 54%.

- Q6. 71% of the DC Community believes that **all** who entered the U.S. Capitol without authorization planned in advance to do so, even when offered options to reserve judgment on that question. The median in the Study was 49%.

- Q9. Over 40% of the DC Community stated they believe **all** the Events of January 6th were racially motivated, even when offered options to reserve judgment on that question. The median in the Study was 20%.

Respondents in all Test Areas overwhelmingly rejected answer choices that distinguish individual circumstances from the "group" of all people allegedly involved with the Events of January 6th, opting instead to generalize opinions to the group.

- Q6. asked respondents if they believe that individuals who entered the U.S. Capitol on January 6, 2021, had planned to do so in advance or if they had decided that day to do it. Only 12%-16% of respondents from the Test Areas selected the answer that indicates they would consider this question on a case-by-case basis ("Some planned to do so in advance, and some decided that day."). Another 4-9% said that they don't know. The remaining respondents, around 80% in each Test Area, held a single opinion about everyone included in the group.[10]

- Q9. asked respondents if they believe that the Events of January 6th were racially motivated. 3-5% in each Test Area said they did not know, while 8%-22% said, "Some were, and some weren't." The remaining 76%-89% from each Test Area responded to the question with a single opinion about the motivation for **all**, rejecting the option to acknowledge differences among the group.[11]

- Q3. asked respondents if they are more likely to find a defendant charged with crimes related to the Events of January 6th "guilty" or "not guilty" OR if it is "too early to decide." Only 18%-25% across the Test Areas think that it was too early to decide. Across the areas, 75%-82% of respondents proceeded to select how they are likely to vote if selected as a juror for such a defendant – without any details on the identity of the defendant, the circumstances of the case, the evidence or a defense.[12] Lacking any information about the hypothetical

---

[10] Figure 1c.
[11] Figure 1d.
[12] Figure 1a.

defendants, other than that they would be tried in relation to the Events of January 6th, the 75%-82% of respondents who selected anything other than "too early to decide" must have formed their opinions based on conclusions they had made about **all** defendants.

The results detailed above show that bias against individual defendants can be reasonably imputed from bias against the group of **all** defendants charged with crimes related to the Events of January 6th. Similarly, information about any one Defendant is likely to be generalized to all Defendants. All Test Areas indicate generalizing opinions about the Events of January 6th and Defendants, but the DC Community has generalized almost entirely negative opinions when doing so. The other Test Areas generalize but do so with mixed opinions, as demonstrated in their responses.

II.   Personal Impact and Perceived Victimization

The DC Community reports a unique association with Defendants and their case(s). Members of the DC Community claim high levels of personal impact and perceived victimization caused by the Events of January 6th, including feeling an increased concern for safety, experiencing restrictions on their free movement, identifying as a member of a group they believe was targeted, and by being "personally affected" by the Events of January 6th. In total, 82% of DC Community respondents who answered all of the personal impact and victimization questions reported feeling personally affected, being inconvenienced, having their free movement restricted, feeling increased concern for safety, or identifying with a group they believe was targeted by events at issue in the case(s).

One of the questions used to test for prejudgment, Q9., revealed a unique position the DC Community finds itself in with regards to Defendants and their case(s); 62% of the DC Community feels that some or all of events at issue were racially motivated[13], and most of the respondents who feel this way are non-white. 44% of the DC Community is a member of a group or class that they believe was targeted by events at issue in the case(s). In comparison, only 6%-18% of the potential jurors in the other Test Areas are expected to view the case(s) from this perspective.[14]

III.   Exposure to Information Related to the Case(s)

As noted above, most potential jurors have generalized opinions about all Defendants. This phenomenon could make it necessary to find jurors who have not formed any opinions

---

[13] Figure 1d.
[14] Figure 3d.

about the Events of January 6th or about any Defendants. Exposure to information about one Defendant may cause an opinion about another. Almost every potential respondent in all Test Areas was aware of the Events[15], but the other Test Areas had higher rates of potential jurors who are not regularly exposed to information. Almost three-quarters of the DC Community sees, reads or hears about the Events of January 6th at least several times per week, with roughly one-third of the DC Community exposed 10 or more times per week. This exposure comes from the media, local leaders and others from the community. Respondents from the three other Test Areas are more likely to avoid exposure to information from these sources. Compared to the DC Community, FL has 2.85x the rate of respondents exposed "never or almost never." NC has 2.65x the rate, and the VA community has 2.77x the rate of "never or almost never" exposed potential jurors available in comparison to the DC Community.[16]

IV.   Recognition and Disclosure of Bias

The DC Community claims a greater capacity than the other Test Areas to be fair and impartial jurors for defendants charged with crimes related to the Events of January 6th. While promising on its face, this representation may actually indicate a failure to recognize or admit threats to fairness and impartiality. The same panel of respondents from the DC Community that overwhelmingly claims they could be fair and impartial also revealed making prejudicial prejudgments at a much higher rate and with more intensity than any other Test Area. 91% of DC Community respondents admitted making at least one prejudicial prejudgment on issues of the case(s), yet 70% of that panel later claimed they could be fair and impartial jurors.[18] Respondents in the DC Community demonstrate an inability to identify or unwillingness to report previously disclosed bias when asked if they could be a fair and impartial juror for a "January 6th" defendant.

V.   Population

The results of this study are reported as frequencies, or rates of response, from each Test Area. To understand the conditions these rates indicate in the Test Area, the rates found in this Study can be applied to the eligible population number of the Test Area to calculate the estimated yield of potential jurors with that result. For example, using official voter registration numbers provided by election authorities[19] as a lower estimate of eligible population and the

---

[15] Appendix B - Frequency Distribution Tables at p. 1
[16] Figure 6.
[17] Figure 5.
[18] FL Middle county list: https://www.flmd.uscourts.gov/divisions
FL Middle voter statistics:
https://www.dos myflorida.com/elections/data-statistics/voter-registration-statistics/voter-registration-reports/voter-registration-by-county-and-party/
NC Eastern county list: http://www.nced.uscourts.gov/counties/Default.aspx
NC Eastern voter statistics: https://vt.ncsbe.gov/RegStat/
VA Eastern county list: https://www.vaed.uscourts.gov/eastern-district-virginia-jurisdiction
VA Eastern voter statistics: https://www.elections.virginia.gov/resultsreports/registration-statistics/2022-registration-statistics/

Census population numbers[19] as a higher estimate, a range of predicted yield can be calculated. High rates of bias in a smaller pool of eligible jurors, such as in the DC Community, will yield fewer acceptable jurors than the same rates of bias in a larger pool. Table 1. shows the results from several questions in the Study as applied to the range of eligible juror population estimates for each Test Area.

---

[19] https://www.census.gov/data/tables/time-series/demo/popest/2020s-counties-total.html

in|ux
Research + Analytics

Table 1.

A. Number of potential jurors who have **not made a prejudicial prejudgment** against Defendants.

Test Area	Registered voters in federal district	Census population in federal district	Percent that have not made a prejudicial prejudgment	Estimated # of potential jurors from voter roll population	Estimated # of potential jurors from Census population
DC	483,257	689,545	8.89%	42,962	61,301
FL	7,505,432	10,908,580	50.65%	3,801,501	5,525,196
NC	2,786,323	4,056,244	38.70%	1,078,307	1,569,766
VA	4,286,237	6,064,194	36.58%	1,567,905	2,218,282

B. Number of potential jurors who have **not decided** they are more likely to find Defendants **guilty**.

Test Area	Registered voters in federal district	Census population in federal district	Percent who have not decided they are more likely to find Defendants guilty	Estimated # of potential jurors from voter roll population	Estimated # of potential jurors from Census population
DC	483,257	689,545	28.11%	135,844	193,831
FL	7,505,432	10,908,580	62.82%	4,714,912	6,852,770
NC	2,786,323	4,056,244	51.83%	1,444,151	2,102,351
VA	4,286,237	6,064,194	51.80%	2,220,271	3,141,252

C. Number of potential jurors **"never or almost never" exposed** to information re: Events of Jan. 6.

Test Area	Registered voters in federal district	Census population in federal district	Percent who are "never or almost never" exposed to information re: Events of Jan. 6.	Estimated # of potential jurors from voter roll population	Estimated # of potential jurors from Census population
DC	483,257	689,545	4.83%	23,341	33,305
FL	7,505,432	10,908,580	13.77%	1,033,498	1,502,111
NC	2,786,323	4,056,244	12.78%	356,092	518,388
VA	4,286,237	6,064,194	13.40%	574,356	812,602

D. Number of potential jurors who **did not feel "personally affected,"** experience **restriction on their free movement**, feel increased **concern for their safety** or the safety of people important to them, or identify with a group that they believe was **targeted**.

Test Area	Registered voters in federal district	Census population in federal district	Percent that didn't experience a personal impact or identify with a group they believe was targeted	Estimated # of potential jurors from voter roll population	Estimated # of potential jurors from Census population
DC	483,257	689,545	18.15%	87,725	125,172
FL	7,505,432	10,908,580	60.77%	4,561,179	6,629,330
NC	2,786,323	4,056,244	52.74%	1,469,499	2,139,252
VA	4,286,237	6,064,194	52.01%	2,229,419	3,154,195

E. Number of potential jurors who do **not** identify with a group or class of people they believe was **targeted** by the Events of January 6th.

Test Area	Registered voters in federal district	Census population in federal district	Percent who do not identify with a group or class of people they believe was targeted by Events of Jan. 6	Estimated # of potential jurors from voter roll population	Estimated # of potential jurors from Census population
DC	483,257	689,545	55.59%	268,643	383,318
FL	7,505,432	10,908,580	94.24%	7,073,119	10,280,246
NC	2,786,323	4,056,244	83.33%	2,321,843	3,380,068
VA	4,286,237	6,064,194	82.25%	3,525,430	4,987,800

Table 1.

inlux
Research + Analytics

Figure 1. Prejudicial Prejudgment and Bias Against Defendants - Summary of Results

Q3. Are you more likely to find a defendant charged with crimes for activities on January 6th guilty or not guilty? Or is it too early to decide?

(Q3.) More likely than not to vote any January 6th defendant GUILTY:

	Percentage
DC	71.89%
FL	37.18%
NC	48.17%
VA	48.20%

Figure 1a.
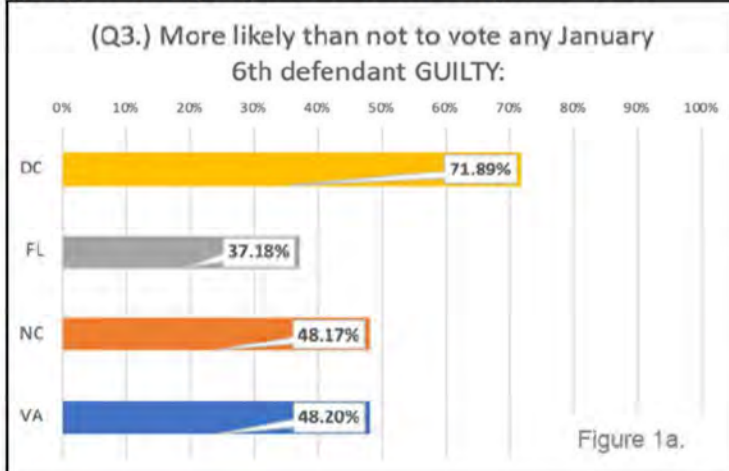
Q3. How would likely vote if juror:	Guilty	Not Guilty	Too Early to Decide
DC	71.89%	7.40%	20.71%
FL	37.18%	43.52%	19.31%
NC	48.17%	34.15%	17.68%
VA	48.20%	26.35%	25.45%

Q5. In your opinion, which of the following terms best characterizes The Events of January 6th?

(Q5.) Characterize the Events of January 6th as either an INSURRECTION, ATTACK or RIOT:

	Percentage
DC	84.71%
FL	40.43%
NC	51.61%
VA	56.92%

Figure 1b.
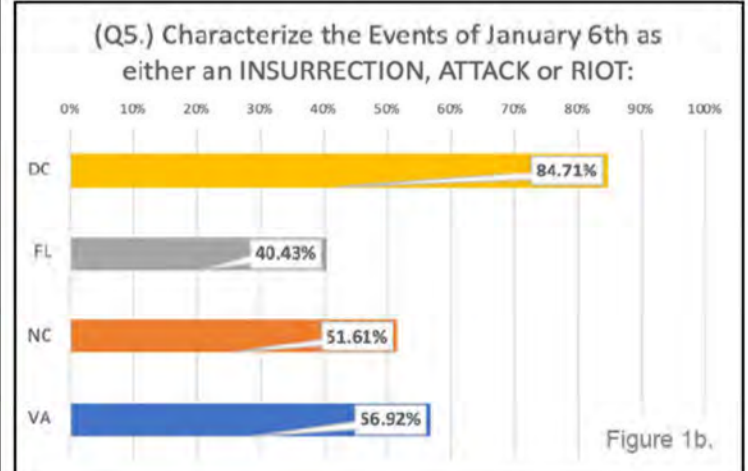
Q5.Characterization of the Events of January 6:	Insurrection	Attack	Riot	Protest That Got Out of Control	Rally	Don't Know
DC	55.66%	16.21%	12.84%	12.23%	1.83%	1.22%
FL	27.96%	6.69%	5.78%	44.38%	12.16%	3.04%
NC	30.65%	9.35%	11.61%	31.29%	13.55%	3.55%
VA	38.68%	9.43%	8.81%	32.39%	9.12%	1.57%

Q6. Do you believe that the individuals who entered the Capitol on January 6th planned to do it in advance or decided to do it that day?

(Q6.) Believe ALL who entered the U.S. Capitol on January 6 PLANNED IN ADVANCE to do so:

	Percentage
DC	71.17%
FL	39.44%
NC	49.34%
VA	48.40%

Figure 1c.
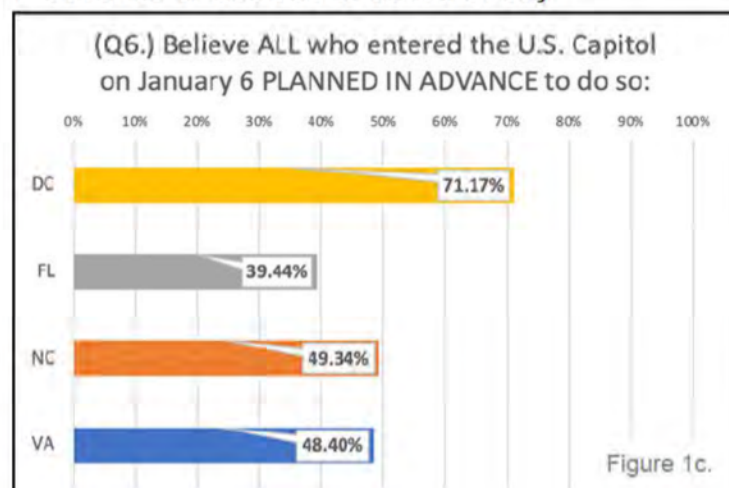
Q6, Planned in advance to enter Capitol or decided that day:	Planned in Advance	Some Planned in Advance; Some Decided That Day	Decided That Day	Don't Know
DC	71.17%	15.64%	9.20%	3.99%
FL	39.44%	13.66%	37.58%	9.32%
NC	49.34%	14.24%	30.13%	6.29%
VA	48.40%	12.18%	34.94%	4.49%

Q9. Do you believe The Events of January 6th were racially motivated?

(Q9.) Believe ALL the Events of January 6th were RACIALLY MOTIVATED:

	Percentage
DC	40.32%
FL	11.22%
NC	20.21%
VA	19.80%

Figure 1d.
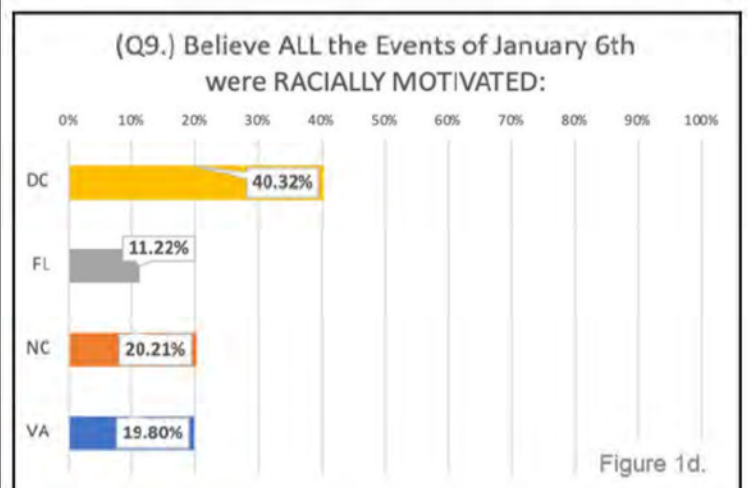
Q9. Were the Events of January 6 racially motivated:	Yes - Racially Motivated	Some Were; Some Were Not	No - Not Racially Motivated	Don't Know
DC	40.32%	21.59%	35.56%	2.54%
FL	11.22%	7.69%	78.21%	2.88%
NC	20.21%	11.64%	62.67%	5.48%
VA	19.80%	13.76%	63.76%	2.68%

Figure 1.

in lux
Research + Analytics

Figure 2. Degree of Prejudicial Prejudgment - Summary of Results

Four questions (Q3., Q5., Q6., Q9.) were used to assess prejudicial bias arising from prejudgment on questions of the case. Options to reserve judgment were offered but were often rejected, especially by the DC Community. Over 91% of the DC Community has formed at least one opinion prejudicial to Defendants out of the four prejudgment questions. Almost 83% of the DC Community has made at least two prejudicial prejudgments out of four tested. Over 66% indicated making at least three, and almost 30% of the DC Community admits having already formed opinions prejudicial to Defendants on every prejudgment question.

Of respondents who answered all four prejudgment questions, how many made at least one prejudicial prejudgment?

Have Made at Least One PREJUDICIAL PREJUDGMENT

DC	91.11%
FL	49.35%
NC	61.30%
VA	63.42%

Figure 2a.
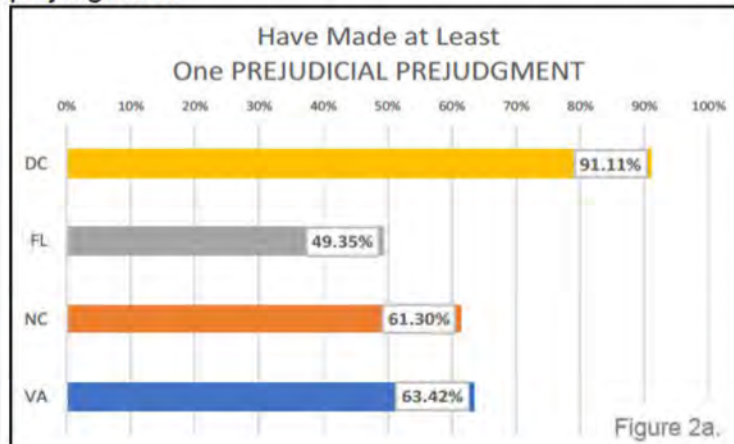
Did Respondent Make at Least One Prejudicial Prejudgment?	Yes - Made at Least One Prejudicial Prejudgment	No - Did Not Make at Least One Prejudicial Prejudgment
DC	91.11%	8.89%
FL	49.35%	50.65%
NC	61.30%	38.70%
VA	63.42%	36.58%

Of respondents who answered all four prejudgment questions, how many made at least two prejudicial prejudgments?

Have Made at Least Two PREJUDICIAL PREJUDGMENTS

DC	82.54%
FL	40.32%
NC	51.37%
VA	55.03%

Figure 2b.
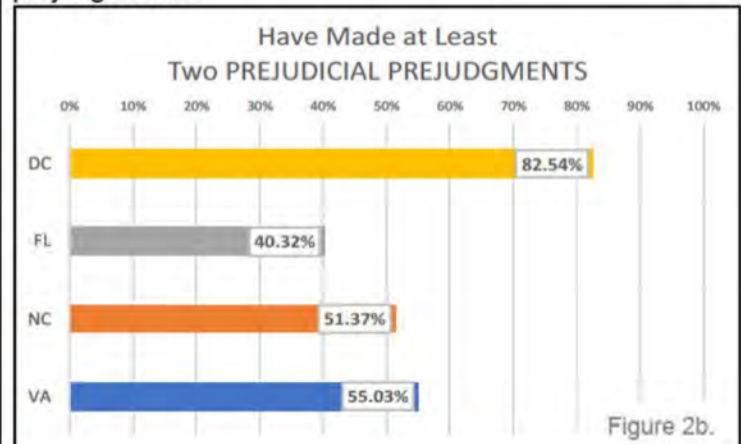
Did Respondent Make at Least Two Prejudicial Prejudgments?	Yes - Made at Least Two Prejudicial Prejudgments	No - Did Not Make at Least Two Prejudicial Prejudgments
DC	82.54%	17.46%
FL	40.32%	59.68%
NC	51.37%	48.63%
VA	55.03%	44.97%

Of respondents who answered all four prejudgment questions, how many made at least three prejudicial prejudgments?

Have Made at Least Three PREJUDICIAL PREJUDGMENTS

DC	66.03%
FL	31.29%
NC	40.07%
VA	43.29%

Figure 2c.
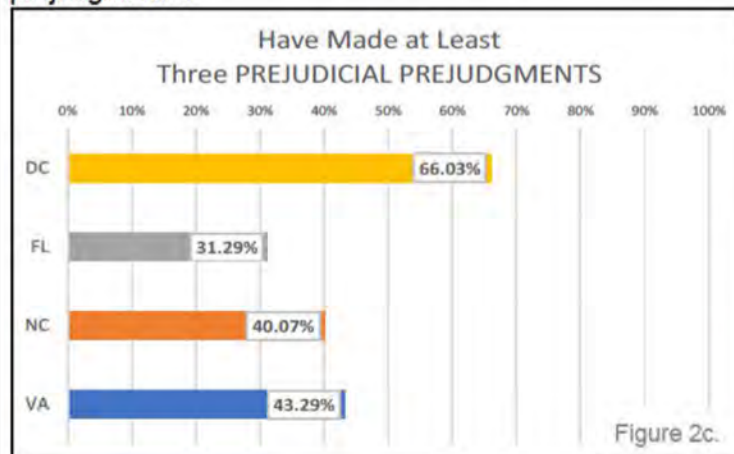
Did Respondent Make at Least Three Prejudicial Prejudgments?	Yes - Made at Least Three Prejudicial Prejudgments	No - Did Not Make at Least Three Prejudicial Prejudgments
DC	66.03%	33.97%
FL	31.29%	68.71%
NC	40.07%	59.93%
VA	43.29%	56.71%

Of respondents who answered all four prejudgment questions, how many made all four prejudicial prejudgments?

Have Made EVERY PREJUDICIAL PREJUDGMENT Tested

DC	29.84%
FL	9.68%
NC	15.41%
VA	15.10%

Figure 2d.
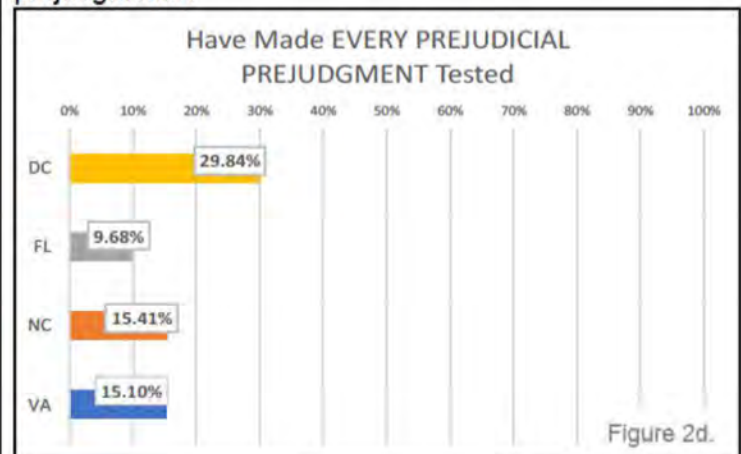
Did Respondent Make All Four Prejudicial Prejudgments?	Yes - Made All Four Prejudicial Prejudgments	No - Did Not Make All Four Prejudicial Prejudgments
DC	29.84%	70.16%
FL	9.68%	90.32%
NC	15.41%	84.59%
VA	15.10%	84.90%

Figure 2.

inlux
Research + Analytics

Figure 3. Personal Impact and Perceived Victimization Within Jury Pool - Summary of Results

Q2. Were you personally affected by The Events of January 6th?

(Q2.) PERSONALLY AFFECTED by the Events of January 6th

Figure 3a.
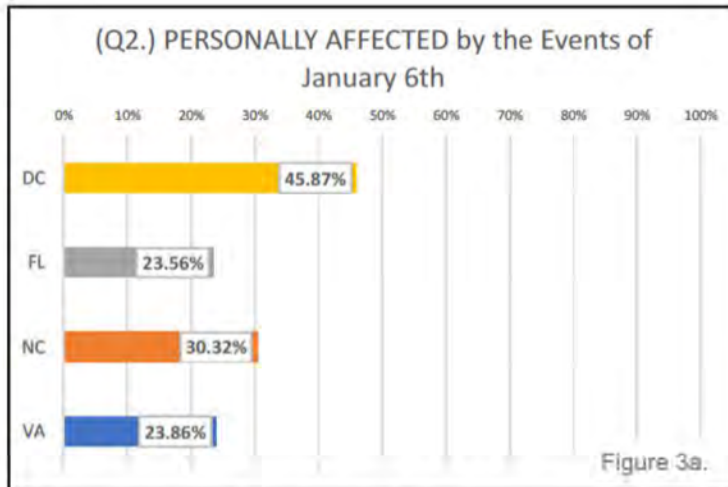
Q2. Personally Affected by Events of January 6	Yes - Personally Affected	No - Not Personally Affected	Not Sure/ Don't Remember
DC	45.87%	49.29%	4.84%
FL	23.56%	71.51%	4.93%
NC	30.32%	64.14%	5.54%
VA	23.86%	70.17%	5.97%

Q7. Have you experienced any inconvenience or restriction on your movement due to curfews, road closures or restricted access imposed in response to The Events of January 6th?

(Q7.) Suffered RESTRICTION on FREE MOVEMENT or Other INCONVENIENCE

Figure 3b.
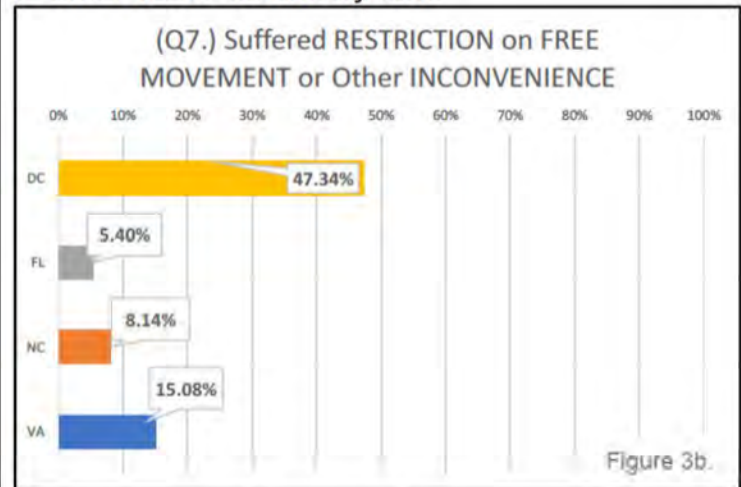
Q7. Restriction on Free Movement	Yes - Experienced Restriction	No - Did Not Experience Restriction	Not Sure/ Don't Remember
DC	47.34%	48.59%	4.08%
FL	5.40%	90.48%	4.13%
NC	8.14%	86.44%	5.42%
VA	15.08%	80.66%	4.26%

Q8. Have you experienced increased concern about your own safety or the safety of people important to you due to The Events of January 6th?

(Q8.) Experienced Increased CONCERN for SAFETY

Figure 3c.
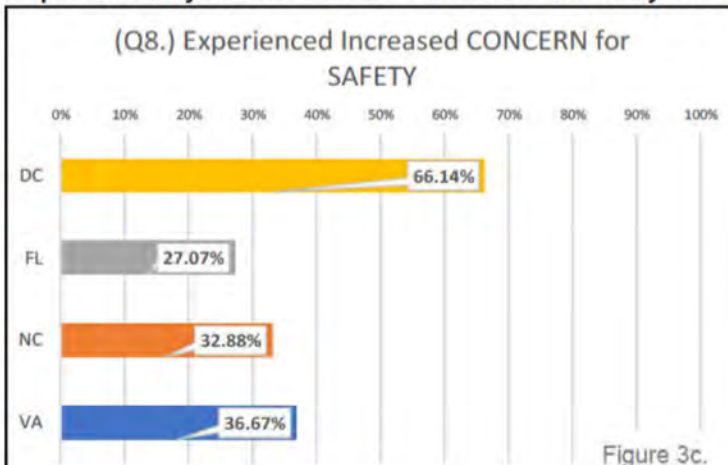
Q8. Increased Concern for Safety	Yes - Experienced Increased Concern	No - Did Not Experience Increased Concern	Not Sure/ Don't Remember
DC	66.14%	29.75%	4.11%
FL	27.07%	68.47%	4.46%
NC	32.88%	60.62%	6.51%
VA	36.67%	59.33%	4.00%

Does the Community identify as members of a group it believes was targeted by The Events of January 6th? (Q9., Race/ethnicity from Q15., Q16.)

(Q9.,Q15., Q16.,) Feels TARGETED
(Non-white or Hispanic AND Believes Events of Janauary 6th Were RACIALLY MOTIVATED)

Figure 3d.
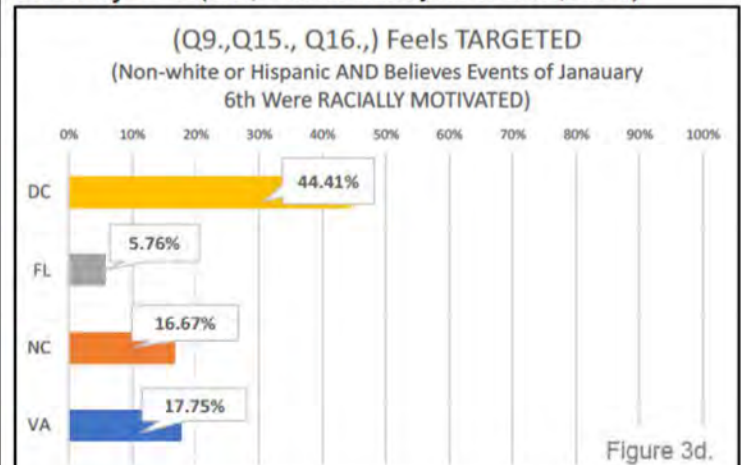
Q15., Q16., Q9. Identify as Member of Group They Believe Was Targeted	Yes – Identify as Member of Group They Believe Was Targeted	Member of Group but Unsure if Targeted	No - Not a Member of Group OR Do Not Believe Group Was Targeted OR Both
DC	44.41%	1.36%	54.24%
FL	5.76%	1.02%	93.22%
NC	16.67%	1.81%	81.52%
VA	17.75%	1.09%	81.16%

Figure 3.

DC Community (% of the whole)	Claims Can Be Fair	Admits Not Fair	Unsure if Fair
Expects to Vote Guilty	51%	15%	8%
Expects to Vote Not Guilty	4%	1%	1%
Too Early to Decide	16%	2%	4%
FL Middle - Ocala (% of the whole)	Claims Can Be Fair	Admits Not Fair	Unsure if Fair
Expects to Vote Guilty	20%	12%	6%
Expects to Vote Not Guilty	10%	8%	5%
Too Early to Decide	10%	4%	3%
NC Eastern (% of the whole)	Claims Can Be Fair	Admits Not Fair	Unsure if Fair
Expects to Vote Guilty	31%	11%	7%
Expects to Vote Not Guilty	21%	8%	4%
Too Early to Decide	13%	1%	4%
VA Eastern (% of the whole)	Claims Can Be Fair	Admits Not Fair	Unsure
Expects to Vote Guilty	33%	11%	6%
Expects to Vote Not Guilty	17%	4%	3%
Too Early to Decide	15%	4%	3%

Figure 4.

in.lux
Research + Analytics

Figure 5. Confidence in Fairness by Number of Prejudicial Prejudgments - Summary of Results

Q11. Respondents were asked if they could be fair and impartial jurors. The DC Community had more confidence in their ability to be fair when they had made all four prejudicial prejudgments than when they had not made any. The other Test Areas report lower confidence in their ability to be fair as their negative bias increases. The colored lines below demonstrate the trendlines of claims of fairness as bias increases. Bias was tested on Q3., Q5., Q6., Q9.

Figure 5.

in|ux
Research + Analytics
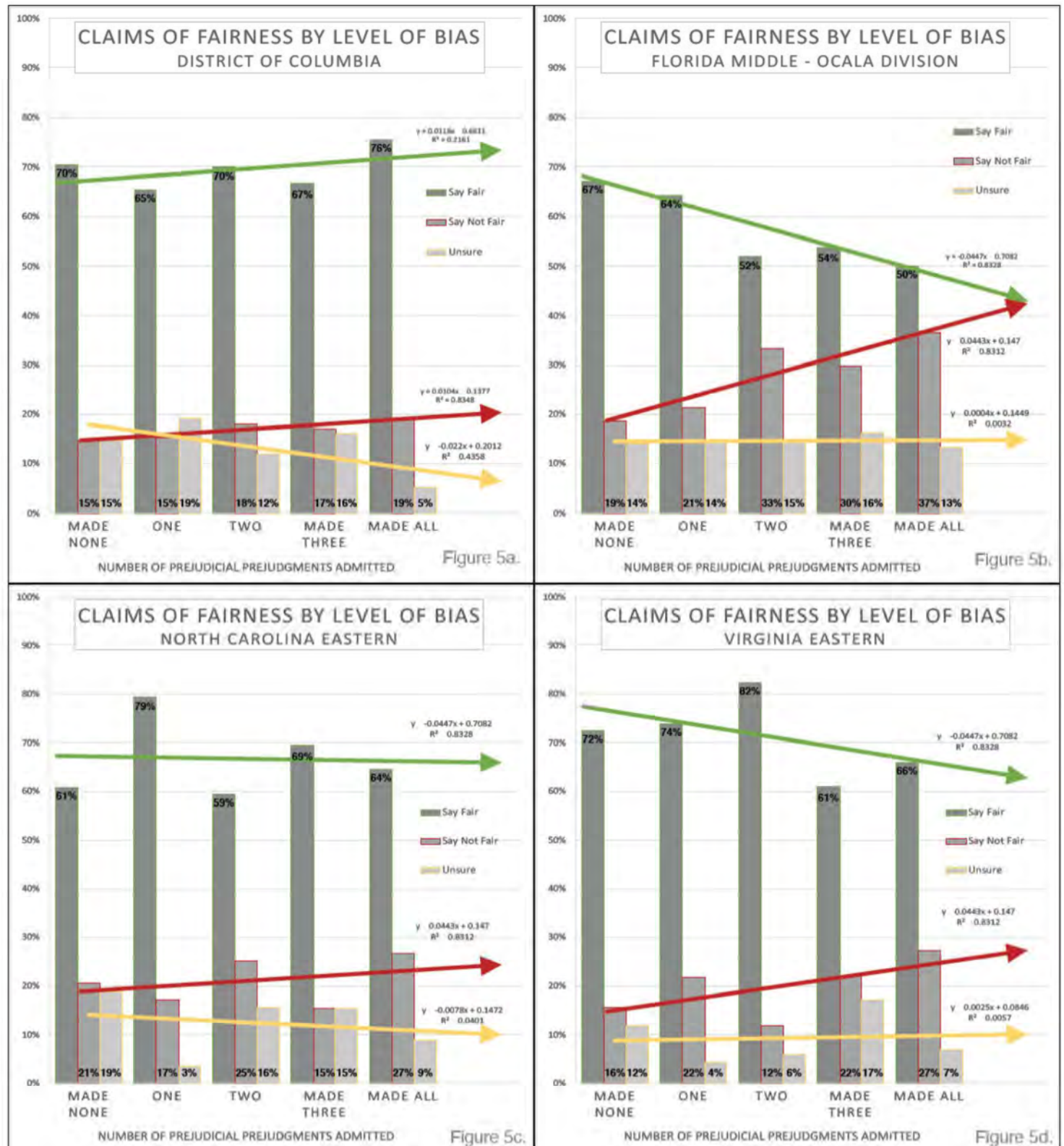
Figure 6. Exposure to Media and Other Information About the Case(s)

Q4. How often would you estimate that you see, read, or hear about the events of January 6th from either the Media, Local Leaders or the people around you?

Figure 6a

Does Exposure to Information About the Events of January 6th Affect How Jurors Expect to Find Defendants? (Q3. x Q4.)

(From all Test Areas)

- Likely to Vote "Guilty"
- Likely to Vote "Not Guilty"
- Think that it is "Too Early to Decide"
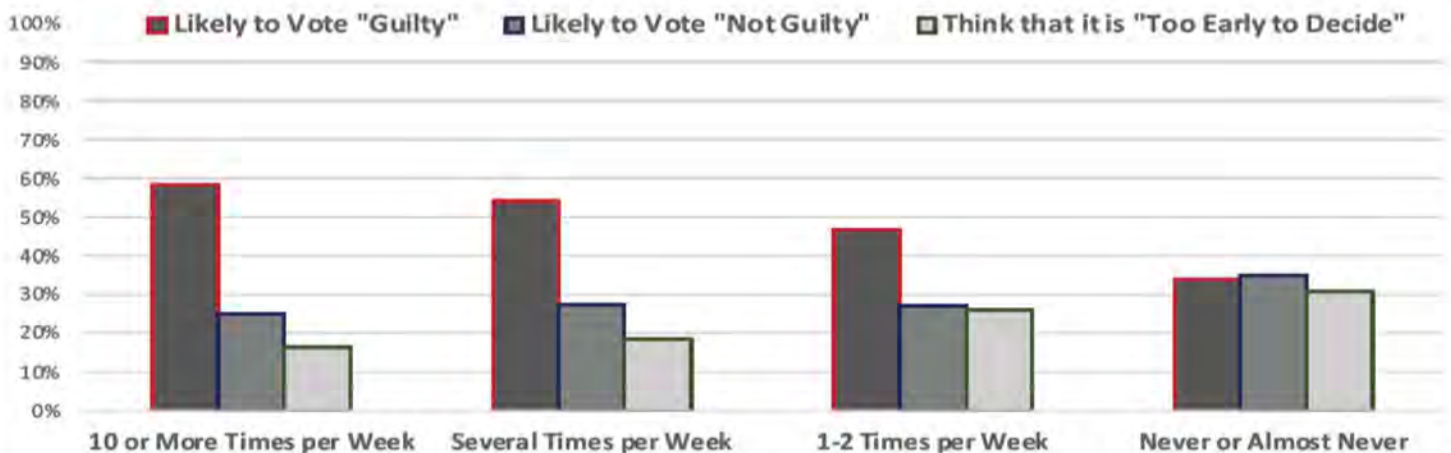
NEVER or ALMOST NEVER EXPOSED to Information About January 6th
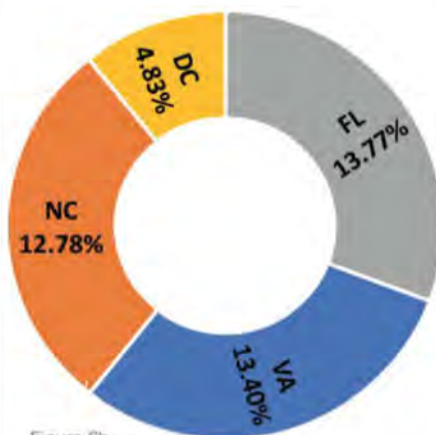
Figure 6b

(Q4.) How Often Do Potential Jurors SEE, READ, or HEAR About The Events of January 6th?

Never or Almost Never	4.83%	13.77%	12.78%	13.40%
1 -2 Times per Week	22.05%	20.66%	22.68%	23.99%
Several Times per Week	41.09%	39.82%	39.30%	34.58%
At Least 10 Times per Week	32.02%	25.75%	25.24%	28.04%

■ DC   ■ FL   ■ NC   ■ VA
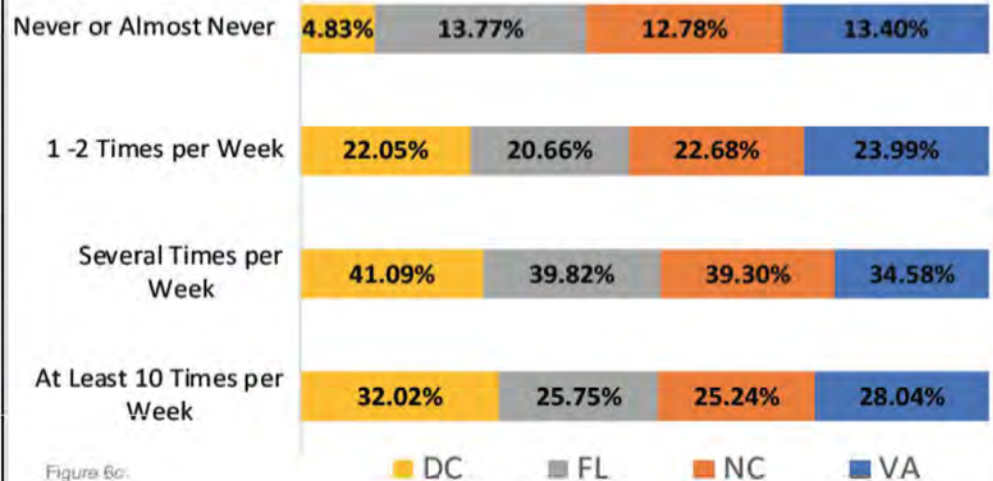
Figure 6c

Q4. How Often See, Hear or Read About The Events of January 6th?	At Least 10 Times per Week	Several Times per Week	1 -2 Times per Week	Never or Almost Never
DC	32.02%	41.09%	22.05%	4.83%
FL	25.75%	39.82%	20.66%	13.77%
NC	25.24%	39.30%	22.68%	12.78%
VA	28.04%	34.58%	23.99%	13.40%

Figure 6.

STUDY DESIGN AND METHODOLOGY

A. Overview

If a jury is to reflect the voice of the community, then the voice of the community can speak for its jury. Finding the real truth in the community voice, however, depends on first asking the appropriate questions in the appropriate way to the appropriate people. The findings contained in this report are the results of a good-faith effort to do all of these things to the greatest extent possible. To complete this comparative community attitude study ("Study"), In Lux Research ("ILR") deployed an identical community attitude survey ("CAS") in four separate federal venue units, the United States District Court for the District of Columbia, the United States District Court for the Middle District of Florida – Ocala Division, the United States District Court for the Eastern District of North Carolina, and the United States District Court for the Eastern District of Virginia (collectively the "Test Areas"). To eliminate any difference in the delivery of survey questions and any resulting bias, an identical, pre-recorded survey script was used to facilitate the interviews in all cases. Individuals randomly selected from the eligible jury pool in each Test Area were contacted telephonically. The survey questionnaire and responses were exchanged through an interactive voice response ("IVR") method, which controls the presentation of the survey questions, captures responses entered via touchtone, and prompts respondents to answer questions. This standardized, structured method was selected for a number of reasons, namely that respondents were afforded a private environment for participation and that responses were not subject to any influence or interpretation by interviewers.

No training of interviewers was required, as interviewers were not used beyond the recording of the audio file used for the pre-recorded interview. In fact, no interpretation of actual responses was required for this Study. Any inferences and calculations made from results were made equally and uniformly across all Test Areas. The Study is intended to be fully replicable, and the raw data has been preserved. Interviews were conducted on exactly the same days in each Test Area between February 14 and March 16, 2022. The average

completed interview took respondents just over seven minutes to finalize, which is under the ten-minute limit recommended by the American Society of Trial Consultants' Professional Standards for Venue Surveys ("ASTC Standards"), which advise that longer studies can decrease both the response rate and the reliability of data. This Study avoided these risks by utilizing a design that facilitated a favorable survey length.

B. Eligibility and Sampling

So that sampling of fair cross-sections representative of realistic juries would naturally occur in the Study, every reasonable effort was taken to replicate official processes used to create master jury wheels and summon jurors[1] when creating the master lists and randomly selecting for inclusion in the Study. The Study's master lists were created, primarily, with a complete and then-current list of voters in each Test Area and, secondarily, with a supplemental list of consumers in each Test Area. Any duplicate records coming in with the second list were removed prior to the merging of the lists into the master list. Respondent households were randomly selected from the master lists of likely eligible jurors within each Test Area's boundaries. In line with the ASTC Standards, all eligible households[2] in each Test Area had an equal and known nonzero chance of being chosen and an equal and nonzero chance of an having an eligible respondent interviewed. Each phone number randomly selected was called back up to seven times, or until contact was made, on various days of the week and at different times of the day.

C. Demographics and Representativeness

Questions to obtain demographic characteristics of survey respondents were asked after the more probative questions. The Study gathered information on gender, age, education, race, ethnicity and political party, which can be compared to available objective data to confirm representativeness. Distributions of responses to these questions are documented at Appendix A (pages 3-4) and indicate that a fair cross-section of each Test Area was achieved.

D. The Questionnaire

---

[1] https://www.dcd.uscourts.gov/sites/dcd/files/JurySelectionPlan.pdf
[2] Only households with an available phone number were contacted.

In an effort to measure only existing public opinion related to these cases, special care was taken not to influence survey respondents' opinions in any particular direction and not to present systematically biased information. The intent of the Study was to detect honest opinions, so every effort was made to create an environment conducive to this end. Single response questions, where respondents make one choice from among several clear options per question, were administered by a recorded female, accent-neutral voice. Each CAS utilized the same audio file, in the same order, to conduct every interview. The survey introduction included neutral explanations that described the auspices under which the survey was being conducted, specifically that the survey was being conducted in their area to document how residents "really feel about several issues" and that the "results would be compared to other polls and reports covering the same topics."[3] The wording and tone of the introduction was such that it would be impossible to infer any desirable/undesirable response or any motivation for conducting the CAS, other than to collect honest opinions on several issues and compare the results to the results of other surveys on the same issues. In utilizing such neutral language, the introduction avoided the effects of indirect screening and non-response bias.

By agreeing to continue, respondents indicated they would provide information on how they "really feel about several issues." While it is impossible to know if any respondent intentionally gave dishonest answers, there is no obvious incentive to do so in this context. Any differences between responses offered in this environment and those elicited in the jury selection process should be considered in recognition of the various motivations for being less forthcoming in the jury selection process and the unlikelihood of any such motivations to advocate against one's beliefs on an opinion survey.

E. Screening

There are limitations in screening survey respondents to the same degree one would be screened for jury service eligibility. For example, asking questions sufficient to reveal all disqualifying or exempting factors or about the exercise of an acceptable excuse would result in such long and numerous questions that respondents could become frustrated and confused. Differences in tolerance for this could create an undesirable non-response bias more detrimental to quality than any resulting overinclusion might cause. Asking too many questions

---

[3] Appendix A - Questionnaire at p. 1

about eligibility after employing proper sampling procedures would squander an opportunity to ask probative questions of more value at the expense of confirming something already established.

Respondents were asked one screening question at the end of the interview confirming that they are either "registered to vote or have a driver license." This question was used to validate the appropriateness of the Study's source lists, which included, primarily, a complete and then-current list of voters in each Test Area and, secondarily, a supplemental list of consumers in each Test Area, with duplicate phone numbers removed. Voter rolls restrict eligibility based on several of the same statuses that may disqualify potential jurors (e.g., lack of citizenship, criminal status, inclusion on another jurisdiction's list), and the ability to understand English was imputed by the respondent's offering of valid responses to the CAS. Because inclusion on the voter rolls was ascertained contemporaneously with deployment of the Study, the threat of stale voter files producing unacceptable numbers of ineligible individuals was lower than found in jury summoning where lists possibly created years prior are used for summoning jurors. Further, many people are registered to vote but do not know that they are registered, resulting in the Study having superior knowledge of voter status in some cases. The nearly absolute proportion of respondents who did not deny being registered to vote or having a driver license (97.45% for the Study)[4], considered with the high percentage of the Study's master list made up of current and valid registered voters, with their most recent phone number appended, shows that the master lists used for each Test Area sufficiently screened for inclusion in a "qualified study."[5]

After each eligible respondent agreed to participate, the interview began with an instruction that respondents could push zero at any time to repeat a question. Additionally, the survey automatically repeated a question two times if no response was given, before marking it as having no response and continuing to the next question. Repeating questions and moving past questions to which respondents offer no timely answer allows the greatest opportunity for respondents to clearly understand every question before answering and ensures that all

---

[4] Appendix B – Frequency Distribution Tables at p.4
[5] "'Qualified' means only that the survey be well-conceived, impartially conducted, and accurately recorded," see ABA Standards for Criminal Justice: Fair Trial and Free Press Standard 8-3.3. Change of venue or continuance (1992). "A survey should be acceptable even when it is conducted (as it usually is) at the behest and expense of an interested party," Corona v. Superior Court, 24 Cal. App. 3d 872 (1972).

answers were provided with a clear understanding of the question. When a question went unanswered, that response was not included in the total responses figure among valid answers but was recorded as "no answer" and listed separately below the valid response area on the frequency distribution tables.

F. Questions to Measure Awareness of the Events of January 6th and of Defendants

The first question of the survey questionnaire asks respondents if they are "… aware of the demonstrations that took place at the U.S. Capitol Building on January 6, 2021[.]" The purpose of this question was, as suggested by the ASTC Standards, to identify the proportion of the eligible population that is aware of events central to the cases against Defendants. The U.S. Department of Justice hosts a webpage with a list of defendants, including Defendants, it describes as "… charged in federal court in the District of Columbia related to crimes committed at the U.S. Capitol in Washington, D.C, on Wednesday, Jan. 6, 2021." The webpage is titled "Capitol Breach Cases."[6] These events are also commonly referred to as "January 6th," "J6," the "Capitol Insurrection", an "attack on the Capitol," the "Capitol Riots," the "Capitol Siege," the "Capitol Breach," "protests", "demonstrations," "a rally," and various other names. The word "demonstrations" was selected to communicate this question to respondents because ILR considers it to be the most neutral word that could point respondents to the Events in question with the necessary specificity. This specificity is important because only respondents who claimed to know about the "demonstrations that took place at the U.S. Capitol Building on January 6, 2021" were counted in the results of the Study, as its objective was to investigate their attitudes about those events and Defendants, who are charged with crimes related to those events. Had that opening question been at all slanted, various forms of bias would have been inflicted on the Study, compromising its evidentiary value.

G. Questions to Measure Respondents' Prejudgment of a Case

The Study asks respondents how they are likely to vote if called as a juror for a January 6th defendant.[7] This is a step beyond simply asking for predictions of how respondents predict a case end up; this scenario places them in a position to reveal any prejudgment. Answers to

_____

[6] https://www.justice.gov/usao-dc/capitol-breach-cases
[7] Appendix A – Questionnaire at p. 1

this question (Q3.) are the predictions – from the respondents themselves - of how they are likely to find Defendants if chosen as a juror. This is a direct question to detect a shifted burden arising from a presumption of guilt. In addition to "guilty" and "not guilty," respondents were offered the option of choosing that it is "too early to decide," usually a gentle reminder of the socially acceptable response, but that option was declined most of the time. Offering such a socially acceptable response risks inflating the rate of the ideal answer, but ILR chose to give that option, rather than forcing respondents to make a prejudgment. Even so, only about 20% of respondents across the Test Areas think it is too early to decide how they would vote to find a January 6th defendant, including Defendants, even without specifics on the Defendant, the charges, the circumstances, testimony, evidence or a defense. Most respondents did not require a trial or evidence at all to make this decision, let alone a fair trial. In fact, 72% of the DC Test Area presumes it would find Defendants guilty. 48% of both the VA Eastern and NC Eastern Test Areas presume they would find Defendants guilty, and 37% of the FL Middle – Ocala Division presumes it would find Defendants guilty.[8]

"January 6th" cases are extraordinary in that there are hundreds of defendants and a less discernable victim than in most other instances such a test of awareness might be undertaken. Consideration was given at the outset of the Study to including specific names of Defendants, but, given the sheer number of defendants in all related cases and the relatively small population of the District of Columbia, ILR felt that it might be unreasonable to presume that every defendant could conduct a similar study without significantly depleting both the survey respondent pool and the available jury pool and risking actual contact with eventual jurors. ILR elected to launch a pilot deployment of the survey with a questionnaire that offers answer choices that give options to generalize opinions to all Defendants, to acknowledge distinctions between Defendants, and to reserve judgment. The survey is well-suited to ascertain whether respondents' opinions would be materially different if given names of specific individuals or groups. After reviewing preliminary results from the pilot test period, it was clear that repeated offers to differentiate between defendants were largely rejected, as described in full detail below. Essentially, it became apparent that respondents, generally, did not care about the specifics. They issued and reserved judgment based on information they

---

[8] Figure 1a.; Appendix B – Frequency Distribution Tables at p. 1

had or on the acknowledgment that they did not have the necessary information about any Defendant at the time of the survey. In a conscious effort to prevent potential jurors from learning information about the Events and Defendants from the Study, which would be in conflict with the ASTC Standards, ILR decided that using specific Defendants' names in the Study would unnecessarily increase the risk of confusion during the survey and could create or reinforce bias, with no expected improvement to the reliability of the results. Therefore, ILR found that the existing script and recordings for the survey were ideal for the circumstances, and the pilot deployment transitioned to a full deployment of the surveys, as suggested by the ASTC Standards.

The Study aimed to fully test whether each Defendant's name needs to be used in a CAS to detect actual bias or support a finding of presumed bias against that Defendant. Several questions in the Study offered answers that invited respondents to acknowledge that January 6th defendants should be individually considered on questions of guilt, motivation, premeditation and participation. Respondents repeatedly declined to accept this proposition and, instead, made the same prejudgments or held the same opinion about ALL defendants.[9] There are differences among and between the Test Areas on the how these generalized opinions break. The results of this Study reveal those differences. Because respondents overwhelmingly show no interest in considering any one January 6th defendant as different from the group of all defendants, it was not necessary to interpose names into the survey questions at the time this Study was conducted. Doing so could have created or reinforced prejudicial associations between Defendants and with the Events of January 6th. Requiring such specificity could lead to multiple, redundant surveys being conducted in the District of Columbia Community and could actually inject bias into the Community if not performed in a neutral, non-biasing way.

Lindsay Olson

8383 Wilshire Blvd. Suite 935
Beverly Hills, CA 90211
contact@inluxresearch.com

---

[9] Q3. Figure 1a.; Appendix B – Frequency Distribution Tables at p.1
Q6. Figure 1c.; Appendix B – Frequency Distribution Tables at p.2
Q9. Figure 1d.; Appendix B – Frequency Distribution Tables at p.2

inlux
Research + Analytics

Comparative Community Attitude Study
re: The Events of January 6th and Defendants Charged in Relation

Survey Questionnaire – Script for Recorded Interview

Currently, we are conducting a poll in your area to document how residents REALLY feel about several issues - and then comparing our results to other polls and reports covering the same topics.

We would like to include your opinions in our baseline study. Are you willing to spend a few minutes sharing your opinions with me today?
1| If yes, press 1 (go to Instruction)
2| If no, press 2 (TERMINATE)
9| To be added to my Do Not Call list, press 9 (TERMINATE)

Instruction: Great. Thank you for offering to share your opinion. You may press 0 after any question to have it repeated.

Q1. Are you aware of the demonstrations that took place at the U.S. Capitol Building on January 6, 2021?
1|Yes
2|No
3|If you are Not Sure

Q2. Were you personally affected by the events of January 6th?
1|Yes
2|No
3|If you are unsure or don't remember

Q3. Are you more likely to find a defendant charged with crimes for activities on January 6th guilty or not guilty? Or is it too early to decide?
1|Guilty
2|Not guilty
3|It's too early to decide.

Q4. How often would you estimate that you see, read or hear about the events of January 6th from either the Media, Local Leaders or the people around you?
1|At least 10 times a week
2|Several times a week
3|Once or twice a week
4|Never or Almost Never

Q5. In your opinion, which of the following terms best characterizes The Events of January 6th?
1|An insurrection
2|An attack
3|A riot
4|A protest that got out of control
5|A rally
6|If you don't know

Q6. Do you believe that the individuals who entered the Capitol on January 6th planned to do it in advance or decided to do it that day?
1|If you think participants planned to enter the Capitol in advance
2|If you think they decided to do it that day
3|If you think some planned in advance to do it, and some decided that day.
4|If you do not have enough information to form an opinion at this time.

We want to know if you were personally affected by The Events of January 6th. Please tell me if you feel that you experienced any of the following as a result of The Events of January 6th.
[READ THE SUMMARY OF THE TOPIC AND THEN THE QUESTION TO BE SURE EVERYBODY HAS A CHANCE TO PROCESS THE QUESTION BEFORE IT IS TIME TO ANSWER.]

Q7. Inconvenience or restriction on your movement –
Have you experienced any restriction on your movement due to curfews, road closures or restricted access imposed in response to the Events of January 6th?
1|Yes
2|No
3|If you are unsure or don't remember

Q8. Increased concern about your own safety or the safety of people important to you –
Have you experienced increased concern about your own safety or the safety of people important to you due to The Events of January 6th?
1|Yes
2|No
3|If you are unsure or don't remember

Q9. Do you believe The Events of January 6th were racially motivated?
1|Yes
2|No
3|Some were, some weren't.
4|If you don't know

Q10. If you were a juror, would you worry that finding a January 6th defendant Not Guilty would be an unpopular decision that might impact your career or friendships?
1|Yes
2|No
3|Maybe

Q11. Would it be possible for you to be a fair and unbiased juror for a January 6th Defendant?
1|Yes
2|No
3|Maybe

Q12. Do you believe your neighbors would be fair and unbiased jurors for a January 6th Defendant?
1|Yes
2|No
3|Maybe

To be sure all members of the community are fairly represented in this study, we will close with a few demographic questions.

Q13. What is your gender?
1|Male
2|Female

Q14. In which category does your age fall?
1|18-34
2|35-49
3|50-64
4|65 and up

Q15. Are you Hispanic?
1|Yes
2|No

Q16. What is your race?
1|White
2|Black/African American
3|Asian
4|Two or more races

Q17. What is your highest level of education?
1|Have not earned a high school diploma
2|High school graduate or equivalent
3|Some college, no degree
4|Associate degree or technical certificate
5|Bachelor's degree
6|Graduate or professional degree

Q18. With which Political Party do you most closely identify?
1|Republican
2|Democrat
3|Independent
4|Another party
5|Unsure

Q19. Are you registered to vote OR do you have a driver's license?
1|Yes
2|No
3|Not sure

Thank you for sharing your opinions with me today. We can be reached at [PHONE].

APPENDIX A - Questionnaire
Page 3

inlux
Research + Analytics

All Area Total		Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
1521	Agreed to survey	100.00%	100.00%	379	100.00%	389	100.00%	369	100.00%	384	100.00%
1450	Qualified after screening	95.55%	95.32%	364	96.04%	374	96.14%	347	94.04%	365	95.05%

# of Responses by Test Area

			Q1.	AWARE EVENTS January6	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	378	24.88%												
FL	388	25.54%	1417	Yes	93.60%	93.27%	352	93.12%	365	94.07%	338	91.60%	362	94.27%
NC	369	24.29%	71	No	4.46%	4.69%	15	3.97%	15	3.87%	22	5.96%	19	4.95%
VA	384	25.28%	31	Not sure	2.25%	2.05%	11	2.91%	8	2.06%	9	2.44%	3	0.78%
ALL	1519	100.00%	1519	Total answered	100.00%	100.00%	378	100.00%	388	100.00%	369	100.00%	384	100.00%
				No Answer			1	0.26%	1	0.26%	0	0.00%	0	0.00%
				Total Asked			379		389		369		384	
				Valid Rate			Valid %	99.74%	Valid %	99.74%	Valid %	100.00%	Valid %	100.00%

			Q2.	PERSONALLY AFFECTED	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	351	24.88%												
FL	365	25.87%	435	Yes	27.09%	30.90%	161	45.87%	86	23.56%	104	30.32%	84	23.86%
NC	343	24.31%	901	No	67.16%	63.78%	173	49.29%	261	71.51%	220	64.14%	247	70.17%
VA	352	24.95%	75	Not sure/don't remember	5.24%	5.32%	17	4.84%	18	4.93%	19	5.54%	21	5.97%
ALL	1411	100.00%	1411	Total	100.00%	100.00%	351	100.00%	365	100.00%	343	100.00%	352	100.00%
				No Answer			13	3.57%	9	2.41%	4	1.15%	13	3.56%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	96.43%	Valid %	97.59%	Valid %	98.85%	Valid %	96.44%

			Q3.	YOU VOTE GUILTY NOTGUILTY	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	338	25.09%												
FL	347	25.76%	691	Guilty	48.19%	51.36%	243	71.89%	129	37.18%	158	48.17%	161	48.20%
NC	328	24.35%	376	Not guilty	30.25%	27.85%	25	7.40%	151	43.52%	112	34.15%	88	26.35%
VA	334	24.80%	280	Too early to decide	20.01%	20.79%	70	20.71%	67	19.31%	58	17.68%	85	25.45%
ALL	1347	100.00%	1347	Total	100.00%	100.00%	338	100.00%	347	100.00%	328	100.00%	334	100.00%
				No Answer			26	7.14%	27	7.22%	19	5.48%	31	8.49%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	92.86%	Valid %	92.78%	Valid %	94.52%	Valid %	91.51%

			Q4.	HOW OFTEN EXPOSED	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	331	25.48%	361	10+/week	26.89%	27.76%	106	32.02%	86	25.75%	79	25.24%	90	28.04%
FL	334	25.76%	503	Several/week	39.56%	38.70%	136	41.09%	133	39.82%	123	39.30%	111	34.58%
NC	313	24.10%	290	1-2/week	22.37%	22.35%	73	22.05%	69	20.66%	71	22.68%	77	23.99%
VA	321	24.71%	145	Never/almost never	13.09%	11.20%	16	4.83%	46	13.77%	40	12.78%	43	13.40%
ALL	1299	100.00%	1299	Total	100.00%	100.00%	331	100.00%	334	100.00%	313	100.00%	321	100.00%
				No Answer			33	9.07%	40	10.70%	34	9.80%	44	12.05%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	90.93%	Valid %	89.30%	Valid %	90.20%	Valid %	87.95%

Q5. CHARACTERIZE EVENTS January6

	Count	%
DC	327	25.47%
FL	329	25.62%
NC	310	24.14%
VA	318	24.77%
ALL	1284	100.00%

Q5. CHARACTERIZE EVENTS January6	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
492 Insurrection (1)	34.66%	38.24%	182	55.66%	92	27.96%	95	30.65%	123	38.68%
134 Attack (2)	9.39%	10.42%	53	16.21%	22	6.69%	29	9.35%	30	9.43%
125 Riot (3)	10.21%	9.76%	42	12.84%	19	5.78%	36	11.61%	28	8.81%
386 Protest that got out of control (4)	31.84%	30.07%	40	12.23%	146	44.38%	97	31.29%	103	32.39%
117 Rally (5)	10.64%	9.17%	6	1.83%	40	12.16%	42	13.55%	29	9.12%
30 Not sure/don't know (6)	2.31%	2.35%	4	1.22%	10	3.04%	11	3.55%	5	1.57%
1284 Total	100.00%	100.00%	327	100.00%	329	100.00%	310	100.00%	318	100.00%
No Answer			37	10.16%	45	12.03%	37	10.66%	47	12.88%
Total Asked			364		374		347		365	
Valid Rate			Valid %	89.84%	Valid %	87.97%	Valid %	89.34%	Valid %	87.12%

From Q5. Criminality of Events

From Q5. Criminality of Events	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
751 Criminal in nature (1)+(2)+(3)	54.27%	58.49%	277	84.71%	133	40.43%	160	51.61%	181	56.92%
416 Possibly criminal/unsure (4)+(6)	34.40%	32.40%	44	13.46%	156	47.42%	108	34.84%	108	33.96%
117 Not criminal in nature (5)	10.64%	9.11%	6	1.83%	40	12.16%	42	13.55%	29	9.12%
1284 Total	100.00%	100.00%	327	100.00%	329	100.00%	310	100.00%	318	100.00%

Q6. PLANNED OR THAT DAY

	Count	%
DC	326	25.83%
FL	322	25.52%
NC	302	23.93%
VA	312	24.72%
ALL	1262	100.00%

Q6. PLANNED OR THAT DAY	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
659 Planned in advance	48.87%	52.22%	232	71.17%	127	39.44%	149	49.34%	151	48.40%
351 Decided that day	32.53%	27.81%	30	9.20%	121	37.58%	91	30.13%	109	34.94%
176 Some planned, some didn't	13.95%	13.95%	51	15.64%	44	13.66%	43	14.24%	38	12.18%
76 Not sure/not enough info	5.39%	6.02%	13	3.99%	30	9.32%	19	6.29%	14	4.49%
1262 Total	100.00%	100.00%	326	100.00%	322	100.00%	302	100.00%	312	100.00%
No Answer			38	10.44%	52	13.90%	45	12.97%	53	14.52%
Total Asked			364		374		347		365	
Valid Rate			Valid %	89.56%	Valid %	86.10%	Valid %	87.03%	Valid %	85.48%

Q7. RESTRICTED MOVEMENT

	Count	%
DC	319	25.85%
FL	315	25.53%
NC	295	23.91%
VA	305	24.72%
ALL	1234	100.00%

Q7. RESTRICTED MOVEMENT	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
238 Yes	11.61%	19.29%	151	47.34%	17	5.40%	24	8.14%	46	15.08%
941 No	83.55%	76.26%	155	48.59%	285	90.48%	255	86.44%	246	80.66%
55 Not sure/don't remember	4.19%	4.46%	13	4.08%	13	4.13%	16	5.42%	13	4.26%
1234 Total	100.00%	100.00%	319	100.00%	315	100.00%	295	100.00%	305	100.00%
No Answer			45	12.36%	59	15.78%	52	14.99%	60	16.44%
Total Asked			364		374		347		365	
Valid Rate			Valid %	87.64%	Valid %	84.22%	Valid %	85.01%	Valid %	83.56%

Q8. CONCERN SAFETY

	Count	%
DC	316	25.86%
FL	314	25.70%
NC	292	23.90%
VA	300	24.55%
ALL	1222	100.00%

Q8. CONCERN SAFETY	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
500 Yes	34.77%	40.92%	209	66.14%	85	27.07%	96	32.88%	110	36.67%
664 No	59.97%	54.34%	94	29.75%	215	68.47%	177	60.62%	178	59.33%
58 Not sure/don't remember	4.29%	4.75%	13	4.11%	14	4.46%	19	6.51%	12	4.00%
1222 Total	100.00%	100.00%	316	100.00%	314	100.00%	292	100.00%	300	100.00%
No Answer			48	13.19%	60	16.04%	55	15.85%	65	17.81%
Total Asked			364		374		347		365	
Valid Rate			Valid %	86.81%	Valid %	83.96%	Valid %	84.15%	Valid %	82.19%

Q9. RACIALLY MOTIVATED

	Count	%
DC	315	25.88%
FL	312	25.64%
NC	292	23.99%
VA	298	24.49%
ALL	1217	100.00%

Q9. RACIALLY MOTIVATED	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
280 Yes	20.00%	23.01%	127	40.32%	35	11.22%	59	20.21%	59	19.80%
729 No	63.21%	59.90%	112	35.56%	244	78.21%	183	62.67%	190	63.76%
167 Some were, some weren't	12.70%	13.72%	68	21.59%	24	7.69%	34	11.64%	41	13.76%
41 Don't know	2.78%	3.37%	8	2.54%	9	2.88%	16	5.48%	8	2.68%
1217 Total	100.00%	100.00%	315	100.00%	312	100.00%	292	100.00%	298	100.00%
No Answer			49	13.46%	62	16.58%	55	15.85%	67	18.36%
Total Asked			364		374		347		365	
Valid Rate			Valid %	86.54%	Valid %	83.42%	Valid %	84.15%	Valid %	81.64%

Region	N	%	Q10.	NOTGUILTY_NEG_EFFECTS	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	311	25.85%			Median	Mean								
FL	311	25.85%	226	Yes	18.92%	18.79%	60	19.29%	55	17.68%	57	19.66%	54	18.56%
NC	290	24.11%	786	No	65.23%	65.34%	202	64.95%	199	63.99%	190	65.52%	195	67.01%
VA	291	24.19%	191	Maybe	15.29%	15.88%	49	15.76%	57	18.33%	43	14.83%	42	14.43%
ALL	1203	100.00%	1203	Total	100.00%	100.00%	311	100.00%	311	100.00%	290	100.00%	291	100.00%
				No Answer			53	14.56%	63	16.84%	57	16.43%	74	20.27%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	85.44%	Valid %	83.16%	Valid %	83.57%	Valid %	79.73%

Region	N	%	Q11.	POSSIBLE YOU BE FAIR	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	308	25.75%			Median	Mean								
FL	310	25.92%	796	Could	67.45%	66.56%	216	70.13%	190	61.29%	187	65.38%	203	69.52%
NC	286	23.91%	243	Could Not	19.73%	20.32%	54	17.53%	75	24.19%	58	20.28%	56	19.18%
VA	292	24.41%	157	Maybe	13.34%	13.13%	38	12.34%	45	14.52%	41	14.34%	33	11.30%
ALL	1196	100.00%	1196	Total	100.00%	100.00%	308	100.00%	310	100.00%	286	100.00%	292	100.00%
				No Answer			56	15.38%	64	17.11%	61	17.58%	73	20.00%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	84.62%	Valid %	82.89%	Valid %	82.42%	Valid %	80.00%

Region	N	%	Q12.	POSSIBLE NEIGHBORS FAIR	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	308	25.80%			Median	Mean								
FL	309	25.88%	525	Yes	43.00%	43.97%	164	53.25%	113	36.57%	129	45.10%	119	40.89%
NC	286	23.95%	295	No	24.08%	24.71%	62	20.13%	94	30.42%	66	23.08%	73	25.09%
VA	291	24.37%	374	Maybe	32.41%	31.32%	82	26.62%	102	33.01%	91	31.82%	99	34.02%
ALL	1194	100.00%	1194	Total	100.00%	100.00%	308	100.00%	309	100.00%	286	100.00%	291	100.00%
				No Answer			56	15.38%	65	17.38%	61	17.58%	74	20.27%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	84.62%	Valid %	82.62%	Valid %	82.42%	Valid %	79.73%

Region	N	%	Q13.	GENDER	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	302	25.90%			Median	Mean								
FL	300	25.73%	543	Male	46.43%	46.57%	122	40.40%	152	50.67%	119	42.20%	150	53.19%
NC	282	24.19%	623	Female	53.57%	53.43%	180	59.60%	148	49.33%	163	57.80%	132	46.81%
VA	282	24.19%	1166	Total	100.00%	100.00%	302	100.00%	300	100.00%	282	100.00%	282	100.00%
ALL	1166	100.00%		No Answer			62	17.03%	74	19.79%	65	18.73%	83	22.74%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	82.97%	Valid %	80.21%	Valid %	81.27%	Valid %	77.26%

Region	N	%	Q14.	AGE	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	299	25.78%	53	18-34	4.68%	4.57%	12	4.01%	16	5.35%	7	2.49%	18	6.41%
FL	299	25.78%	114	35-49	9.96%	9.83%	34	11.37%	21	7.02%	24	8.54%	35	12.46%
NC	281	24.22%	309	50-64	24.13%	26.64%	73	24.41%	71	23.75%	67	23.84%	98	34.88%
VA	281	24.22%	684	65+	62.04%	58.97%	180	60.20%	191	63.88%	183	65.12%	130	46.26%
ALL	1160	100.00%	1160	Total	100.00%	100.00%	299	100.00%	299	100.00%	281	100.00%	281	100.00%
				No Answer			65	17.86%	75	20.05%	66	19.02%	84	23.01%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	82.14%	Valid %	79.95%	Valid %	80.98%	Valid %	76.99%

Region	N	%	Q15.	HISPANIC	Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	298	25.80%			Median	Mean								
FL	300	25.97%	63	Hispanic	5.35%	5.45%	13	4.36%	19	6.33%	11	3.94%	20	7.19%
NC	279	24.16%	1092	Not Hispanic	94.65%	94.55%	285	95.64%	281	93.67%	268	96.06%	258	92.81%
VA	278	24.07%	1155	Total	100.00%	100.00%	298	100.00%	300	100.00%	279	100.00%	278	100.00%
ALL	1155	100.00%		No Answer			66	18.13%	74	19.79%	68	19.60%	87	23.84%
				Total Asked			364		374		347		365	
				Valid Rate			Valid %	81.87%	Valid %	80.21%	Valid %	80.40%	Valid %	76.16%

Q16. ETHNICITY/RACE

Region	N	%		Count		Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	296	25.83%		737	White	69.13%	64.31%	117	39.53%	237	80.07%	196	70.50%	187	67.75%
FL	296	25.83%		278	Black/African American	18.94%	24.26%	146	49.32%	27	9.12%	59	21.22%	46	16.67%
NC	278	24.26%		21	Asian	1.18%	1.83%	4	1.35%	3	1.01%	1	0.36%	13	4.71%
VA	276	24.08%		110	Two or more races	9.80%	9.60%	29	9.80%	29	9.80%	22	7.91%	30	10.87%
ALL	1146	100.00%		1146	Total	100.00%	100.00%	296	100.00%	296	100.00%	278	100.00%	276	100.00%
					No Answer			68	18.68%	78	20.86%	69	19.88%	89	24.38%
					Total Asked			364		374		347		365	
					Valid Rate			Valid %	81.32%	Valid %	79.14%	Valid %	80.12%	Valid %	75.62%

Q17. EDUCATION

Region	N	%		Count		Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
				40	No high school diploma	3.37%	3.48%	11	3.70%	9	3.03%	13	4.69%	7	2.53%
				200	High school graduate or equivalent	18.86%	17.42%	49	16.50%	63	21.21%	59	21.30%	29	10.47%
DC	297	25.87%		232	Some college, no degree	19.49%	20.21%	49	16.50%	75	25.25%	59	21.30%	49	17.69%
FL	297	25.87%		119	Associate's or technical certificate	10.47%	10.37%	19	6.40%	42	14.14%	39	14.08%	19	6.86%
NC	277	24.13%		243	Bachelor's degree	18.69%	21.17%	51	17.17%	51	17.17%	56	20.22%	85	30.69%
VA	277	24.13%		314	Graduate or professional degree	25.48%	27.35%	118	39.73%	57	19.19%	51	18.41%	88	31.77%
ALL	1148	100.00%		1148	Total	100.00%	100.00%	297	100.00%	297	100.00%	277	100.00%	277	100.00%
					No Answer			67	18.41%	77	20.59%	70	20.17%	88	24.11%
					Total Asked			364		374		347		365	
					Valid Rate			Valid %	81.59%	Valid %	79.41%	Valid %	79.83%	Valid %	75.89%

Q18. PARTY

Region	N	%		Count		Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
				334	Republican	32.91%	29.32%	17	5.80%	136	45.95%	88	31.88%	93	33.94%
DC	293	25.72%		467	Democrat	35.09%	41.00%	197	67.24%	77	26.01%	98	35.51%	95	34.67%
FL	296	25.99%		254	Independent	23.56%	22.30%	51	17.41%	66	22.30%	69	25.00%	68	24.82%
NC	276	24.23%		24	Another party	2.14%	2.11%	4	1.37%	2	0.68%	10	3.62%	8	2.92%
VA	274	24.06%		60	Unsure	4.53%	5.27%	24	8.19%	15	5.07%	11	3.99%	10	3.65%
ALL	1139	100.00%		1139	Total	100.00%	100.00%	293	100.00%	296	100.00%	276	100.00%	274	100.00%
					No Answer			71	19.51%	78	20.86%	71	20.46%	91	24.93%
					Total Asked			364		374		347		365	
					Valid Rate			Valid %	80.49%	Valid %	79.14%	Valid %	79.54%	Valid %	75.07%

Q19. REG VOTE OR DL

Region	N	%		Count		Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
DC	296	26.06%				Median	Mean	DC		FL MIDDLE (OCALA)		NC EASTERN		VA EASTERN	
FL	294	25.88%		1107	Yes	97.62%	97.45%	285	96.28%	289	98.30%	267	98.16%	266	97.08%
NC	272	23.94%		19	No	1.28%	1.67%	10	3.38%	2	0.68%	3	1.10%	4	1.46%
VA	274	24.12%		10	Unsure	0.88%	0.88%	1	0.34%	3	1.02%	2	0.74%	4	1.46%
ALL	1136	100.00%		1136	Total	100.00%	100.00%	296	100.00%	294	100.00%	272	100.00%	274	100.00%
					No Answer			68	18.68%	80	21.39%	75	21.61%	91	24.93%
					Total Asked			364		374		347		365	
					Valid Rate			Valid %	81.32%	Valid %	78.61%	Valid %	78.39%	Valid %	75.07%

EXHIBIT 4

Overview of Project

In Lux Research ("ILR") was engaged by multiple law firms, each representing one of five criminal defendants, Joseph R. Biggs, Zachary Rehl, Enrique Tarrio, Dominic J. Pezzola, and Ethan Nordean (collectively "Defendants"), who are set to be tried alongside each other on charges related to high-profile incidents at the U.S. Capitol on January 6, 2021.[1] ILR was asked to investigate whether the qualified jury pool for the United States District Court for the District of Columbia ("DC Community") harbors bias prejudicial to Defendants. To do so, ILR desiged and conducted a study to meet the following objectives:

1. Identify any specific themes of bias.

2. Gauge the intensity of any prejudicial bias detected.

3. Determine whether the rates and intensity of any prejudicial bias discovered within the DC Community are unique to the DC Community.

4. Follow on previously completed research by similarly testing additional areas.

5. Ascertain whether respondents who indicate harboring bias against Defendants report doubt in their ability to be fair and impartial jurors.

6. Successfully replicate the sampling method used in a previously conducted study to facilitate the measurement of change in community attitude over time.

7. Determine whether community attitudes in the District of Columbia and Eastern District of Virginia have changed with the passage of time.

To achieve these objectives, ILR impartially conducted a well-conceived community attitude survey ("CAS") of the DC Community and, concurrently, of the qualified jury pools in three additional federal districts (each a "Test Area")[2]. Between September 21st and October 9th, 2022, ILR interviewed over 2100 potential jurors, including over 400 in each Test Area. Interviews were conducted by phone and by delivering, via text and email, the link to a web-based version of the Questionnaire[3]. Respondents were randomly selected from a master list of potential jurors in each Test Area. Accurately recorded results from the four Test Areas are presented side-by-side and compared to each other so that the rate and degree of bias in the DC Community can be considered relative to the other Test Areas. This study was guided by the American Society of Trial

---

[1] Biggs, Rehl, Tarrio, Pezzola and Nordean are defendants in case 1:21-cr-00175-TJK in D.D.C. This case is identified among multiple others on a U.S. Department of Justice website as "Capitol Breach Cases." https://www.justice.gov/usao-dc/capitol-breach-cases

[2] The United States District Court for the District of Columbia, the United States District Court for the Middle District of Pennsylvania, the United States District Court for the Southern District of Florida, and the United States District Court for the Eastern District of Virginia.

[3] Exhibit A, Appendix A

Consultants' Professional Standards for Venue Surveys and is comprised of four qualified opinion surveys[4] conducted to aid the Court in weighing the totality of circumstances, should it be asked to consider a motion to transfer venue or other questions concerning pretrial juror bias.

Relation to Previous Research

This current multi-district comparative study (hereafter the "Follow-on Study") is the second such study conducted by ILR to ascertain whether the DC Community harbors bias prejudicial to defendants facing criminal prosecution in connection with high-profile incidents that took place at the U.S. Capitol on January 6, 2021 ("Events"). Between February 14th and March 16th, 2022, ILR conducted a similar study at the request of different, but similarly charged, defendants. For that previously conducted study (hereafter the "Baseline Study")[5], ILR conducted an identical CAS in four test areas ("Baseline Test Areas")[6]. For this Follow-on Study, ILR re-examined two of those test areas and completed initial testing on two new Test Areas, this time attempting additional contact methods to reach respondents. In total, ILR has interviewed over 3700 potential jurors using an identical survey to better understand the attitudes of the qualified jury pools in six different federal districts. The federal districts of the District of Columbia, where Defendants are set to be tried, and the Eastern District of Virginia, where various defendants have proposed transfer for trial, were tested in both the Baseline Study and the Follow-on Study (together the "Studies"). The similar distribution of demographic characteristic frequencies between the two Studies indicates that the method used to conduct the Studies is reliable. Comparison between the Studies can be used in various ways to understand changes in Community Attitude. Multiple replicates can be used to identify trends and trajectories.

The Follow-on Study successfully replicated the Baseline Study. Therefore, change – or lack of change – in the results on opinion questions is appropriately considered in determining whether prejudicial bias has been created, aggravated or resolved between testing periods. Cross-tabulation of certain changes in opinion with reported changes in exposure to media, personal experience with the events, and recollection of the events may be helpful to identify specific contributions to the net change. Drastic changes in the results of opinion questions may indicate that certain intervening events or media coverage have infiltrated the cognition of the community.

Often, key intervening events are so obviously related to a specific question, no further study into the cause of the attitude change is necessary. In other cases, such as when persistent negative media coverage is suspected of generally affecting the community's perception of a subject, a retrospective media study is helpful to ascertain how exposure to such media coverage may have impacted the attitude of the community or segments of the community. From such a media study, the likely impact of anticipated media exposure can be predicted.

Finally, turnover in a Test Area due to deaths, aging into majority, and moves into and out of the community is likely to affect certain results, such as personal experience with the subject and

---

[4] "'Qualified' means only that the survey be well-conceived, impartially conducted, and accurately recorded," see ABA Standards for Criminal Justice: Fair Trial and Free Press Standard 8-3.3. Change of venue or continuance (1992). "A survey should be acceptable even when it is conducted (as it usually is) at the behest and expense of an interested party," Corona v. Superior Court, 24 Cal. App. 3d 872 (1972).

[5] See Baseline Report at Exhibit A

[6] The United States District Court for the District of Columbia, the United States District Court for the Middle District of Florida - Ocala Division, the United States District Court for the Eastern District of North Carolina, and the United States District Court for the Eastern District of Virginia.

exposure to past media coverage. Where personal experience and past media coverage are root causes of prejudicial bias, the passage of time could result in reductions of prejudicial bias due to unaffected people coming into the Test Area's qualified population and people harboring prejudicial bias leaving the Test Area's qualified population. Results in a replication study, such as the Follow-on Study, generally show that the community claims less personal experience with the subject over time and, consequently, indicates lower rates of prejudicial bias. Steady or increasing levels of prejudicial bias over time suggests that there may be an intervening assault on impartiality that overcomes any expected reduction of prejudicial bias in the Test Area. In this case, a real-time media study may provide valuable insight.

Summary of Findings

The Follow-on Study concludes, just as the Baseline Study concluded, that the DC Community's attitude toward Defendants is undeniably different than all other Test Areas, including the other Baseline Test Areas. The DC Community's attitude toward Defendants remains decidedly negative. The five other Test Areas and Baseline Test Areas differ from each other in geographic location, demographic composition and political party alignment, yet they produced remarkably similar results to each other in the Studies. The DC Community is a clear outlier whose distribution of responses deviates considerably from medians and means throughout both Studies[7]. This is noteworthy because, while the median is considered resistant to outliers, the mean is not considered resistant because outliers contribute to it. Even when the DC Community contributes 25% of the input to the mean in each of the Studies, it significantly deviates from that mean on multiple questions. This marked and persistent deviation is statistically meaningful.

Key differences between the DC Community and other Test Areas fall into at least five general categories: (1) prejudgment, (2) personal impact and perceived victimization, (3) exposure to information related to the case, (4) recognition and disclosure of bias, and (5) eligible population size. Key findings from each category are detailed below:

I. Prejudicial Prejudgment

The Follow-on Study shows that the DC Community is saturated with potential jurors who harbor actual bias against Defendants. In total, 91% of DC Community respondents admit making at least one prejudicial prejudgment on issues related to the case, while the other Test Areas admit doing so at rates from 55% to 65%. This rate of 91% is exactly the same rate found in the Baseline Study. Tested first on nearly 400 respondents, then on nearly 800 respondents, this nearly absolute saturation of prejudicial bias level has persisted in the DC Community, even with the passage of time.

Four questions were used to test for prejudicial prejudgment. The DC Community indicates prejudging decisively against Defendants on each question. Respondents disclosed at relatively high rates that they believe Defendants are guilty, that the Events were criminal in nature, that all who entered the U.S. Capitol planned in advance to do so, and that the Events

---

[7] Appendix B - Frequency Distribution Tables for Follow-on Study
Exhibit A, Appendix B - Frequency Distribution Tables for Baseline Study

were racially motivated. The three other Test Areas indicated much lower – and more similar - rates of prejudicial prejudgment:

• Q3. 74% of DC Community respondents said that they are likely to find Defendants guilty – even when given the choice, "It is too early to decide." The median in the Study was 52%.

• Q5. 87% of the DC Community characterizes the Events of January 6th as acts that are criminal in nature (insurrection, attack or riot), even when given options to reserve judgment on that question. The median in the Study was 57%.

• Q6. 61% of the DC Community believes that all who entered the U.S. Capitol without authorization planned in advance to do so, even when offered options to reserve judgment on that question. The median in the Study was 44%.

• Q9. 35% of the DC Community stated they believe all the Events of January 6th were racially motivated, even when offered options to reserve judgment on that question. The median in the Study was 17%.

II. Personal Impact and Perceived Victimization

The DC Community reports a unique association with Defendants and their case. Members of the DC Community claim high levels of personal impact and perceived victimization caused by the Events, including feeling an increased concern for safety, experiencing restrictions on their free movement, identifying as a member of a group they believe was targeted, and by feeling "personally affected" by the Events. One of the questions used to test for prejudgment, Q9., reveals a unique position the DC Community finds itself in with regards to Defendants and their case; 65% of the DC Community currently feels that some or all of events at issue were racially motivated, up three percent from the Baseline Study. Most of the respondents who feel this way are non-white. 44% of the DC Community identifies as a member of a group or class that they believe was targeted by the Events. This is the exact same rate found in the Baseline Study. In comparison, only 5%-17% of the potential jurors in the other Test Areas view the Events from that perspective.

III. Exposure to Information Related to the Case

All Test Areas report frequently seeing, reading or hearing about the Events. However, the DC Community has a lower rate of potential jurors who report "never or almost never" being exposed to information about the Events. The other Test Areas would offer minimally exposed jurors at 1.47 to 1.86 times the rate the DC Community can be expected to produce minimally exposed jurors. The Study did not consider the content of such exposure. Measuring only the number of encounters without considering the content of the exposures may be insufficient to identify and anticipate media-induced bias. A media study may be helpful to fully understand the impact of exposure to media. Further, if a community largely shares the same beliefs, those are likely to be reinforced without challenge as members of the community interact with each other. The DC Community may be reinforcing its own bias against Defendants because those opinions are so commonly held.

IV. Recognition and Disclosure of Bias

63% of the respondents from the DC Community claim they can be fair and impartial jurors for defendants charged with crimes related to the Events. This rate is the second highest rate in the Follow-on Study. While promising on its face, 91% of those same respondents overwhelmingly rejected the "fair" options offered to them on at least one question used to test for prejudicial bias. This disparity does not prove that respondents are being disingenuous, but it does present an issue of concern. Where 91% of the respondents plainly answered that they, themselves, would likely vote to find January 6th defendants guilty, that all defendants planned to enter the U.S. Capitol in advance, that the Events were criminal in nature, or that the Events were racially motivated, 63% of the respondents failed to report having concerns about being impartial. At a well-established rate of over nine out of 10 potential jurors bringing pre-existing bias to the courthouse, is indisputable that Defendants must presume that most of their prospective jurors will need to be convinced to change their mind on issues of the case.

V. Population

The results of this study are reported as frequencies, or rates of response, from each Test Area. To understand the conditions these rates indicate in a Test Area, the rates can be applied to the eligible population number in that Test Area to calculate the estimated yield of potential jurors with that result.

in lux
Research + Analytics

All Area Total

		Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
2231	Agreed to survey	100.00%	100.00%	807	100.00%	427	100.00%	499	100.00%	498	100.00%
2185	Qualified after screening	98.23%	97.91%	793	98.27%	421	98.59%	482	96.59%	489	98.19%

of Responses by Test Area

	DC	FL	PA	VA	ALL
Q1 count	807	427	499	498	2231
Q1 %	36.17%	19.14%	22.37%	22.32%	100.00%
Q2 count	791	420	481	488	2180
Q2 %	36.28%	19.27%	22.06%	22.39%	100.00%
Q3 count	788	419	481	489	2177
Q3 %	36.20%	19.25%	22.09%	22.46%	100.00%
Q4 count	791	421	481	489	2182
Q4 %	36.25%	19.29%	22.04%	22.41%	100.00%

Q1. AWARE_EVENTS_January6

		Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
2164	Yes	97.23%	96.99%	785	97.27%	418	97.89%	477	95.59%	484	97.19%
46	No	1.77%	2.09%	14	1.73%	6	1.41%	17	3.41%	9	1.81%
21	Not sure	1.00%	0.92%	8	0.99%	3	0.70%	5	1.00%	5	1.00%
2231	Total answered	100.00%	100.00%	807	100.00%	427	100.00%	499	100.00%	498	100.00%
0	No Answer			0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Total Asked			807		427		499		498	
	Valid Rate		Valid %		100.00%		100.00%		100.00%		100.00%

Q2. PERSONALLY_AFFECTED

		Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
600	Yes	22.14%	25.45%	312	39.44%	93	22.14%	87	18.09%	108	22.13%
1405	No	71.35%	66.98%	395	49.94%	299	71.19%	362	75.26%	349	71.52%
175	Not sure/don't remember	6.66%	7.57%	84	10.62%	28	6.67%	32	6.65%	31	6.35%
2180	Total	100.00%	100.00%	791	100.00%	420	100.00%	481	100.00%	488	100.00%
	No Answer			2	0.25%	1	0.24%	1	0.21%	1	0.20%
	Total Asked			793		421		482		489	
	Valid Rate		Valid %		99.75%		99.76%		99.79%		99.80%

Q3. YOU_VOTE_GUILTY_NOTGUILTY

		Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
1267	Guilty	52.46%	55.50%	585	74.24%	222	52.98%	206	42.83%	254	51.94%
454	Not guilty	26.03%	23.23%	55	6.98%	111	26.49%	163	33.89%	125	25.56%
456	Too early to decide	21.51%	21.27%	148	18.78%	86	20.53%	112	23.28%	110	22.49%
2177	Total	100.00%	100.00%	788	100.00%	419	100.00%	481	100.00%	489	100.00%
	No Answer			5	0.63%	2	0.48%	1	0.21%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate		Valid %		99.37%		99.52%		99.79%		100.00%

Q4. HOW_OFTEN_EXPOSED

		Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
612	10+/week	28.37%	28.26%	217	27.43%	132	31.35%	141	29.31%	122	24.95%
865	Several/week	37.76%	38.97%	343	43.36%	156	37.05%	185	38.46%	181	37.01%
522	1-2/week	23.21%	23.97%	185	23.39%	97	23.04%	107	22.25%	133	27.20%
183	Never/almost never	9.27%	8.80%	46	5.82%	36	8.55%	48	9.98%	53	10.84%
2182	Total	100.00%	100.00%	791	100.00%	421	100.00%	481	100.00%	489	100.00%
	No Answer			2	0.25%	0	0.00%	1	0.21%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate		Valid %		99.75%		100.00%		99.79%		100.00%

Q5. CHARACTERIZE_EVENTS_January6

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
1016	Insurrection (1)	39.94%	44.01%	486	61.44%	168	40.00%	167	34.72%	195	39.88%
250	Attack (2)	9.84%	10.61%	129	16.31%	38	9.05%	31	6.44%	52	10.63%
173	Riot (3)	7.46%	7.74%	71	8.98%	30	7.14%	34	7.07%	38	7.77%
540	Protest that got out of control (4)	32.12%	27.56%	71	8.98%	141	33.57%	178	37.01%	150	30.67%
128	Rally (5)	6.67%	6.51%	15	1.90%	26	6.19%	52	10.81%	35	7.16%
74	Not sure/don't know (6)	3.92%	3.57%	19	2.40%	17	4.05%	19	3.95%	19	3.89%
2181	Total	100.00%	100.00%	791	100.00%	420	100.00%	481	100.00%	489	100.00%
	No Answer			2	0.25%	1	0.24%	1	0.21%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate				99.75%		99.76%		99.79%	Valid %	100.00%

DC	791	36.27%	
FL	420	19.26%	
PA	481	22.05%	
VA	489	22.42%	
ALL	2181	100.00%	

From Q5. Imputed Criminality

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
1439	Criminal per se (1)+(2)+(3)	57.24%	65.98%	686	86.73%	236	56.19%	232	48.23%	285	58.28%
614	Possibly criminal/unsure (4)+(6)	36.09%	28.15%	90	11.38%	158	37.62%	197	40.96%	169	34.56%
128	Not criminal per se (5)	6.67%	5.87%	15	1.90%	26	6.19%	52	10.81%	35	7.16%
2181	Total	100.00%	100.00%	791	100.00%	420	100.00%	481	100.00%	489	100.00%

Q6. PLANNED_OR_THAT_DAY

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
1067	Planned in advance	44.38%	48.92%	481	60.73%	198	47.26%	185	38.46%	203	41.51%
358	Decided that day	20.13%	16.41%	51	6.44%	95	22.67%	126	26.20%	86	17.59%
537	Some planned, some didn't	24.93%	24.62%	220	27.78%	75	17.90%	111	23.08%	131	26.79%
219	Not sure/not enough info	12.22%	10.04%	40	5.05%	51	12.17%	59	12.27%	69	14.11%
2181	Total	100.00%	100.00%	792	100.00%	419	100.00%	481	100.00%	489	100.00%
	No Answer			1	0.13%	2	0.48%	1	0.21%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate				99.87%		99.52%		99.79%	Valid %	100.00%

DC	792	36.31%	
FL	419	19.21%	
PA	481	22.05%	
VA	489	22.42%	
ALL	2181	100.00%	

Q7. RESTRICTED_MOVEMENT

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
433	Yes	8.44%	19.84%	339	42.80%	22	5.23%	15	3.12%	57	11.66%
1627	No	86.34%	74.53%	397	50.13%	380	90.26%	447	92.93%	403	82.41%
123	Not sure/don't remember	5.22%	5.63%	56	7.07%	19	4.51%	19	3.95%	29	5.93%
2183	Total	100.00%	100.00%	792	100.00%	421	100.00%	481	100.00%	489	100.00%
	No Answer			1	0.13%	0	0.00%	1	0.21%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate				99.87%		100.00%		99.79%	Valid %	100.00%

DC	792	36.28%	
FL	421	19.29%	
PA	481	22.03%	
VA	489	22.40%	
ALL	2183	100.00%	

Q8. CONCERN_SAFETY

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
920	Yes	35.08%	42.22%	463	58.46%	138	32.86%	137	28.60%	182	37.30%
1154	No	60.01%	52.96%	286	36.11%	264	62.86%	325	67.85%	279	57.17%
105	Not sure/don't remember	4.86%	4.82%	43	5.43%	18	4.29%	17	3.55%	27	5.53%
2179	Total	100.00%	100.00%	792	100.00%	420	100.00%	479	100.00%	488	100.00%
	No Answer			1	0.13%	1	0.24%	3	0.62%	1	0.20%
	Total Asked			793		421		482		489	
	Valid Rate				99.87%		99.76%		99.38%	Valid %	99.80%

DC	792	36.35%	
FL	420	19.27%	
PA	479	21.98%	
VA	488	22.40%	
ALL	2179	100.00%	

Q9. RACIALLY_MOTIVATED

Count	Category	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
487	Yes	17.47%	22.33%	275	34.81%	66	15.71%	52	10.79%	94	19.22%
1126	No	59.72%	51.63%	238	30.13%	262	62.38%	347	71.99%	279	57.06%
454	Some were, some weren't	17.40%	20.82%	233	29.49%	74	17.62%	63	13.07%	84	17.18%
114	Don't know	4.93%	5.23%	44	5.57%	18	4.29%	20	4.15%	32	6.54%
2181	Total	100.00%	100.00%	790	100.00%	420	100.00%	482	100.00%	489	100.00%
	No Answer			3	0.38%	1	0.24%	0	0.00%	0	0.00%
	Total Asked			793		421		482		489	
	Valid Rate				99.62%		99.76%		100.00%	Valid %	100.00%

DC	790	36.22%	
FL	420	19.26%	
PA	482	22.10%	
VA	489	22.42%	
ALL	2181	100.00%	

FOLLOW-ON STUDY APPENDIX B – FREQUENCY DISTRIBUTION TABLES   Page 2

Q10. NOTGUILTY_NEG_EFFECTS

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
Yes	359	15.62%	16.49%	152	19.26%	69	16.51%	66	13.72%	72	14.72%
No	1488	67.55%	68.35%	527	66.79%	277	66.27%	350	72.77%	334	68.30%
Maybe	330	15.46%	15.16%	110	13.94%	72	17.22%	65	13.51%	83	16.97%
Total	2177	100.00%	100.00%	789	100.00%	418	100.00%	481	100.00%	489	100.00%
No Answer				4	0.50%	3	0.71%	1	0.21%	0	0.00%
Total Asked				793		421		482		489	
Valid Rate					99.50%		99.29%		99.79%		100.00%

Respondents by district: DC 789 (36.24%), FL 418 (19.20%), PA 481 (22.09%), VA 489 (22.46%), ALL 2177 (100.00%)

Q11. POSSIBLE_YOU_BE_FAIR

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
Could	1349	61.72%	61.91%	504	63.72%	289	69.30%	264	54.77%	292	59.71%
Could Not	509	22.97%	23.36%	166	20.99%	87	20.86%	134	27.80%	122	24.95%
Maybe	321	15.32%	14.73%	121	15.30%	41	9.83%	84	17.43%	75	15.34%
Total	2179	100.00%	100.00%	791	100.00%	417	100.00%	482	100.00%	489	100.00%
No Answer				2	0.25%	4	0.95%	0	0.00%	0	0.00%
Total Asked				793		421		482		489	
Valid Rate					99.75%		99.05%		100.00%		100.00%

Respondents by district: DC 791 (36.30%), FL 417 (19.14%), PA 482 (22.12%), VA 489 (22.44%), ALL 2179 (100.00%)

Q12. POSSIBLE_NEIGHBORS_FAIR

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
Yes	898	33.77%	41.21%	433	54.74%	138	33.09%	166	34.44%	161	32.92%
No	459	21.88%	21.06%	120	15.17%	87	20.86%	140	29.05%	112	22.90%
Maybe	822	40.34%	37.72%	238	30.09%	192	46.04%	176	36.51%	216	44.17%
Total	2179	100.00%	100.00%	791	100.00%	417	100.00%	482	100.00%	489	100.00%
No Answer				2	0.25%	4	0.95%	0	0.00%	74	15.13%
Total Asked				793		421		482		489	
Valid Rate					99.75%		99.05%		100.00%		100.00%

Respondents by district: DC 791 (36.30%), FL 417 (19.14%), PA 482 (22.12%), VA 489 (22.44%), ALL 2179 (100.00%)

Q13. GENDER

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
Male	998	48.31%	46.55%	313	40.08%	194	47.55%	255	53.80%	236	49.06%
Female	1146	51.69%	53.45%	468	59.92%	214	52.45%	219	46.20%	245	50.94%
Total	2144	100.00%	100.00%	781	100.00%	408	100.00%	474	100.00%	481	100.00%
No Answer				12	1.51%	13	3.09%	8	1.66%	8	1.64%
Total Asked				793		421		482		489	
Valid Rate					98.49%		96.91%		98.34%		98.36%

Respondents by district: DC 781 (36.43%), FL 408 (19.03%), PA 474 (22.11%), VA 481 (22.43%), ALL 2144 (100.00%)

Q14. AGE

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
18-34	106	4.69%	4.93%	32	4.08%	8	1.94%	25	5.30%	41	8.51%
35-49	323	15.71%	15.02%	134	17.09%	39	9.47%	70	14.83%	80	16.60%
50-64	622	29.01%	28.93%	224	28.57%	105	25.49%	139	29.45%	154	31.95%
65+	1099	50.34%	51.12%	394	50.26%	260	63.11%	238	50.42%	207	42.95%
Total	2150	100.00%	100.00%	784	100.00%	412	100.00%	472	100.00%	482	100.00%
No Answer				9	1.13%	9	2.14%	10	2.07%	7	1.43%
Total Asked				793		421		482		489	
Valid Rate					98.87%		97.86%		97.93%		98.57%

Respondents by district: DC 784 (36.47%), FL 412 (19.16%), PA 472 (21.95%), VA 482 (22.42%), ALL 2150 (100.00%)

Q15. HISPANIC

Response	Total n	Median %	Mean %	DC n	DC %	FL SOUTHERN n	FL %	PA MIDDLE n	PA %	VA EASTERN n	VA %
Hispanic	143	5.33%	6.68%	41	5.25%	62	15.12%	14	2.97%	26	5.42%
Not Hispanic	1999	94.67%	93.32%	740	94.75%	348	84.88%	457	97.03%	454	94.58%
Total	2142	100.00%	100.00%	781	100.00%	410	100.00%	471	100.00%	480	100.00%
No Answer				12	1.51%	11	2.61%	11	2.28%	9	1.84%
Total Asked				793		421		482		489	
Valid Rate					98.49%		97.39%		97.72%		98.16%

Respondents by district: DC 781 (36.46%), FL 410 (19.14%), PA 471 (21.99%), VA 480 (22.41%), ALL 2142 (100.00%)

FOLLOW-ON STUDY APPENDIX B – FREQUENCY DISTRIBUTION TABLES

Q16. ETHNICITY/RACE

	ALL	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
White	1382	73.01%	65.04%	329	42.34%	313	76.90%	411	88.39%	329	69.12%
Black/African American	525	15.65%	24.71%	365	46.98%	53	13.02%	20	4.30%	87	18.28%
Asian	28	1.39%	1.32%	12	1.54%	5	1.23%	3	0.65%	8	1.68%
Two or more races	190	8.99%	8.94%	71	9.14%	36	8.85%	31	6.67%	52	10.92%
Total	2125	100.00%	100.00%	777	100.00%	407	100.00%	465	100.00%	476	100.00%
No Answer				16	2.02%	14	3.33%	17	3.53%	13	2.66%
Total Asked				793		421		482		489	
Valid Rate					97.98%		96.67%		96.47%		97.34%

Jurisdiction distribution: DC 777 (36.56%), FL 407 (19.15%), PA 465 (21.88%), VA 476 (22.40%), ALL 2125 (100.00%). Valid %.

Q17. EDUCATION

	ALL	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
No high school diploma	67	2.91%	3.13%	21	2.68%	5	1.22%	26	5.57%	15	3.13%
High school graduate or equivalent	331	12.59%	15.47%	92	11.75%	51	12.44%	127	27.19%	61	12.73%
Some college, no degree	407	19.05%	19.03%	122	15.58%	105	25.61%	96	20.56%	84	17.54%
Associate's or technical certificate	201	9.80%	9.40%	53	6.77%	41	10.00%	61	13.06%	46	9.60%
Bachelor's degree	486	23.62%	22.72%	177	22.61%	104	25.37%	87	18.63%	118	24.63%
Graduate or professional degree	647	28.86%	30.25%	318	40.61%	104	25.37%	70	14.99%	155	32.36%
Total	2139	100.00%	100.00%	783	100.00%	410	100.00%	467	100.00%	479	100.00%
No Answer				10	1.26%	11	2.61%	15	3.11%	10	2.04%
Total Asked				793		421		482		489	
Valid Rate					98.74%		97.39%		96.89%		97.96%

Jurisdiction distribution: DC 783 (36.61%), FL 410 (19.17%), PA 467 (21.83%), VA 479 (22.39%), ALL 2139 (100.00%). Valid %.

Q18. PARTY

	ALL	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
Republican	564	34.56%	26.63%	47	6.10%	137	33.83%	212	45.49%	168	35.29%
Democrat	927	32.71%	43.77%	513	66.54%	152	37.53%	130	27.90%	132	27.73%
Independent	479	21.78%	22.62%	156	20.23%	93	22.96%	96	20.60%	134	28.15%
Another party	43	2.05%	2.03%	17	2.20%	6	1.48%	11	2.36%	9	1.89%
Unsure	105	4.56%	4.96%	38	4.93%	17	4.20%	17	3.65%	33	6.93%
Total	2118	100.00%	100.00%	771	100.00%	405	100.00%	466	100.00%	476	100.00%
No Answer				22	2.77%	16	3.80%	16	3.32%	13	2.66%
Total Asked				793		421		482		489	
Valid Rate					97.23%		96.20%		96.68%		97.34%

Jurisdiction distribution: DC 771 (36.40%), FL 405 (19.12%), PA 466 (22.00%), VA 476 (22.47%), ALL 2118 (100.00%). Valid %.

Q19. REG_VOTE_OR_DL

	ALL	Median	Mean	DC		FL SOUTHERN		PA MIDDLE		VA EASTERN	
Yes	2076	97.57%	97.60%	754	97.04%	396	97.30%	453	97.84%	473	98.54%
No	42	1.94%	1.97%	20	2.57%	7	1.72%	10	2.16%	5	1.04%
Unsure	9	0.40%	0.42%	3	0.39%	4	0.98%	0	0.00%	2	0.42%
Total	2127	100.00%	100.00%	777	100.00%	407	100.00%	463	100.00%	480	100.00%
No Answer				16	2.02%	14	3.33%	19	3.94%	9	1.84%
Total Asked				793		421		482		489	
Valid Rate					97.98%		96.67%		96.06%		98.16%

Jurisdiction distribution: DC 777 (36.53%), FL 407 (19.13%), PA 463 (21.77%), VA 480 (22.57%), ALL 2127 (100.00%). Valid %.