



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](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

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 prejudices 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 Donald Trump in Power	Would	63%	85%	+22
	Would not	37	9	- 28

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

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 6 th	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 6 th at the U.S. Capitol building using this description?		DC	GA	Difference	
	Conspiracy theorists	Would	70%	52%	+18
	Conspiracy theorists	Would not	15	32	-17
	Criminals	Would	62%	48%	+14
	Criminals	Would not	28	35	-7
	White supremacists	Would	58%	40%	+18
	White supremacists	Would not	25	41	-16
	Members of a violent right-wing organization	Would	54%	39%	+15
	Members of a violent right-wing organization	Would not	29	41	-12
<i>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.</i>					

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 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	

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-gZnFhGmQPZAiRkoZjzTO8uqiq9Zve2I4L15mddpqU/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

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/

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Appendix A

Select Litigation

Results



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District of Columbia and Atlanta Division of Northern District of Georgia

January 9 - 13, 2022

SL 3582-3

400/400 Interviews

Margin of Error: +/- 4.9/4.9

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]**

RESUME ASKING ALL RESPONDENTS

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

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)?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
No.....	100%	100%
Yes/Don't know -----		► TERMINATE

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

	<u>D.C.</u>	<u>Atlanta</u>
No.....	100%	100%
Yes/Don't know -----		► TERMINATE

QG. Are you an active-duty military member?

	<u>D.C.</u>	<u>Atlanta</u>
No.....	100%	100%
Yes/Don't know -----		► TERMINATE

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

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>
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?

	<u>D.C.</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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

	<u>Would</u>	<u>Would not</u>	<u>(Not sure/Don't know)</u>	<u>(Refused)</u>
• 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. Capitol on January 6, 2021, in that way?

SCRAMBLE

		<u>Would</u>	<u>Would not</u>	<u>(Not sure/Don't know)</u>	<u>(Refused)</u>
• 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.

	<u>D.C.</u>	<u>Atlanta</u>
Male.....	46%	48%
Female	54	52

D101. What is your age?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>	<u>Atlanta</u>
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?

	<u>D.C.</u>
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?

		<u>D.C.</u>	<u>Atlanta</u>
	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?

		<u>D.C.</u>	<u>Atlanta</u>
	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

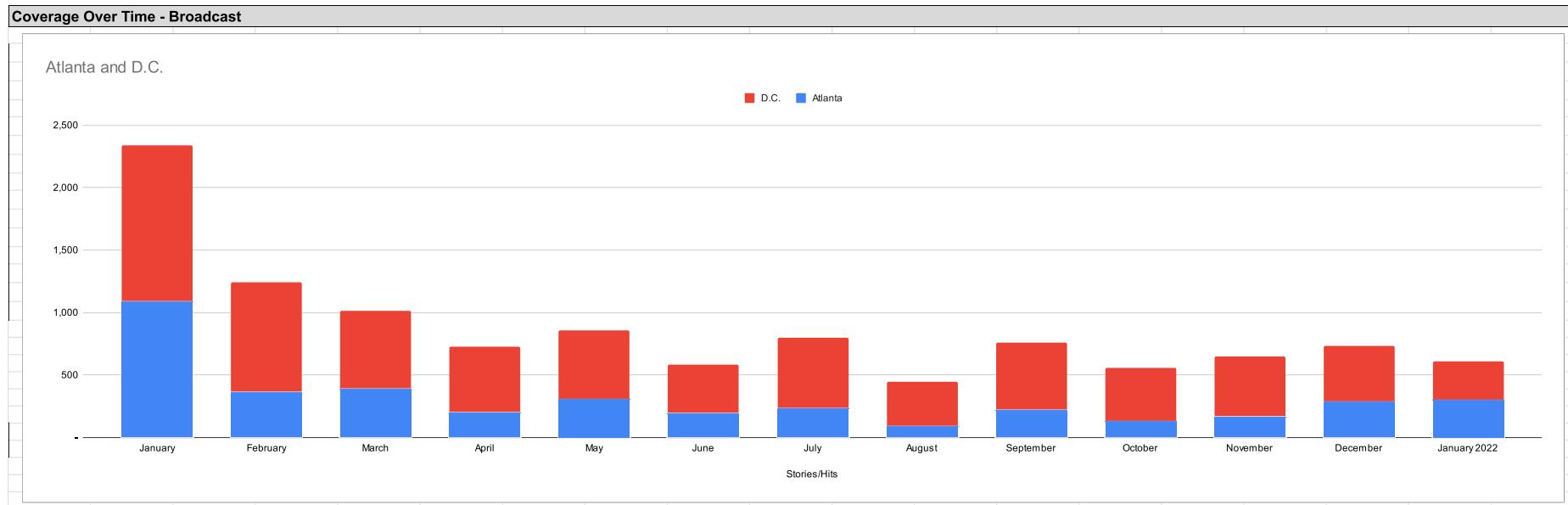
- B-1.** Broadcast Data Table
- B-2.** Broadcast Data – Coverage Over Time
- B-3.** Broadcast Data – Charts & Graphs (Impressions/Publicity Value)
- B-4.** Web Data Table
- B-5.** Web Data – Coverage Over Time
- B-6.** Web Data – Charts & Graphs (Impressions/Publicity Value)
- B-7.** Print Data Table
- B-8.** Print Data – Coverage Over Time

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

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B-3: Broadcast Data – Charts & Graphs (Impressions/Publicity Value)

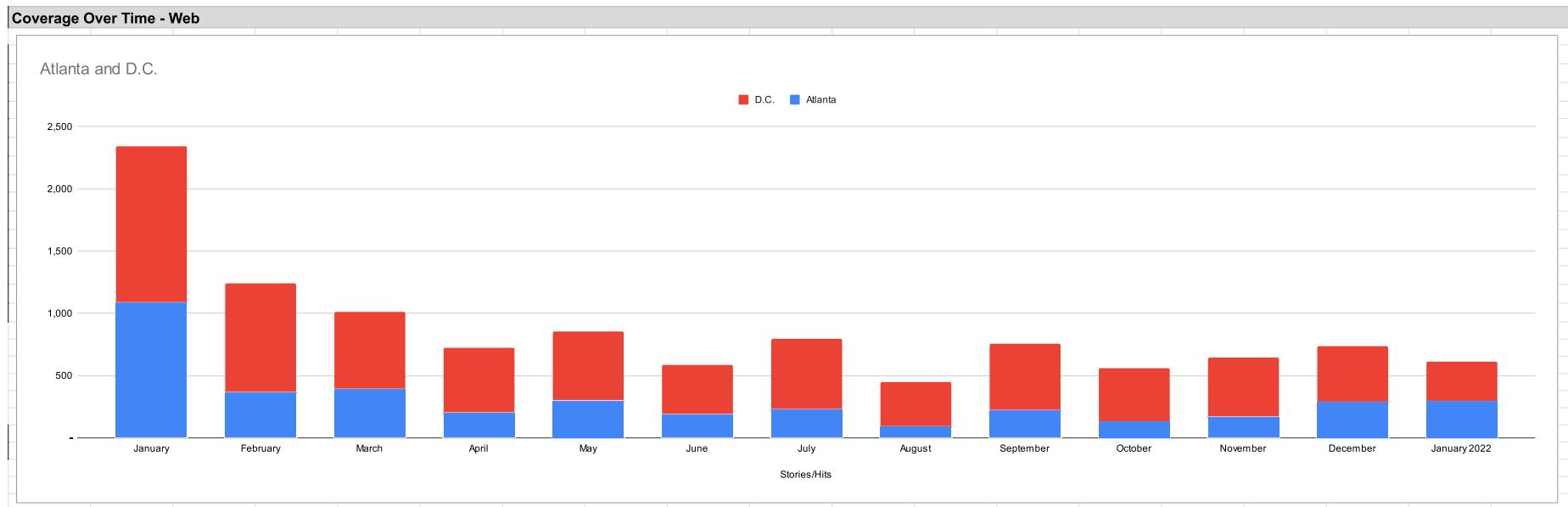


B-4: Web Data Table

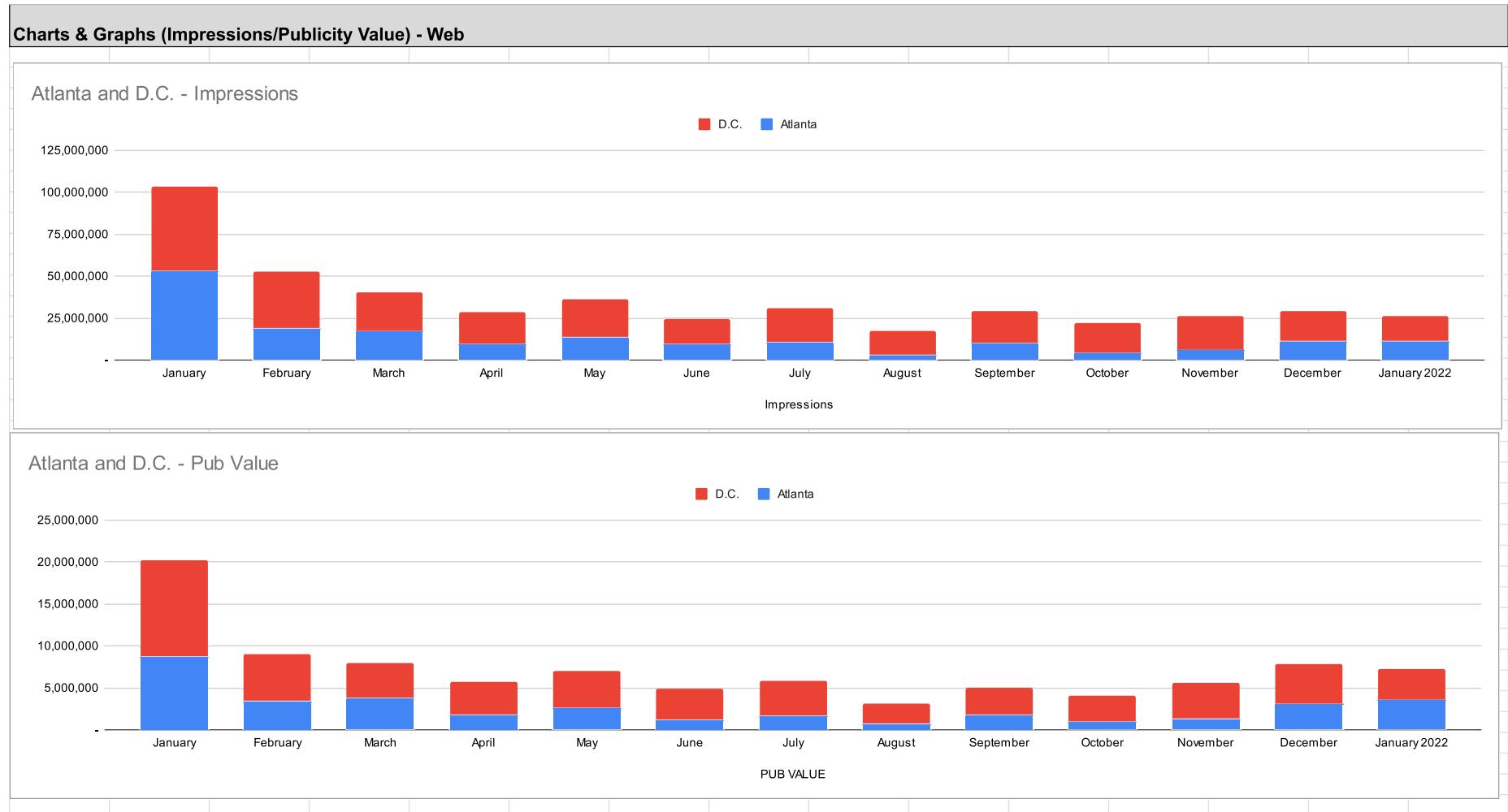
January 6th Project - Web														
Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	1,090	369	394	202	305	195	234	92	226	135	173	290	300	4,005
D.C.	1,250	874	616	523	549	388	561	356	533	423	473	444	310	7,300
Impressions	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

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B-5: Web Data – Coverage Over Time



B-6: Web Data – Charts & Graphs (Impressions/Publicity Value)

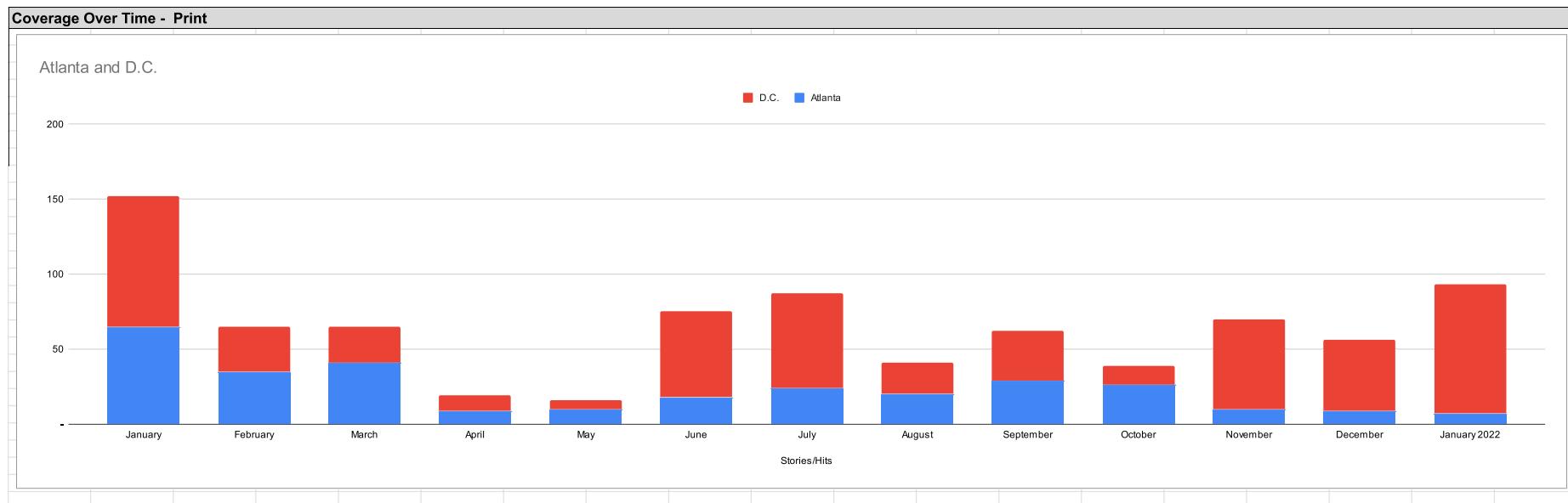


B-7: Print Data Table

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														
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

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B-8: Print Data – Coverage Over Time





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, 2021¹ (“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 Surveys³ and is comprised of four qualified⁴ 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 Study⁵.

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 Area⁸.

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 prejudgment⁹:

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 motivated¹³, 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 Events¹⁵, 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 judgments 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 judgment 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 authorities¹⁹ 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 numbers¹⁹ 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>



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.

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:

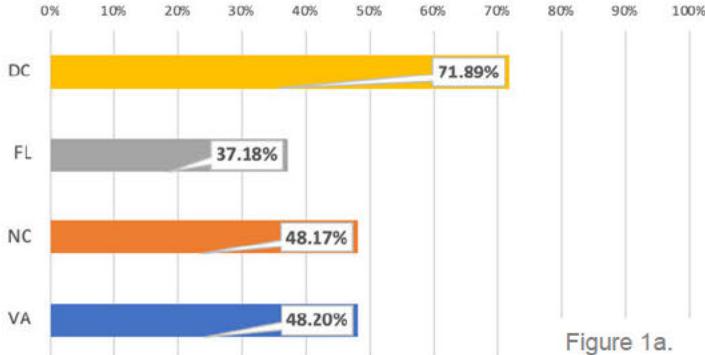


Figure 1a.

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:

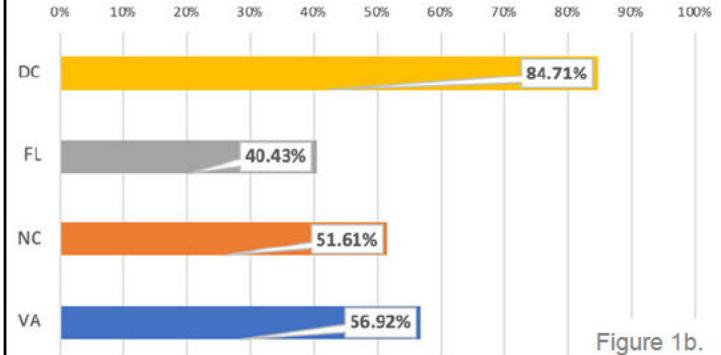


Figure 1b.

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%

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:

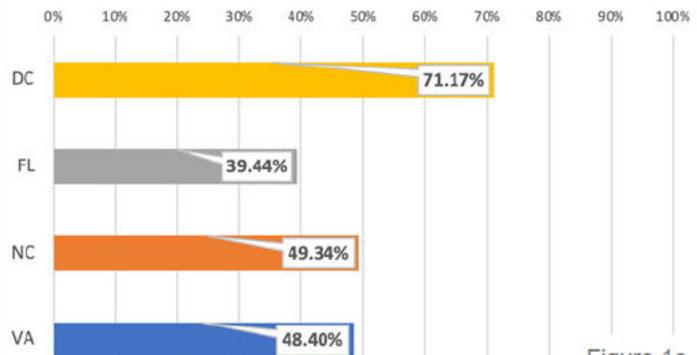


Figure 1c.

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

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

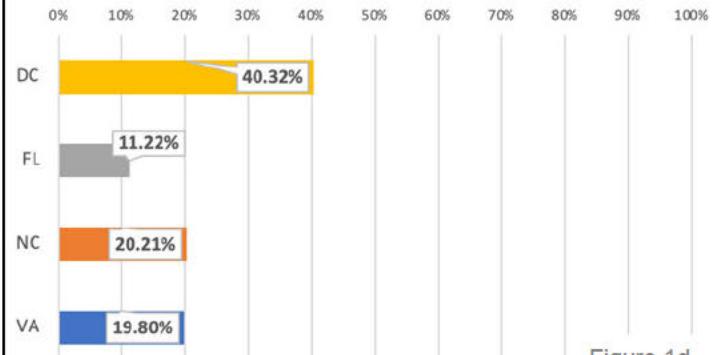


Figure 1d.

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. 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.

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?

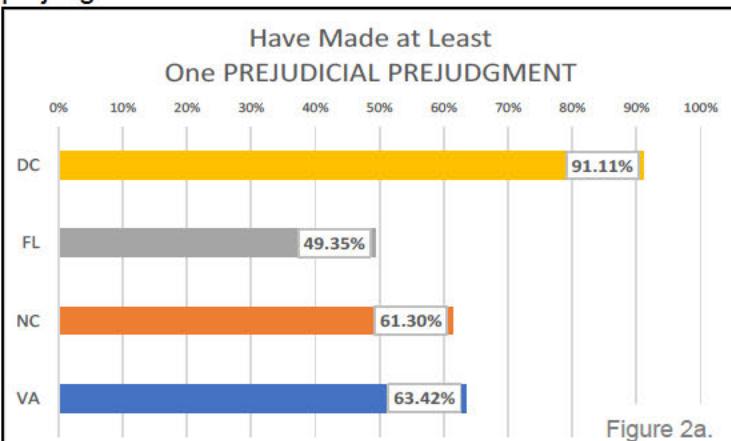


Figure 2a.

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

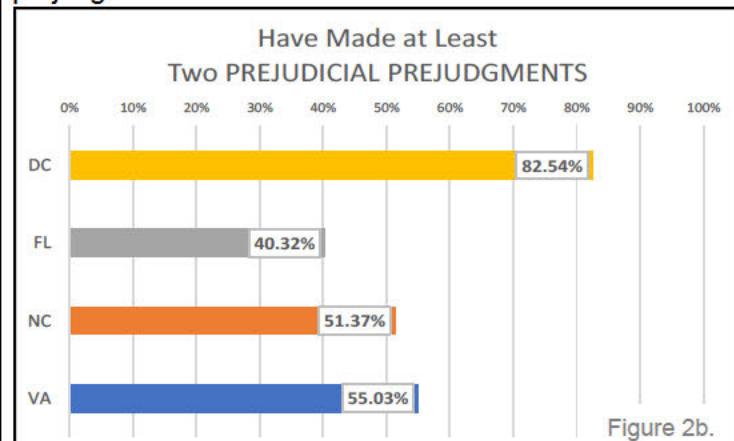


Figure 2b.

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%

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?

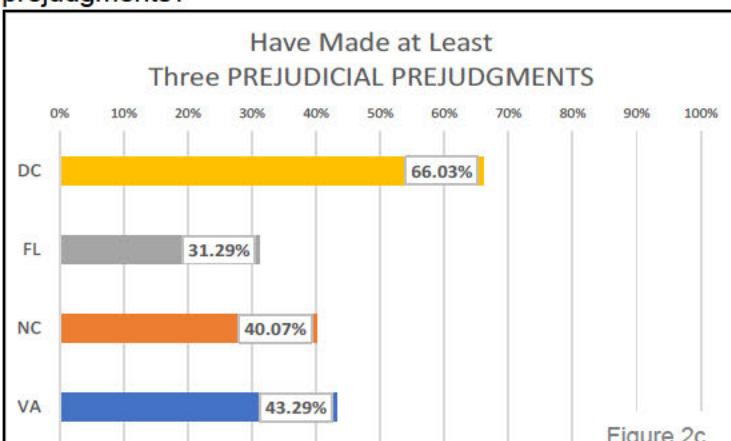


Figure 2c.

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

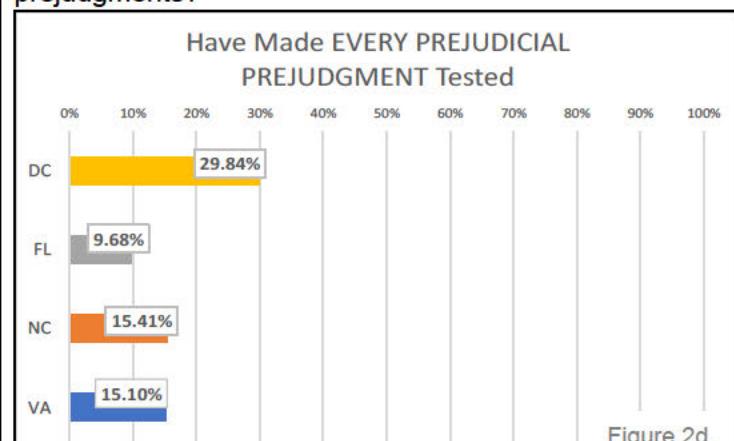


Figure 2d.

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%

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.

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

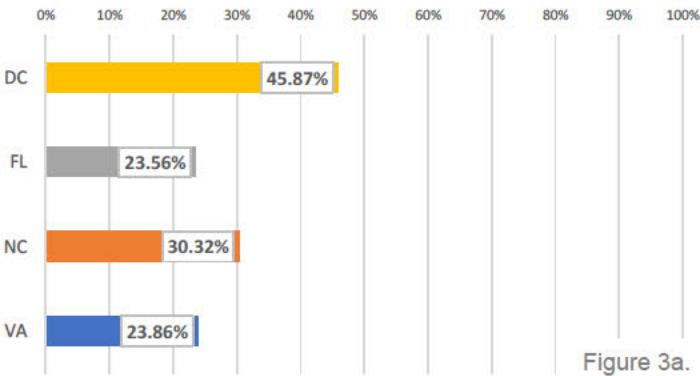


Figure 3a.

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

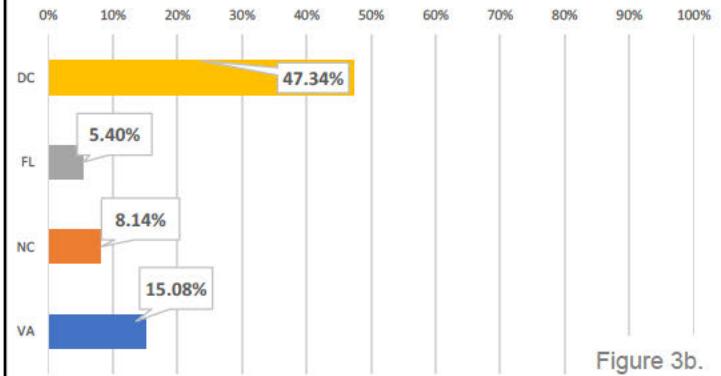


Figure 3b.

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. 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

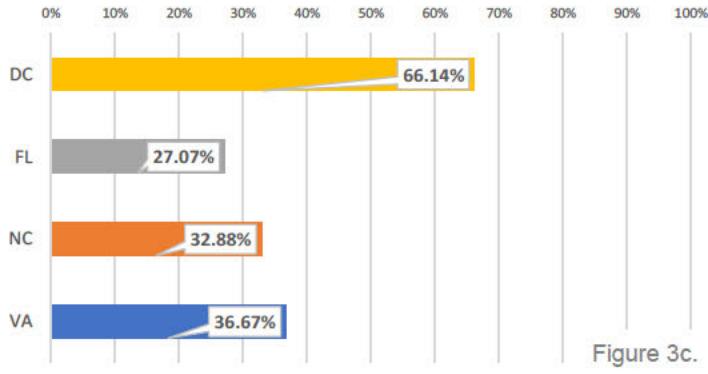


Figure 3c.

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.)

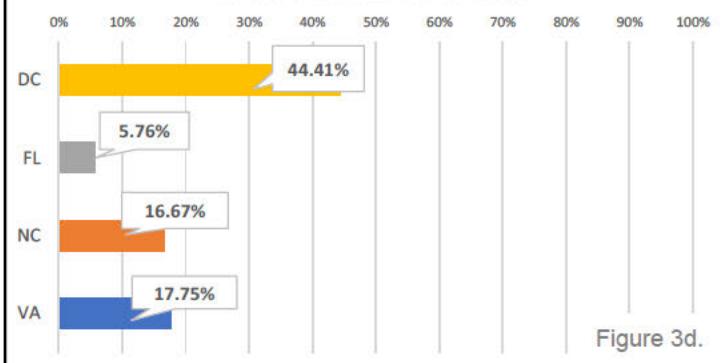
(Q9.,Q15., Q16.,) Feels TARGETED
(Non-white or Hispanic AND Believes Events of January 6th Were RACIALLY MOTIVATED)

Figure 3d.

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%

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.

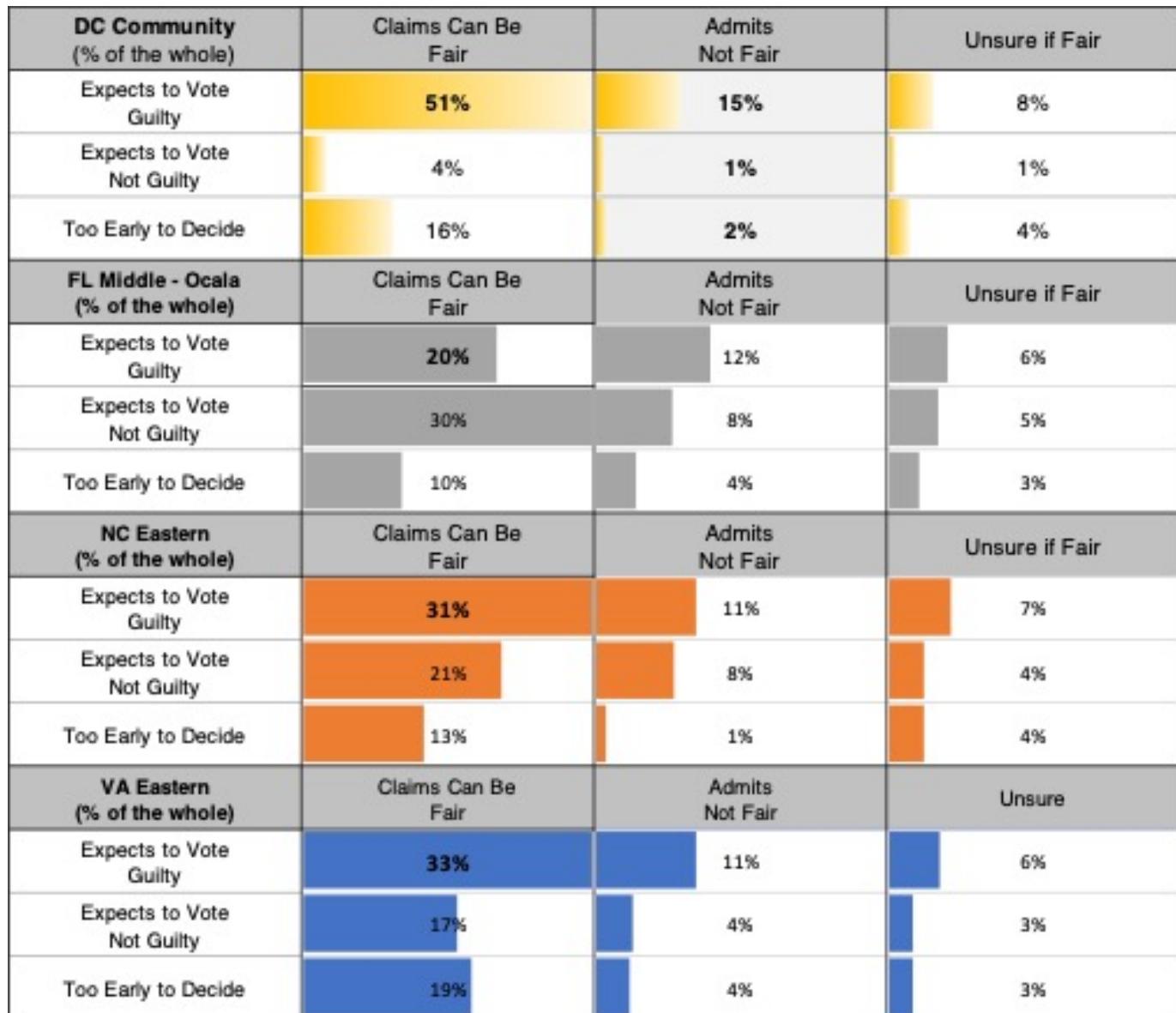


Figure 4.

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 pre-judgments 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.

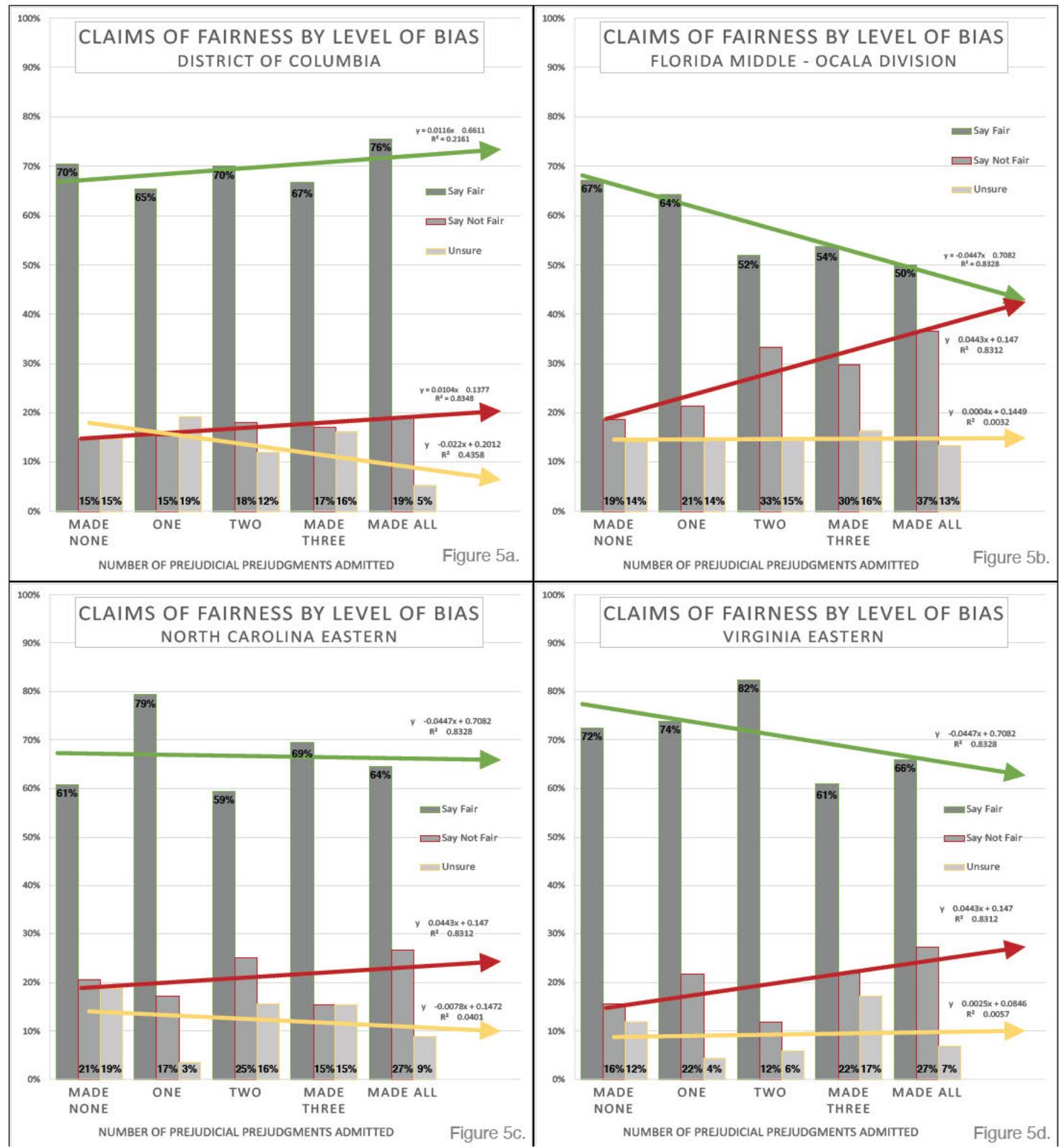


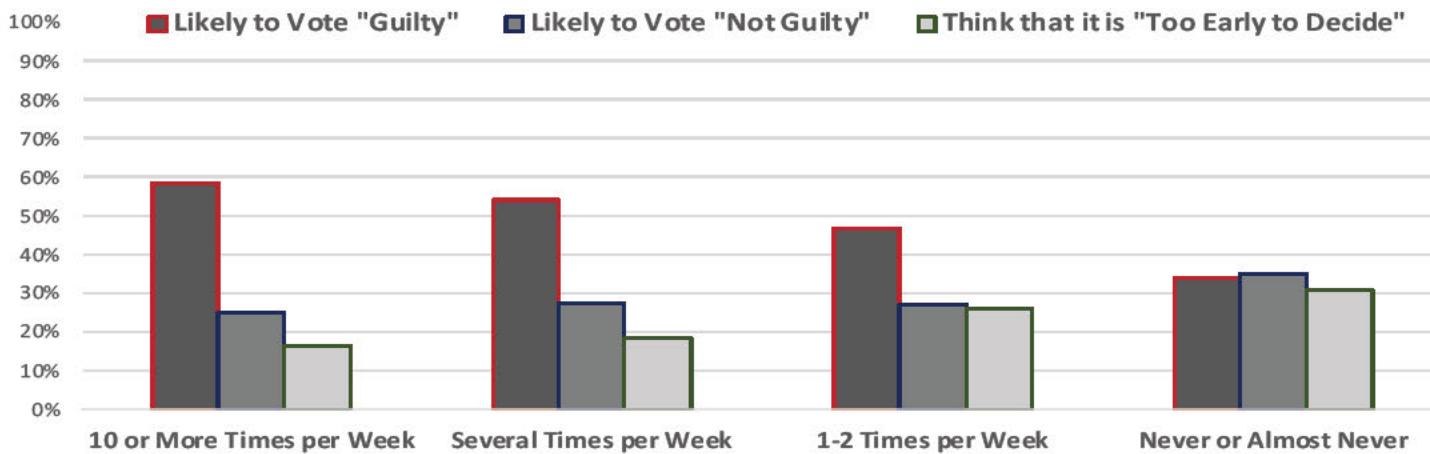
Figure 5.

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)



NEVER or ALMOST NEVER EXPOSED to Information About January 6th

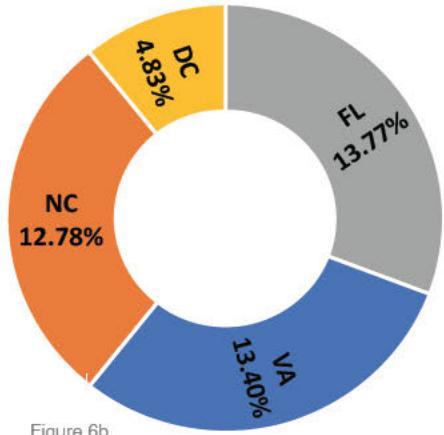


Figure 6b

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

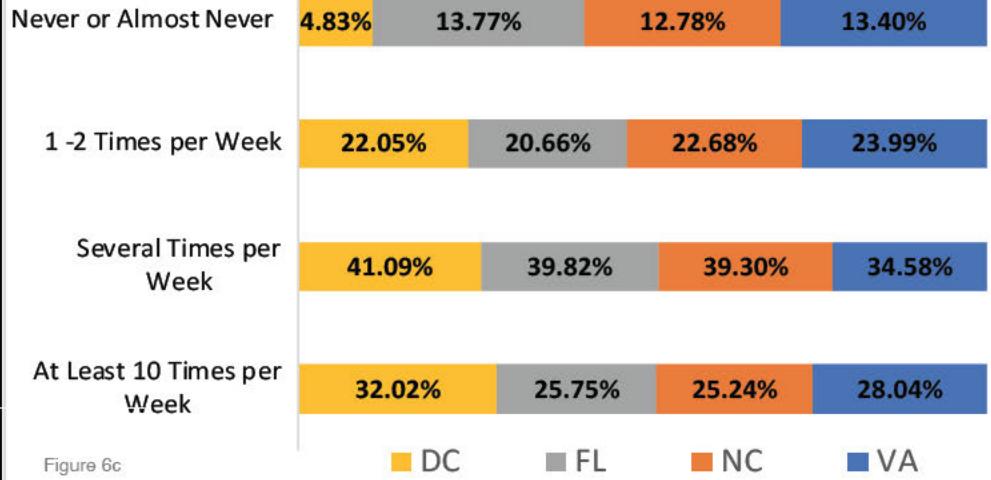


Figure 6c

DC FL NC VA

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 jurors¹ 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 households² in each Test Area had an equal and known nonzero chance of being chosen and an equal and nonzero chance of 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 prejudgetment. 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 pre-judgment. 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.

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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



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].



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%
1450	Qualified after screening	95.55%	95.32%	364	96.04%	374	96.14%

# of Responses by Test Area			Q1.	AWARE EVENTS January6	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
DC	378	24.88%	1519	Yes	93.60%	93.27%	352	93.12%	365	94.07%
FL	388	25.54%	1417	No	4.46%	4.69%	15	3.97%	15	3.87%
NC	369	24.29%	71	Not sure	2.25%	2.05%	11	2.91%	8	2.06%
VA	384	25.28%	31	Total answered	100.00%	100.00%	378	100.00%	388	100.00%
ALL	1519	100.00%	1519	No Answer			1	0.26%	1	0.26%
				Total Asked			379		389	
				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%	435	Yes	27.09%	30.90%	161	45.87%	86	23.56%
FL	365	25.87%	901	NO	67.16%	63.78%	173	49.29%	261	71.51%
NC	343	24.31%	75	Not sure/don't remember	5.24%	5.32%	17	4.84%	18	4.93%
VA	352	24.95%	1411	Total	100.00%	100.00%	351	100.00%	365	100.00%
ALL	1411	100.00%	1411	No Answer			13	3.57%	9	2.41%
				Total Asked			364		374	
				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%	691	Guilty	48.19%	51.36%	243	71.89%	129	37.18%
FL	347	25.76%	376	Not guilty	30.25%	27.85%	25	7.40%	151	43.52%
NC	328	24.35%	280	Too early to decide	20.01%	20.79%	70	20.71%	67	19.31%
VA	334	24.80%	1347	Total	100.00%	100.00%	338	100.00%	347	100.00%
ALL	1347	100.00%	1347	No Answer			26	7.14%	27	7.22%
				Total Asked			364		374	
				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%
FL	334	25.71%	503	Several/week	39.56%	38.70%	136	41.09%	133	39.82%
NC	313	24.10%	290	1-2/week	22.37%	22.35%	73	22.05%	69	20.66%
VA	321	24.71%	145	Never/almost never	13.09%	11.20%	16	4.83%	46	13.77%
ALL	1299	100.00%	1299	Total	100.00%	100.00%	331	100.00%	334	100.00%
				No Answer			33	9.07%	40	10.70%
				Total Asked			364		374	
				Valid Rate	Valid %	90.93%	Valid %	89.30%	Valid %	90.20%
									Valid %	87.95%

Q5.			CHARACTERIZE EVENTS January6	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN				
DC 327 FL 329 NC 310 VA 318 ALL 1284	25.47% 25.62% 24.14% 24.77% 100.00%	492 134 125 386 117 Rally (5) Not sure/don't know (6) Total No Answer Total Asked Valid Rate	Insurrection (1)	34.66%	38.24%	182	55.66%	95	30.65%				
			Attack (2)	9.39%	10.42%	53	16.21%	29	9.35%				
			Riot (3)	10.21%	9.76%	42	12.84%	36	11.61%				
			Protest that got out of control (4)	31.84%	30.07%	40	12.23%	97	31.29%				
			Rally (5)	10.64%	9.17%	6	1.83%	42	13.55%				
			Not sure/don't know (6)	2.31%	2.35%	4	1.22%	11	3.55%				
			Total	100.00%	100.00%	327	100.00%	329	100.00%				
			No Answer			37	10.16%	45	12.03%				
			Total Asked			364		374					
			Valid Rate			Valid %	89.84%	Valid %	87.97%				
From Q5.			Criminality of Events	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN				
DC 751 FL 416 NC 117 VA 1284	54.27% 34.40% 10.64% 100.00%	Criminal in nature (1)+(2)+(3) Possibly criminal/unsure (4)+(6) Not criminal in nature (5) Total	54.27%	58.49%	277	84.71%	133	40.43%	160	51.61%			
			Possibly criminal/unsure (4)+(6)	34.40%	32.40%	44	13.46%	156	47.42%	108	34.84%		
			Not criminal in nature (5)	10.64%	9.11%	6	1.83%	40	12.16%	42	13.55%		
			Total	100.00%	100.00%	327	100.00%	329	100.00%	310	100.00%		
Q6.			PLANNED OR THAT DAY	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN				
DC 326 FL 322 NC 302 VA 312 ALL 1262	25.83% 25.52% 23.93% 24.72% 100.00%	659 351 176 76 1262	Planned in advance	48.87%	52.22%	232	71.17%	127	39.44%				
			Decided that day	32.53%	27.81%	30	9.20%	121	37.58%	91	30.13%		
			Some planned, some didn't	13.95%	13.95%	51	15.64%	44	13.66%	43	14.24%		
			Not sure/not enough info	5.39%	6.02%	13	3.99%	30	9.32%	19	6.29%		
			Total	100.00%	100.00%	326	100.00%	322	100.00%	302	100.00%		
No Answer						38	10.44%	52	13.90%	45	12.97%		
Total Asked						364		374		347			
Valid Rate						Valid %	89.56%	Valid %	86.10%	Valid %	87.03%		
Valid Rate						Valid %	89.56%	Valid %	86.10%	Valid %	85.48%		
DC 319 FL 315 NC 295 VA 305 ALL 1234			Q7.	RESTRICTED MOVEMENT	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN			
DC 238 FL 941 NC 55 VA 1234	25.85% 25.53% 23.91% 24.72% 100.00%	238 941 55 1234	Yes	11.61%	19.29%	151	47.34%	17	5.40%	24	8.14%		
			No	83.55%	76.26%	155	48.59%	285	90.48%	255	86.44%		
			Not sure/don't remember	4.19%	4.46%	13	4.08%	13	4.13%	16	5.42%		
			Total	100.00%	100.00%	319	100.00%	315	100.00%	295	100.00%		
			No Answer			45	12.36%	59	15.78%	52	14.99%		
Total Asked						364		374		347			
Valid Rate						Valid %	87.64%	Valid %	84.22%	Valid %	85.01%		
Valid Rate						Valid %	87.64%	Valid %	84.22%	Valid %	83.56%		
DC 316 FL 314 NC 292 VA 300 ALL 1222			Q8.	CONCERN SAFETY	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN			
DC 500 FL 664 NC 58 VA 1222	25.86% 25.70% 23.90% 24.55% 100.00%	500 664 58 1222	Yes	34.77%	40.92%	209	66.14%	85	27.07%	96	32.88%		
			No	59.97%	54.34%	94	29.75%	215	68.47%	177	60.62%		
			Not sure/don't remember	4.29%	4.75%	13	4.11%	14	4.46%	19	6.51%		
			Total	100.00%	100.00%	316	100.00%	314	100.00%	292	100.00%		
			No Answer			48	13.19%	60	16.04%	55	15.85%		
Total Asked						364		374		347			
Valid Rate						Valid %	86.81%	Valid %	83.96%	Valid %	84.15%		
Valid Rate						Valid %	86.81%	Valid %	83.96%	Valid %	82.19%		
Q9.			RACIALLY MOTIVATED	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN				
DC 280 FL 729 NC 167 VA 41 ALL 1217	25.88% 25.64% 23.99% 24.49% 100.00%	280 729 167 41 1217	Yes	20.00%	23.01%	127	40.32%	35	11.22%	59	20.21%		
			No	63.21%	59.90%	112	35.56%	244	78.21%	183	62.67%		
			Some were, some weren't	12.70%	13.72%	68	21.59%	24	7.69%	34	11.64%		
			Don't know	2.78%	3.37%	8	2.54%	9	2.88%	16	5.48%		
			Total	100.00%	100.00%	315	100.00%	312	100.00%	292	100.00%		
No Answer						49	13.46%	62	16.58%	55	15.85%		
Total Asked						364		374		347			
Valid Rate						Valid %	86.54%	Valid %	83.42%	Valid %	84.15%		
Valid Rate						Valid %	86.54%	Valid %	83.42%	Valid %	81.64%		

DC	311	25.85%	Q10.	NOT GUILTY NEG EFFECTS	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
FL	311	25.85%		226 Yes	18.92%	18.79%	60	19.29%	55	17.68%
NC	290	24.11%		786 No	65.23%	65.34%	202	64.95%	199	63.99%
VA	291	24.19%		191 Maybe	15.29%	15.88%	49	15.76%	57	18.33%
ALL	1203	100.00%		Total	100.00%	100.00%	311	100.00%	311	100.00%
				No Answer			53	14.56%	63	16.84%
				Total Asked			364		374	
				Valid Rate			Valid %	85.44%	Valid %	83.16%
							Valid %		Valid %	83.57%
							Valid %		Valid %	79.73%
DC	308	25.75%	Q11.	POSSIBLE YOU BE FAIR	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
FL	310	25.92%		796 Could	67.45%	66.56%	216	70.13%	190	61.29%
NC	286	23.91%		243 Could Not	19.73%	20.32%	54	17.53%	75	24.19%
VA	292	24.41%		157 Maybe	13.34%	13.13%	38	12.34%	45	14.52%
ALL	1196	100.00%		Total	100.00%	100.00%	308	100.00%	310	100.00%
				No Answer			56	15.38%	64	17.11%
				Total Asked			364		374	
				Valid Rate			Valid %	84.62%	Valid %	82.89%
							Valid %		Valid %	82.42%
							Valid %		Valid %	80.00%
DC	308	25.80%	Q12.	POSSIBLE NEIGHBORS FAIR	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
FL	309	25.88%		525 Yes	43.00%	43.97%	164	53.25%	113	36.57%
NC	286	23.95%		295 No	24.08%	24.71%	62	20.13%	94	30.42%
VA	291	24.37%		374 Maybe	32.41%	31.32%	82	26.62%	102	33.01%
ALL	1194	100.00%		Total	100.00%	100.00%	308	100.00%	309	100.00%
				No Answer			56	15.38%	65	17.38%
				Total Asked			364		374	
				Valid Rate			Valid %	84.62%	Valid %	82.62%
							Valid %		Valid %	82.42%
							Valid %		Valid %	79.73%
DC	302	25.90%	Q13.	GENDER	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
FL	300	25.73%		543 Male	46.43%	46.57%	122	40.40%	152	50.67%
NC	282	24.19%		623 Female	53.57%	53.43%	180	59.60%	148	49.33%
VA	282	24.19%		Total	100.00%	100.00%	302	100.00%	300	100.00%
ALL	1166	100.00%		No Answer			62	17.03%	74	19.79%
				Total Asked			364		374	
				Valid Rate			Valid %	82.97%	Valid %	80.21%
							Valid %		Valid %	81.27%
							Valid %		Valid %	77.26%
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%
FL	299	25.78%		114 35-49	9.96%	9.83%	34	11.37%	21	7.02%
NC	281	24.22%		309 50-64	24.13%	26.64%	73	24.41%	71	23.75%
VA	281	24.22%		684 65+	62.04%	58.97%	180	60.20%	191	63.88%
ALL	1160	100.00%		Total	100.00%	100.00%	299	100.00%	299	100.00%
				No Answer			65	17.86%	75	20.05%
				Total Asked			364		374	
				Valid Rate			Valid %	82.14%	Valid %	79.95%
							Valid %		Valid %	80.98%
							Valid %		Valid %	76.99%
DC	298	25.80%	Q15.	HISPANIC	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
FL	300	25.97%		63 Hispanic	5.35%	5.45%	13	4.36%	19	6.33%
NC	279	24.16%		1092 Not Hispanic	94.65%	94.55%	285	95.64%	281	93.67%
VA	278	24.07%		Total	100.00%	100.00%	298	100.00%	300	100.00%
ALL	1155	100.00%		No Answer			66	18.13%	74	19.79%
				Total Asked			364		374	
				Valid Rate			Valid %	81.87%	Valid %	80.21%
							Valid %		Valid %	80.40%
							Valid %		Valid %	76.16%

Q16.			ETHNICITY/RACE	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%
FL	296	25.83%	278 Black/African American	18.94%	24.26%	146	49.32%	27	9.12%
NC	278	24.26%	21 Asian	1.18%	1.83%	4	1.35%	3	1.01%
VA	276	24.08%	110 Two or more races	9.80%	9.60%	29	9.80%	29	9.80%
ALL	1146	100.00%	Total	100.00%	100.00%	296	100.00%	296	100.00%
			No Answer			68	18.68%	78	20.86%
			Total Asked			364		374	
			Valid Rate		Valid %	81.32%	Valid %	79.14%	Valid %
					Valid %		Valid %	80.12%	Valid %
								75.62%	

Q17.			EDUCATION	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
DC	297	25.87%	40 No high school diploma	3.37%	3.48%	11	3.70%	9	3.03%
FL	297	25.87%	200 High school graduate or equivalent	18.86%	17.42%	49	16.50%	63	21.21%
NC	277	24.13%	232 Some college, no degree	19.49%	20.21%	49	16.50%	75	25.25%
VA	277	24.13%	119 Associate's or technical certificate	10.47%	10.37%	19	6.40%	42	14.14%
ALL	1148	100.00%	243 Bachelor's degree	18.69%	21.17%	51	17.17%	51	17.17%
			314 Graduate or professional degree	25.48%	27.35%	118	39.73%	57	19.19%
			Total	100.00%	100.00%	297	100.00%	297	100.00%
			No Answer			67	18.41%	77	20.59%
			Total Asked			364		374	
			Valid Rate		Valid %	81.59%	Valid %	79.41%	Valid %
					Valid %		Valid %	79.83%	Valid %
								75.89%	

Q18.			PARTY	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
DC	293	25.72%	334 Republican	32.91%	29.32%	17	5.80%	136	45.95%
FL	296	25.99%	467 Democrat	35.09%	41.00%	197	67.24%	77	26.01%
NC	276	24.23%	254 Independent	23.56%	22.30%	51	17.41%	66	22.30%
VA	274	24.06%	24 Another party	2.14%	2.11%	4	1.37%	2	0.68%
ALL	1139	100.00%	60 Unsure	4.53%	5.27%	24	8.19%	15	5.07%
			Total	100.00%	100.00%	293	100.00%	296	100.00%
			No Answer			71	19.51%	78	20.86%
			Total Asked			364		374	
			Valid Rate		Valid %	80.49%	Valid %	79.14%	Valid %
					Valid %		Valid %	79.54%	Valid %
								75.07%	

Q19.			REG VOTE OR DL	Median	Mean	DC	FL MIDDLE (OCALA)	NC EASTERN	VA EASTERN
DC	296	26.06%	1107 Yes	97.62%	97.45%	285	96.28%	289	98.30%
FL	294	25.88%	19 No	1.28%	1.67%	10	3.38%	2	0.68%
NC	272	23.94%	10 Unsure	0.88%	0.88%	1	0.34%	3	1.02%
VA	274	24.12%	Total	100.00%	100.00%	296	100.00%	294	100.00%
ALL	1136	100.00%						272	100.00%
			No Answer			68	18.68%	80	21.39%
			Total Asked			364		374	
			Valid Rate		Valid %	81.32%	Valid %	78.61%	Valid %
					Valid %		Valid %	78.39%	Valid %
								75.07%	