

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No.: 1:21-cr-00186-CRC
	:	
DAVID ALLEN BLAIR	:	
	:	
Defendant.	:	

MOTION FOR CHANGE OF VENUE

David Allen Blair, Defendant, by and through his counsel, Terrell N. Roberts, III, and respectfully moves this Court for a transfer of venue for a trial by an impartial jury under the Fifth and Sixth Amendments and pursuant to Fed.R.Crim.P. 21(a).

Grounds for the Motion

“The theory in our system of law is that conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by outside influences.” *Patterson v. Colorado*, 205 U.S. 454, 462 (1907). Rule 21(a) mandates that the “trial court “must transfer [a criminal] proceeding ... if the court is satisfied that so great a prejudice against the defendant exists in the transferring district that the defendant cannot obtain a fair trial there.”

Whether to grant a change of venue is based upon several factors: size and characteristics of the community, the nature and extent of pretrial publicity, the proximity between the publicity and the trial, and evidence of juror partiality. *United States v. Skilling*, 561 U.S. 358, 378-81 (2010).

Defendant’s request for change of venue rests upon the report of Select Litigation, LLC. A copy of its report is attached. The Federal Public Defenders’ Office for the District of Columbia commissioned Select Litigation to conduct public opinion polls among jury-eligible citizens in the

District of Columbia and the Atlanta Division of the Northern District of Georgia. In addition, Select Litigation retained the services of a leading media research firm, News Exposure, to analyze news coverage related to the January 26, 2021, demonstrations.

The key findings of the Jury Pool Analysis is that prospective jurors in the District of Columbia have decidedly negative impressions of individuals arrested in conjunction with the activities of January 6, 2021. Concerning prospective jurors in the District of Columbia, the report states at p. 2:

Their bias against the defendants is evident in numerous results and is reflected in significant prejudgment of the case: a clear majority admit that 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.

Some of the highlights of the report show the following:

- 84% have an unfavorable opinion of the “people arrested for participating in the events at the Capitol on January 6.”
- An overwhelming majority of those polled of the District of Columbia jury pool have prejudged the case. When asked if the people arrested for activities related to January 6 are guilty or not guilty, 71% say “guilty,” and “3%” say “not guilty.”
- While most jury-eligible District of Columbia citizens (80%) express confidence the January 6 defendants can receive a fair trial, 52% percent say that if they were on the jury they would most likely find the defendant guilty, and 2% say that they would vote “not guilty.”
- Over 90% of those polled in the District of Columbia have heard or read about the January 6 event at the Capitol and most of them said the media coverage implied that the defendants were guilty.

- Seven out of ten would describe the defendants as conspiracy theorists, 62% would describe them as “criminals,” 58% would describe them as “white supremacists,” 54% would describe them as members of right wing organizations, and 85% think that trying to overturn the election and keeping Donald Trump in power best describes the defendants.
- 82% believe that “insurrection” is an apt description for the defendants’ actions. By contrast, only 10% believe that “patriotism” would describe their actions.

In terms of new media, print and web coverage, the report of Select Litigation concludes that January 6 received a significantly greater news coverage than it did in the Atlanta region. Report, p. 9. The report found that the disparity between media web coverage was greatest on the internet. The number of “hits” from internet sites based in the District of Columbia was four times higher than the comparable number of hits from sites based in the Atlanta area. Report, p. 9. Results were similar when it came to coverage of local programming of network television affiliates. 7,300 hits in the District of Columbia and 4,005 in Atlanta. Report, p. 10. The report commented that “the disparity of media exposure might help explain the differences in views of jury-eligible citizens in the District of Columbia and the views of their counterparts in a comparable division and among adults nationwide.” Report, p. 10.

The report of Select Litigation speaks for itself. It reveals a great prejudice against defendants charged for their activities in the January 6, 2021, demonstrations. As Judge Hugo Black once observed, the American justice system “has always endeavored to prevent even the probability of unfairness.” *In re Murchison*, 349 U.S. 133, 136 (1955). To ensure fairness to the defendant, this case must be transferred to another district.

Respectfully submitted,
ROBERTS & WOOD

/s/ Terrell N. Roberts, III

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Defendant's Motion to Transfer was electronically filed via CM/ECF system on February 14, 2022, and an electronic copy was e-served to:

Michael Liebman, Esq.
Assistant United States Attorney
Office of the United States Attorney, District of Columbia
555 4th Street, NW
Washington, D.C. 20530

/s/ Terrell N. Roberts, III

Terrell N. Roberts, III



February 4, 2022

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

Dear Ms. Rigby and Ms. Mullin,

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

Jury Pool Analysis

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

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

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

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

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

Key Findings of Jury Pool Analysis

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

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

The District of Columbia Jury Pool

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

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

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

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

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

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

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

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

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

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

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

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

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

Comparison of Beliefs among Adults Nationwide and Jury-eligible Citizens of DC				
Do you believe this term would or would not describe the actions of on January 6?*				
		USA	DC	Difference
Trying to overturn the election and keep 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
	Would not	15	32	-17
Criminals	Would	62%	48%	+14
	Would not	28	35	-7
White supremacists	Would	58%	40%	+18
	Would not	25	41	-16
Members of a violent right-wing organization	Would	54%	39%	+15
	Would not	29	41	-12

NOTE: The results do not add to 100% because some respondents answered in ways not included in the question, most frequently “it depends,” “mixed,” or offered no opinion.

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

Comparison of Beliefs among Jury-eligible Citizens in DC & Atlanta Division, & Adults Nationwide				
Q11. Do you believe this term would or would not describe actions on January 6?*				
		USA	DC	GA
Trying to overturn the election and keep Donald 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-gGzNFhGmQPZAiRkoZjzTO8uqiq9Zve2I4L15mddpqU/edit?usp=sharing>

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

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

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

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

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

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

Number of Hits on Local Broadcasts		
	Atlanta	Washington
Jan 2021	1,090	1,250
Feb 2021	369	874
Mar 2021	394	616
Apr 2021	202	523
May 2021	305	549
Jun 2021	195	388
Jul 2021	234	561
Aug 2021	92	356
Sep 2021	226	533
Oct 2021	135	423
Nov 2021	173	473
Dec 2021	290	444
Jan 2022	300	310
Totals	4,005	7,300

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

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

Sincerely yours,

s/

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

Appendix A

Select Litigation

Results



Copyright 2022

January 9 - 13, 2022

400/400 Interviews

District of Columbia and Atlanta Division of Northern District of Georgia

SL 3582-3

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]

		<u>D.C.</u>	<u>Atlanta</u>
	Number	400	400
RESUME ASKING ALL RESPONDENTS	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?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCRAMBLE

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

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

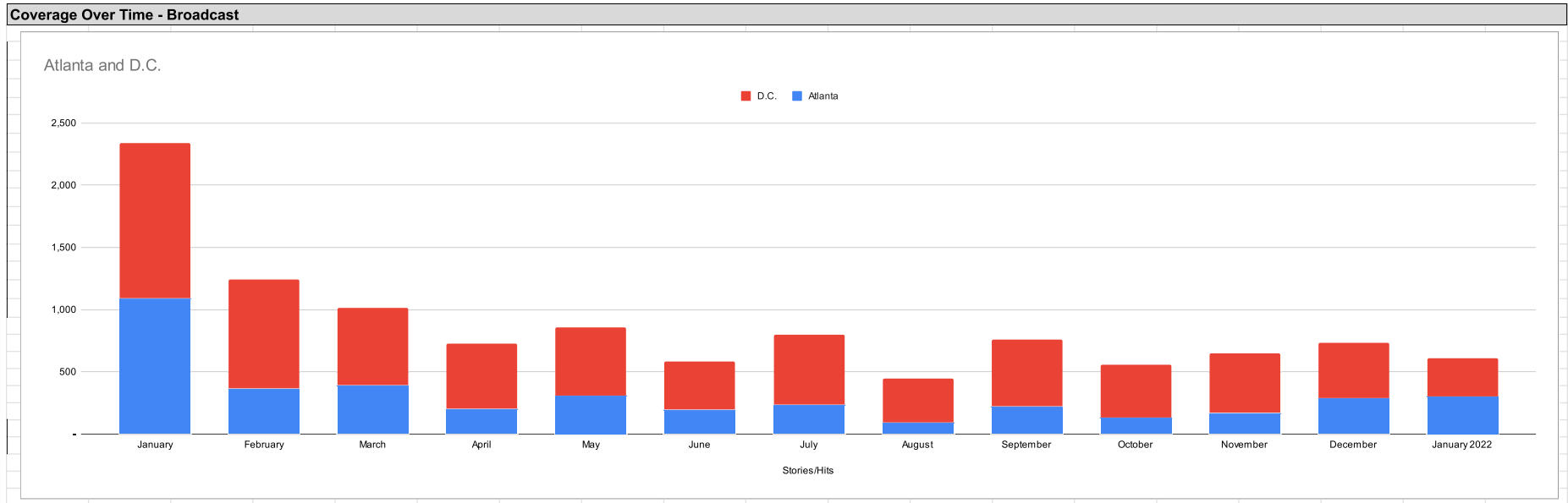
- B-1. Broadcast Data Table
- B-2. Broadcast Data – Coverage Over Time
- B-3. Broadcast Data – Charts & Graphs (Impressions/Publicity Value)
- B-4. Web Data Table
- B-5. Web Data – Coverage Over Time
- B-6. Web Data – Charts & Graphs (Impressions/Publicity Value)
- B-7. Print Data Table
- B-8. Print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

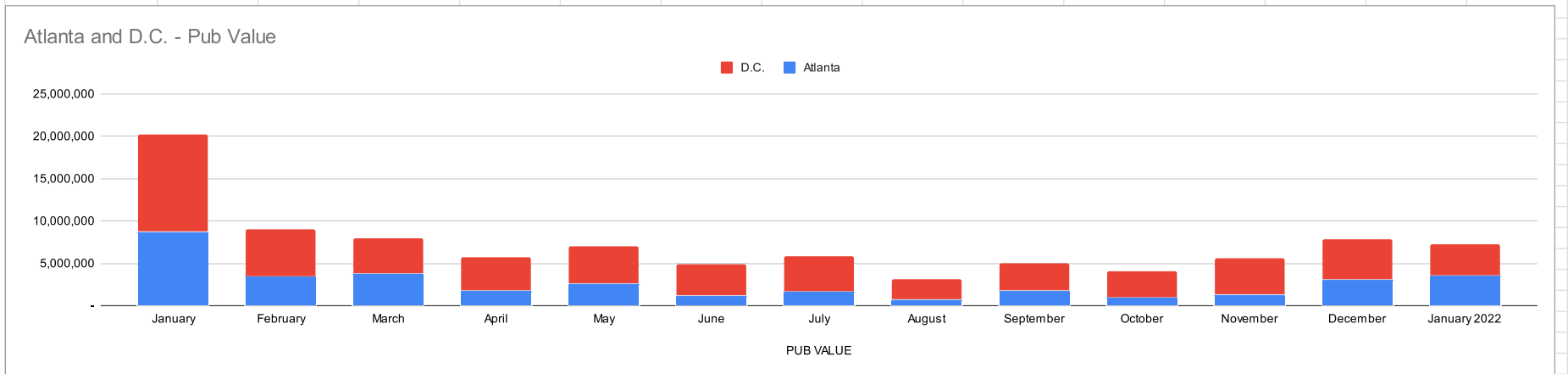
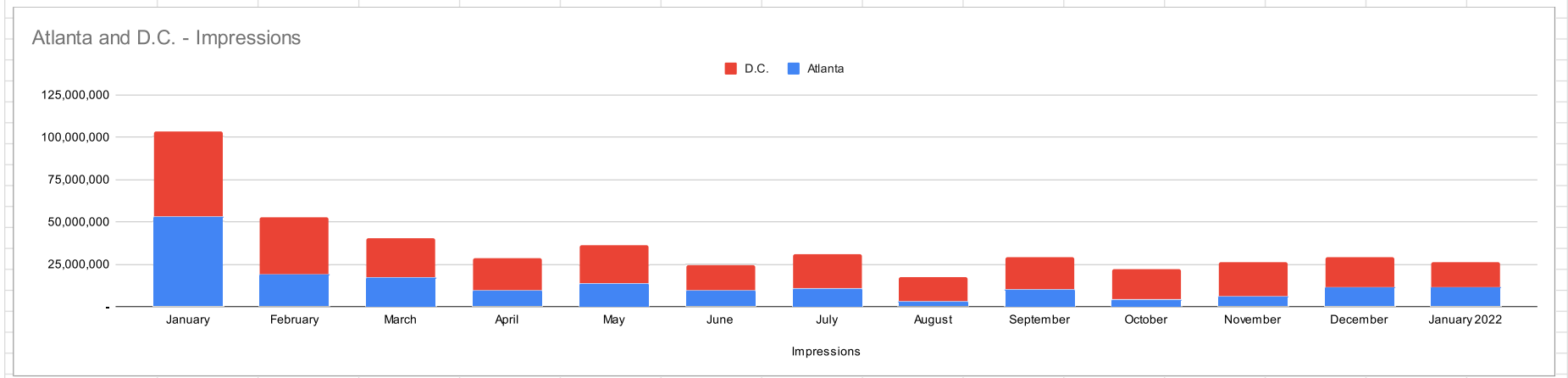
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B-2: Broadcast Data – Coverage Over Time



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

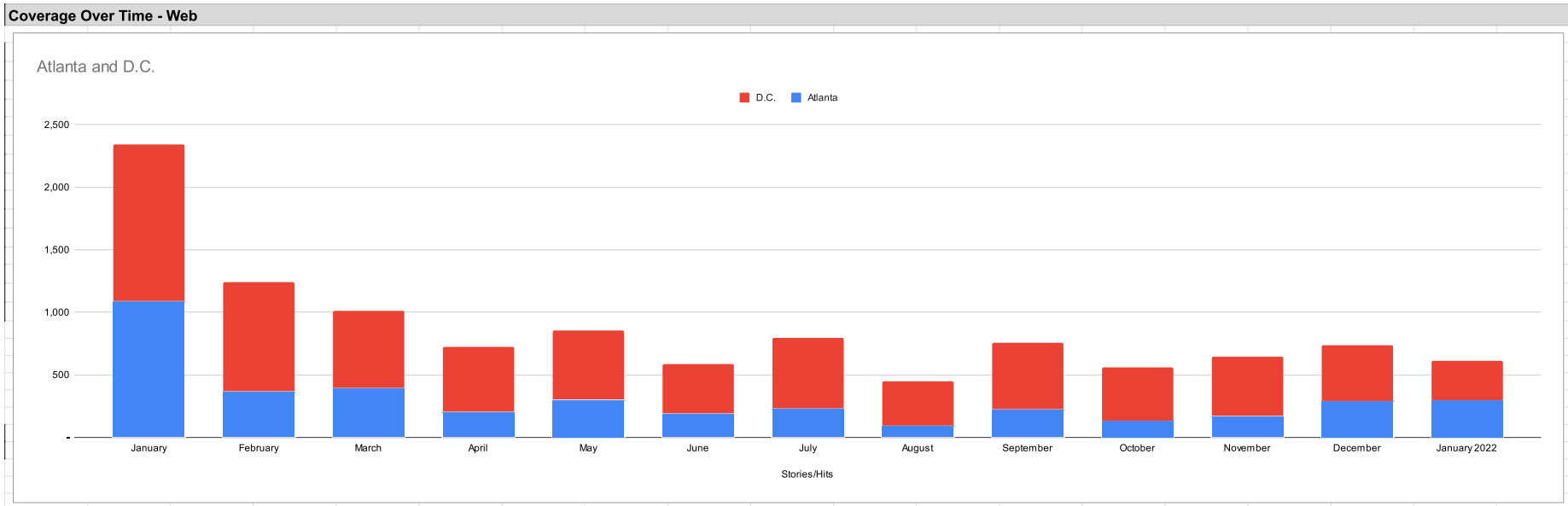
Charts & Graphs (Impressions/Publicity Value) - Broadcast



B-4: Web Data Table

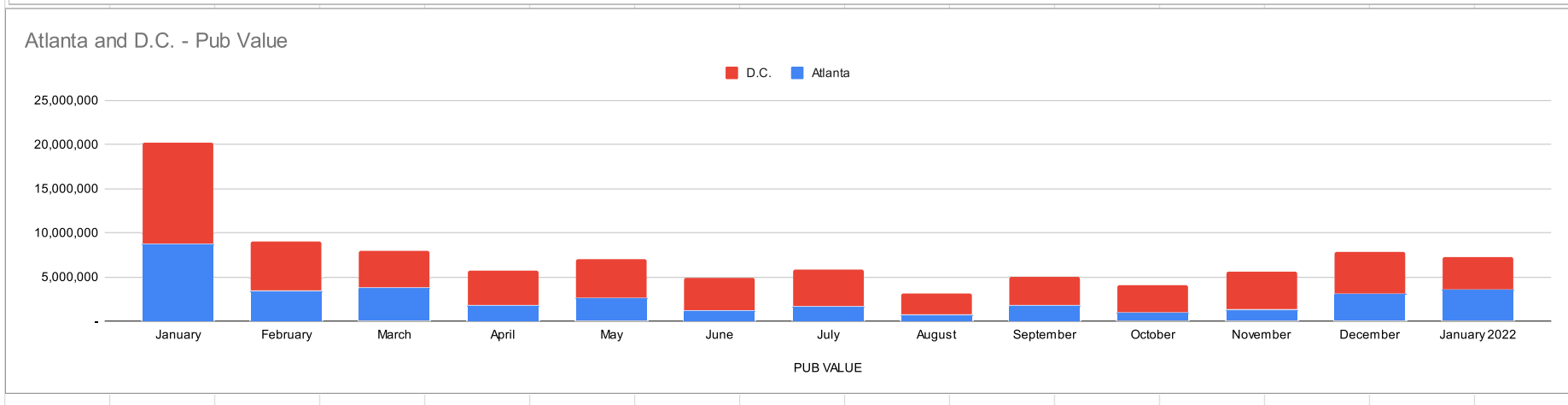
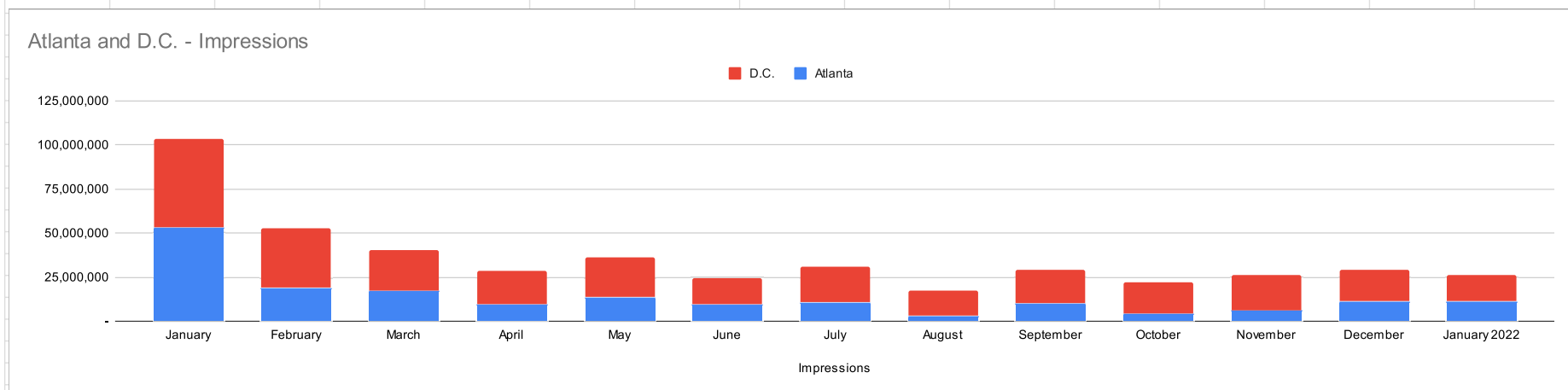
January 6th Project - Web														
Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	1,090	369	394	202	305	195	234	92	226	135	173	290	300	4,005
D.C.	1,250	874	616	523	549	388	561	356	533	423	473	444	310	7,300
Impressions	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	53,433,525	19,245,682	17,361,862	9,849,990	13,709,287	9,424,368	10,810,099	3,325,521	10,413,013	4,525,155	6,224,636	11,516,021	11,352,754	181,191,913
D.C.	49,674,375	33,296,693	23,175,453	18,762,475	22,269,773	14,788,074	20,188,274	13,978,000	18,628,333	17,761,234	20,246,625	17,847,052	14,579,659	285,196,020
AD Value	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	2,912,232	1,140,827	1,258,297	613,390	865,057	413,673	573,568	260,514	603,059	351,116	450,772	1,055,785	1,180,513	11,678,804
D.C.	3,839,977	1,859,177	1,402,766	1,299,934	1,469,772	1,203,665	1,365,284	760,834	1,082,430	985,874	1,421,944	1,567,187	1,245,426	19,504,270
PUB VALUE	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	8,736,695	3,422,481	3,774,892	1,840,171	2,595,172	1,241,018	1,720,703	781,542	1,809,178	1,053,349	1,352,315	3,167,356	3,541,540	35,036,412
D.C.	11,519,931	5,577,530	4,208,298	3,899,803	4,409,315	3,610,996	4,095,852	2,282,503	3,247,290	2,957,622	4,265,832	4,701,561	3,736,277	54,776,533

B-5. Web Data – Coverage Over Time



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

Charts & Graphs (Impressions/Publicity Value) - Web



B-7: Print Data Table

January 6th Project - Print														
Stories/Hits	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	65	35	41	9	10	18	24	20	29	26	10	9	7	303
D.C.	87	30	24	10	6	57	63	21	33	13	60	47	86	537
Impressions	January	February	March	April	May	June	July	August	September	October	November	December	January 2022	Totals
Atlanta	7,476,150	4,186,644	1,943,799	897,138	598,092	598,092	299,046						1,046,661	17,045,622
D.C.	15,600,600	6,500,250	5,400,300	3,500,000	2,600,000	13,500,000	15,600,000	6,700,150	7,900,500	4,250,000	14,900,500	11,750,100	14,600,500	122,802,900

B-8. Print Data – Coverage Over Time

