

**DECLARATION OF CAROLE ILENE LIEBERMAN,**

**M.D., M.P.H. - in support of Plaintiffs' Motion to Transfer Venue**

I, CAROLE ILENE LIEBERMAN, M.D., M.P.H., declare:

1. I am a Medical Doctor and Board Certified psychiatrist, a Diplomate of the American Board of Psychiatry and Neurology. I also have a Masters degree in Public Health, and am a recipient of an NIMH Fellowship in Behavioral Sciences/Health Education/Epidemiology in Public Health. I am duly licensed to practice medicine in the State of California and New York for over 35 years, and have a private practice in Beverly Hills, where I treat patients of all backgrounds, who suffer from all types of psychiatric problems – with both psychotherapy and medication management. I have served on the Faculty and Attending Staff at hospitals in New York and Los Angeles. Based upon my education, training and experience, I have qualified as a Psychiatric Expert Witness and have testified at numerous civil and criminal trials nationwide, for over 25 years, including cases that relate to influence, conscious and unconscious motivations, the evolution of thought processes and emotions, and analyses of how the mind functions in general.

(Attached hereto and hereby incorporated by this reference is a true and correct copy of my curriculum vitae, setting forth my qualifications as an expert herein.) I am over 18 and competent to testify. If called upon, I will testify to the opinions set forth below.

2. I make this Declaration (“Declaration”) in support of Defendant Fischer’s Motion to Transfer Venue in the Case of United States of America v. Alan Fischer

III (Case No. 22CR0011-RJL). My opinions, as set forth below, relate to all J6 cases, not just this one, in terms of the necessity for their Motions to Transfer Venue be granted.

3. I have, to this end, read the following documents, thus far:

a. Defendant Fischer’s Motion to Transfer Venue and Memorandum of Points and Authorities in Support

b. Exhibit C – Implicit Bias in Jurors Exposed to Pre-Trial Publicity is Valid Research That Should Be Recognized by the Law

c. Exhibit B – Google Trends

d. Exhibit A – Meltwater

e. Defendant Alan J. Fischer III’s Memorandum of Law in Support of His Motion to Clarify the Governing Legal Standard for His Companion Motion for Change of Venue Including to Overturn, Modify or Clarify Erroneous and Scientifically Obsolete Judicial Precedent

f. Defendant Alan J. Fischer III’s Memorandum of Law In Support of His Motion for Change of Venue to Middle District of Florida

g. Defendant A.J. Fischer-Government 2<sup>nd</sup> Request – Unopposed Motion for Second Extension of Time

h. United States Court of Appeals-D.C. Circuit – Decided April 7, 2023

i. Government’s Opposition to Defendant’s Motion to Transfer Venue

The foregoing shall collectively be referred to herein as the “Materials”.

4. Based upon my reading of the Materials referenced herein, and my education, training and experience, it is my opinion – to a reasonable degree of medical certainty – that Jurors in the District of Columbia jury pool cannot provide the J6 Defendants with an unbiased jury, such that they are entitled to according to the U.S. Constitution. There are many reasons for this.

a. The media exposure of the D.C. jury pool includes many more national and local exposures regarding the events of J6 than any other location in America.

b. The bias of this exposure would be more negative than media exposure in other parts of America because the events of J6 took place in the District of Columbia. Therefore, the jury pool would feel as though they were in – and still are in – danger. They would feel the threat more directly.

c. The D.C. jury pool would be more likely to have some connection to, or have a family member with some connection to - the organizations under attack on Jan. 6 – from the lowest maintenance worker at the Capitol to a babysitter for one of the Congressmen or women who worked there.

d. Media have portrayed the J6 Defendants as dangerous thugs. This has left an indelible impression upon the media consumers everywhere, but no more so than in Washington, D.C. itself.

e. The Capitol building has been a constant reminder of J6, as D.C. jury pool members walk and ride about the city. Add to this the number of D.C. politicians who have made it their goal to never let D.C. residents forget the horror of that day, so that the jury pool still feels personally attacked.

f. Victims cannot serve on a jury for a case where they are determining the verdict for a Defendant who allegedly damaged them. It is one thing when it is: District of Columbia vs. a Defendant accused of a crime against a single victim

(unrelated to jury members), and quite another thing when the jury members are victims in a general way. In other words, Washington D.C. citizens could well be seen as victims of J6 Defendants' crimes. Even if they weren't literally attacked, they pay taxes that will be used to restore the Capitol. Naturally, these jurors will be biased against them.

5. Implicit Bias is the biggest threat to a fair trial. Implicit bias – or unconscious bias – cannot be willed away. It is the favorable or unfavorable feelings that people have towards others that come from their own life experiences, since childhood. There are three parts to the human psyche: conscious, pre-conscious and unconscious. Things in our unconscious mind – like implicit biases – cannot be made conscious by sheer will or by voir dire. By definition, we cannot make that which is unconscious, conscious.

6. Voir Dire has been used to try to elicit biases when selecting a jury, but it has had poor results at best. This is because voir dire is an intellectual, logical or cognitive process, whereas implicit or unconscious bias has to do with feelings, not thoughts. Potential jurors are asked questions and they try to think of the answers. Even when they are trying their best to be honest, they are answering from their intellectual brain – not their feeling brain that deals with emotions. So, D.C. jurors can't be expected to ignore everything they've experienced related to J6 from having been bombarded by negative media exposures to fear of being attacked themselves. Therefore, it is impossible for them to clear their mind of all implicit bias in order to consider only the evidence presented at trial in order to come to a fair and accurate verdict.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 5th day of February 2024 at Los Angeles, California.

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CAROLE ILENE LIEBERMAN, M.D., M.P.H.

Diplomate, American Board of Psychiatry and Neurology