

EXHIBIT C

IMPLICIT BIAS IN JURORS EXPOSED TO PRE-TRIAL PUBLICITY IS VALID RESEARCH THAT SHOULD BE RECOGNIZED BY THE LAW:

1. Implicit Bias: Scientific Foundations - Anthony G. Greenwald, California Law Review
Vol. 94 July 2006 No. 4

[researchgate.net/publication/275736251_Implicit_Bias_Scientific_Foundations](https://www.researchgate.net/publication/275736251_Implicit_Bias_Scientific_Foundations)

Anthony Greenwald is the leading authority on Implicit Bias. This article focuses on establishing implicit bias as a valid theory that should be recognized in the law.

“Unlike the Freudian revolution, however, the new science of unconscious mental process is not the product of a single brilliant theoretical mind. Rather, it is being constructed from an evolving, accumulating body of reproducible research findings. This Article introduces implicit bias—an aspect of the new science of unconscious mental processes that has substantial bearing on discrimination law. Theories of implicit bias contrast with the ‘naïve’ psychological conception of social behavior, which views human actors as being guided solely by their explicit beliefs and their conscious intentions to act. A belief is explicit if it is consciously endorsed. An intention to act is conscious if the actor is aware of taking an action for a particular reason.* * * In contrast, the science of implicit cognition suggests that actors do not always have conscious, intentional control over the processes of social perception, impression formation, and judgment that motivate their actions.”

“Social psychologists define an attitude as an evaluative disposition—that is, the tendency to like or dislike, or to act favorably or unfavorably toward, someone or something. Explicit expressions of attitudes occur frequently, whenever we say we like or dislike someone or something. A statement that one likes a particular presidential candidate provides a ready example.

Attitudes can also be expressed through favorable or unfavorable action, such as by voting for or against a particular presidential candidate. If the voter understands that the favorable vote results from favorable beliefs about the candidate, the vote is an explicit attitude expression. In other situations, a vote might function as an implicit attitude indicator—that is, an action that indicates favor or disfavor toward some object but is not understood by the actor as expressing that attitude. For example, a voter may vote for a particular candidate even though the voter knows nothing other than the candidate's name. One of the things that might influence a voter to vote for this candidate is that the candidate's name shares one or more initial letters with the voter's name. In such a case, the vote can be understood, at least in part, as an implicit expression of the voter's self-favorable attitude.”

“Implicit biases are discriminatory biases based on implicit attitudes or implicit stereotypes. Implicit biases are especially intriguing, and also especially problematic, because they can produce behavior that diverges from a person's avowed or endorsed beliefs or principles. The very existence of implicit bias poses a challenge to legal theory and practice, because discrimination doctrine is premised on the assumption that, barring insanity or mental incompetence, human actors are guided by their avowed (explicit) beliefs, attitudes, and intentions.”

2. Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes - Anthony G. Greenwald & Mahzarin R. Banaji, *Psychological Review*, Vol. 102, 1995, No. 1, 4-27
faculty.washington.edu/agg/pdf/Greenwald_Banaji_PsychRev_1995.OCR.pdf

"Social behavior is ordinarily treated as being under conscious (if not always thoughtful) control. However, considerable evidence now supports the view that social behavior often operates in an implicit or unconscious fashion. The identifying feature of implicit cognition is that past experience influences judgment in a fashion not introspectively known by the actor.”

"Attitudes of which the actor is not conscious at the moment of action (implicit attitudes) are also strongly predictive of behavior." and "Implicit attitudes are introspectively unidentified

(or inaccurately identified) traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects."

Decisions that affect people—for example, personnel evaluations and admissions decisions—comprise a large and very important class of situations in which implicit cognition can intrude on deliberate judgment, with the result of producing unintended discrimination. The decision maker who intends to maintain a nonprejudicial course in these judgments may have little basis for knowing whether or how a specific cue is implicitly intruding on their judgment.

3. A Meta-Analysis of Change in Implicit Bias - May 5, 2016, Patrick S. Forscher , Calvin K. Lai

osf.io/b5m97/download/?version=3&displayName=Forscher%20Lai%20Axt%20Ebersole%20Herman%20Devine%20Nosek%202017%20-%20A%20Meta-Analysis%20of%20Change%20in%20Implicit%20Bias-2016-09-19T21%3A00%3A34.587Z.pdf

“Using a technique known as network meta-analysis that is new to psychological science, we synthesized evidence from 426 studies (72,063 participants) to investigate the effectiveness of different procedures to change implicit bias. We also examined these procedures’ effects on explicit bias and behavior. We found that implicit bias is malleable and that most procedures produce small changes. We found little evidence that changes in implicit bias mediate changes in explicit bias or behavior. Together, these findings suggest that implicit bias is malleable, but that changing implicit bias does not necessarily lead to changes in explicit bias or behavior.”

4. Reducing implicit racial preferences: II. Intervention effectiveness across time, *Journal of Experimental Psychology: General*, 145(8), 1001–1016 2016 - Jun 2016. Calvin K Lai, Allison L Skinner.

researchgate.net/publication/304032046_Reducing_Implicit_Racial_Preferences_II_Intervention_Effectiveness_Across_Time

“Implicit preferences are malleable, but does that change last? We tested 9 interventions (8 real and 1 sham) to reduce implicit racial preferences over time. In 2 studies with a total of 6,321 participants, all 9 interventions immediately reduced implicit preferences. However, none were effective after a delay of several hours to several days. We also found that these interventions did not change explicit racial preferences and were not reliably moderated by motivations to respond without prejudice. Short-term malleability in implicit preferences does not necessarily lead to long-term change, raising new questions about the flexibility and stability of implicit preferences.”

“In contrast to the interventions’ immediate effectiveness, all nine interventions failed to create sustained change in implicit preferences after a delay of up to several days despite well-powered samples.”

“The most dramatic result of the current research is simultaneous strong evidence for short-term malleability in implicit preference and little evidence for long-term implicit preference change just a couple of days later. One interpretation is that implicit preferences are stable over time and are not susceptible to long-term change. Recent advances in developmental psychology appear to support this claim.”

5. A meta-analysis of procedures to change implicit measures.

Patrick S. Forscher , Calvin K. Lai

Journal of Personality and Social Psychology, 117(3), 522–559. - 2019

devinelab.psych.wisc.edu/wp-content/uploads/sites/1383/2020/04/A-Meta-Analysis-of-Procedures-to-Change-Implicit-Measures-1.pdf

Abstract: Using a novel technique known as network meta-analysis, we synthesized evidence from 492 studies (87,418 participants) to investigate the effectiveness of procedures in changing implicit measures, which we define as response biases on implicit tasks. We also

evaluated these procedures' effects on explicit and behavioral measures. We found that implicit measures can be changed, but effects are often relatively weak.