

Exhibit 7

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DINNER TABLE ACTION, FOR OUR FUTURE,
and ALEX TITCOMB,
Plaintiffs.

v. Case No. 24-cv-00430-KFW
WILLIAM J. SCHNEIDER, in his official capacity as
Chairman of the Maine Commission on Governmental
Ethics and Election Practices; et al.,
Defendants.

DEPOSITION OF

CHRISTOPHER ROBERTSON

TAKEN ON

WEDNESDAY, APRIL 2, 2025

10:11 A.M.

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April 02, 2025

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DEPOSITION OF
CHRISTOPHER ROBERTSON
TAKEN ON
WEDNESDAY, APRIL 2, 2025
10:11 A.M.

THE REPORTER: We are on the record at
10:11 a.m.

Mr. Christopher Robertson, would you
please raise your right hand?
Do you affirm under penalty of perjury that the
testimony you are about to give will be the truth,
the whole truth, and nothing but the truth?

THE DEPONENT: I do.

THE REPORTER: Thank you.

Would each attorney please state your name
and whom you represent in the order that we
discussed?

MR. MILLER: Good morning. I'm Charles
Miller with the Institute for Free Speech. I
represent Plaintiffs.

MR. LOUVIS: Good morning. Esra Louvis,
Milbank, on behalf of Intervenor.

MS. HELLER: Good morning. Nola Heller
also of Milbank and representing the Intervenor as

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1 well.

2 MR. BOLTON: Good morning. Jonathan
3 Bolton, Assistant Attorney General for the State of
4 Maine and I represent the State Defendants.

5 MS. AUSTIN: Good morning. MacKenzie
6 Austin, also from Milbank, and I represent the
7 Intervenors.

8 THE REPORTER: And we may proceed.
9 CHRISTOPHER ROBERTSON, having been first duly
10 affirmed to tell the truth, was examined, and
11 testified as follows:

12 EXAMINATION

13 BY MR. MILLER:

14 Q. Mr. Robertson, good morning.

15 A. Good morning.

16 Q. Thank you for joining us here today.
17 Obviously, I know that you're an attorney or a law
18 professor, but have you been deposed before?

19 A. I've never been a witness in a deposition.

20 Q. Okay. It sounds like you've at least
21 attended them.

22 A. Yes.

23 Q. All right. So you know the drills.
24 Basically, we're trying to make her job easy. We'll
25 not talk over each other and we'll try to do the

1 best that we can to speak in words. And, you know,
2 I'm going to skip all the rest of the typical
3 introduction stuff since I don't think it's needed.

4 All right. Can you explain to me your
5 role and assignment in this case?

6 A. I was asked to try to answer some
7 empirical questions that the Intervenor believed
8 are raised by the Supreme Court's Doctrine and so I
9 conducted two social science survey experiments to
10 try to answer those questions.

11 Q. Okay. And do you have a background in
12 conducting surveys in this particular area and
13 topic, as far as election related issues?

14 A. Yes.

15 Q. Okay. All right.

16 And can you explain to me what work you've
17 -- you've done related to elections and campaign
18 finance reform?

19 A. Sure. I've done a wide range of survey
20 experiments for a wide range of topics and -- both
21 scholarly and litigation contexts. Related
22 specifically to elections, I have conducted the
23 experiment that's reported as Robertson 2016
24 referred to in the literature review here. So that
25 would be the -- I think that's the only published

1 work that relates to elections.

2 I did conduct as part of a class I taught
3 another survey experiment related to elections but
4 it's not published.

5 **Q. Okay. And when would that have been?**

6 A. Roughly 2014, that other one.

7 **Q. Yeah. And what was the -- the general**
8 **topic of that?**

9 A. That was about whether voters on petitions
10 and referenda -- the sorts of information they would
11 consider when -- when voting for a petition.

12 **Q. You're saying the types of information**
13 **they'd consider?**

14 A. Yes. More specifically, there's an
15 approach called deliberative polling that's
16 conducted by a -- that's led by a Stanford political
17 scientist named Fishkin and we were testing some
18 theories as to how people would respond as voters
19 when they heard about the results of deliberative
20 polls.

21 **Q. Okay. And why did you do that?**

22 A. I mean, I'm a pretty wide ranging social
23 scientist and was interested in that topic and it
24 was a course I was teaching at the time called "The
25 Law and Behavior Research Lab", and so in that class

1 where I'm teaching social science methods to
2 students I gave them a long list of potential
3 research projects, and one of the groups of students
4 chose that particular one. So I was involved with
5 it sort of as the senior scientist, but they were
6 doing the legwork on it like in a lab setting.

7 Q. Sure. All right, yeah. Makes sense.

8 All right. I just placed in front of you
9 what will essentially be the exhibit for -- for
10 today's deposition.

11 Can you identify that document for me?

12 THE REPORTER: Will this be Exhibit A or
13 1?

14 MR. MILLER: We'll say 1.

15 (Whereupon, Exhibit 1 was marked for
16 identification.)

17 THE DEPONENT: So this is the Declaration
18 of Christopher Robertson with three exhibits,
19 including my Expert Report, my CV, my Methodological
20 Appendix and the survey instrument.

21 BY MR. MILLER:

22 Q. Okay. And did you prepare the Declaration
23 portion of this on your own?

24 A. The Declaration portion was prepared by
25 the attorneys based on the expert report that I

1 prepared on my own and based on some text that was
2 actually in the expert report. I think they copied
3 it and put it in this format basically. But -- so
4 all the text I wrote but not in this format.

5 Q. All right. We'll quickly go through the
6 Declaration here. All right.

7 It says you hold a JD from Harvard. What
8 year was that? Sorry.

9 A. 2007, I believe. I'm sorry; that should
10 be something you don't forget, I guess. I'm getting
11 old.

12 Q. You know, approximates are fine for me, so
13 that's --

14 A. It's on my CV attached.

15 Q. Yeah. And then the philosophy degree, was
16 that before or after the --

17 A. That was before in 2003.

18 Q. '03. All right. Did you -- I guess, did
19 you do any work prior to going to grad school for
20 the Ph.D.?

21 A. I worked for one year at Southeast
22 Missouri State where I completed my bachelor's
23 degree as the coordinator of student involvement.

24 THE REPORTER: Can you repeat that,
25 please? South?

1 THE DEPONENT: Southeast Missouri State
2 University.

3 THE REPORTER: Thank you.

4 BY MR. MILLER:

5 Q. All right. And then what did you do
6 between getting the Ph.D. and going to law school?

7 A. I very briefly taught at my Ph.D.
8 institution, Washington University in St. Louis.

9 Q. Okay. And then post-JD, has all of your
10 work been academic in nature?

11 A. I passed the bar and briefly practiced law
12 before coming back to academia as a fellow.

13 Q. Okay. And where did you practice law?

14 A. In Oxford, Mississippi.

15 Q. What did you do there?

16 A. Mass tort litigation primarily.

17 Q. Oh, that's the hub of that.

18 A. Yeah, very interesting.

19 Q. That could be another topic to discuss.
20 That's --

21 All right. Anyway, let's see. And then
22 so you're currently affiliated with BU, my alma
23 mater, and so what do you teach there?

24 A. I teach in the first year curriculum torts
25 and other classes in the health law curriculum.

1 That's sort of my -- one of my main areas of
2 expertise. I've taught a course called Bioethics in
3 Health Care Decisions, a course called Science for
4 Lawyers, and this coming year I'll teach Food and
5 Drug Law.

6 Q. Is that largely an LLM program or is it
7 part of the --

8 A. No, we do have an LLM program but I don't
9 -- and I have some LLM students in my classes, but
10 they're primarily JD classes.

11 Q. All right. And in connection with the --
12 with the work that you do in the health care realm,
13 do you conduct many surveys like the one that was
14 done here?

15 A. Quite a few, surveys and survey
16 experiments especially.

17 Q. Okay. And so what is the use of these
18 type of surveys in your normal concentration?

19 A. So one of the most recent published
20 papers, for example, is about how people -- how
21 patients will think about artificial intelligence
22 being used to assist in their diagnoses and what
23 factors increase trust or decrease trust in
24 artificial intelligence. And I've done others
25 related to conflicts of interest in medicine, how

1 patients think about their doctors having
2 relationships with the drug industry. So really
3 anything where, you know, humans can be a variety of
4 roles. I'm a patient sometimes, I'm a voter
5 sometimes, I'm a juror sometimes.

6 We've also done jury studies like how will
7 jurors think about medical malpractice and the
8 different, you know, factors that could -- could
9 affect a juror's decision in a med mal case. So
10 it's all the same methodology to get at, you know,
11 what is going to affect people's decisions.

12 **Q. All right. It says in January you were**
13 **retained by EqualCitizens.**

14 **Do you know approximately when in January?**

15 **A. The early part of January, first half.**

16 **Q. Okay. And so how were you contacted by**
17 **them?**

18 **A. I was originally contacted by Larry Lessig**
19 **and -- in December and he told me that there would**
20 **likely be some litigation and asked if I would be**
21 **able to do an experiment or do research similar to**
22 **that 2016 paper that didn't directly address the**
23 **questions here. And then apparently when the**
24 **litigation materialized, he then referred me to the**
25 **administrators at EqualCitizens and said Chris is**

1 going to do some work for us and then they arranged
2 payment.

3 Q. All right. And did you know Larry Lessig
4 prior to him reaching out to you for this case?

5 A. Yes.

6 Q. All right. And how long have you known
7 him?

8 A. Since he came to Harvard in roughly -- I
9 don't know exactly but in -- around 2012.

10 Q. All right. So after you were a student
11 there?

12 A. I believe so.

13 Q. All right. And then were you -- did you
14 maintain affiliation and involvement with Harvard
15 after you graduated?

16 A. Yes, after I graduated from Harvard I then
17 became a fellow for two years there, which sort of
18 trains you to be a professor; and then I later
19 returned to Harvard as a visiting professor and
20 taught for a year there and then -- and got to know
21 Larry a bit in that context and then was affiliated
22 with the Safra Center for Ethics.

23 Q. Okay. And have you had prior
24 conversations with him about your -- I think you
25 said 2008 study?

1 A. 2016 study.

2 Q. I'm sorry, 2016, yeah.

3 A. Yes.

4 Q. Okay. Was he involved in -- in conducting
5 that or helping you prepare for that at all?

6 A. He was involved in funding that study
7 through the Safra Center which he was the director
8 of at the time.

9 Q. Okay. Did he request that study?

10 A. I don't recall the nature of those
11 conversations from 2014. I think -- I think the
12 best answer is no; I think I proposed the study
13 instead.

14 Q. Okay. And can you explain to me how the
15 study you did for this case built upon the 2016
16 study?

17 A. Sure. The 2016 study did not specifically
18 test perceptions of corruption as they relate to
19 SuperPACS in particular or these IECs, Independent
20 -- what's it called? I can't remember what the "E"
21 stands for.

22 Q. Expenditure?

23 A. Expenditure Committees. They tested some
24 other mechanisms of campaign finance and so this
25 study -- the current study that's submitted in this

1 case is more specific to IECs.

2 Second, the current study tests the effect
3 of a \$5000 cap in particular which we didn't test
4 the impact of reforms in particular.

5 And thirdly, we have a sample here that is
6 enriched to study Mainers, and so the prior study
7 had no reason to focus on the Maine in particular.
8 So I think that's at least three ways that the
9 current study is an advance on the 2016 study.

10 Q. Okay. Is there any inconsistencies or
11 surprises that you've found from this current study
12 compared to the 2016?

13 A. Sure. So one of the things we did in this
14 study was systematically manipulated an experiment
15 one. We systematically manipulated the amount of
16 the campaign -- the amount of the contribution to
17 the committee from \$5 all the way up to \$50 million.
18 And then we allowed respondents -- each respondent
19 saw one of those amounts and we asked them how
20 likely they thought that it would be for the
21 official to sell a policy outcome for that amount.

22 And so one of those amounts was \$5000 and
23 we saw this really striking discontinuity above
24 \$5000, which we had not seen in the prior study and
25 it was really quite surprising that that amount

1 would be viewed as different to the respondents. So
2 that's the first surprise that the respondents
3 implicitly came up with that threshold themselves.

4 And then in experiment two some of the --
5 as I said, the 2016 experiment didn't test reforms
6 at all; and so experiment two found that a \$5000 cap
7 could make a difference. That's the first surprise
8 that wasn't tested at all. But even more so the
9 size of the difference in perceptions of quid pro
10 quo corruption was really striking and that
11 surprised me as well that it makes that much of a
12 difference.

13 Q. All right. Let's see.

14 So how much -- how much did you charge to
15 conduct this study?

16 A. To conduct this study I charged \$10,000 in
17 personal fees and like fees for my service, plus
18 expenses.

19 Q. All right. How much were the expenses?

20 A. They were approximately \$18,000.

21 Q. All right. Did you pay the participants?

22 A. Indirectly I did.

23 Q. All right. Please explain.

24 A. So there's a -- there are several
25 different platforms you can use to do this sort of

1 research and the one we chose to use was Survey
2 Monkey. It's a large company. And Survey Monkey --
3 one of the services they provide is they maintain a
4 panel of potential respondents and they handle the
5 payment to the respondents. So we pay Survey Monkey
6 and Survey Monkey incentivizes or compensates the
7 respondents.

8 **Q. So then it was Survey Monkey then that**
9 **created this panel for you?**

10 A. Survey Monkey maintains a panel that lots
11 of researchers can use and then the people we
12 recruit into this survey is a subset of them.

13 **Q. So then these are people who have self-**
14 **selected into participating in studies?**

15 A. Yeah, it's called an opt-in panel for that
16 reason.

17 **Q. Okay. Maybe this -- maybe I should ask**
18 **this later but let's see; you're in here, your**
19 **number of participants is 1144.**

20 **Is that number those who completed the**
21 **entire survey?**

22 A. Yes.

23 **Q. All right. Do you know what percentage**
24 **didn't complete the entire survey?**

25 A. Not offhand. The -- as I -- this also

1 varies a little bit by platform and I use a lot of
2 different platforms on different projects; but we
3 only pay for the completes. And so the incompletes
4 are sort of filtered before we handle them.

5 **Q. Okay. And it's probably likely then that**
6 **the panel participants would only get paid if they**
7 **complete the survey?**

8 **A. Presumably, although that's kind of opaque**
9 **on this platform.**

10 **Q. Okay.**

11 **A. There are other platforms where I have to**
12 **handle that participant by participant and there are**
13 **pros and cons to using one versus the other, but on**
14 **this platform it's -- it's not as transparent to me.**

15 **Q. All right. And so is that why you had**
16 **some of these control questions in there?**

17 **A. The attention checks?**

18 **Q. Yes.**

19 **A. We would use attention checks on any of**
20 **these platforms. It's important for all internet**
21 **surveys, but that allows us to assure some data**
22 **quality.**

23 **Q. All right. And you refer to this as two**
24 **surveys but the surveys were completed by the same**
25 **population?**

1 A. Yeah, I refer to it as two survey
2 experiments in one survey, you could say. Two
3 experiments, one survey.

4 **Q. And who -- who participated in crafting**
5 **the survey questions?**

6 A. I did, my statistics consultant did, and
7 -- in crafting them, and then I also asked for
8 feedback from Larry Lessig to make sure they sort of
9 answered the legal questions.

10 **Q. All right. And then you asked him for**
11 **that input prior to putting the survey out in the**
12 **field?**

13 A. Yes.

14 **Q. All right. And who is the -- is the**
15 **person you mentioned that worked on this?**

16 A. The statistics consultant or the methods
17 consultant is -- is a professor named Kelly
18 Bergstrand. She's a Ph.D. sociologist.

19 **Q. Where is she?**

20 A. Arlington, Texas.

21 **Q. Okay. Why did you involve her?**

22 A. A few different reasons. One is she is
23 faster at doing statistical analysis than I am. I
24 mean, you know, kind of a division of labor; it's
25 hard to be, you know, super-fast at this aspect and

1 that aspect, so it's partly just a division of
2 specialty.

3 So second is just that whenever you're
4 doing social science you can kind of end up in an
5 echo chamber, like somethings seems like you wrote a
6 sentence and it seems perfectly clear to you but you
7 show it to someone else and they're like "That
8 doesn't make any sense." And as a law professor in
9 particular, I mean, as lawyers we can get into
10 jargon and things seem clear to us that don't make
11 any sense to other people. And so the fact that
12 she's not a lawyer also helps in crafting these
13 sorts of stimuli and thinking about how laypersons
14 will receive and respond. So the provided a lot of
15 that kind of perspective.

16 And third, it's just more fun to do
17 research with other people, you know, than just be
18 sitting by yourself in front of a computer all day.
19 So team science is really more fun than, you know,
20 just cranking away by yourself.

21 **Q. I think post-COVID we all understand that.**

22 **A. Yeah.**

23 **Q. Let's see. So did she share in the**
24 **\$10,000 that you received or was she --**

25 **A. No, I considered her an expense, so she --**

1 she's part of that expense category I referred to
2 earlier.

3 Q. All right. How much did you pay her?

4 A. \$7500.

5 Q. And so did she primarily then do the
6 analysis after the -- the information came in?

7 A. That was the core of her responsibility
8 but as I explained there's more to it.

9 Q. All right. You refer to this or at least
10 the Declaration refers to this as a preliminary
11 consolidated report.

12 You know, why would you call this
13 preliminary?

14 A. We -- as the project proceeded towards --
15 you know, we did this Declaration at the end; we
16 were thinking that we may want to publish the paper
17 in the future and that would involve more revisions
18 and, you know, formatting a print journal and that
19 sort of thing. So I was thinking of the research
20 report -- I mean, the litigation report as sort of
21 preliminary in that sense.

22 Q. All right. So if you were to, you know,
23 go ahead and turn this into some sort of scholarly
24 manuscript, would you likely include additional
25 breakdowns other than the sort of the two ways that

1 you broke down the results here?

2 A. Not necessarily. It kind of depends on
3 the journal which we haven't selected yet. Each
4 field is a little different as to what kind of
5 figures versus tables and put things in the body
6 versus in the appendix, so I think what we have here
7 is pretty close to what we could publish in a
8 journal as is.

9 Q. You mentioned in the report a couple of
10 times that for the sake of clarity you sort of
11 consolidated responses?

12 A. Yes.

13 Q. Would that -- what consolidation would
14 likely remain, you know, when you would do a final
15 scholarly article or probably would it be broken out
16 more finely?

17 A. Well, similar to what we did here is we
18 present a clean figure -- a picture, you know, a
19 chart that has the consolidated results and then
20 have in appendix the detailed results. And so that
21 allows kind of the best of both worlds. To some
22 degree that's a judgment but in my view I want my
23 work to be read and understood and like taken away,
24 so it's really important for me as a scholar to have
25 clean visuals. And at the same time you want to be

1 rigorous and transparent, so you stick details in
2 the appendix and you get the best of both worlds.

3 Q. All right. Who would be the authors of
4 that scholarly manuscript?

5 A. Dr. Bergstrand and me.

6 Q. Okay. Would Larry Lessig?

7 A. No.

8 Q. Where might something like this be
9 published or where would you shop it? Like, is it a
10 Law Review thing or is it a sociology thing? Where
11 would it go?

12 A. In its current format it couldn't go in a
13 Law Review because it's too short. I would have to
14 add, you know, 10,000 words of discussing caselaw
15 and stuff; and I need to make a decision if I want
16 to spend the time and like -- and Law Reviews are
17 also on a publication cycle. They publish in
18 February and August and so this could go in a Law
19 Review, but I often prefer not to put empirical
20 research in Law Reviews because it's not peer
21 reviewed; those are just edited by students
22 typically.

23 Q. Right.

24 A. And if you're doing high quality research,
25 you should be willing to, you know, have it peer

1 reviewed. So there's a journal in law called The
2 Journal of Empirical Legal Studies that would be a
3 good candidate. We could publish it in a sociology
4 journal instead that's Kelly's field. Or finally
5 there's just general journals like PLoS One, P-l-o-
6 s, O-n-e, that will publish important work across
7 fields. It's like not just one specific so I really
8 like that journal and published in the past there.

9 **Q. All right. I thought you also were going**
10 **to mention political science journals but I guess**
11 **you --**

12 **A.** That would be quite possible, yes, but
13 since I'm not a political scientist and Kelly is
14 not, as I mentioned earlier, every field has -- has
15 quirks.

16 **Q. Sure.**

17 **A.** Like the way they want tables. Like which
18 -- do you want a standard deviation or a standard
19 error? And for Kelly and I to go to a political
20 science journal would be extra trouble just to like
21 figure out how they want things and -- so -- but as
22 you see, a lot of the articles we cite are in
23 political science journals. The disciplines kind of
24 build walls that are annoying.

25 **Q. All right. Can you walk me through the**

1 time frame for, you know, conducting all of this
2 and, you know, the -- you said that you were sort of
3 I guess initially contacted in December. You
4 received the go-ahead in January and then this was
5 assigned on the 19th of February.

6 So can you kind of tell me, you know, what
7 happened and what time frame in between there?

8 A. Sure. I started in December probably
9 doing some preparatory work like recruiting Kelly
10 and saying if this moves forward would you be
11 interested in working with me? And I began doing
12 feasibility analysis of which platforms would be
13 able to deliver enough human subjects from Maine in
14 particular. That's kind of a limiting factor here
15 because it's a small state relatively. And so that
16 was kind of preparatory work in December. In
17 January, we started writing the -- what we call the
18 stimulus and the instrument and revising those back
19 and forth; and in -- I don't remember the date
20 offhand but by mid-January we were programming the
21 software that would host the survey and then spent a
22 couple of weeks in late January actually collecting
23 the data.

24 And then the analysis was actually very
25 quick, the analysis and the write-up because it

1 didn't actually -- it turned out to be very clean
2 data, very clear. We didn't have to figure out any
3 complicated models or anything and so then we wrote
4 it up and I think it was essentially done by the
5 first week in February; and then I think the lawyers
6 spent some time figuring out the procedure of how it
7 would be filed and that implicated the formatting of
8 how it would be filed as a declaration or as an
9 affidavit or I don't even know. And so we were
10 actually -- I think the whole project was pretty
11 much five or six weeks from the start of January.

12 **Q. And is that typical or is that pretty**
13 **quick?**

14 **A.** That is typical for litigation research
15 that I've done for lawyers in the past. It's -- and
16 I would say the core -- and for research I would say
17 for scholarly work that would also be typical for
18 this kind of project. The only difference is we
19 would probably spend four more months like polishing
20 the paper and shopping like taking it to conferences
21 and sending it to colleagues and saying, "Hey, what
22 do you think about this? What are your first
23 reactions?" And that process then allows us to --
24 the document itself gets richer although the core
25 data collection might well have happened in the two

1 or three weeks back previously.

2 I tend to work in these sorts of sprints
3 often between semesters and just as this was.
4 Otherwise, things -- it's hard to even remember what
5 you did if you drag it out too long.

6 Q. Sure. Let's see. I guess I didn't ask
7 this.

8 How much was each participant paid?

9 A. I don't actually know that. That's one of
10 the features of this platform that is not
11 transparent to me.

12 Q. Okay. All right.

13 Since you finished this in February, you
14 know, looking back at it maybe preparing for this
15 deposition, you know, have you -- have you sort of
16 thought of anything that you would have liked to
17 have put in the report that you didn't?

18 A. No. I noticed some typos and references
19 to the exhibits with their own letters that I
20 would've liked to fix, but no, to answer your
21 question directly.

22 Q. All right.

23 Did -- after conducting the research, have
24 you thought of -- has this caused you to think of
25 additional research or refinements you would want to

1 do to get more data before publishing that paper or
2 publishing something similar?

3 A. No.

4 Q. Do you understand the question?

5 A. I think I understand the question and the
6 answer is no.

7 Q. Okay. Yeah, so just to ask you another
8 way just to make sure you understand it.

9 You know, after getting the data, you
10 know, does it look you say, gee, now I need to ask
11 this other thing, you know? Was there something
12 interesting and you say, oh, now I want to look at
13 this?

14 A. No.

15 Q. Okay. All right.

16 Turning to the report itself, and of
17 course I didn't say this earlier but, you know, any
18 time you need to take a break, let us know. I
19 generally try to break about hourly but, you know,
20 usually I'm having more fun with this than anyone
21 else. So --

22 A. I could use some more water but I'll wait;
23 it looks like we've got maybe 15 more minutes and
24 then take a break?

25 Q. Sure. All right.

1 **So the first thing I notice in your**
2 **summary here, you know, you sort of mention that the**
3 **perceived risk of quid pro quo corruption is**
4 **substantially higher when contributions are above**
5 **\$4999 in particular.**

6 **So first what do you mean by**
7 **"substantially higher"?**

8 A. I'm going to refer to the report to answer
9 that.

10 **Q. Sure.**

11 A. So I'm looking at Figure 1 and below \$5000
12 about 40 percent of respondents thought it would be
13 likely to sell a policy outcome while above \$5000
14 this number rises to about 70 percent of the
15 respondents. So in rough terms that's about a 30
16 percent shift which is substantial.

17 **Q. Okay. But why do you say \$4999? I feel**
18 **like it's a Bob Barker number or --**

19 A. Well, I mean, that's just the -- the
20 phrasing to refer to \$5000 and above which would be
21 synonymous.

22 **Q. Okay. But like -- all right. I don't**
23 **want to go like through this, you know, hitting**
24 **every number.**

25 **But you didn't test any number between \$500 and**

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1 **\$5000, right?**

2 A. True.

3 Q. So you could also have said based upon
4 this data that substantially higher when
5 contributions are above \$500?

6 A. Yes.

7 Q. So there's really no distinction in this
8 particular study between that -- I don't know what
9 you call it -- that order of magnitude between \$500
10 and \$5000, correct?

11 A. That's right. We tested six, seven -- we
12 tested 10 different levels and -- and that approach
13 leaves the intervals between the levels kind of
14 unknowable. We'd do another study if you're
15 interested in whether the threshold is between --
16 where between \$5 and \$5000 that changes. So that
17 could be a follow-up study.

18 Q. All right. And then -- well, no, let me
19 ask this.

20 Who selected these increments?

21 A. I did.

22 Q. And can you explain like why you chose it
23 this way? You know, why does it go from \$5 all the
24 way up to \$50 million?

25 A. Right. We were interested in whether --

1 to be candid, we were aware of the Maine -- was it
2 an initiative?

3 Q. Yeah.

4 A. Okay. We were aware of the Maine
5 Initiative that uses the \$5000 threshold. And so as
6 researchers we were interested in whether that -- a
7 cap at that level corresponded to anything in the --
8 in the perceptions of the public. And so in this
9 first experiment, I didn't want to give the
10 respondents that number because I was -- I wanted to
11 ask them if there is a number, and so I decided that
12 it would be an elegant way to avoid like a push
13 poll. I didn't want to prime that number if I used
14 fives up and down the scale. So -- and I wanted
15 enough of them that I could rule out that it's just
16 a coincidence that, you know, if I'd only done \$5
17 and \$500 it wouldn't have shed as much light.

18 So I decided this logarithmic scale where
19 you multiply it by 10 each time would provide a big
20 enough range that if there was a discontinuity that
21 we could see it.

22 I kind of agree that, you know, \$5 and \$50
23 million are extreme, but you've got to end the scale
24 somewhere; and by having enough levels you can kind
25 of get a natural -- you can get sort of an implicit

1 variation.

2 Q. Okay. Can you explain to me what -- what
3 those little lines are that kind of bracket, you
4 know, the numbers there?

5 A. Sure. So we're referring to Figure 1 and
6 those are called "error bars" which they're
7 different -- different research fields use different
8 things for error bars, but the most common ones and
9 the ones I like to use are 95 percent confidence
10 intervals. And in practical terms, you read that
11 sort of figure and it accounts for statistical noise
12 similar to a margin of error that you might read
13 about in a poll. And so the true value could be
14 anywhere within that range indicated by the
15 confidence interval whereas the bar ends at what we
16 call the point estimate, which we think is -- which,
17 you know, the math shows is the -- is the estimate
18 of the -- of the outcome at that level, but we can't
19 rule out the possibility that it's a little higher
20 or a little lower as defined by that confidence
21 interval.

22 Q. Okay. And the confidence interval here --
23 how wide is it?

24 A. I don't have the estimate in front of me
25 mathematically, but it looks like plus or minus

1 seven probably for any one of those estimates.

2 Q. Okay. So then am I reading this correctly
3 then that you can't rule out the possibility that
4 the perception recorded here is pretty much flat
5 from \$5000 and above?

6 A. These confidence intervals are around each
7 estimate. The question you're asking I think is
8 about the slope between the estimates. And to
9 calculate that so that's a different mathematical
10 question and so you'd calculate a different kind of
11 confidence interval around the slope, the line,
12 rather than the point.

13 So I can't answer that question based on
14 what we have right here.

15 Q. What would you need to answer that
16 question?

17 A. Well, first we would need to filter the --
18 so I think your question was just relating to the
19 data above \$5000 or \$5000 and above. So first you
20 would apply a filter to the data saying I'm going to
21 ignore the lower three levels. And then you would
22 calculate the slope of those points as a line and
23 then you would calculate the confidence interval on
24 that slope.

25 Q. And it almost sounds like calculus like

1 slope --

2 A. It's literally calculus.

3 Q. Okay. All right.

4 So then you have all of the data, you
5 know, that you -- I'm sorry; let me ask it this way.

6 You could conduct that analysis with the
7 data that you had in hand to determine that if you
8 so choose?

9 A. I could, yes, as well as -- I'll just
10 leave it at that, yes.

11 Q. Okay. Statistics are fine, calculus I
12 don't like.

13 A. I'm kind of the same way. I can -- yeah.

14 Q. Okay. I guess I'm going to go back to the
15 front here a little bit and then we'll take a break.

16 So what's the purpose of the literature
17 review?

18 A. That's a good question. Frankly, one
19 purpose is to do good science and that's a norm is
20 that you don't do science if the question is already
21 answered. And one of the reasons you don't is
22 ethical; you don't use people as human subjects or,
23 you know, you don't bother spending someone's money
24 if the question's already answered. So the first
25 step is to see if the question's already answered.

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1 **Q.** The second is like you can see at the --
2 on page six I say, you know, "This finding is
3 consistent with the prior literature." As an
4 analyst, it's important to know if what you're
5 seeing is -- is implausible because then if it's
6 like a wild break from the prior literature, you
7 need to go back and check, like, did we program the
8 survey instrument wrong or did -- like, what
9 happened here? And so it's just part of good
10 practice as a scientist to know how you are in
11 dialogue with the prior literature because it makes
12 your current study more rigorous because you can
13 catch anomalies.

14 So that's I think at least two of the
15 reasons why you do a literature review.

16 **Q.** So did you do the literature review before
17 conducting the survey then?

18 **A.** I did the review before conducting the
19 survey and then wrote it up after conducting the
20 survey.

21 **Q.** I just -- I just want to make sure I kind
22 of understand a couple of things you wrote here.

23 **A.** Sure.

24 **Q.** So on page one -- I'm not going to go
25 through all of these necessarily I don't think, but

1 the first study you mention is the 2004 study and I
2 think it says -- so "Campaign finance reforms did
3 not make a substantial impact on those perceptions."

4 Can you just explain what that means?

5 A. Sure. As I recall, that particular study
6 is -- was -- and this is just from memory, but it
7 was like a discursive study like a Law Review
8 article and they were saying, you know, here are
9 some surveys and you say this year and then this
10 year and then this year; and across all those years
11 people seem to really believe that corruption is
12 widespread and then they said but, look, there was a
13 big campaign finance reform in the middle of those
14 years and people still think corruption is
15 widespread. So that's -- that's the notion is that
16 you had like pre/post cross-sectional surveys that
17 don't change even though you had some campaign
18 finance reform in the middle.

19 Q. Okay. All right. Makes sense. All
20 right.

21 There's -- on page two you mentioned a
22 2015 study. It says the findings indicate that
23 people would be willing to indict and convict
24 politicians and donors of bribery which the authors
25 operationalized as the definition of quid pro quo

1 corruption. It says that even when contributions
2 are legal under existent campaign finance laws.

3 So maybe this is me as a lawyer being
4 confused, but it says bribery and it says even when
5 legal? So I just don't know what you're saying
6 there.

7 A. Sure. First, let me clarify that I
8 referred to in my testimony today this 2016 study
9 that I conducted and this is the same study.

10 Q. Yeah.

11 A. And in the bibliography it's referred to
12 as a 2016 study. I'm actually at this moment not
13 sure which is right, but I'm assuming this is a typo
14 in the body.

15 Q. Sure.

16 A. Now, to answer your actual question, my
17 understanding as a lawyer and the author of this
18 piece is that contributions to candidates are
19 regulated by multiple laws and one law is, say, the
20 cap on direct contributions of roughly \$5400 under
21 federal law, I think. So it's illegal to give
22 \$5500. But even if you're giving less than the cap,
23 that contribution could also be the quid in a
24 bribery which would make it illegal. And so the
25 point here where it says, "legal under extant

1 campaign finance laws" means it might be under the
2 cap but respondent still said, well, that looks like
3 bribery.

4 Q. Right. So then bribery can be bribery no
5 matter what the level if the politician's willing to
6 be bribed?

7 A. That's right and that's what we found.
8 And, likewise, that even when
9 contributions were independent like unlimited in
10 amount but were to a body like a 501c4 organization,
11 a dark money organization, that they could give rise
12 to perceptions of quid pro quo corruption.

13 MR. MILLER: All right. Let's go ahead
14 and take that break now.

15 THE DEPONENT: Thank you.

16 THE REPORTER: We're off the record at
17 11:01 a.m.

18 (WHEREUPON, a recess was taken.)

19 THE REPORTER: We are back on the record
20 at 11:11 a.m. and you may proceed.

21 BY MR. MILLER:

22 Q. All right. Let's see, you also mentioned
23 a -- in here a 2016 study by Kristin Kelly and just
24 in there it says that "Kelly finds two-thirds of
25 respondents believe that quid pro quo corruption

1 happens all the time or often."

2 Is that consistent with your findings
3 here?

4 A. I did not ask about is it consistent. I
5 guess I'm -- sorry. I'm trying to think of the
6 exact wording that I had used. We asked about this
7 State of Ames as a hypothetical in the vignettes and
8 we did ask about quid pro quo corruption and some of
9 our questions talk about how likely quid pro quo is
10 going to happen in that context and we did see large
11 majorities finding likelihood. So I'm having to
12 talk through this to make sure I'm -- I'm doing
13 justice to your question, but I think the short
14 answer is broadly yes, that's consistent with our
15 findings.

16 Q. And was their finding made irrespective of
17 where the limits are set?

18 A. I do not know.

19 Q. Because I'm thinking about this and then I
20 guess your 2016 study, you know, sort of makes the
21 point that bribery could happen at any level.
22 Right? That's what you're saying there?

23 A. In 2016, we found that bribery could be
24 perceived at a range of contribution levels. In
25 2016, we didn't test very, very small ones or very,

1 very large ones so I guess I won't say yes to "any
2 level" because we didn't test "any level".

3 Q. You said even when contributions were
4 legal, so it would be -- I took that to mean that
5 you would ask them about a contribution below
6 whatever a particular legal threshold was?

7 A. In 2016, we did ask about direct
8 contributions under the direct contribution limit.

9 Q. All right. And then the next study you
10 mentioned below Kelly is also 2016. It says,
11 "Avkiran" and you indicate there they found a 7.48
12 percent higher concern for the corrupting effects of
13 money and politics when campaign financing is not
14 regulated.

15 All right. And this is my naivete for not
16 being in the field but is that -- is that considered
17 a significant delta, you know, the 7.48 percent?

18 A. That depends -- when you refer to
19 "significant", that's a term of art in social
20 science that refers to statistical significance.
21 And to evaluate that, the respondent -- the analyst
22 would have to calculate a P value which would in
23 part depend on their sample size. So there's no way
24 for me to know just on this text if it was
25 statistically significant, but I will say that I

1 would not have put it in this report if it -- if I
2 had read that it was insignificant.

3 Does that make sense?

4 Q. Yes.

5 A. So I'm inferring from the fact that I put
6 it here that when I read the paper it was
7 statistically significant.

8 Q. Or you infer it was?

9 A. I'm now inferring that it is significant
10 because I put it in this report over a month ago.

11 Q. And you would've confirmed that it was?

12 A. Exactly.

13 Q. Okay. Do you recall, you know, what that
14 changed it from? I mean, did it change it from 70
15 percent to 77 or did it change it from 40 to 47? Do
16 you recall?

17 A. I do not. The fact that Nexim's I think
18 suggests that the baseline was --

19 Q. Pretty high?

20 A. -- pretty high in terms of concern for
21 corruption.

22 Q. Yeah. I see that now. Because
23 "respondents remain untrusting of politicians even
24 when campaign finance regulations in place". Okay.

25 All right. And the next one, 2020,

1 lessons there. "They find that many common campaign
2 practices" -- excuse me, "campaign finance practices
3 such as large donations and outside spending were
4 viewed as corrupt."

5 So reading through your sort of literature
6 review here, I sort of get the impression that
7 people just view campaign finance as corrupt,
8 period. Is that fair?

9 A. A lot of the studies find that people see
10 the American system of private funding of campaigns
11 as rife with corruption.

12 Q. All right. I guess the next one of 2020,
13 Primo and Milyo, "In their survey, however,
14 Respondents do not correctly understand the
15 complexities of the extant campaign finance system.
16 In any case, they express skepticism that reforms
17 will make substantial impact."

18 Do you agree or disagree with that
19 statement?

20 A. I don't have a basis for it to agree or
21 disagree. I mean, it's -- I didn't -- my current
22 studies do not directly address those questions --
23 that sentence, and so I don't have a basis for
24 agreeing or disagreeing.

25 Q. All right. Did the study that you do here

1 and I guess the past study that you did in 2016, did
2 they lead you to believe that that conclusion is
3 correct or incorrect?

4 A. So I think it's quite plausible based on
5 my work that people are skeptical that reforms will
6 make a substantial impact, but we found that reforms
7 do make a substantial impact on perceptions of
8 corruption. So -- so those are two slightly
9 different points of view. And, you know, when the
10 reform is itself an initiative that people voted
11 for, you might make inferences about whether those
12 voters thought it would have an impact. But that's
13 all kind of beyond the scope of my research here.

14 Q. So I'm sorry, when did you find that made
15 an impact?

16 A. In this report, in experiment two we show
17 that a \$5K cap on contributions makes an impact on
18 perceptions of quid pro quo corruption and on
19 broader perceptions of governmental legitimacy and
20 effectiveness.

21 Q. All right. We'll eventually get to that.
22 Let's see.

23 On the next page, I guess the second
24 paragraph there you mention a 2021 study reporting a
25 series of survey experiments, DeBell, and it said

1 that they find that even independent contributions
2 can give rise to perception of quid pro quo
3 corruption.

4 Do you recall if there was any amount that
5 was significant for them in their study?

6 A. I don't recall the amounts.

7 Q. All right. So now I'm starting to look at
8 your study, so we've got the overall research
9 methodology where you discussed the online
10 population a bit and you also mentioned that you
11 tried to heavily weight towards Maine because of the
12 case. It says here that you had 115 Maine
13 respondents.

14 Is that enough that you could provide a
15 statistically relevant analysis of just the Maine
16 respondents alone?

17 A. Yes, and we do so.

18 Q. All right. And your finding there was
19 that the Maine respondents were essentially
20 consistent with the non-Mainers?

21 A. Correct.

22 Q. All right. And on page four you have
23 Table 1, Descriptive Statistics. I guess most of
24 it's obviously self-explanatory. I just have a
25 question about the -- the "Always vote" line.

First, why did you ask that?

A. So this is referring to a question in the survey instrument that says, "How often do you vote in US elections?" from "Always" to "Never", you know, a five-level Likert scale. We -- I don't actually recall specifically but the source of that question in developing the instrument we often will draw on prior published studies, like some of these in the literature review. And so -- and as I recall, this is a typical measure that's used in political science research and so it would be just sort of normal to include it just like you would include any of these demographics.

But one -- and so it's -- one hypothesis someone could raise is that people who never vote or are completely disengaged from the political system might respond differently to campaign finance reform because they're just not paying attention or they don't care. And so it's important to see if -- or it's potentially important to be able to look at the subset of people that do or don't vote, and so it allows -- especially if we've gotten a null result, if we found like, gosh, no one seemed to care about any of this then we might want to drill down and say, well, what if it's just the highly engaged

1 voters?

2 So having extra data like that is kind of
3 like a failsafe. Not a -- you know, it's a
4 robustness that you can explore if -- if you need to
5 understand what's going on in what's otherwise a
6 perplexing result.

7 Q. Okay. And do you know what percentage
8 responded they never vote?

9 A. Not offhand. We simplified for this table
10 so it would all fit on one page.

11 Q. And when you designed this study what were
12 you hoping your -- the total number of respondents
13 to receive?

14 A. We had hoped to get many more Mainers, 500
15 or 700, so that was one hope. We also hoped to get
16 at least 1000 respondents generally. We fell short
17 on the Mainers.

18 Q. Sure. They're an odd bunch, right?

19 A. No comment.

20 Q. Yeah. All right. All right.

21 Experiment 1. The question that's
22 presented in the box there: "Please think about the
23 risk that a politician would sell a policy outcome,
24 like a vote on a bill, in exchange for a financial
25 contribution to a committee supporting his or her

1 re-election. Doing so violates his or her oath and
2 creates a risk of prosecution, if discovered.

3 Suppose the contribution was \$X." All right.

4 So that's the question that the survey
5 recipients would receive, correct?

6 A. That's what I would call the stimulus.

7 Q. Stimulus.

8 A. And the question is -- followed it.

9 Q. Okay. Got it. All right.

10 And so why did you specifically ask the
11 phraseology or have in the stimulus the phraseology
12 "the risk that a politician would sell"?

13 Like, why -- why are we asking about risk?

14 A. Well, that's -- that corresponds to the
15 question we're asking. Like, how likely do you
16 believe it would be to sell a policy outcome? So --
17 so the likely -- and so we think, you know, just
18 colloquially selling policy outcome is a bad thing
19 and so when you refer to the likelihood of a bad
20 thing happening, that's -- that's a risk. And so
21 there's no -- it's not a technical term here. I'm
22 just using it colloquially for the likelihood of a
23 bad outcome or a bad thing.

24 Q. And again just so I understand this, so
25 each -- each survey participant only saw one of

1 these seven options as far as the dollar amounts; is
2 that right?

3 A. Correct. There are seven and each one saw
4 a single one.

5 Q. And so I guess I'm curious; why did you do
6 the study that way instead of sort of asking, you
7 know, each -- each participant, you know, do you
8 find \$5 corrupting, do you find \$50 corrupting, do
9 you find \$5000 corrupting?

10 A. By the way, first of all I realize there's
11 actually eight of these levels as you can see on
12 Figure 1. Apparently, I left out \$500 on the text
13 in page five, so there's actually eight levels.

14 Q. Okay.

15 A. To answer your question, though, this is a
16 methodological choice and so in a between subjects
17 experiment, which is what this is called, you show
18 one person because you don't necessarily want to
19 invite them to make comparative judgments unless you
20 do. And so here we -- I wanted to see how people
21 respond to a given scenario and then I can
22 analytically do the math and make comparisons across
23 subjects. So -- and I think that's more realistic
24 to how someone might confront, you know, that hear
25 about a case in the news. They don't hear about

1 eight cases in a row, they hear about one and how
2 does that make them feel, how does that make them
3 react? And so by giving them one I think it's in
4 that sense more realistic for a member of the public
5 being confronted with the case.

6 Q. All right. And so for this response you
7 said it was a 7 point scale, so I guess the 7 to
8 that means that there's like a neutral response?

9 A. That's right.

10 Q. Okay. All right.

11 And then returning to the results that
12 Figure 1 -- that we were looking at earlier, so here
13 these responses combine all results that say likely
14 even if it's somewhat likely, correct?

15 A. Yes.

16 Q. Okay. Is it in the report here somewhere
17 the breakdown so that I could see, you know, the
18 percentages that would say "Somewhat" versus "Very"?

19 A. I'm looking at the Appendix to see if we
20 put it in there. I -- I think the Appendix we only
21 did that for Experiment 2, so the answer to your
22 question is no.

23 Q. All right. If I wanted that data, could
24 you get it to me?

25 A. Yes, I could.

1 **Q. I guess I'll ask for that.**

2 **Why would you ask a 7 point scale if you**
3 **end up consolidating with results into essentially**
4 **two?**

5 **A. For ease of presentation, it's easier to**
6 **see on a figure like I was talking about; it's**
7 **important to me that the results be clear and have**
8 **sort of a take-away that's usable. But we also then**
9 **analyzed the full scale data in the regression which**
10 **is reported on page seven of the report. And so it**
11 **kind of allows you as a scholar to both communicate**
12 **clearly but provide analytical rigor as well. And**
13 **so that's -- that answers your question.**

14 **Q. All right. So where on page seven do I**
15 **sort of see the -- how it's broken out between those**
16 **different categories and the responses?**

17 **A. In that first row in -- below the titles**
18 **where it says "Amount of Money" and the coefficient**
19 **is 2.4; that indicates that for each step on that**
20 **Likert scale -- I'm sorry, let me put it the other**
21 **way -- that for each step in the amount of money the**
22 **Likert scale outcome moves by a quarter-of-a-step in**
23 **those seven steps. I say a quarter because that's,**
24 **you know, .25, so almost a quarter-of-a-step. So**
25 **there the math is being done on the full scale not**

1 just on the reduced form scale.

2 Q. Does that show whether it's linear or not?

3 A. Technically, an OLS regression ordinarily
4 -- ordinarily squares regression presumes linearity.

5 Q. But the results from Experiment 1 do not
6 look linear.

7 A. OLS regressions are -- tend to be
8 preferred by analysts for ease of interpretation, as
9 long as you have a basically linear approach.
10 There's never -- results are never perfectly linear,
11 like, heights of people or anything else. A model
12 is always an approximation and so it's reasonable to
13 use this model here; and the alternative model you
14 would use would -- would yield the same results.

15 And may I also say this is why we both
16 just show the raw data itself in Figure 1. You can
17 see what it is and we can talk about that, but if
18 you want to do a regression which controls for all
19 this other stuff, you need a model and a model is
20 always going to be an approximation. And so a
21 reasonable model is the OLS model. So you have,
22 again, have your cake and eat it, too. We can talk
23 about either one.

24 Q. Yeah. Well, again, I'm just trying to
25 understand the significance of that particular --

1 oh, I'm sorry; I don't want to use "significance".

2 I'm trying to understand sort of the
3 meaning of that particular number when you earlier
4 discussed sort of the inflection point of moving
5 from 500 to 5000 and it being a 30 percent change
6 there.

7 A. Table 2 is not useful for analyzing the
8 inflection point, the discontinuity as I've called
9 it. Table 2 is estimating the overall slope.

10 Q. And to the extent that there's a major
11 discommute (sic) -- I'm sorry, I --

12 A. Discontinuity.

13 Q. Discontinuity. That would smooth it out?

14 A. It -- the math smooths it out, yes.

15 Q. Okay.

16 A. Which is why again we concede the
17 discontinuity and have these confidence intervals on
18 Figure 1 and we can therefore -- Figure 1 supports
19 the conclusion that there is a discontinuity.

20 Q. Would Figure 1 support setting the limit
21 at \$500?

22 A. Or perhaps just above \$500 at \$501. It
23 would be consistent with that.

24 Q. And according to Figure 1, there's no
25 significant difference between setting it at \$50,000

1 to \$5 million, I guess even \$50 million, right?

2 A. Right. Those confidence intervals all
3 overlap, so I would infer that there's not a
4 significant difference at the sample size. Because
5 those differences are smaller, you would need to run
6 another study if you wanted to compare those two, a
7 study where more respondents are allocated to those
8 two bins and you could shrink those confidence
9 intervals and more precise estimates.

10 Q. All right. And the confidence interval
11 overlaps between the \$5000 and the \$50,000 as well,
12 meaning that you can't really distinguish between
13 those either, correct?

14 A. Correct. And the study wasn't really
15 designed to -- to make those particular
16 distinctions.

17 Q. What do we do with the fact that this
18 appears to show that 35 percent of the population
19 believes that the \$5 contribution can be corrupt?

20 A. I don't know. I find that on the one hand
21 consistent with the prior literature that people
22 just react to the entire private funding of
23 elections. I don't know what else to say about it.

24 Q. Is this research your experiment on
25 consistent with the conclusion that many people

1 simply believe any donation to a candidate is
2 corrupt?

3 A. Well, here 35 percent of the people seem
4 to agree with a very small donation could create a
5 risk of corruption.

6 Q. It looks like 40 percent say \$50 is
7 corrupting, right?

8 A. Could be.

9 Q. Could be corrupting.

10 A. Yes.

11 Q. Right, because we're talking about risk of
12 corruption, correct?

13 A. We are talking about the risk of
14 corruption, correct.

15 Q. All right. So that's why I need -- so
16 what exactly is the question then and where do I see
17 that?

18 A. Let's go to the instrument which is the --
19 I think Exhibit B and it's on page -- documentary
20 page 45 and it's there at the bottom half of the
21 page.

22 Would you like me to read it into the
23 record?

24 Q. Yeah, go ahead.

25 A. "How likely do you think a politician

1 would be to sell a policy outcome for that amount?"

2 And there's a seven-point -- a six-point
3 scale ranging from extremely unlikely to extremely
4 likely.

5 Q. Okay. That's helpful. Thank you.

6 And since you prepared this study kind of
7 in anticipation of this case, why did you not
8 include a question where you just said "No cap" for
9 Experiment 1?

10 A. Well, Experiment 1 doesn't refer to a cap
11 at all, so I think you may be getting ahead.

12 Q. Yeah, that's probably right. All right.

13 And Experiment 1 is presuming a direct
14 contribution; is that right?

15 A. It's slightly -- well, it just says, "A
16 financial contribution to a committee supporting his
17 or her reelection", so that language is not limited
18 to direct contributions.

19 Q. But it does not exclude direct
20 contributions, either?

21 A. It doesn't say either way and that's a
22 design choice of ours to try to avoid getting into
23 legal technicalities in this first experiment. We
24 wanted sort of more -- we wanted to let respondents
25 sort of speak for themselves without giving them a

1 whole lot of legal technicalities.

2 Q. All right. So is it reasonable to
3 conclude based upon Experiment 1 that while setting
4 a contribution limit at \$5000 has no significant
5 effect on the appearance of corruption between, say,
6 setting it at \$5 million?

7 A. Could you repeat the question one more
8 time, please?

9 MR. MILLER: Yeah.
10 Can you read that back?

11 THE REPORTER: Please stand by.

12 (WHEREUPON, the record was played back.)

13 THE DEPONENT: I don't understand your
14 phrasing when you say between setting it at \$50
15 million (sic)? I don't --

16 BY MR. MILLER:

17 Q. I'm saying as compared to. You know, so
18 setting it at \$5 million versus setting it at \$5000
19 pretty much has the same effect on the appearance of
20 corruption?

21 A. No.

22 Q. Okay. Please explain.

23 A. So as Figure 1 shows, there is perceived
24 corruption at the \$5000, \$50,000, and \$500,000
25 levels that would not be affected by a cap above

1 those levels. But it would potentially be affected
2 by a cap at \$5000.

3 Q. But you -- but the error bars overlap,
4 correct?

5 A. The error bars do overlap.

6 Q. So then how can we say that this study
7 could imply that there's a meaningful effect?

8 A. Because there are people in each of those
9 buckets at the \$5000 level that perceived corruption
10 for donations that large or contributions that
11 large. And so those people as I understand it would
12 be changed by a cap at that level that wouldn't be
13 changed by a cap at the higher level.

14 Q. And I'm asking how can you say that if the
15 error bars overlap?

16 A. Because I see substantial perceptions of
17 corruption at all those levels, so if you can
18 address them at the lower levels then you're making
19 a difference. So --

20 Q. But doesn't this show that you're not
21 making a difference? So, in other words, if the
22 State of Ames had a cap that was set at \$5 million
23 and then they changed it to \$5000, wouldn't this
24 show that there's a potential no change in the
25 respondents' view of the amount of corruption?

1 A. No. Would you like me to make an analogy?

2 Q. Sure.

3 A. So imagine there are people at different
4 heights that have cancer at 5', at 5'1", at 5'2", at
5 5'3", et cetera. And suppose we can cure the cancer
6 of the people above 5'2". That would be great,
7 we're curing some cancer. If we decide we're also
8 going to cure cancer of people at 5'1" or 5'0",
9 we're actually curing more cancer even if they all
10 have the same type of cancer.

11 Q. So the analogy that you're making is sort
12 of -- and what you said earlier is just placing
13 folks in different buckets, and I guess I don't
14 quite understand how that would apply here.

15 Why are these different buckets versus
16 when you look at this and say this is what, you
17 know, 70 percent of the respondents think for each
18 level?

19 A. Because what we're simulating here that
20 each of these buckets in Figure 1 is someone exposed
21 to a campaign contribution being given to a
22 candidate, learning about it, say in the news or
23 through word of mouth. And so in the real world
24 there's going to be a distribution of these campaign
25 contributions, some little ones and some big ones

1 just like there's the distribution of heights.

2 Q. Mm-hmm.

3 A. And so if you can treat more of them
4 through a cap or through a cancer treatment, you're
5 actually making a difference on the margin so that
6 someday when someone hears about a \$5000 in one
7 contribution in one world that happens, in another
8 world it doesn't happen. So in one world they have
9 a perception of corruption; in another world they
10 don't have perception of corruption.

11 Q. All right. But -- so what you're saying
12 is this chart shows that if you had a \$5 million
13 limit and you reduce it to a \$500,000 limit that
14 less people would view the system as corrupt?

15 A. When they hear about contributions at that
16 level that are allowed. Like, wow, this guy gave a
17 \$500,000 contribution. The people that hear about
18 that our study suggests that 78 percent of the
19 people that hear about that contribution will be
20 like, "My system is facilitating quid pro quo
21 corruption." But if instead the world changes to
22 prevent that transaction from happening those people
23 don't end up with that reaction.

24 Q. Well, but when we were at \$5 million the
25 78 percent look at it and say this is corrupting,

1 they change it to \$500,000 and it still says it's 70
2 percent, correct?

3 A. My understanding of the way the cap works
4 is in -- is that those transactions then don't
5 happen. So you've eliminated some -- some
6 transactions that people would respond to in
7 affecting their perceptions of quid pro quo
8 corruption.

9 Q. Why would you --

10 A. Even if the larger transaction people
11 would've responded to the same way; they're still
12 going to be those -- those other transactions that
13 aren't subject to the cap. But the ones that are
14 subject to the cap get prevented if the cap works.

15 Q. So they would -- yeah, instead of having,
16 you know, three contributions that were \$5 million,
17 those three contributions would now be at \$500,000,
18 right?

19 Like, the contribution would still happen;
20 it would just happen at the lower limit.

21 Wouldn't you have to assume that?

22 A. That's --

23 Q. Or do you think that --

24 A. -- that's a -- I think a potentially
25 reasonable assumption.

1 **Q. Right. And so based upon this then there**
2 **would still be the same reaction?**

3 **A. Yes, as far as I can tell there would be a**
4 **similar reaction that's probably more accurate**
5 **statistically. If the reactions look similar, they**
6 **could vary by a couple of percentage points that we**
7 **can't detect here that have a similar reaction to**
8 **donations at those two levels.**

9 **Q. Okay. So I think I'm tracking you now.**
10 **When you were answering me earlier and you were**
11 **talking about buckets, you were just assuming then**
12 **that those donations above whatever the limit is**
13 **simply go away and would not happen?**

14 **A. The higher donations go away, yeah, and**
15 **instead get perhaps substituted with a lower**
16 **donation.**

17 **Q. All right. Which potentially because of**
18 **the overlap here could have the same effect on the**
19 **appearance of corruption?**

20 **A. Yes, but overall there's a positive slope**
21 **here, so the lower the money the less perceptions of**
22 **corruption.**

23 **Q. Okay. All right.**

24 **So if you were to do this study again**
25 **would you, you know, based upon the information you**

1 have here, would you include more intervals between
2 the \$500 and the \$5000 level?

3 A. Well --

4 Q. If you were doing it for academic
5 purposes?

6 A. If I learned that lots of states were
7 considering or enacting provisions, you know,
8 between those two and someone asked me what's the
9 right level between those two then that would be a
10 very interesting follow-up study. But for our --
11 but based on what I know now, the answer is no, I'm
12 not -- you can always re-slice something a thousand
13 more ways, but it takes money and time so I'm not
14 motivated at the moment to do that study.

15 Q. All right. Let's go on to Experiment 2.
16 All right. I know that you mentioned this a little
17 bit before, but could you just again just lay out
18 what Experiment 2 is and does?

19 A. Great. Excuse me.

20 So Experiment 2 introduces the idea of a
21 reform which you and I were talking and the basis of
22 Experiment 1 hypothetically and we're trying to make
23 some inferences about the effect of a reform, and in
24 Experiment 2 we actually try to test a reform and
25 the reform is a \$5000 cap on these IEC

1 contributions.

2 So the second thing we wanted to do in
3 Experiment 2 was give more legal context, and some
4 of the technicalities that go into campaign finance
5 law because we thought that to evaluate one piece of
6 that policy regime you have to have a sense of the
7 other pieces of the regime. And so that's why we
8 enumerated five background regime factors.

9 And so -- and the last thing that we did
10 in Experiment 2 is we've used a lot of different
11 outcome variables to see how the effect of the
12 reform affected various perceptions of corruption,
13 including but not limited to quid pro quo
14 corruption. So those are, I think, three of the
15 core features of Experiment 2.

16 **Q. All right. And when you said you used**
17 **several outcome variables, are those the three that**
18 **I see listed here or is it something other than**
19 **these?**

20 **A. It's those three plus several more that I**
21 **refer to on page 11 in the second full paragraph and**
22 **are fully listed in the Appendix.**

23 **Q. Okay.**

24 **A. But we -- we just highlight the three that**
25 **relate to quid pro quo corruption in Figure 2 for**

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1 ease of interpretation.

2 Q. And the -- the Appendix here includes the
3 numeric results for each of these?

4 A. Yes.

5 Q. Okay. I guess with the Experiment 1
6 before that went out you reviewed that question
7 formatting with Larry Lessig?

8 A. To be honest, I -- you know, always being
9 honest, but we were mostly focused on Experiment 2.
10 I added Experiment 1 a little later in the process.
11 I don't actually recall if he saw it.

12 Q. Okay. So you don't recall any
13 conversations with him about choosing the
14 logarithmic method for setting those?

15 A. I don't recall.

16 Q. Okay. That's fine. Okay.

17 Looking at Experiment 2 -- I'm sorry, I
18 got the page wrong. Wait a second here. Okay. So
19 with the Experiment 2 I'm looking at page eight
20 where you have the base stimulus.

21 Did you consult with Mr. Lessig --
22 Professor Lessig on setting these -- these rules?

23 A. Yes.

24 Q. Why does Rule 1 presume that public
25 officials need lots of money to support their

1 **elections?**

2 **Why is that a condition that you put in**
3 **here?**

4 A. It sets the basic background framework of
5 a privately funded election system which is a very
6 important threshold policy choice that the United
7 States has made; and so it's like, you know, the
8 pre-condition for a lot of the rest of these rules.
9 It would be hard to understand why you would have
10 these other detailed rules if number one wasn't
11 true. It's a pre-condition.

12 **Q. Do you know if it's true in the State of**
13 **Maine that you need a lot of money to become elected**
14 **as a state representative?**

15 A. That is my impression.

16 **Q. And how do you have that impression?**

17 A. Mostly through my inferences about like
18 American politics broadly, I guess. I'm not an
19 expert in Maine.

20 So let me just -- so you've asked me a
21 question that's outside the scope of my report and I
22 actually don't have any, you know, particular basis
23 for knowing anything about Maine in particular. So
24 I do my best to answer your question based on my
25 general background knowledge of American politics.

Q. Okay. That is fair. Thank you.

In Item 3 why did you decide to specifically state that independent expenditure committees are sometimes called SuperPACS?

A. Why -- is your question why did we use the phrase SuperPAC?

Q. Yes.

A. A, my understanding is it's accurate for, you know, the practice in Maine and elsewhere in the country; and B, that the term might be familiar to respondents so it would help them understand what we were talking about.

Q. Did any of the background research you looked at indicate that people are biased against SuperPACS?

A. The word -- the word "bias" is sort of a very tricky term for a social scientist, but -- so it's hard to answer that because it presumes that there's like a true level and then someone's biased away from the true level. So I don't think I can answer the question out of the context.

Q. All right. Well, then let me ask it this way.

Did any of the materials that you looked at indicate that the true level of people's view of

1 SuperPACS is very negative?

2 A. Although I couldn't tell you which study I
3 saw, I do recall some studies of SuperPACS that
4 found them associated with perceptions of
5 corruption.

6 Q. So then why would you choose to
7 specifically have that term in the rule?

8 A. Back to the answer I already gave, is I
9 think it's real, like, SuperPACS do exist and we're
10 trying to measure this reform in the real context,
11 and so it's important to describe campaign finance
12 as it exists.

13 Q. But if there is a large level of
14 negativity associated with something called a
15 SuperPAC, is it possible that simply having that
16 term in the base assumption can skew results?

17 A. This goes back -- the word "skew" kind of
18 goes back to the word "bias", very similar, and
19 that's what I'm resisting.

20 Q. Okay. Yeah.

21 A. It might have an effect on respondents but
22 if the -- but if that is really their perception
23 then that's what we want to measure.

24 Q. Yeah.

25 A. So just like if we're doing a study of

1 cancer, we wouldn't avoid using the word "cancer"
2 because if people are really scared of cancer that's
3 what we need to measure.

4 Q. But you might need to measure if you don't
5 use that word, you know, if they will heal faster.

6 A. Well, if we're talking about perceptions,
7 you know, whether a perception of cancer affects
8 their level of smoking, for example; we wouldn't
9 avoid using the word "cancer" because that is
10 actually something people might be thinking about in
11 deciding whether to smoke. So, likewise, if people
12 are concerned about SuperPACS and it affects their
13 perceptions of corruption, that's not irrelevant.
14 That's not a bias. That's the opinion we're trying
15 to measure.

16 Q. Okay. With Rule 4, you wrote that
17 "Contributions to these IECs may come from major
18 donors who want official actions from elected
19 officials."

20 Again, why would you put that as a rule?

21 A. It forms the policy context that we
22 understood this cap is seeking to address and so it
23 situates the cap appropriately.

24 Q. And Rule 5, "IECs may not necessarily know
25 if a candidate directed a donor to make a

1 **contribution to the IEC or made any agreement with a**
2 **donor in exchange for the contribution."**

3 **Why was it important to put that here?**

4 A. Because the word "independent" we're
5 trying to -- is in the name of IECs, but as I
6 mentioned before that's kind of a technical legal
7 term that may not be accurate on the ground. And
8 number 5 I believe is a true description of what
9 happens in the world and it helps respondents think
10 about whether independence is real versus a legal
11 conclusion, a legal fiction you might say. And so
12 number 5 represents that the donor could be using
13 this vehicle without -- without independence, even
14 though the vehicle is called independent.

15 **Q. Taken together don't 4 and 5 say there are**
16 **major donors who want something from an elected**
17 **official and they can use independent expenditure**
18 **committees to bribe the official?**

19 A. The word "bribe" is a, you know, legal
20 term of art involving as I understand it and, of
21 course, various statutes have slightly different
22 definitions but involve a quid pro quo and I don't
23 see in number 4 and number 5 the quo. I don't see
24 the agreement that's essential to a bribery and so
25 my answer to your question is no.

1 **Q. Well, wait a minute. In 5 it says, "A**
2 **candidate directed a donor to make a contribution".**

3 **Do you see that?**

4 **A. Yes.**

5 **Q. All right. So 4 says quid and 5 says quo,**
6 **right?**

7 **A. So having a candidate direct a donor to**
8 **make a contribution is not -- is not necessarily**
9 **bribery, as I understand it. To just say go give**
10 **money over there is not necessarily bribery. What**
11 **happens after the word "or", "or made any agreement**
12 **with the donor in exchange for the contribution",**
13 **that gets closer to bribery. And so number 5 just**
14 **says the IEC may not know if bribery occurred.**

15 **Q. Do you know what the legal treatment is of**
16 **a donation to an IEC that is directed by the**
17 **candidate?**

18 **A. Do -- no.**

19 **Q. If I told you that it must be treated as a**
20 **donation to the candidate with appropriate limits,**
21 **would that be new information to you?**

22 **A. Yes. I don't know that that's true in**
23 **practice.**

24 **Q. So your statement now is that you think**
25 **perhaps a practice of candidates and donors is**

evading the law?

A. No, I didn't agree with your description of the law. I said I don't know.

Q. Okay. But if that's true -- because you said I don't know if it's true in practice.

A. And I -- and I didn't affirm that it was true in law, either.

Q. I'm trying to figure out why you had it "I don't know if it's true in practice".

A. Because even if it is true in law it may not be true in practice. I'm aware of candidates just from the news doing behaviors that sound similar to this.

MR. LOUVIS: I just ask that we do a break soon if there's a stop.

THE DEPONENT: Yeah, I would appreciate that.

MR. MILLER: Yeah, just let me finish questions about this table and then we'll definitely do that.

BY MR. MILLER:

Q. If when the -- I'm sorry, do you call them participants or respondents? What did you call them?

A. They're synonymous. That's fine, either

1 one.

2 Q. Yeah. If -- when the participant read
3 these rules, if they took this to mean that donors
4 are using SuperPACS to bribe elected officials,
5 could that impact how they respond to the questions?

6 A. I think that is what we measure in the --
7 in the questions.

8 Q. Yeah. So the questions then presumes
9 bribery?

10 A. No, the questions ask about bribery and
11 the respondents tell us whether they see bribery.
12 Well -- and let me -- the questions in Figure 2 I
13 think describe quid pro quo corruption. None of
14 them use the word "bribery", but just to be clear
15 I'm just, you know, calling a spade a spade. You
16 and I can use the word "bribery".

17 MR. MILLER: Okay. We can take a break
18 now.

19 THE DEPONENT: Thank you.

20 THE REPORTER: We are off the record at
21 12:10 p.m.

22 (WHEREUPON, a recess was taken.)

23 THE REPORTER: We are back on the record
24 at 12:19 p.m. You may proceed.

25 BY MR. MILLER:

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1 **Q. Okay. I guess looking at the specific**
2 **vignettes, so I guess I'm looking at page 46 of the**
3 **-- of the filing here.**

4 **In the first example it says -- number 6,**
5 **"The state of Ames has a cap of \$5,000 in**
6 **contributions to IECs. It is illegal for any person**
7 **or corporation to contribute more than \$5,000 to**
8 **IECs in this state."**

9 **And then number 7, "For example, in Ames,**
10 **it is not legal for a sitting governor to tell a**
11 **lobbyist requesting a policy change for a certain**
12 **industry that the companies should contribute \$1**
13 **million dollars to a certain IEC that supports his**
14 **re-election."**

15 **So my question is why do you have the**
16 **million dollar number there if they have a cap of**
17 **\$5000? Why would you even have that number there?**
18 **I don't understand that.**

19 **A. So \$5000 is above -- oh, I'm sorry. So**
20 **let me start over.**

21 **One million is above \$5000 so if you put a**
22 **cap of \$5000 then \$1 million becomes illegal. So as**
23 **an example, in theory, any number above \$5000 would**
24 **suffice. That would serve the purpose of being an**
25 **example and we chose \$1 million as a very common**

1 round number.

2 Q. Okay. But it's -- it also could've read
3 that, you know, that it would -- that the lobbyist,
4 you know, could not request a policy change for a
5 certain industry, that the company should contribute
6 \$10,000 to the IEC, right?

7 A. And that's why in Experiment 1 we actually
8 systematically manipulate those, but for simplicity
9 we can't do everything all at once so we picked one
10 level.

11 Q. But doesn't that create confusion to the
12 recipient of this survey that you're saying \$1
13 million right after you say there's a cap of \$5000?

14 Couldn't it have just been cleaner to say
15 to contribute more than \$5000?

16 A. And we -- so this is one of the reasons
17 that we actually ran the experiment with and without
18 examples; and so we actually tested that to see if
19 it's -- if it is confusing and so you can see in
20 Condition C and Condition F those examples are
21 absent. So we could speculate that it's confusing
22 to think about a number above \$5000; I don't think
23 it is confusing. But in any case we tried it the
24 other way, too.

25 Q. Okay. And do we see the different results

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1 for those?

2 A. We did not find substantially different
3 results. They're broken out in the Appendix if
4 you'd like to look at them.

5 Q. Okay. All right. Good.

6 All right. So in the result that you
7 provide in your report Figure 2, page 10, for
8 example, I guess the top question -- it looks like
9 it's showing sort of around eight percent, I guess,
10 you know, disagreeing for no cap and somewhere
11 around 26 percent disagreeing if there's a \$5000
12 cap.

13 Do you see that?

14 A. Yes. I think it's actually nine and 27
15 percent.

16 Q. Nine and 27 percent.

17 A. It triples.

18 Q. Okay. Well, it triples because you were
19 focusing on disagreement. If you were -- if you're
20 looking at agreement, it's not tripled, right? I
21 mean, then you're going from like 75 to 90,
22 something like that?

23 A. Right. If you want to do the subtraction,
24 the difference in the percentage points would remain
25 the same either way. But the multiplier would be

1 different.

2 Q. Okay. Yeah, but this survey shows that,
3 you know, over 75 percent view a \$5000 cap as
4 corrupting.

5 A. Well, so if you want to take the 27
6 percent in the blue bar and subtract it from 100
7 percent, you would get 73 percent, yes.

8 Q. Yeah, so 73 percent there and I was sort
9 of averaging the three of them.

10 A. Okay.

11 Q. But the second one that would be 77
12 percent or so, correct?

13 A. Yeah.

14 Q. And the third one would be about 78
15 percent.

16 A. There are still perceptions of corruption
17 with a \$5000 cap, but --

18 Q. Significant perceptions.

19 A. Substantial ones.

20 Q. Substantial. Sorry. I never get the
21 lingo right.

22 A. Well, I'm trying to be agreeable.

23 Q. Yeah. I appreciate that.

24 A. So our study is focused on whether the cap
25 makes a difference not whether the cap eliminates

1 all perceptions of corruption.

2 Q. And, again, I'm going to play wordsmith
3 here for the third question.

4 Why do you call it a political quid pro quo
5 instead of just a political -- excuse me, instead of
6 just a quid pro quo and not use the word
7 "political"?

8 A. I don't have a particular answer to that
9 question. I'll just note that we use the word
10 "policy" in the other two questions, so if you like
11 "policy" better then that's -- you have those
12 options. We did specifically ask essentially the
13 same question three different ways in the hopes of
14 getting a more robust response. Hopefully, kind of
15 giving a -- you know, so therefore we'd be more
16 confident that the particular wording isn't making
17 the difference but the underlying concept. That's
18 why we asked the same question three different ways.

19 Q. Yeah. I guess the reason I'm concerned
20 about the use of the word "political" there is like
21 "log-rolling" could be considered a political quid
22 pro quo, right?

23 A. It could be but that wouldn't be a
24 contribution to an IEC.

25 Q. No, but there's nothing illegal about log-

1 **rolling?**

2 A. That's a very interesting legal question
3 that I -- that you -- that's beyond the scope of my
4 report.

5 Q. Okay.

6 A. It's a very interesting one, though.

7 Q. Yeah. All right.

8 I guess on page 11 I'm confused about why
9 is it prophylactic. I don't understand what here is
10 prophylactic.

11 A. I'm trying to find the specifics.

12 Q. Oh, I'm sorry, yeah. So it's the middle
13 paragraph, fourth line.

14 A. Okay. So --

15 Q. Actually, let me ask you. Are you saying
16 it has the appearance of a prophylactic effect or
17 the recipient of the survey thinks that there's a
18 prophylactic effect?

19 Is that what you're saying?

20 A. Well, everything I'm doing here is
21 interpreting the survey results so at a certain
22 level, yes. I'm just -- so I'll just stop there.

23 Q. Right, but the survey doesn't show what
24 the actual effect on bribery is or quid pro quo
25 corruption.

1 A. That's definitely true. This paragraph
2 isn't about quid pro quo corruption, anyway. In
3 this paragraph we're expanding to other oceans of
4 corruption. So that's not what I'm getting at with
5 prophylactic.

6 **Q. Right, but you're not getting to actual**
7 **real world impact, either?**

8 A. We are measuring perceptions of
9 corruption, government effectiveness, government
10 legitimacy.

11 **Q. Did it give you any pause when Experiment**
12 **2 essentially showed a baseline perception of**
13 **corruption of, you know, over 70 percent?**

14 A. No.

15 **Q. And why is that?**

16 A. Primarily because it's consistent with the
17 prior literature and consistent with -- yeah, I
18 think I'll just leave it at that.

19 **Q. Okay. Moving down to Strengths and**
20 **Limitations bottom of page 12, "Ours is not a**
21 **probability based survey."**

22 **Can you explain what that means?**

23 A. Sure. In the old days of surveys -- like
24 30 years ago -- they would literally pick random
25 numbers and make a phone number out of random

1 numbers and call that number and say whoever picks
2 up will you answer our survey; and so that's
3 probability-based because everyone with a phone
4 number has the same chance of getting called. And
5 so ours doesn't work that way for the reasons I
6 explained in the rest of the sentence.

7 Q. All right. And what is a micro-
8 psychological level?

9 A. Can you help me find that sentence?

10 Q. Yeah, top of page 14.

11 A. Okay. So we are not -- we didn't design
12 our study to analyze the rates at which or the
13 prevalence of certain opinions in the wild, in the
14 field the way let's say a Gallup survey might.
15 Instead, we designed our study to engage with people
16 and give them a vignette and see how they respond to
17 that vignette with randomization to support causal
18 inference.

19 So it's a -- it's in that sense a
20 different kind of study.

21 Q. Okay. And you have I guess in the
22 paragraph at the bottom of page 13 you sort of talk
23 about some limitations here.

24 And is what you're saying there that when
25 you create these vignettes you cause people to focus

1 on something more than what they would typically do
2 in their normal day to day lives?

3 A. That is a big part of what I'm talking
4 about on the bottom of page 13, yes.

5 Q. All right. And is there anything else
6 that you're saying there?

7 A. Well, so that's -- that is -- I think
8 that's the core of it and so our study is best
9 understood as answering the question if someone does
10 become aware of a campaign contribution at a certain
11 level, how would they respond to it, in Experiment
12 1, for example.

13 So that's part of what I was saying is
14 different than polling people generally about
15 perceptions of corruption. This allows us to drill
16 into these questions of \$5000 versus \$50 million in
17 a way that you couldn't do with a Gallup poll.

18 Q. And I guess -- so for Experiment 2 because
19 you didn't have those -- those different numerical
20 numbers, different alternatives, you know, we don't
21 know if a similar effect would've been reported at a
22 \$1000 level or a \$1 million dollar level, as far as
23 was reported at \$5000, right?

24 A. I think when you put Experiment 2 and
25 Experiment 1 together and read them as a whole, it

1 allows us to see that, you know, the trends we
2 talked about in Experiment 1, that larger value
3 contributions are more concerning and contributions,
4 you know, above that \$5000 level are different than
5 the ones, you know, at \$500 and below. So I think
6 we can make some inferences based on Experiment 1;
7 that's why we did it as to the amounts. But it's
8 also true that Experiment 2 was only focused on the
9 single threshold that I understand is at issue here
10 in this litigation.

11 **Q. Do you think that you would've received**
12 **similar results had you conducted a survey that was**
13 **richer in information that was provided to**
14 **respondents like a conjoint experiment or something?**

15 **A.** A conjoint experiment is another social
16 science method that's very similar to what I've done
17 here and I think I could've fairly called this a
18 conjoint experiment.

19 **Q. Okay.**

20 **A.** That's a label used -- I talked earlier
21 about some social science fields have different
22 norms, so if I was a professor of marketing I
23 probably would've called this a conjoint experiment.
24 It's essentially the same thing as randomization and
25 systematic manipulation of factors like I've done

1 here. So I hope that's helpful to answer your
2 question in part.

3 Q. I think so.

4 You know, and sort of thoroughly
5 discussing, you know, some limitations and things in
6 your report here, you mention that a substantial
7 number of 394 respondents failed the manipulation
8 check.

9 Explain the significance of that.

10 A. So as I talk about in the report, this is
11 a challenge of really any sort of social science
12 research but especially when you're using these
13 online populations. And so these respondents when
14 we later asked them at the end of the survey can you
15 apply what you learned one more time from the
16 scenario, they got it wrong. They said, well, I
17 actually don't know or I don't remember or they
18 guessed incorrectly on that last question.

19 And so by -- so I want to be super clear
20 that for all the data we've included so far, we
21 discussed so far, those people are included. That
22 means there's some noise in the data already and the
23 differences we observed are infected by some noise.
24 It's one reason the confidence intervals are as big
25 as they are because we have people in there that

1 might not have been paying attention. And so that's
2 why in this last paragraph we say what happens when
3 we take them out and it turns out that our effects
4 get even clearer, the effects get even bigger. They
5 get more substantial and significant.

6 So this is a -- this is a standard
7 technique in social science research to make -- to
8 make sure that, you know, we don't end up with a
9 null result and falsely affirm the null when people
10 may have just not been paying attention.

11 **Q. And when you take them out because the**
12 **sample size is reduced, does that have any change to**
13 **your confidence interval?**

14 **A.** Because the sample size is reduced, the
15 confidence intervals would grow; but because you're
16 taking the noise out of the sample, people who
17 weren't really paying attention, yeah, the
18 differences actually grow as well. And so you can
19 get a more significant result, a more significant
20 difference between experimental conditions even in
21 the smaller sample, and that's exactly what we see
22 in Table A16 in the Appendix.

23 **Q. All right. And Table A16, is that**
24 **referencing question one or question two?**

25 **A.** Experiment 2.

Q. Experiment 2. Okay.

Do you have a similar chart for Experiment 1?

A. No.

Q. All right. Why not?

A. It -- we just didn't think to include it. It was -- I think we kind of viewed Experiment 2 as the primary experiment where that -- that we wanted to have the -- this was the most direct test of the effect of the cap, and so there we wanted to be especially robust and especially careful and like, you know, that's what you see here in giving you this Appendix to make sure that if you do ask about it then I've got that for you.

Q. Yeah. So did you run a table for that Experiment 1?

A. In the manipulation check limited sample, I don't recall if we ever did actually.

Q. I'm not talking about minor formatting changes or anything like that. Were there any substantive tables that you ran that you did not include?

A. No. Well, one thing we've already talked about is the -- in Experiment 1 the non-collapsed dependent variable, like, where we have "Somewhat

1 likely", "Very likely", et cetera, I did create a
2 figure of that but it was hard to read because
3 there's so many levels all on one screen. So that's
4 why I didn't produce the simpler version you can see
5 here, so that -- that was -- that is I think
6 responsive to your question.

7 Q. I guess one of the questions that I guess
8 you maybe asked but didn't include on there, I'm
9 looking at Table A15 here.

10 It says, "Elected officials are likely to
11 represent the interests of major donors."

12 Do you see that?

13 A. Yes.

14 Q. But there could be different -- well, let
15 me ask this.

16 Is there a disagreement in the academic
17 research as far as which direction causation flows
18 for that?

19 In other words, you know, do donors give
20 money because the elected officials, you know, have
21 a position versus elected officials taking a
22 position because their donors gave them money?

23 A. I'm -- I would agree that -- that
24 causation can flow in both directions and scholars
25 have sometimes tried to sort that out as to in any

1 given case which way it's flowing or --

2 Q. But just in general you would generally
3 expect donors to give money to candidates who
4 represent interests that they like, correct?

5 A. I mean, that's outside the scope of my
6 study here but it sounds plausible.

7 I would just emphasize this is just a
8 question we asked to respondents and they sort of
9 speak for themselves in the answers. And you can
10 see in having a cap pretty dramatically changes
11 people's perceptions of whether elected officials
12 are likely to represent the interests of major
13 donors.

14 Q. Well, I mean, you characterize it as
15 significant but even the change itself is still
16 above 70 percent who think that way -- who think
17 that there's corruption at the cap level.

18 A. So I'm looking at Table A15, so you can
19 see when there is a cap the -- the percent of people
20 that go from agreeing strongly goes from 53 percent
21 when there's no cap down to 21.58 percent when there
22 is a cap. So you can see that the cap dramatically
23 reduces perceptions of this form of representation
24 of major donors.

25 Q. And in your conclusion you sort of, you

1 know, have some of the sort of magic language there
2 about "I'm able to render opinions in this report
3 with a reasonable degree of scientific certainty."

4 I guess my question is, is polling
5 considered a science? I didn't know that.

6 A. Polling is definitely considered a science
7 and I would call what I'm doing, survey experiments,
8 is definitely considered a science.

9 Q. All right. Is it a social science?

10 A. To the extent that these are humans I'm
11 interacting with, yes.

12 Q. Okay.

13 MR. MILLER: All right. Let me -- give me
14 a minute here and I'll just see if I have any other
15 questions.

16 All right. I don't have any further
17 questions.

18 Thank you for coming here today.

19 THE DEPONENT: Thank you.

20 THE REPORTER: Are there any other
21 questions from counsel?

22 MR. LOUVIS: No.

23 THE REPORTER: Okay. Before I take us off
24 the record, Attorney Miller, would you like to order
25 the original of the transcript?

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1 MR. MILLER: Yes.

2 THE REPORTER: Thank you.

3 Attorney Louvis, would you like to order a
4 copy of the transcript?

5 MR. LOUVIS: Yes.

6 THE REPORTER: Thank you.

7 Attorney Heller, would you like to order a
8 copy of the transcript?

9 MS. HELLER: I'll read Attorney Louvis'
10 copy.

11 THE REPORTER: Okay. Thank you.

12 And Attorney Bolton, would you like a copy
13 of the transcript?

14 MR. BOLTON: Yes, please.

15 THE REPORTER: Thank you. And Attorney
16 Austin, would you like a copy of the transcript?

17 MS. AUSTIN: No, I will also read Mr.
18 Louvis' copy. Thank you.

19 THE REPORTER: Great. Thank you. And
20 will there be a read and sign today? Read and sign?

21 MS. HELLER: No.

22 THE REPORTER: Okay. Thank you.

23 We are off the record at 12:45 p.m.

24 (WHEREUPON, the deposition of CHRISTOPHER
25 ROBERTSON was concluded at 12:45 p.m.)

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CERTIFICATE

I, Andrea Y. Pearce, do hereby certify that I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability.

I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings.

IN WITNESS HEREOF, I have hereunto set my hand this 21st day of April, 2025.



Andrea Y. Pearce

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Deposition of: Christopher Robertson Date: 04/02/25
Regarding: Dinner Table Action, et al vs. Schneider
Reporter: Pearce/Tate

Please make all corrections, changes or clarifications to your testimony on this sheet, showing page and line number. If there are no changes, write "none" across the page. Sign this sheet and the line provided.

Page	Line	Reason for Change
------	------	-------------------

Signature:

Christopher Robertson

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DECLARATION

Deposition of: Christopher Robertson Date: 04/02/2025

Regarding: DINNER TABLE ACTION, et al vs WILLIAM J. SCHNEIDER, et al

Reporter: Andrea Y. Pearce

I declare under penalty of perjury the following to be true:

I have read my deposition and the same is true and accurate save and except for any corrections as made by me on the Correction Sheet herein.

Signed at _____, _____
on the _____ day of _____, 20____.

Signature: _____
Christopher Robertson

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