EXHIBIT 5

1   UNITED STATES DISTRICT COURT

2   CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

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       MICHELLE FLANAGAN, SAMUEL
5   GOLDEN, DOMINIC NARDONE, JACOB
       PERKIO, and THE CALIFORNIA
6   RIFLE & PISTOL ASSOCIATION,
                                             No.
7   Plaintiffs,   2:16-cv-06164-JAK-
                                            AS
8   vs.

9

       CALIFORNIA ATTORNEY GENERAL
10   XAVIER BECERRA, in her
       official capacity as Attorney
11   General of the state of
       California, SHERIFF JAMES
12   McDONNELL, in his official
       capacity as Sheriff of Los
13   Angeles County, California,
       and DOES 1-10,
14
                      Defendants.
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18   DEPOSITION OF JOHN J. DONOHUE

                    Volume II
19

20   August 8, 2017

21   9:30 a.m.

22

               559 Nathan Abbott Way
23
              Stanford, California
24

25   Joan Theresa Cesano, CSR No. 2590

```
 1           APPEARANCES OF COUNSEL

 2

 3    For Plaintiffs:

 4        MICHEL & ASSOCIATES
         SEAN A. BRADY, ESQ.
 5       (via video-teleconference)
         180 East Ocean Boulevard, Ste. 200
 6       Long Beach, California 90802
         652.216.4444
 7       sbrady@michellawyers.com

 8

      For Defendants:
 9
         JONATHAN M. EISENBERG, Deputy Attorney
10       General
         STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE
11       OFFICE OF THE ATTORNEY GENERAL
         (via video-teleconference)
12       300 South Spring Street, Ste. 1702
         Los Angeles, California 90013
13       213.897.6505
         jonathan.eisenberg@doj.ca.gov
14

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1   STANFORD, CALIFORNIA;

2   TUESDAY, AUGUST 8, 2017; 9:30 A.M.

3

4   JOHN J. DONOHUE,

5   having been first duly sworn, testified as

6   follows:

7

8   EXAMINATION

9

10   BY MR. BRADY:

11   Q   Can you please state your name for the record?

12   A   John Donohue.

13   Q   Hello, Professor Donohue, we met before when I

14   previously deposed you in this matter on July 12th of this

15   year; is that correct?

16   A   That's correct.

17   Q   And is it your understanding that we're here

18   today because during that July 12th deposition it became

19   known that there was an updated version of an exhibit to

20   your report, specifically Exhibit B, that plaintiff's

21   counsel had not seen before that day?

22   A   Yeah, I wasn't totally sure exactly why the

23   request was, but I assume that that was part of the

24   thinking.

25   Q   But you do have an updated version of your

1   it a deposition exhibit, most likely. And that's the

2   standard way of doing it.

3   All right. Let me just take one second here.

4   N-A-W --

5   THE COURT REPORTER: Is this off the record? I'm

6   sorry.

7   MR. EISENBERG: Should we go off the record?

8   I think we should because, I mean, I personally

9   think we should because I don't want to eat up more of

10   Mr. Brady's time.

11   I'm happy to go off the record for this.

12   MR. BRADY: Sure.

13   (Discussion off the record)

14   MR. BRADY: Back on the record.

15   Q   So Professor Donohue, we have established that

16   there has been an updated version of your Exhibit B to

17   your expert report that plaintiff's counsel did not have

18   at -- prior to your July 12th deposition; is that correct?

19   A   Yes, that's my understanding.

20   Q   And during -- during that deposition, plaintiff's

21   counsel located the updated version and it was entered

22   onto the record as Exhibit 10; is that correct?

23   A   I think that's correct.

24   MR. EISENBERG: I'll go ahead and answer for

25   that, I mean, this is not a memory contest for Mr. --

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1 Professor Donohue.

2   I don't know if the exact number is Exhibit 10

3 but we agreed that you did, in fact, reintroduce that

4 deposition which I believe you had an assistant print out

5 in the middle of the deposition.

6   THE WITNESS: Yes, correct.

7   BY MR. BRADY:

8   Q   So the version of your study, the original

9 Exhibit B, included both a panel data analysis and a

10 synthetic control analysis of right-to-carry laws; is that

11 correct?

12   A   That's correct.

13   Q   And your updated version does the same?

14   A   That's correct.

15   Q   Okay. So in the study with the panel data

16 analysis, you mentioned estimating multiple models of

17 crime rates, the DAW model, which is your model; correct?

18   A   Correct.

19   Q   And three other models; is that correct?

20   A   That's correct.

21   Q   And you stated that you felt that the DAW model

22 was the best of the four; correct?

23   A   That -- that is the one that I was most

24 comfortable with.

25   Q   Okay. And that's your model; correct?

1   A   That's -- that's correct.

2   Q   Are there other possible models which included

3   other sets of control variables that -- that you could

4   have used other than these four?

5   MR. EISENBERG: Objection; vague and ambiguous as

6   to "possible" and "could have used."

7   But you may answer, Professor Donahue.

8   In fact, unless I say please don't answer, go

9   ahead and answer.

10   A   Yes.   One could pick and choose among the four

11 models that I included to either add or eliminate certain

12 explanatory variables, so every addition of an explanatory

13 variable or subtraction of an explanatory variable would

14 constitute a different model.

15   So in that sense, one could alter these models

16 and get different specifications.

17   BY MR. BRADY:

18   Q   So, there could be other models that included

19 control variables that you did not consider; is that

20 accurate?

21   A   Well, indeed the other models all had some

22 explanatory variables that I did not include.

23   So right in my paper you see that in addition to

24 the model that I felt was the best, the DAW model, the BC

25 model as well as the MM and LM models, all had at least

1   some explanatory variables that were different from mine

2   and therefore, mine could be amended to include variables

3   that they had.

4   So those would all be different models that one

5   could use.

6   Q   But are there models that included control

7   variables that none of the four models used?

8   MR. EISENBERG: Objection; vague and ambiguous.

9   A   One -- one could certainly add additional

10 explanatory variables to the ones that are in these four

11 models.

12   BY MR. BRADY:

13   Q   And is it possible that these other models, the

14 ones other than the four, could be better at explaining or

15 predicting violent crime rates?

16   MR. EISENBERG: Objection; vague and ambiguous as

17 to "other models."

18   A   I do think that it is a conceptual possibility

19 that, you know, other explanatory variables or even

20 permutations of the explanatory variables that I used

21 could be better in the sense of, you know, being a better

22 representation of the factors that explain violent crime.

23   BY MR. BRADY:

24   Q   So it's possible that the use of other models

25 could yield estimates of the effects of right-to-carry

Li Decl. Ex. 5 - 010

1 I did think I got better panel data estimates than were

2 possible back in 2004, but I still felt that there was

3 some element of accuracy in their concerns about the

4 robustness of panel data models and --

5   BY MR. BRADY:

6   Q   So more years -- more years considered in panel

7 data analysis, does that necessarily make the analysis

8 more robust?

9   MR. EISENBERG: Actually, I want to object; I'm

10 not sure that Professor Donohue was finished with his

11 answer before you asked the question, so I want to see if

12 he has more to say before he answers the next question.

13   THE WITNESS: I'll wait for the next question.

14   MR. EISENBERG: Okay.

15   BY MR. BRADY:

16   Q   So would more years being considered in a panel

17 data analysis -- pardon me, necessarily make the results

18 more robust?

19   Is more years better, in other words?

20   A   Yes, more years is almost always better.

21   But -- and I think if you look at the panel data

22 analysis of my paper and other scholars look at it, they

23 will say, oh, the results have become more stable by

24 virtue of having 14 years of additional data plus 11

25 additional adoptions.

1   But I think you can still see that there is a

2   difference among some of the models and so, if someone

3   said, I believe, you know, this particular model is better

4   than the DAW model, you -- you could argue over which one

5   is -- is the right model. So there is some variability in

6   the panel data results.

7   It's just that at this point I have not seen any

8   model that would suggest the adoption of right-to-carry

9   laws improves crime.

10   Q   So let me -- let me see if I am correctly

11   understanding what you said.

12   In doing this analysis, it's generally better to

13   have more years of data to look at unless the -- the

14   models you're running are bad models, then it doesn't

15   matter if you have more data; right?

16   A   It is true that if you have a bad model, more

17   years won't necessarily help you. It's just that other

18   things being equal, more years and more observations of

19   states adopting right-to-carry should help you get a

20   better model and better fit.

21   Q   And is it -- is it possible -- remember this is

22   just a possibility, that the models that you analyzed for

23   the DAW are just bad models?

24   MR. EISENBERG: Objection; vague and ambiguous as

25   to "impossible" -- or sorry -- "possible."

1   A   It -- I think it requires me to explain a little

2   bit about what I would consider to be a bad model.

3   And so a model that allows me to get an accurate

4   estimate of the impact of right-to-carry laws on crime

5   could be a bad model in the sense of not explaining all

6   the aspects of crime very well, but still a good model if

7   it -- if it gives us an accurate prediction of the impact

8   of right-to-carry laws.

9   And so the differentiation on -- I'm having here

10 is, it depends a little bit on what you're trying to do.

11   If you're trying to explain every change in crime

12 across 50 states over, you know, a 39 year time period,

13 which is what we were looking at here, you may -- you may

14 not be as good at explaining all of the alterations.

15   But as long as you're getting an accurate

16 estimate for the impact of right-to-carry laws, then your

17 model would still be good in my mind for the purposes to

18 which I was applying the model.

19   So in my case, any model that gives me an

20 accurate prediction of the impact of right-to-carry laws

21 on crime I will think will be a good model.

22   BY MR. BRADY:

23   Q   And how can you know what variables that affect

24 violent crime rates need to be controlled for?

25   A   Well, that's an excellent question. And one --

1 one looks to the prior literature and the theoretical

2 basis for including certain explanatory variables and over

3 time the literature will coalesce around a certain set of

4 explanatory variables.

5   And then, of course, if someone feels that an

6 additional explanatory variable would be helpful, and you

7 can collect data for that variable, then you would -- you

8 would be invited or encouraged to include that and see if

9 it made a difference.

10   And so in this case I was -- I was using a lot of

11 different models, including models that in the past had

12 been used to argue that right-to-carry laws actually

13 decreased crime and -- and as well as, models of my own

14 choosing, and models by other researchers who were looking

15 at crime. So I thought I was getting a fair cross section

16 of possible models in doing my analysis.

17   But as you say, there could be other explanatory

18 variables that none of these models included.

19   Q   Can you explain, summarize how you went about

20 choosing what models to include?

21   A   Yes. I think as we mentioned in the prior

22 deposition I had been working in this general area of

23 trying to analyze the impact of right-to-carry laws for

24 quite a number of years and written quite a number of

25 papers on this.

1   And so over time you spend a lot of time refining

2   your thinking and looking at explanatory variables and

3   getting critique and feedback from other researchers, as

4   well as looking at the vast array of crime papers that are

5   not dealing with right-to-carry at all but are looking at

6   other crime issues.

7   And so looking at that vast literature, you do

8   have a very strong literature to draw on in deciding what

9   you think is -- is the best model --

10   Q   From --

11   A   Oh, sorry.

12   Q   I'm sorry.

13   A   So just to finish. So that is essentially the

14   process that I -- I went through over the course of years,

15   refining my model and -- and really the first time that I

16   ever came to the conclusion that I think this is what I

17   think is the best model was in this paper.

18   In the past I was always just trying different

19   possibilities without -- without specifically saying, I

20   think this is best model. So this is the first time I

21   took that -- that final step in analyzing the panel data.

22   Q   In that body of literature you mentioned, did you

23   review any studies of crime rates in general, not just on

24   right-to-carry laws, to determine what variables have been

25   found to affect violent crime rates?

1   A   Yes, I looked at a large number of crime studies

2   to draw that conclusion.

3   Q   Are any of them named in your DAW?

4   MR. EISENBERG: Objection; vague and ambiguous as

5   to "named in your DAW."

6   BY MR. BRADY:

7   Q   Are any of those studies that you mentioned that

8   there are many of referred to, cited, mentioned in your

9   DAW?

10   MR. EISENBERG: Again vague and ambiguous as to

11 "DAW."

12   BY MR. BRADY:

13   Q   You understand what DAW is, do you not,

14 Professor?

15   A   So -- so I am assuming that that is referring to

16 the paper that was the exhibit attached to my report. And

17 that paper does cite a large number of papers that deal

18 with crime issues and that I relied upon, but it

19 doesn't -- it doesn't capture every paper. But it does

20 cite quite a number of them.

21   Q   And ones that just have to do with crime rates in

22 general, not just right-to-carry laws. Is that what

23 you're asserting?

24   A   Umm -- yes, I would -- I would certainly have --

25 have looked at and learned from studies that -- that were

1   either focused on right-to-carry laws or were just in

2   general crime studies.

3   So for example, the Brennan Center report was

4   just a general analysis of crime not specifically focused

5   on right-to-carry.

6   Q   Okay.

7   How many of the control variables in your

8   preferred DAW model showed significant association of the

9   5% significance level with violent crime rates?

10   A   In the panel data analysis?

11   Q   Correct.

12   Just to be clear before you answer, right now I'm

13 solely focusing on the panel data analysis. We'll get to

14 the synthetic model in a second here, but right now just

15 focus on panel data, please.

16   A   And so of my preferred model, I believe the DAW

17 model using manual data always showed an increase in crime

18 that was statistically significant for violent crime in

19 the dummy variable model.

20   Q   In the dummy variable model. But you have a

21 dummy variable model and a spline model; is that correct?

22   A   That's correct.

23   Q   Would the same be true for the spline model?

24 Would it always show a significant association with --

25 would the adoption of a right-to-carry law always show a

Li Decl. Ex. 5 - 017

1   BY MR. BRADY:

2   Q   Okay.

3   So I want to look at your tables in your study,

4   and we already sort of addressed this and I don't know if

5   you want to confirm or just take my word for it that I'm

6   talking about Tables 1, 4, 5, 6, 7, and 8. In those

7   tables you use what you referred to as a dummy variable

8   model; correct?

9   A   Yes.

10   Q   Half of the estimates shown.

11   (Reporter clarification)

12   So half of the table are dummy -- dummy variable

13   model estimates, and the other half are spline model

14   estimates; correct?

15   A   That's -- that's correct.

16   Q   For the dummy variable model, does that -- does

17   that model assume that right-to-carry laws have an impact

18   on crime rates that is constant over time?

19   A   Not necessarily. It -- it could be interpreted

20   that way, but one can also use the dummy variable model

21   just to get an average estimate of the impact in the

22   post-adoption period.

23   Q   And what did you do?

24   A   That's all that I was trying to do is to say can

25   we get an estimate for the average effect in the wake of

1   adoption of right-to-carry laws on violent crime.

2   And so as you noted, Table 1 shows just the state

3   and year fixed effects, and you'll see that the estimate

4   is a 20 percent increase, roughly, in violent crime from

5   the dummy variable model. And then when you jump ahead to

6   the DAW model the estimate is slightly lower, and that

7   shows that the additional explanatory variables were

8   explaining part of the reason why the right-to-carry

9   states did worse after adoption of the right-to-carry

10   laws, apart from the simple adoption of the right-to-carry

11   laws.

12   So that gets back to our earlier discussion, did

13   I include variables that were correlated with

14   right-to-carry laws. And you can see very clearly that I

15   did, because all of the other models have a different

16   estimate than, you know, this 20.21 value that you see in

17   Table 1.

18   Q   Okay. So just to be clear.

19   Your dummy variable model in Table 1 does not

20   assume the right-to-carry laws have an impact on crime

21   rates that is constant over time?

22   A   You could interpret it that way, but I was just

23   using it to -- to generate an average estimate over time

24   for the impact of right-to-carry laws on crime.

25   Q   You're using it that way, but does that model

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1   And you show that those -- that what -- what you

2   found in Columns 3 and 4 of Table 1, why -- why those

3   increases were a result of right-to-carry laws?

4   A   Well, what -- what I found in the DAW model,

5   which I think appeared in Table 4, was that the -- that

6   some of the worst performance in right-to-carry states,

7   remember, in Table 1 we had suggested it was in the

8   neighborhood of 20% worst crime performance after

9   adoption. About 11% of that remained after we controlled

10   for the other factors. So -- so essentially when we

11   introduced the explanatory variables of the DAW model you

12   saw that the estimated harm caused by right-to-carry laws

13   fell from 20% to about 9.5% in Table 4.

14   Q   So -- just to -- is it your position that the

15   results in Table 1 show that the murder rate increases as

16   a result of right-to-carry?

17   A   Well, from Table 1 alone I -- I wouldn't draw any

18   strong conclusions other than we know things were worse in

19   right-to-carry states after they adopted the

20   right-to-carry laws, but it doesn't -- doesn't tell us why

21   they are worse, it just tell us that they were worse in

22   terms of murder and violent crime and property crime.

23   Q   So I'd like to refer to Table 3.

24   A   Okay.

25   Q   Would you say that Table 3 -- that the spline

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1   models in Table 3 provide the strongest support for --

2   strike that.

3   Would you agree that the spline models in Table 3

4   show the strongest statistically significant change in

5   violent crime rates as a result of right-to-carry laws --

6   MR. EISENBERG: Objection; lacks foundation.

7   BY MR. BRADY:

8   Q   -- in the report.

9   A   So in my expert report?

10   Q   Yeah, so in this study -- I'm sorry. In this

11 study would you say that Table 3, the spline models in

12 Table 3, represent the most statistically significant

13 results showing increases in violent crime as a result of

14 right-to-carry laws in your study?

15   A   Now -- now, my Table 3 says: "Table of

16 Explanatory Variables."

17   Is that the one you're looking at?

18   Q   Yes.

19   A   Okay. So I'm not showing any actual estimates in

20 that table. I'm just -- I'm just showing you the

21 explanatory variables that each of the four models

22 includes in their particular specification.

23   Q   Okay. I think I might have looked at the wrong

24 table. Hold on one second, please.

25   A   Okay.

Li Decl. Ex. 5 - 021

1   Q   I'm sorry, it was Table 8.

2   A   Okay.   Table 8.

3   Q   Yeah.   To me the three looks like an eight.

4   A   Yeah, yeah, no problem.

5   MR. EISENBERG: Are you talking about page 18 of

6   the report?

7   MR. BRADY: I think -- yes.

8   MR. EISENBERG: Okay.

9   THE WITNESS: Okay.   So -- so Table 8 does show a

10 few models where in the spline version we see

11 statistically significant estimates of right-to-carry laws

12 on murder.

13   BY MR. BRADY:

14   Q   Okay.   Would you say that these are the most

15 significantly -- statistically significant increases in

16 the report or in your study for increase in violent crime

17 as a result of right-to-carry laws in Table 8?   The spline

18 model.

19   A   Yeah.   The spline model results are probably

20 strongest in Table 8 for murder, not for violent crime.

21   Q   Not for violent crime?   What table would you say

22 is the -- tells the most statistically significant impact

23 on right-to-carry laws for violent crime in general?

24   A   For the spline model?

25   Q   Yes.

Li Decl. Ex. 5 - 022

1 you explained this last time, but it's -- the synthetic

2 control is what you use to isolate the treatment data. Is

3 that accurate?

4   A   So synthetic controls is another way to do what

5 we were trying do in the panel data analysis, which is

6 find the true impact of the adoption of a right-to-carry

7 law on crime, holding everything else constant.

8   Q   Okay. And so the right-to-carry law would be the

9 treatment variable; right?

10   A   Exactly.

11   Q   And synthetic controls are the things that you

12 just mentioned that you supply a control for that that

13 would isolate the impacts of the treatment; is that

14 correct?

15   A   Yes, the -- the synthetic control is designed to

16 show us the counterfactual.

17   In other words, what would have happened in the

18 states that adopted right-to-carry if they had not adopted

19 right-to-carry. That's what you're trying to find out so

20 that you can identify the true causal impact of the

21 legislation.

22   Q   Okay. Would it be fair to say that the

23 effectiveness of the synthetic control method in

24 estimating the impact on the treatment depends on how well

25 the synthetic control simulates the crime trends of the

1 treatment area, prior to the implementation of the

2 treatment?

3   MR. EISENBERG: Objection; vague and ambiguous as

4 to "stimulates."

5   MR. BRADY: "Simulates."

6   MR. EISENBERG: Oh, "simulates" without the first

7 "T" there. Okay.

8   MR. BRADY: There is nothing stimulating about

9 any of this.

10   MR. EISENBERG: I withdraw my objection.

11   THE WITNESS: One of the nice features about the

12 synthetic controls approach is that it allows us both

13 visually and statistically to get a sense of how well your

14 synthetic control does in the present treatment period at

15 capturing the pattern of crime for the state that adopts

16 the right-to-carry law.

17   BY MR. BRADY:

18   Q   Okay. And what statistic do you report in -- in

19 your study that measures how well the synthetic control

20 simulates the pretreatment crime rate trends in

21 right-to-carry states?

22   A   So for each of the figures in my report that --

23 that captures the impact for the individual state, I would

24 have a measure of how well the prediction is operating in

25 the pretreatment period. And it's called the -- sort of a

1 long-winded term here, but it's the coefficient of

2 variation of the root-mean-square prediction error.

3   Q   And can you explain it in layman's terms and dumb

4 it real down a lot for me, please --

5   A   Sure.

6   Q   -- as to what that means?

7   A   Sure, sure, sure. Yeah, sorry that it's not as

8 immediately obvious as one would like.

9   But, you know, it might help to look at -- let's

10 see, Figure 3 in the paper.

11   Q   Do you know what page that's on?

12   A   On my printout it says page 25 of the June 2017

13 report.

14   Q   Okay. Thank you.

15   Okay. I have Figure 4 or Figure 3?

16   A   I was looking at Figure 3, which is Pennsylvania.

17   Q   Yeah.

18   A   And it says here that this was the -- "the state

19 of the 33 states which had the best pre-passage fit," and

20 you'll see that there's a number there that says:

21 "CVRMSPE."

22   And there's -- that stands for the coefficient of

23 variation of the root-mean-square prediction error. And

24 the number there is essentially telling you that you're

25 getting a very good fit. And it says: "The first of 33

1 states so arrayed." All 33 states that I estimated

2 impacts for based on the size of this CVRMSPE, and this

3 one had the lowest value.

4   And that meant it had the best pre-passage fit

5 and essentially, in intuitive terms what this is telling

6 you is that you're only off by about 1.8% for each of the

7 pre-passage years. So that's a pretty good prediction.

8   And you can see that the lines conform rather

9 nicely between the thick black line which is the actual

10 pattern of crime for Pennsylvania and the dotted line

11 which is our estimate based on the synthetic control.

12   Q   Okay. So you talked about the best estimates --

13 is the set of states that you selected here to create this

14 synthetic control, are they the best of all combinations

15 of states in simulating what crime trends in

16 right-to-carry states would have been in the absence of

17 right-to-carry laws?

18   A   The synthetic controls is trying to -- trying to

19 create a composite of states that will give you the best

20 prediction for crime in the posttreatment period, and the

21 way that you judge how well it's likely to do in the post

22 period is to see how well it's doing in the pre-passage

23 period.

24   Q   And what statistics show that?

25   A   Well, that's this CVRMSPE.

1   Q   Okay.

2   A   And so the fact that that's a small number is

3   telling us that there's not a lot of deviation between our

4   estimate of what happened to crime in the pre-passage

5   period, and what really did happen in Pennsylvania in the

6   pre-passage period.

7   Q   And where does that CVRMSPE come from?

8   A   Well, that -- the synthetic controls estimate

9   allows you to generate that number which is just looking

10 at how much the actual Philadelphia -- or Pennsylvania

11 violent crime rate deviates from the predicted value.

12   And you're sort of summing those up over the

13 entire period and taking their average and comparing that

14 to the, sort of the baseline level of violent crime for

15 Pennsylvania over this period.

16   Q   So let me see if I get this.

17   Does that mean that a good state to include in

18 the synthetic control would be one that had pre-treatment

19 trends in both the violent crime rates and variables that

20 affect violent crime rates that are similar to trends in

21 the right-to-carry state?

22   A   I mean, essentially what the synthetic control

23 tries to do is find the composite of states that will do

24 the best job of sort of lining up crime in the pre-passage

25 period, including the impact of the variables that you

1 have specified as things that we think will likely

2 influence crime.

3   And as we see for Pennsylvania, they -- they

4 determine based on the synthetic control's protocol that

5 these one, two, three, four, five, six states in the

6 percentages weighted here, does the best job of coming up

7 with this synthetic control.

8   And all of that is done by the computer package,

9 that is not a choice by me. That is the way the synthetic

10 control protocol will estimate the -- the best set of

11 states given the explanatory variables that I have entered

12 into the model.

13   Q   So it's software that's producing this synthetic

14 control protocol?

15   A   Yeah.

16   So I'm specifying which explanatory variables to

17 include, and those are the DAW models -- DAW variables.

18 And once that is done, the synthetic control protocol will

19 pick the -- the best states to generate this

20 counterfactual for the state of Pennsylvania.

21   Q   So do you just take it on faith that this

22 software does this correctly?

23   A   Well, thankfully this has been programmed and

24 included in sort of the number one software package that

25 applied economists use called Stata, S-T-A-T-A, and now it

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1 has been used in many empirical evaluations of various

2 types of treatment.

3   Q   Okay. And this software tests for similarities

4 between right-to-carry states and potential control states

5 regarding variables that affect violent crime rates;

6 correct?

7   A   Is it -- it is -- it's weighting the states, you

8 know, based on the explanatory variables you're giving

9 them and the prior patterns of crime in these states.

10   Q   So you give it the variables?

11   A   That's right. You give it the variables and then

12 it -- then it just applies its protocol according to the

13 dictates of the protocol. So one of the things that it

14 does is it only gives positive weights on various states.

15 It can't give a negative weight to any state, but based on

16 the synthetic control protocol it will generate this

17 estimate.

18   And if you look across the various 33 states,

19 sometimes you see that the estimates do not look

20 particularly compelling, but for Pennsylvania it does look

21 quite compelling.

22   Q   Okay. So if you do not know what other variables

23 affect violent crime rates, you wouldn't know what

24 variables you should ask the software to test for

25 regarding the similarity of the control state with the

1 position, and that's more than the number that support

2 estimates that crime goes up.

3   But again, if you look at the studies, then you

4 would see -- well, first of all, most of the studies that

5 John Lott is referring to were done using data ending

6 before 2000, so we have a lot more and better data now.

7 And many of them have other serious problems. And none of

8 them have looked at the impact using synthetic controls.

9   Q   Okay. Setting aside your critiques of the other

10 studies.

11   Obviously, you think yours is superior otherwise

12 you wouldn't have done it, but would it be fair to say

13 that most other studies in this field either conclude that

14 right-to-carry laws have no effect on violent crime rates

15 or that they reduce violent crime?

16   A   You know, I think that that's not true for

17 studies done since the National Research Council report of

18 2004.

19   I think it is true for studies done before the

20 National Research Council report of 2004.

21   Q   So it's your view that post 2004 the majority of

22 studies share your view that right-to-carry laws, in fact,

23 increase violent crime rates?

24   MR. EISENBERG: Objection; calls for speculation.

25   A   It's -- it's certainly a lot closer after 2004

 1 than it was before 2004.

 2   BY MR. BRADY:

 3   Q   Can you name the study that you think, other than

 4 your own, that shows -- that concludes that right-to-carry

 5 laws, in fact, increase violent crime rates?

 6   A   Again, there are a number of studies that show

 7 regression analyses that predict or estimate that the

 8 impact on violent crime is positive, in other words,

 9 increasing, when right-to-carry laws are adopted.

10   Sometimes the authors have qualified the results

11 and said, you know, while our best model shows that

12 right-to-carry laws increase crime they -- they did not

13 come to any firm conclusion about what the impact really

14 was.

15   Q   Has there been any report that has not

16 qualified -- has not so qualified its conclusion as you

17 just explained, other than yours?

18   A   Well, are you asking are there any reports

19 showing increases in violent crime?

20   Q   So, just to -- let me set the record straight

21 here so we're clear.

22   You indicated that there are reports that have

23 shown regressions with a positive for right-to-carry laws

24 on violent crime --

25   A   Yes.

1   Q   -- but that the authors qualify their findings,

2   saying although there are positive showings, we're not

3   going to make any firm conclusions on whether, in fact,

4   right-to-carry laws increase violent crime rates; is that

5   correct?

6   Is that accurate about what you just said?

7   A   Umm -- let me see if I can mimic what you just

8   said.

9   There are a number of studies that have found

10 right-to-carry laws increase violent crime. I can think

11 of two of them that then qualify the results. So the

12 Durlauf, Navarro, and Rivers study said our best model

13 using our Bayesian econometric approach shows that violent

14 crime increases by roughly 2% every year that it's in

15 place.

16   And the Zimmerman paper, which we quoted earlier,

17 said our model estimated over two -- 1999 to 2010 shows

18 statistically significant increases in various violent

19 crime categories as, you know, Donohue and others have

20 found. But both of those papers qualified their

21 conclusions.

22   There is another paper that Gary Kleck has -- has

23 held up as like the best of the right-to-carry papers, and

24 I'm not sure that that paper qualified its conclusion or

25 not, but it did find clearly that right-to-carry laws were

1 that both of us did our analysis and found right-to-carry

2 laws increase violent crime. I --

3   Q   But, Professor, I said setting that one aside.

4   A   Okay.

5   Q   Because we're not sure, you know. We can clarify

6 later if you want whether that one, in fact, does that, so

7 let's assume that one does for the record. We'll just

8 assume it does.

9   Is there any other study besides that one that

10 you're aware of, and besides yours, that concludes without

11 qualification that right-to-carry laws increase violent

12 crime rates?

13   A   You know, mine is the only study that has

14 analyzed this -- this full set of data up through 2014,

15 using both panel data and synthetic controls. And so in

16 that sense my study is unique in the scope and breadth of

17 its analysis. But apart from the -- the Kovandzic study

18 that Gary Kleck referenced and the two other ones that I

19 alluded to, I'm -- I'm not aware of any other studies that

20 similarly find an increase in violent crime.

21   Q   Your study cites no study specifically addressing

22 open carry issues; correct?

23   MR. EISENBERG: Vague and ambiguous as to which

24 study you're referring to.

25   BY MR. BRADY:

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1   Q   So the study, DAW, Exhibit B to the report,

2 Exhibit 10 to this deposition, your June study that we've

3 been talking about this entire time, in there do you cite

4 any studies specifically dealing with open carry

5 statistics?

6   A   Yeah, I was not -- I was not aware of any such

7 studies.

8   Q   So you did not consult any study specifically

9 addressing open carry in preparing your study; correct?

10   A   Yeah, I didn't have any -- any study available.

11   Q   And your study, I think we already got this, but

12 I don't recall if it's on record, has it been published

13 yet?

14   A   No, it has not been published yet.

15   Q   Has it been submitted for publication?

16   A   It has been.

17   Q   Can you disclose to where it's been submitted?

18   A   Umm -- you know, that's a good question. I don't

19 know if I'm supposed to say that or not, but I think it's

20 fair --

21   Q   I -- how about this. I won't force you to get in

22 trouble with your -- the people who are doing that.

23   Can you describe what type -- is it a journal of

24 some sort?

25   A   Yeah, it's a very, very eminent journal.

1   Q   Is it -- can you just say whether it's an

2   economics journal, law review journal, statistics journal?

3   A   Yeah, economics.

4   Q   Okay.

5   Can you hand the court reporter the article from

6   the L.A. Times and we'll mark that as -- what are we at,

7   16?

8   THE REPORTER: I thought 14.

9   THE WITNESS: So the next one is 15.

10   MR. BRADY: Okay. That's right. I'm sorry,

11   you're right.

12   MR. EISENBERG: This is the Pat Morrison article?

13   MR. BRADY: Correct.

14   Q   So do you recognize this article, Professor

15   Donohue?

16   A   I do.

17   THE REPORTER: Could I have just a moment to put

18   the sticker on, Counsel?

19   MR. BRADY: Of course.

20   (Exhibit 15 marked)

21   Q   So let's start with -- on the -- I think it is --

22   of the handout it's page 1, 2, 3, 4, 5. Page 5.

23   The question from the interviewer -- well, I

24   guess it starts on page 4.

25   But so he says: "The saying that the NRA

1   armed citizen will."

2   A   Yeah, I think the best evidence on that is the

3   FBI report because they were -- they were looking in

4   detail at the 160 active shooter incidents over that

5   period 2000 to 2013.

6   While the document that you showed me was going

7   back, you know, many, many years and was not capturing all

8   of the cases where unarmed citizens stopped mass

9   shootings.

10   Q   I'm trying to locate where in this thing you

11 say -- I have this written down -- I apologize -- to read

12 this statement and see -- I think you already alluded to

13 this so I don't think you'll dispute its accuracy.

14   But I believe you said: "So the one thing we

15 know is that permit holders do an amazingly" -- amazing --

16 I think it's "amazing effective job of arming criminals

17 with their lost and stolen guns."

18   Is that your -- are those your words?

19   A   Yes.

20   Q   So do you have any studies showing the number of

21 gun thefts in right-to-carry states increasing --

22   A   Umm --

23   Q   -- following the adoption of a right-to-carry

24 law?

25   A   There's a very good study done by Hemingway,

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1 Azrael, and Miller that looks at what are the factors that

2 lead to guns being lost and stolen. And one of the

3 important factors was, you know, do you have a permit to

4 carry a gun.

5   Q And that helped determine whether the amount of

6 thefts in right-to-carry states were increased?

7   A Yes, that was the conclusion and police have made

8 this very emphatic that as soon as you start carrying a

9 gun in a car and leaving a gun in a car, you are going to

10 be arming the criminals because they know where the guns

11 are.

12   And there was just recently a case where someone

13 broke into, you know, a large number of guns -- I believe

14 it was in Georgia -- a large number of cars, and in a very

15 high percentage of the cars found guns that were then

16 stolen.

17   Q On that note, you also say -- and let me, I'll --

18 if you want I can give you the page.

19   It's the page after the one we were previously

20 talking about, starting with paragraph, "But," it says:

21 "But there are also so many other ways in which carrying

22 concealed handguns creates problems. One huge way is that

23 guns are much more likely to be stolen when you're taking

24 them around town and walking around. We've seen this

25 quite a bit in California over the last couple of years.

1   "A number of incidents in San Francisco got a lot

2   of headlines when somebody left their gun in their car, a

3   permit holder, and somebody breaks into the car and steals

4   the gun and within a day or so, or even a number of hours,

5   murders someone on the street."

6   Can you cite a single example of a California --

7   California permit holder whose firearm was stolen from

8   their car?

9   A   I mean, I can't give you any names but there are

10 prominent murders in San Francisco and Marin that involved

11 that exact pattern.

12   Q   Are you referring to the young lady who was

13 murdered on the San Francisco pier?

14   A   That was one person, but there were others as

15 well.

16   Q   Your quote is: "When somebody left their gun in

17 a car, a permit holder..." So is it your understanding

18 that the person who left the gun in the car in San

19 Francisco that was used to murder I believe her name was

20 Kate Steinle, was a permit holder?

21   A   Yes, that person did have a permit to carry a

22 gun.

23   Q   Wasn't that person a federal peace officer?

24   A   Right, but would have a permit to carry a gun.

25   Q   Why would a federal peace officer need a permit

1   to carry a gun?

2   MR. EISENBERG: Objection; argumentative.

3   BY MR. BRADY:

4   Q   Is it your understanding of California law that a

5   federal peace officer needs a permit to carry a firearm?

6   MR. EISENBERG: Objection; vague and ambiguous as

7   to "permit."

8   BY MR. BRADY:

9   Q   A concealed -- C.C.W. permit holder the type of

10 permit you're referring to in this article?

11   MR. EISENBERG: Objection; mischaracterizes the

12 content of article.

13   A   Yeah, this statement is accurate. It just said

14 that they had permission to carry a gun which means that

15 they had permission to carry a gun. So this was not a

16 criminal, this was someone with a lawful right-to-carry.

17   And if you remember the subsequent crime where a

18 couple of people in Golden Gate Park stole the gun, and

19 was used for a subsequent murder, we had the same

20 situation yet again.

21   BY MR. BRADY:

22   Q   And do you know whether that person was a

23 concealed weapon permit holder?

24   MR. EISENBERG: Objection; vague and ambiguous as

25 to "person."

1 know who was killed with those weapons.

2   But we certainly know, even Sean Penn has

3 acknowledged that he lost two guns when his car was stolen

4 in Berkeley.

5   Q   And you also say that they get stolen when people

6 are walking around. Do you have any examples of people

7 having had firearms stolen while lawfully walking around

8 with them in California?

9   A   Let's see what I said here.

10   Yeah, so I said: "One huge way is guns are much

11 more likely to be stolen when you're taking them around

12 town and walking around."

13   And so what I meant by that is if you're carrying

14 a gun outside your home, it's much more likely to be

15 stolen. So when you're walking around and put it down as

16 I often do with my cell phone, it's much more susceptible

17 to be stolen than if you're keeping it in your home.

18   And so if you look at cell phone thefts and gun

19 thefts, they're both higher outside the home than they are

20 inside the home.

21   Q   Have you seen any reports of an individual

22 setting their firearm down in public and it being stolen?

23   A   There -- there have been many reports of that.

24 Many, many, reports.

25   Q   Can you recollect one?

1   A   You know, I don't catalogue all of the news

2   stories, but I could certainly find you many news stories

3   of people who have left their guns somewhere and had them

4   taken or simply lost them.

5   I was reading an article I think just last week

6   where the police found a gun in a park that was left

7   behind, so this is -- this is a very common occurrence and

8   one of the ways in which gun carrying contributes to

9   increases in violent crime.

10   Q   You didn't cite any studies or reports of that in

11   your study or report; correct?

12   A   Well, I just mentioned the Hemingway, et. al.

13   study that said one of the significant factors in

14   explaining the large number of guns stolen in the United

15   States is the fact that the person whose gun was stolen

16   had the right-to-carry that gun around. That made it more

17   likely that their gun would be stolen. And so that is a

18   very credible statistical support.

19   On top of that we have many anecdotal studies or

20   anecdotal stories about the theft of guns by permit

21   holders in California and elsewhere.

22   Q   And did that Hemingway study have any examples of

23   people leaving their firearms behind in a public place?

24   MR. EISENBERG: Objection; noting that the

25   Hemingway study is not present at the deposition.

 1   THE WITNESS: Yeah, the Hemingway study --

 2   MR. BRADY: The deponent just mentioned the study

 3   as an example of the stolen firearm issue in public.

 4   MR. EISENBERG: I agree with that statement, but

 5   my objection stands.

 6   A   Yeah, the Hemingway study was identifying what

 7   were the factors that contributed to the likelihood that a

 8   gun would be stolen, and one of those statistically

 9   significant factors was that you had a permit to carry the

10   gun.

11   And therefore, that suggests to me that when you

12   start taking your gun outside your home, you're elevating

13   the likelihood of theft which is what almost every police

14   chief will tell you.

15   BY MR. BRADY:

16   Q   Okay. Moving on.

17   You say in the -- in the article, in the

18   interview: "And the right-to-carry states hired a lot

19   more police after they adopted these laws."

20   I assume you're talking about right-to-carry laws

21   in other states?

22   A   Yes.

23   Q   Is that your statement?

24   A   Yes.

25   Q   What do you base that on?

1   toward the bottom, you see that there are a couple papers

2   by Gary Kleck that are referenced.

3   A   Yes.

4   Q   So does that -- you believe that this Journal of

5   Economic Literature did consider the opinions and the

6   research of Professor Kleck when making its conclusions?

7   A   Yes, it did.

8   Q   All right. Then I'll also turn you back one page

9   to 43, and there are four papers listed there by John

10 J. Donohue.

11   That's you and those are your papers; correct?

12   A   Yes, indeed.

13   Q   And so you understand that your research was

14 considered and your opinion was considered in this

15 literature review?

16   A   Yes, that's correct.

17   Q   I'd like to switch topics to the concept of

18 synthetic controls as an analytical tool used by

19 statisticians and economists.

20   A   Okay.

21   Q   Are you aware that Professor Kleck in his

22 deposition suggested that synthetic controlled analysis is

23 not well enough established to be used with confidence

24 among economists and statisticians?

25   A   That was my understanding.

1   MR. BRADY: Objection; misstates testimony.

2   BY MR. EISENBERG:

3   Q   Do you have an opinion about whether synthetic

4 control analysis is generally accepted by academic

5 economists doing research on long public policy?

6   A   It certainly has been widely accepted by

7 empirical researchers trying to estimate the effect of law

8 or policy treatments.

9   Q   And has it been used in academic papers?

10   A   Yes, a very large and growing number of papers

11 rely on the synthetic controls methodology.

12   Q   Okay.

13   MR. EISENBERG: So I'd like to mark as Exhibit 18

14 the Athey and Imbens article, State of Applied

15 Econometrics.

16   THE WITNESS: Okay.

17   (Reporter clarification)

18   (Exhibit 18 marked)

19   BY MR. EISENBERG:

20   Q   Have you had seen this paper before?

21   A   I have.

22   Q   Have you heard of either of the authors of these

23 papers -- of this paper before?

24   A   Yes, I actually know both of these authors.

25 They're very top-flight economists and econometricians.

1   Q   So Professor Athey, I understand, has won the

2   John Bates Clark Medal.

3   Is that your understanding?

4   A   Yes, I think she was the first female winner of

5   the John Bates Clark Medal which is often referred to as

6   sort of the junior Nobel prize in economics.

7   Q   Right. That's what I was going to ask you, is if

8   there's significance in your field that's somebody would

9   win this award.

10   In other words, what is it an indication of?

11   A   It's usually given to the absolute most elite

12 professors, two of my coauthors have -- have won it. It

13 can only be given to people before age 40.

14   But one of my coauthors who won it won the Nobel

15 prize, and I wouldn't be surprised if my other coauthor

16 who won it, does go on to win the Nobel prize.

17   Q   And then the other -- the other author is

18 Professor Imbens, do you know where he's a professor --

19 strike that.

20   It says here he's a professor at Stanford GSB.

21 You can confirm that?

22   A   Yeah, he was at Harvard for a number of years and

23 moved to Stanford a few years ago.

24   Q   Would he be considered an expert in econometrics?

25   A   He is one of the most elite econometricians

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1   today.

2   Q   All right, let -- I'm going to turn you to page 9

3   of the report, or of the paper, rather.

4   And I'll read this sentence into the record:

5   "This synthetic control approach developed by Abadie,

6   Diamond, and Hainmueller, 2010-2014, and Abadie and

7   Gardeazabal, 2003, is arguably the most important

8   innovation in the policy evaluation literature in the last

9   15 years."

10   Do you see that statement?

11   A   Yes.

12   Q   Do you believe that that is a generally held

13   opinion among academic economists as to the importance of

14   synthetic control approach?

15   MR. BRADY: Objection; lacks foundation; calls

16   for speculation.

17   A   I think among, you know, elite applied

18   researchers, this is the generally accepted view.

19   BY MR. EISENBERG:

20   Q   So as to the view of Professor Kleck, it's unwise

21   to use this approach until there are more -- there's more

22   verification of its pros and cons.

23   Do you agree with that statement?

24   MR. BRADY: Objection; misstates testimony.

25   A   I would not agree with that statement.

1   A   Yes, I'm generally aware of his critique of

2 county-level crime data.

3   Q   Do you believe there is any merit to the

4 critique?

5   MR. BRADY: Objection; misstates testimony; calls

6 for speculation; lacks foundation.

7   A   I do agree with him that there are problems with

8 county-level crime data.

9   BY MR. EISENBERG:

10   Q   Are you aware that Professor Kleck has also made

11 critiques of data about aggravated assaults?

12   MR. BRADY: Objection; calls for speculation and

13 misstates testimony; vague and ambiguous.

14   A   Yes, it is my understanding of his report that he

15 is critical of the data on aggravated assault.

16   BY MR. EISENBERG:

17   Q   Do you believe that aggravated assault data as

18 compiled by the FBI in Uniform Crime Reports is not

19 appropriate for academic analysis?

20   A   No, I do not agree with that.

21   Q   Do you believe that that data is appropriate for

22 academic analysis?

23   A   Yes, and all of those studies that were referred

24 to by the Council of Economic Advisors, and the paper by

25 Justin McCrary and his coauthor, relied on that Uniform

1 likely for individual states than for the nation as a

2 whole.

3   Q   In this aggregated data is data for aggravated

4 assaults more fluctuating than the data for the other

5 individual crimes?

6   MR. BRADY: Objection; calls for speculation;

7 vague, ambiguous as to "flexible."

8   A   I mean, in general, the -- the larger the crime

9 category, the less volatile you would expect that crime

10 category to be.

11   And since aggravated assault is, for example,

12 more common than murder, you would expect aggravated

13 assault to be a less volatile series than the time series

14 for murder.

15   Q   Is that, in fact, true?

16   A   Yes.

17   Q   Let me ask you about the third column from the

18 left, which is: Violent Crime.

19   If you'll see there's a footnote right there in

20 the header for the column. And if you turn to the second

21 page you see -- the second page at least of my printout,

22 you see what that footnote says and it says: The violent

23 crime figures include the offenses of murder, rape, legacy

24 definition, robbery and aggravated assault.

25   A   Yep.

1   Q   Is it your understanding that the FBI has this

2   category of violent crime that includes murder, rape,

3   robbery, and aggravated assault?

4   A   Yes, it does.

5   Q   So when you did your study with some aggregated

6   crimes you were using the FBI definition of violent crime

7   other than the fact that you separated out murder; is that

8   right?

9   MR. BRADY: Objection; lacks foundation.

10   A   Yes, I did the analysis in a number of different

11 ways.

12   So if you look at the first column of my analysis

13 I would typically show in the panel data the murder rate,

14 the second column the count of murders, and the third

15 column would be violent crime which would include all of

16 the crime that the FBI considers to be in the violent

17 crime category.

18   BY MR. EISENBERG:

19   Q   Are you aware that Professor Kleck accused you of

20 putting rape, robbery, and aggravated assault together in

21 order to obscure the weakness of your results?

22   MR. BRADY: Objection; misstates testimony;

23 argumentative; lacks foundation; calls for speculation.

24   A   I was aware of that general claim.

25   BY MR. EISENBERG:

1   Q   Did you, in fact, aggregate those crime

2   categories to obscure the weaknesses in your results?

3   MR. BRADY: Objection; compound question.

4   A   No, I mean, I -- I followed a very

5   well-established tradition of looking at violent crime

6   rates.

7   But there was also a very particular benefit in

8   the synthetic controls analysis because the conclusion

9   across every set of explanatory variables that I looked

10 at, and those were the ones that we'd been speaking of, my

11 set of explanatory variables -- the Brennan Center, the

12 Lott and Mustard, as well as the Marvell and Moody set of

13 explanatory variables, all gave robust and strongly

14 significant findings that the adoption of a right-to-carry

15 law would lead to increases in violent crime.

16   And that finding was the single most robust and

17 consistent finding in all of my analysis. And so it was

18 therefore very helpful to be able to show a very strongly

19 robust finding in a literature that has often been

20 somewhat frustrating to researchers because the results

21 were more variable than a researcher would ordinarily

22 like.

23   BY MR. EISENBERG:

24   Q   And you did a 2014 paper on roughly the same

25 topic as your new paper; correct?

1   A   That's correct.

2   Q   And at least one of the coauthors there is also a

3   coauthor on the current paper; correct?

4   A   That's right.

5   Q   And in the 2014 paper you broke out the data for

6   aggravated assaults separately from other violent crime

7   categories; correct?

8   A   That's correct.

9   Q   What were -- what were your findings as to the

10 effect of right-to-carry laws on aggravated assault rates

11 per your 2014 paper?

12   A   That paper using the panel data analysis and the

13 models that we were employing found that aggravated was

14 elevated when right-to-carry laws were adopted.

15   Q   And since you submitted your expert report in

16 this case, in the Flannigan case on June 1st, you've

17 done -- you've rerun some of your regression analyses

18 breaking out aggravated assault from the category violent

19 crime; correct?

20   MR. BRADY: Objection; assumes facts not in

21 evidence; lacks foundation.

22   Go ahead.

23   A   Yeah, as I testified in my first day of

24 deposition, I did respond, in my own mind at least, to the

25 criticisms that Professor Kleck had made by looking at the

1   individual violent crime categories using the synthetic

2   controls approach.

3   BY MR. EISENBERG:

4   Q And again, could you state generally what the

5   results were for the aggravated assault data in your new

6   paper?

7   MR. BRADY: Objection; vague and ambiguous as to

8   "new paper."

9   MR. EISENBERG: You are absolutely correct. Let

10 me withdraw the question.

11   Q Can you state what the results were for the rerun

12 analyses that you did for aggravated assault data after

13 the May 23rd posting of your paper?

14   MR. BRADY: Objection; assume facts not in

15 evidence; lacks foundation.

16   A   Yes. The synthetic controls estimates,

17 regardless of the particular set of explanatory variables

18 that was used, showed a highly statistically significant

19 impact on aggravated assault rising when right-to-carry

20 laws were about to...

21   BY MR. EISENBERG:

22   Q All right. I'm going to refer you to a document

23 that I believe you have, but I'm not 100% certain if you

24 have it with you. It's the Kovandzic paper that we have

25 been talking about.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA -- WESTERN DIVISION

FLANAGAN vs. BECERRA

DEPOSITION ERRATA SHEET

DEPOSITION OF JOHN J. DONOHUE, Volume II , August 8, 2017

I use the page numbers that continue the pagination from the first volume of my deposition (which pagination differs from the page count in the second volume). I begin with a list of page and line numbers where the transcript mis-spells my last name as "Donahue" (when it should be "Donohue"):

- Page 237, line 10

- Page 239, line 16

- Page 239, line 22

- Page 240, line 17

- Page 241, line 14

- Page 242, line 18

- Page 246, line 7

- Page 369, line 12

Also:

P. 242 (error in transcription or misspoken word)

Change:

09:45AM 9 I can't do it here because I'm not with the court

To:

09:45AM 9 I can't do it here because I'm here with the court

1

P. 270 (error in transcription or misspoken word)

Change:

10:58AM 21 introductions and appropriate set of explanatory variables

To:

10:58AM 21 introducing an appropriate set of explanatory variables

P. 271 (erroneous recollection of numerical figure)

Change:

11:00AM 9 adoption. About 11% of that remained after we controlled

To:

11:00AM 9 adoption. About half of that remained after we controlled

P. 274   (error in transcription or misspoken word)

Change:

11:07AM 4 was collected from between 2002 and 2014 only; correct?

To:

11:07AM 4 was collected from between 2000 and 2014 only; correct?

P. 288   (erroneous grammar in transcription)

Change:

11:35AM 4 determine based on the synthetic control's protocol that

To:

11:35AM 4 determine based on the synthetic controls protocol that

P. 290 (error in transcription or inadvertently omitted word)

2

Change:

11:39AM 6 So I remember when we were talking about panel

To:

11:39AM 6 So remember when we were talking about panel

P. 293 (error in transcription or misspoken word)

Change:

11:45AM 9 present right-to-carry trends for violent crime were not

To:

11:45AM 9 pre-right-to-carry trends for violent crime were not

P. 293 (error in transcription or misspoken word)

Change:

11:45AM 18 present right-to-carry similarity that the -- that the

To:

11:45AM 18 pre-right-to-carry similarity that the -- that the

P. 294 (error in transcription or misspoken word)

Change:

11:48AM 23 is it -- how is it implicating your estimates based on how

To:

11:48AM 23 is it -- how is it influencing your estimates based on how

P. 298 (error in transcription or misspoken word)

Change:

11:54AM 21 they sort of mimic the growth and right-to-carry permits

3

To:

11:54AM 21 they sort of mimic the growth in right-to-carry permits

P. 301 (error in transcription or misspoken word)

Change:

11:59AM 11 professor at Harvard who was the initiatory of the

To:

11:59AM 11 professor at Harvard who was the initiator of the

P. 308 (error in transcription or misspoken word)

Change:

12:14PM 13 non-gun crime as more or greater than the stimulus to gun

To:

12:14PM 13 non-gun crime as much or more than the stimulus to gun

P. 313 (error in transcription or speaking unnecessary word)

Change:

12:24PM 17 said our model estimated over two -- 1999 to 2010 shows

To:

12:24PM 17 said our model estimated over 1999 to 2010 shows

Also p. 313 (error in transcription or misspoken word)

Change:

12:24PM 23 held up as like the best of the right-to-carry papers, and

To:

4

12:24PM 23 held up as likely the best of the right-to-carry papers, and

P. 332 (error in transcription or misspoken word)

Change:

12:55PM 2 inattentive to NRA members as -- are much less tentative

To:

12:55PM 2 inattentive to NRA members as -- are much less attentive

P. 340 (error in transcription or misspoken word)

Change:

01:17PM 22 deposition suggested that synthetic controlled analysis is

To:

01:17PM 22 deposition suggested that synthetic controls analysis is

P. 351 (misspelling)

Change:

01:34PM 16 this case, in the Flannigan case on June 1st, you've

To:

01:34PM 16 this case, in the Flanagan case on June 1st, you've

P. 352 (error in transcription or misspoken word)

Change:

01:36PM 20 laws were about to

5

To:

01:36PM 20 laws were adopted

P. 358 (error in transcription or misspoken word)

Change:

01:46PM 24 mechanism form compiling the data,

To:

01:46PM 24 mechanism for compiling the data,


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DECLARATION UNDER PENALTY OF PERJURY
 2   ASSIGNMENT NO. J0614175
 3   FLANAGAN vs CALIFORNIA ATTORNEY GENERAL XAVIER BECERRA
 4
 5
 6        I declare under penalty of perjury that I have read
 7   the entire transcript of my deposition taken in the
 8   captioned matter or the same has been read to me, and the
 9   same is true and accurate, save and except for changes
10   and/or corrections, if any, as indicated by me on the
11   DEPOSITION ERRATA SHEET hereof, with the understanding
12   that I offer these changes as if still under oath.
```

        Signed on the 24 day of August, 2017.

John J. Donohue III (signature)

     JOHN J. DONOHUE III

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