



Appendix F

Outline of Cross Examination of Telephone Pollster on Methodology

Introduction: Cross examination on correct methodology should be conducted prior to the admission of the poll into evidence. Remember the poll must still be relevant and material.

1. Telephone poll only measures what people think at a specific point in time — a snapshot of that day. Respondents cannot say, with any degree of reliability, what they thought six months ago; nor can they predict what they will think six months into the future.

Q. Survey was conducted in April, 1987? What specific date?

Q. Public opinion polls change weekly during an election period?

Q. Presidential popularity can go up or down as much as 40 points?

Q. Can't ask someone today what they thought a year ago? Or a year into the future?

Q. No one knows with any degree of scientific certainty what they thought a year ago, or *six* months ago?

Q. Cannot poll backwards in time? Polls tell what people think on a given day?

Q. Poll is valid on the day it's given? Can't measure people's thoughts in the past?

2. The most ideal survey is done "face to face."

Q. An ideal poll would be to show respondents the material and ask them questions about it?

Q. None of the people you spoke with even saw the material, did they?

Q. Most of the people you spoke with have never even seen this type of material?

Q. We don't know what they would have said if they had looked at it?

Q. Substantial number of people would have been so offended they would not have wanted to look at it?

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- Q. Respondents didn't have the benefit the jury has, did they?
3. Surveys use either "closed-ended" questions or "open-ended" questions. "Closed-ended" questions provide the answer to the respondent, who picks one. "Open-ended" questions let the respondent give a full answer — his or her answer. "Open-ended" questions are the best method (most reliable). "Closed-ended" questions are almost always used in porn surveys.
- Q. These questions were closed-ended, not open-ended? Explain difference.
- Q. Poll is designed so that respondents must pick one of the answers you give them?
- Q. No mechanism in poll for detecting people who didn't have an opinion, but gave one anyway.
- Q. When you poll by telephone, quite often people will give you an answer whether they have an opinion or not?
- Q. Isn't there a concept called "social approval" in survey research? People will give you an answer whether or not they know what you are talking about? They want to give an answer?
- Q. Open-ended questions allow people an opportunity to give a more developed answer to the question?
- Q. This is a more reliable method of survey research?
- Q. We don't know how many of the answers were actually "non-opinions" when you have a closed-ended questionnaire?
4. In telephone polling research there is a phenomenon in which people will "invent" opinions. They will simply "make up" an answer that doesn't truly reflect their opinion or how they feel. This is based on the concept of "social approval" (and people's need for it).
- Q. Isn't it true that, with most people, they will give you some answer if you ask a question? People don't like to say "I don't know."
- Q. E.g., doesn't polling research show that quite often 50% of

people will say they voted in last election, when only 20% actually did?

Q. Some people who say they voted but didn't are statistically likely to not know who the candidate was, but will give you an opinion about him anyway?

5. Universe and Sample Error. "Universe" is the total number of people in the relevant geographic area. E.g., *all* the people in Clay County, Indiana. A "representative sample," or "sample," are the people in the "universe" which are truly *representative* of that "universe" of people (i.e., same average age, sex, education, spread out proportionately in the county, etc.) Generally, the "sample" will be chosen by telephone prefix. If there are five telephone prefixes in the county, the sample will be chosen with those prefixes. Often some prefixes cross over into adjoining counties — in which case the "sample" will be invalid because it *includes* persons outside the "universe." If these common prefixes are *excluded*, then the "sample" is invalid because it *excludes* people in the relevant "universe." If the "sample" called is not representative of the "universe" then the poll is invalid and not admissible.

Q. What is a "sample"? A "universe"?

Q. What was the total number of people in your "sample"?

Q. What telephone prefixes were called? (You must be aware of every prefix in the county, which of those are exclusively within the county, and which cross over to adjoining counties).

Q. Does the poll questionnaire show every question that was asked? (Pin him down that he did not ask if they were residents of Clay County, the relevant universe).

Q. Prefixes 442, 443 and 448 cross over into Vigo and Owen counties?

Q. You called people in those prefixes? (If he says yes, poll is invalid for over-inclusion; if he says no, it's invalid for under-inclusion).

Q. Either included people from other counties, or excluded people from Clay County. Correct?

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- Q. If excluded, we don't know what they think? They were excluded by design.
 - Q. If included, poll is invalid because it did not poll the relevant universe. Correct?
 - Q. Probably 10% of the homes in Clay County don't have telephones. Correct? They were excluded from the poll? (from the "universe and "sample").
 - Q. Didn't call people with unlisted numbers? They were excluded from the poll. Correct?
 - Q. How many people refused to answer the poll? They were excluded from the poll.
 - a. What was the refusal percentage?
 - b. Many people don't like to talk about sex over the telephone with strangers, correct? They were excluded.
 - c. Did you have male and female callers? Called at night?
 - d. Women particularly don't like to talk to strangers on the telephone at night about sex, correct? They were excluded.
 - e. Many people who will not talk about sex on the phone are conservative about such matters, correct? They were excluded.
 - Q. Some people get halfway through a telephone poll — get embarrassed — and break off, correct?
 - a. For example, part way through the questionnaire they become offended and hang up, correct?
 - b. What was the "break-off rate"?
 - c. These people were also excluded from the poll?
 - Q. People over 65 tend to be less willing to answer telephone polls correct?

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- a. These people were excluded, correct?
 - b. People over 65 tend to be the most conservative in the general population, correct?
- Q. You called in the evenings?
- a. People who work at night were excluded, correct? E.g., police officers, firefighters, and night students.
- Q. Called only during the week?
- a. People home only on weekends were excluded, correct?
- Q. A number of the people called were either deaf or language impaired, correct?
- a. They couldn't answer the poll?
 - b. So they were excluded, correct?
- Q. Some people just don't like to answer the telephone, correct?
- a. They were excluded, correct?
- Q. Some people eating dinner do not answer the telephone, correct?
- a. They were excluded from the poll, correct?
- Q. Many people are simply very busy and not home a lot to answer the phone, correct?
- a. So they were also under-represented, correct?
- Q. So poll excluded refusals and break-offs who were offended by the subject, elderly (over 65), night workers, people without telephones, people with unlisted telephones, people who do not answer their telephones, people eating dinner, and people with telephone prefixes shared with other counties, correct?
- a. Each of these groups were under-represented, correct?

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- b. If any of these groups have distinctive attitudes, it throws survey off, doesn't it? It could make it invalid, correct?
 - Q. (The ages of the people in the sample should correspond to the ages of the people in the universe. E.g., if 19% of the people in the universe — Clay County — are over 65, then 19% of the people in the sample should be over 65). What percentage of people in Clay County are between the ages of 36 and 50? Percentage over 65? Percentage between 51 to 65? Percentage 26 to 35? Percentage 18 to 25? (You should know in advance.)
 - a. (If the percentages in the sample do not correspond, then the sample is invalid and so is the poll). The percentage of people in your sample over 65 is only 12 percent, correct? Your sample underrepresents that age group, correct? Etc.
 - b. Based on the ages of the people surveyed, their ages are not representative of the people of Clay County, correct?
 - 6. Non-Response Error. Correct survey research requires pollster to attempt to follow-up on all refusals and break-offs to reduce their number. The more refusals and break-offs the less valid the poll.
 - Q. Total number of refusals and break-offs were how many?
 - Q. They were not representative of the universe or the sample, correct?
 - Q. Did you follow up and call them back? This is the preferred procedure, correct?
 - Q. Call them *all* back?
 - Q. Just called some of them back?
 - a. Start at the first name and just started dialing till you called first 50?
 - b. We don't know if they were representative of the others do we?

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- Q. Did you administer the entire questionnaire to this group?
- a. Did you add them to the rest in the sample? No? Then they were excluded, correct?
7. Sampling Error. Sample will either be "clustered" or "simple random sample" ("element" sample). "Simple random sample" is the best because it takes only one prefix in every 100 bank of numbers. "Clustered" sample takes a bunch of numbers in each 100 series. "Clustered" sample has a higher margin of error — is less representative of the universe. "Clustered" sample tends to be more homogenized and less spread out geographically. People in the same 100 series tend to have similar characteristics ("clustered" sample).
- Q. Did you use a "clustered" or "simple random sample"?
- Q. (If clustered) We don't know with certainty that the numbers are spread out geographically all over Clay County, do we?
- a. Many of the numbers could have been lumped in one area, correct?
- b. If so, this could make the poll invalid, correct?
- Q. Cluster has greater margin of error than simple random sample, correct?
- Q. People in the same 100 series tend to have similar characteristics, correct? Could effect poll's validity, correct?
- Q. How many of the telephone numbers belonged to phones out of order?
- a. They were excluded, correct?
- Q. How many of the telephone numbers belonged to businesses?
- a. If they didn't tell you it was a business you wouldn't know, correct?
- b. The respondent could have been a resident of another county, correct?

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- Q. When you called a family of four — you talked to only one person, correct?
- a. Each member only had a one in four chance of being represented, correct?
 - b. When you called a household with one person, you talked to that person, correct?
 - c. People who live alone, if called, had a higher chance of being represented in your poll than people with families, correct?
 - d. The poll overrepresented people who live alone, correct?
 - e. Aren't people who live alone generally not married? Tend not to have children?
- Q. Isn't preferred method — when you call multiple member family, to ask how many people live there are over 18?
- a. After obtaining that information, you give greater weight to households with multiple members?
 - b. Are your figures weighted to counteract the oversampling of single-person households? Are they weighted to correct this?