A. There are no other reports that I know of other than those that have been commissioned by the U.S. Department of Education.

Q. Do you know of any other individual experts, either in Georgia or elsewhere around the United States, that are experts in this particular area?

A. Yes.

Q. Who are they?

A. My colleague Daphne Greenberg at Georgia State; Tom Stitch; S-t-i-t-c-h.

Q. At Georgia State as well?

A. No. I believe he's retired.

Q. Do you know where he used to work?

A. Stanford perhaps. California.

Q. Somewhere out west?

A. Somewhere out west.

Q. Anyone else come to mind?

A. Steve Reder, R-e-d-e-r.

Q. And who is he?

A. Professor at Portland State University.

Q. Anyone else you can think of?

A. No, that's not been commissioned by the U.S. Department of Ed to do these reports to begin with.
Q. Were any of those folks commissioned?
   A. Steve Reder.
   Q. And when did he last do a report; do you recall?
   A. 1998 is the report that I used, that I referred to.
   Q. Where is the reference for that in your report?
   A. It's in one of the footnotes, footnote 10 on Page 3, if you ignore the fax numbering.
   Q. That talks about the National Adult Literacy Survey.
   A. And synthetic estimates from it, yes.
   Q. What do you mean by synthetic estimates?
   A. It's when you do multiple imputation of data where you have data that predict things, and you have missing data.
   Q. Did Steve Reder do that?
   A. Yes, along with technical assistance from others whose names I can't at the moment remember, but I do know where to find those names.
   Q. The documents you relied upon that you refer to in footnote 10, was it the actual National Adult Literacy Survey or a part of that, or was it also a separate report that Reder prepared?
A. Separate report that Reder prepared.

Q. Do you have a copy of that report?

A. It should be in these documents.

Q. It's not.

A. I know I have it in my information. State of Literacy in America. It's a separate report.

MR. BRACKETT: I think part of it was attached to the declaration, the first declaration.

THE WITNESS: With a map of Georgia on it. (Gowen Exhibit-4 was marked for identification.)

Q. (By Mr. Cohen) Dr. Gowen, I'm handing you what's been marked as Exhibit 4 and ask if you can identify that.

A. Yes.

Q. And what is that?

A. The State of Literacy in America, Estimates at the Local, State and National Levels, produced by the National Institute for Literacy.

Q. Now, I'm looking at footnote 10, and I don't see the reference to this study in footnote 10. I see the reference to the National Adult Literacy Survey. How is that different than what's marked as State Exhibit 4?
A. This is used -- the outcomes on this report use data from the National Adult Literacy Survey which is the '92 document, not the 2003 document.

Q. But you relied on what you identified as Exhibit 4 in preparing this report, correct?
A. Yes, partially.

Q. What parts did you rely on?
A. The synthetic estimates for literacy in the state of Georgia.

Q. Can you refer to the page, if they are paged?
A. We've got Page 18 of 24 where we have Congressional districts and counties; Page 17 where we have a map of the United States; Pages 15 and 16 where we have literacy levels by state. Frequently asked questions, certainly to get background information.

Q. What parts, if any, of Exhibit 4 are quoted in your report?
A. Quoted, none.

Q. What parts, if any, are relied upon? Is it the pages you just told me?
A. Yes.

Q. All of those pages?
A. Yes.

Q. Were relied upon for which conclusions?
A. Table 1.

Q. Anything else?
A. The paragraphs that explain Table 1, which would be the third paragraph beginning on Page 3 and continuing on the top of Page 4.

Q. You were not involved in any of the studies that resulted in Table 1, correct?
A. Correct.

Q. And that would have been Dr. Reder --
A. Yes.

Q. -- and others?
A. And others.

Q. How did you determine how to conduct the analysis of the four documents that you analyzed?
A. I used the guidelines that the university requires for analyzing our human consent forms which is programmed into Microsoft Word.

Q. And tell me about that program. Does it basically take -- what do you enter into the program?
A. The document.

Q. You physically enter the document in the program?
A. No. You just tell it to scan the
document. It has to be in Word obviously.

Q. Right. And then the program itself counts the words?

A. It counts characters per word, words per sentence, sentence per paragraph, passive voice construction, reading ease and grade level.

Q. And syllables, does it count syllables?

A. No.

Q. It does not?

A. But number of letters per word would certainly indicate...

Q. Are you aware of others who have analyzed documents as to readability that have used other programs with which to gauge readability?

A. Cloze test.

Q. Explain that program, if you will.

A. That's a test that you use with a person. So you can't just analyze a document. You would take a document, delete every fifth word and see if they could put it back in from context clues, but it's not analyzing a document, its readability. It's a test.

Q. If actually you've got the person in front of you?

A. Right.

Q. Is that a better test to measure
comprehension than the Flesch-Kincaid test?

MR. BRACKETT: I think I'm going to object
to the form of that question.

Q. (By Mr. Cohen) Do you understand the
question?

A. Yes, I understand it. I'm trying to think
of an appropriate and accurate answer. Depending on
how we define comprehension.

Q. Well, let's go back.

A. And Cloze test tests one's ability to make
inferences from context which is one aspect of
comprehension but certainly not the only.

Q. Sure. Have you ever heard of something
called the Gunning-Fog test?

A. Yes.

Q. What does that test measure?

A. I've never used it.

Q. You're not familiar with it at all?

A. Well, I've heard of it, and I've read
about it, but I've not used it.

Q. Have you heard it being used to come up
with readability scores?

A. I believe so.

Q. Do you know anyone in your field that uses
it?
A. I'm sure there are others. I'm not familiar with it.

Q. Is it considered a test, an alternative test, used by experts in the field of literacy?
   A. I'm not sure.

Q. How about the Coleman and -- I may be mispronouncing this last word -- Liau, L-i-a-u?
   A. It's not one I'm familiar with it.

Q. Have you ever heard of it?
   A. No.

Q. What about the SMOG, S-M-O-G, Index?
   A. Yes, I've heard of that.

Q. What have you heard about it?
   A. Just read that people have used it.

Q. Are there any other automated readability indexes that are used to measure readability of documents?
   A. I don't know. Not that I'm aware of.

Q. Aside from Exhibit 4 and -- well, let's mark this.

   (Gowen Exhibit-5 was marked for identification.)

Q. (By Mr. Cohen) Dr. Gowen, I'm handing you what's been marked as Exhibit 5 and ask if you could identify that.
A. This is the report from NCES under the Institute of Educational Sciences sponsored by the U.S. Department of Education, Literacy in Everyday Life.

Q. And on Page 1 of your report you reference this study; is that correct?

A. Yes.

Q. Did you use information within that study in preparation for your report?

A. Yes.

Q. Can you tell me what information you used?

A. I used the results of prose in document literacy that I retrieved on August 13th, 2007, from this document online.

Q. And explain to me the difference between prose and document literacy.

A. Prose literacy is continuous text. Document literacy is noncontinuous text.

Q. I'm trying to understand that, and it's a little hard for me. Tell me, can you explain something easily to figure out the difference between continuous and noncontinuous?

A. In layperson's terms, continuous text is paragraphs that link to one another. Perhaps that would be an example. Stories, expository writing
explaining things.

Q. Newspapers?
A. Yes.

Q. Books?
A. Brochures, instruction materials.

Q. And then a letter would be noncontinuous text?
A. It depends on how the letter is structured.

Q. If there are paragraphs within the letter, would that be a continuous or noncontinuous?
A. I would consider it to be continuous, but I'd have to look at it.

Q. What would be another example of noncontinuous text?
A. Job application, road map, MARTA schedule.

Q. Basically, individualized instructions perhaps or sentences that may not follow one another; is that it?
A. Well, they might follow one another. But they perhaps, as in a job application, might ask for different pieces of information.

Q. Are continuous texts easier to read than noncontinuous texts?
A. According to the data in this study, not
particularly, because the scores are so similar.

Q. So in analyzing a particular document as to whether it is a continuous text or noncontinuous text, that label itself doesn't necessarily tell you its readability; is that correct?

A. Correct.

Q. And it being one form, continuous, versus another form, noncontinuous, doesn't mean it's more or less readable just by that tag line; is that correct?

A. Correct.

Q. So the fact that three of the four documents that you reviewed are examples of noncontinuous text, that in and of itself does not mean that they are either more or less readable than the other form of documents?

A. No.

Q. So your use of the National Assessment of Adult Literacy, is there an acronym that that's known by usually?

A. NAAL.

Q. NAAL, N-A-A-L?

A. Yes.

Q. Your use of the NAAL report was just to classify the documents as to either continuous or
noncontinuous, or did you use that report for another purpose?

A. And to look at the percentage of adults in the population who read at the levels that they gave linked to both prose and document literacy.

Q. Was there a significant difference between the two?

A. No.

Q. Was that study a national --

A. Do you mean statistically?

Q. Yes, statistically.

A. With confidence intervals?

Q. Yes.

A. No. In general, no.

Q. And was that study done on Georgia folks or nationally?

A. It was done nationally.

Q. Do you know how that study broke down state by state?

A. That's a synthetic estimate back to the Steve Reeder document. However, the sampling procedure was representative.

Q. Explain that.

A. Cluster sampling, stratified.

Q. You're talking about --
A. To be representative of the population of the United States.

Q. You're talking about what Reder did?

A. No. I'm talking about this.

Q. So do you have knowledge of what Reder did with respect to what's been marked as State's Exhibit 5?

A. He didn't do anything with this. He did it with the '92 report, the NALS, N-A-L-S. However, they used the same questions.

Q. I'm a little confused. Let's go back.

A. Sure.

Q. There was a NAAL 1992?

A. NALS, N-A-L-S, National Adult Literacy Survey.

Q. Which is different than the National Assessment of Adult Literacy?

A. In some ways. Given at a different time.

Q. Let's talk about the NALS survey first, and that's the 1992 survey?

A. Yes.

Q. That was the date of the report, wasn't it?

A. That's the date that was given for the report, yes.
Q. Was the survey done in '88, do you recall, or was it done in '92, the NALS survey?
A. No, it wasn't done in 88, to the best of my knowledge.

Actually, can I clarify that question?
Q. Sure.
A. When you say done, do you mean data collected?
Q. Yes.
A. Or report written?
Q. Data collected.
A. Data collected could have been in '88. I don't know when the data were collected. I know when the report was written.

Q. Did you participate in either the collection of that data or the writing of that report?
A. No.
Q. And when you talk in the first page of your report about the estimates based on the 1992 NALS, that's the report you're talking about, correct?
A. In that paragraph.
Q. In that paragraph. All right.
A. Yes.
Q. Have there been any updates to that report?

A. The NALS?

Q. The NALS report.

A. Yes.

Q. And what are those?

A. Update is not the right word. What are you trying to ask me?

Q. What I'm trying to ask you is, in this paragraph you've talked about estimates based on the 1992 NALS report.

A. Yes.

Q. Are there any subsequent estimates, any more current estimates?

A. This is the next report.

Q. The one that's identified as Exhibit 2?

A. Five.

Q. Five. And how is that report different than the NALS report?

A. Are you talking about the report? Or are you talking about the statistical analysis? Or are you talking about the data collection?

Q. What I'm trying to determine -- I understand what your question is, but what I'm trying to determine is you're referring to estimates based
on the '92 NALS report.

A. Yes.

Q. But you say there have been some changes based on the National Assessment of Adult Literacy report in 2003?

A. Yes.

Q. But you don't reference those. Why not?

A. Because the changes are not statistically significant except in very few cases.

Q. Did they do a study of Georgians in the 1993 report?

A. They did a nationally representative sample in both cases, nationally representative.

Q. Show me in the 1993 report, Exhibit 5, where there is a study about Georgia.


Q. (By Mr. Cohen) I'm sorry, 2003.

A. We don't have the '92 report with us.

Q. No. I'm referring to the 2003 report. Where in the 2003 report is there a Georgia study?

A. There are no reports by state in this study.

Q. But there were reports by state in the 1992 study, correct?

A. Some states in both studies added on a
state component. Georgia chose not to.

Q. For the '03 report?
A. Correct. And for the '92 report.
Q. And for the '92 report. I see.
A. Those were additional to the national study.
Q. So there was a separate study in '92 done of Georgia?
A. No.
Q. There was not?
A. No. Both of these reports are based on national samples; they are representative nationally.
Q. When you say both of these reports, you mean the '92 and '03 reports?
A. '92 and -- yes.
Q. Are based on national studies?
A. Yes.
Q. But when you say according to estimates based on the '92 study and you break it out into Georgia, aren't you referring to that study? Or are you referring to another study?
A. I'm referring to this study. The breakout, that's what a synthetic estimate is. So national data, synthetic estimate in Georgia, in all states.
Q. I understand. So actually the estimates you're talking about in this paragraph on Page 1 are based on the Reder study which used the '92 survey. Am I understanding that correctly or not?
A. The paragraph down to the term "taken together" is based on national data. And an inference is made. Taken together, 54 percent of adults in the state of Georgia are estimated to function at a level of literacy well below the literacy skills required to comprehend the four documents I have.

Q. Let's back up. I'm just trying to understand where you're getting this information from.
A. No. That's okay.

Q. The first sentence there says, According to estimates based on the '92 study, more than half of Georgians read below the 10th grade level. Is that based on the actual '92 --
A. That's the Reder.

MR. BRACKETT: Which is Exhibit 4.
THE WITNESS: Right.

Q. (By Mr. Cohen) Right. So that sentence is based on Exhibit 4 as opposed to the '92 study itself, correct?
A. Yes, although, this is an additional study of the '92 data.

Q. Right. But if I went and pulled the 1992 NALS, I would not find this information.

A. No.

Q. So the first sentence is not technically correct because the estimates are contained in the Reder document which is Exhibit 4?

A. It's technically correct. I failed to put in a footnote.

Q. Would it be more accurate to say according to estimates based on Exhibit 4, which itself was based on the '92 NALS report?

A. One could put that in a sentence, or one could put that in a footnote.

Q. But would that be more accurate?

A. Yes.

Q. Then the second sentence says, The NALS data indicate that 23 percent of all adults in Georgia are at a level one or below basic literacy. Is the same true for that sentence?

A. Yes.

Q. Nationally 14 percent of all adults scored at a level one. That actually is contained, is it not, in the '92 report?
A. Well, in the '92 one.

Q. In the '92 report?

A. Yes.

Q. And then when you talk further down about Georgia, you're talking again about the Reder analysis based on other analysis done in the '92 report?

A. Yes.

Q. And the 54 percent of adults in Georgia sentence, does that come from the Reder report?

A. Yes.

Q. Which itself was based on the '92 NALS study.

A. Yes. And 1990 census data.

Q. Right. Right. And then when you talk about in 2003 NAAL conducted another study, that's the big study we're talking about in Exhibit 5?

A. Yes.

Q. Has anybody taken the data from the '03 study and done something like Dr. Reder did with respect to the '92 study?

A. Not that I'm aware of.

Q. Is it possible that if somebody did what Dr. Reder did for the '03 study that the findings could have changed?
A. Anything is possible.

Q. Has anyone other than Dr. Reder done a study that breaks down where Georgia stands in terms of educational level or literacy level?

A. Educational level, yes.

Q. And who has done that?

A. National Assessment of Educational Progress, NAEP.

Q. When was that done; do you recall?

A. That's done every five years, four years. That's not something I track particularly, but the outcomes show that Georgia's children continue to remain far behind. In addition, Education Week publishes and just recently published high school graduation rates which in Georgia haven't changed significantly.

Q. That study doesn't necessarily measure the ability of any particular Georgians to read particular documents --

A. No.

Q. -- does it?

A. No.

Q. And, in fact, the Reder study doesn't measure that either, does it?

A. No, it does not.
Q. In analyzing the documents in your report, aside from the Flesch-Kincaid scoring and the documents we just discussed, is there any other data or other documents that you used?

A. To analyze the readability?

Q. Yes.

A. No.

Q. And, in fact, to analyze the readability you just used the Flesch-Kincaid index?

A. That's correct.

Q. The documents we've talked about that are marked as exhibits, either Exhibit 5 or Exhibit 4, those were not used specifically in analyzing those documents?

A. In analyzing the readability, no.

Q. The readability of those documents. Were they used with respect to anything else in the documents in your review?

A. Only what I've written in my report.

Q. I'm unaware -- after reading your report, the only thing that I'm aware is the Flesch-Kincaid scoring that you gave the documents.

A. Yes.

Q. What I'm asking you is, is there anything in either Exhibit 5 or Exhibit 4 that is relevant to
the conclusions you reached with respect to those
individual documents.
   A. No.
   Q. Is there any additional methodology that
you could have used in analyzing the four documents
that you did not use?
   A. The tests that you mentioned before, the
SMOG and the FOG.
   Q. And the FOG. What was the reason you
didn't use either one of those tests?
   A. I wanted to use -- well, not wanted. It's
standard practice in our university to use the
Flesch-Kincaid. It's a counting mechanism.
   Q. Do different universities have different
standards of scoring documents?
   A. I'm not aware one way or the other. I
don't know.
   Q. But Georgia State uses the Flesch-Kincaid
test?
   A. That's the directions in the directions,
the directions for IRB approval, yes.
   Q. And you mentioned, can you explain the
Flesch-Kincaid test in terms of what the formula is?
Do you know the formula offhand?
   A. No, I don't know the formula.
Q. You don't. Is it because the computer program does it?
A. Yes.

Q. Have you ever seen the formula?
A. Probably back years ago but I don't remember it.

(Gowen Exhibit-6 was marked for identification.)

Q. (By Mr. Cohen) Dr. Gowen, I'm handing you what's been marked as Exhibit 6 and ask if that refreshes your recollection at all as to what either the Flesch reading ease formula or the Flesch-Kincaid grade level formula are.
A. There's no citation here.
Q. I know. But I'm asking if there's --
A. I'm an academic. Without a citation, I won't accept anything.
Q. I understand. So these numbers mean --
A. No. These numbers are meaningful certainly.
Q. What's meaningful about them? Let's start with the Flesch reading ease formula; what's meaningful to you about those numbers?
A. Total words divided by total sentences;
total syllables divided by total words, which is what I explained in the counting. This is a counting formula.

Q. Right.
A. And it's ratio.
Q. And the Flesch reading ease formula does that calculation?
A. Yes.
Q. Or those, I should say, calculations.
A. Now, I don't know if these are exactly the right numbers. That's why I was asking for the citation.
Q. Where would I go to find that formula?
A. To the literature on how one calculates this.
Q. Do you know any literature that I could look at?
A. No. Well, I know where to find it. I can't remember it off the top of my head.
Q. But you don't ever manually use the formula. You use a computer program that uses the formula?
A. That's correct.
Q. And the computer program will count the words, count the sentences, count the syllables?