1	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
2	SHERMAN DIVISION
3	
4	Case No. 4:21-cv-00033-ALM
5	X
6	TIMOTHY JACKSON, : Plaintiff :
7	VS :
8	LAURA WRIGHT, et al.,
9	Defendants : X
10	
11	
12	
13	Videotaped deposition of DR. PHILIP ADRIAN
14	EWELL taken at the offices of Regus, 157 Church Street, 18th Floor, New Haven, Connecticut, before Clifford Edwards, Certified Shorthand Reporter and
15	Notary Public, in and for the State of Connecticut on September 19, 2024, at 10:09 a.m. EDT.
16	on september 19, 2024, at 10.09 a.m. EDI.
17	
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20	
21	
22	
23	
24	
25	

		Page 2	T	:n on 03/13/2024	Page 4
	APPEARANCES:	- 450 #	1	EXHIBITS	- 450 7
2 3	ON BEHALF OF THE PLAINTIFF: Michael Thad Allen, Esq.		2	(continued)	
3	ALLEN LAW, LLC		3		
4	PO Box 404		4	PLAINTIFF'S	PAGE
	Quaker Hill, Connecticut 06375		5		
5 6	m.allen@allen-lawfirm.com		6	Exhibit 6, Collection of Documents Submitted	
7	ON BEHALF OF THE DEFENDANTS:		7	by Timothy Jackson to Ad Hoc Panel	
8	Benjamin S. Walton, AAG (via Zoom)		8	Convened at University of	
	Mary Quimby, AAG (via Zoom)		9	North Texas	179
9	Office of the Attorney General General Litigation Division		-		1/9
10	State of Texas		10	Exhibit 7, Facebook Exchange, One-Page	
	P.O. Box 12548, Capitol Station		11	Document Dated July 25, 2020	191
11	Austin, Texas 78711-2548		12	Exhibit 8, Facebook Post by Levi Walls	205
12	512.463.0447 Benjamin.Walton@oag.texas.gov		13	Exhibit 9, Document Presented to Ad Hoc	
13	Zenjamin Mareeneedg , cenab , gev		14	Review Panel	226
14	ON BEHALF OF THE WITNESS:		15	Exhibit 10, E-mail Exchange Between Philip	
15	Richard Painter, Esq.		16	Ewell and Rachel Gain	237
16	c/o UNIVERSITY OF MINNESOTA 318 Mondale Hall		17		
	229 19th Ave. South		18	(Reporter's Note: Exhibits retained by the c	ourt
17	Minneapolis, Minnesota 55455		19	reporter and forwarded to Huseby for producti	on.)
18	rwpusa18@gmail.com		20		
19	ALSO PRESENT:		21		
20	Alejandro Gomez, videographer		22		
21	Timothy Jackson (via Zoom)		23		
22	Cari Jacoby (via Zoom) Renoldo Stowers (via Zoom)		24		
24	Renords Stowers (Via 200m)				
25			25		
		Page 3	l .		Page 5
1	EXAMINATION		1	THE VIDEOGRAPHER: This is the	
2		PAGE	2	beginning of media number one in the	
3	DIRECT EXAMINATION BY MR. ALLEN	7	3	deposition of Philip Ewell in the matter	
4	CROSS-EXAMINATION BY MR. WALTON	244	4	of Timothy Jackson v. Laura Wright et	
5	REDIRECT EXAMINATION BY MR. ALLEN	254	5	al., case number 4:21-cv-00033.	
6	CROSS-EXAMINATION BY MR. PAINTER	256	6	Today's date is September 19, 2024.	
7			7	The time on the monitor is 10:09 a.m.	
8	EXHIBITS		8	My name is Alejandro Gomez and I'm	
9			9	the videographer. The court reporter is	
10	PLAINTIFF'S	PAGE	10	Cliff Edwards. We are here with Huseby	
11	Exhibit 1, Re-Notice of Deposition for		11	Global Litigation.	
12	Philip Ewell	7	12	Counsel, please introduce yourself,	
13	Exhibit 2, Theoria Volume 26, 2020	117	13	after which the court reporter will swear	
14	Exhibit 3, Article Entitled "Music Theory		14	in the witness.	
15	and the White Racial Frame" Written				
			15	MR. ALLEN: My name is Michael Thad	
16	by Philip Ewell, Published in	122	16	Allen, attorney for Timothy Jackson, the	
17	Music Theory Online	130	17	plaintiff.	
18	Exhibit 4, Printout from Society of Music		18	MR. PAINTER: My name is Richard	
19	Theory Website	158	19	Painter and I am attorney for Philip	
20	Exhibit 5, Article Titled "A UNT Professor		20	Ewell, the deponent.	
21	Challenged Claims of Racism in		21	MR. WALTON: My name is Ben Walton.	
22	Music Theory and Now He's Facing		22	$\ensuremath{\text{I'm}}$ an attorney for the defendants in the	
			1 22	lawsuit.	
23	the Music" by Lucinda Breeding		23	iawbuit.	
23 24	the Music" by Lucinda Breeding Dated August 2, 2020	164	24	MS. QUIMBY: My name is Mary Quimby.	
		164			

	Page 6		Page 8
1	in the lawsuit.	1	A Uh-huh.
2	MS. JACOBY: My name is Cari Jacoby.	2	Q just say so.
3	I'm an attorney for the University of	3	A Okay.
4	North Texas System.	4	Q Of course, no one in the room wants you
5	MR. STOWERS: My name is Renaldo	5	to be answering questions that you haven't examined
6	Stowers. I'm an attorney for the	6	the exhibit to answer and so forth.
7	University of North Texas System.	7	A So all the pages here?
8		8	Q If you could just look it over. I don't
9	PHILIP ADRIAN EWELL	9	have many questions about this one.
10	residing at 324 77th Street, Apartment 1C, Brooklyn,	10	A Uh-huh.
11	New York 11209, having first been duly sworn,	11	This is a copy of the subpoena that I
12	deposed and testified as follows:	12	received; right?
13	-	13	Q Well, that was going to be my question:
14	MR. ALLEN: Professor Ewell, the	14	Do you recognize this document as the subpoena and
15	first thing we are going to do is I'm	15	re-notice of your deposition?
16	going to introduce an exhibit.	16	A I think so, yeah. Yeah.
17	This will happen from time to time	17	Q And is it accurate to say you've appeared
18	during the deposition. There will be	18	to give testimony today in response to these
19	documents I'll ask you to examine and	19	subpoena this subpoena and this re-notice?
20	I'll ask you questions about them.	20	A Yes.
21	So I've marked as Exhibit Number 1,	21	Q And that's the only question I have about
22	which should be in front of you.	22	that document. You can put it to
23	Do we have the marked	23	A Okay.
24	Exhibit Number 1?	24	0 the side.
25	COURT REPORTER: One moment, please.	25	At the end of the deposition the court
	COOKE TEL OTTER CITE MOMENTO, Floader		
1	Page 7 (Whereupon, Plaintiff's Exhibit 1,	1	Page 9 reporter will take all of the exhibits and will be
2		2	
3	Re-Notice of Deposition for Philip Ewell, was marked for	3	A Got it.
4	identification.)	4	
		-	Q So I wanted to ask you if you have been
5	MR. ALLEN: And I'm sorry, Richard,	5	deposed before?
6	I brought another copy. This is just the	6	A No.
7	notice of deposition, but the court	7	Q And before the deposition started, your
8	reporter has written on it.	8	attorney and I were discussing the nature of
9	MR. PAINTER: I	10	depositions in your presence.
10	Didean enaminatori	10	But, again, this is the making of a
11	DIRECT EXAMINATION	11	formal record for the court, so there are several
12	BY MR. ALLEN:	12	rules of the road we have to abide by precisely
13		13	because it is a very formal conversation.
14	Q This is the document I'm going to	14	So in normal conversation, things like
15	represent to you that this is the re-notice of	15	you just did to nod or say "uh-huh" or "uh-huh" are
16	deposition.	16	perfectly normal and understandable.
17	Could I ask you to examine the	17	But for the purposes of creating the
18	A Uh-huh.	18	record today, I'm going to ask you to answer audibly
19	Q document?	19	"yes" or "no," not with partial words or nods of the
20	A Get get my glasses on here	20	head to every question; is that clear?
21	Q And of course we want you to have your	21	A It's clear.
22	glasses on, too.	22	And I would like to ask a question of
23	And this is a good time to bring this up.	23	you; may I?
24	If at any time you need more time to examine an	24	Q Absolutely. You may ask me a question at
25	exhibit	25	any time.
		L	

	Page :	0		Page 1
1	Although, I'm not here to testify		used to use	e for professional Gmail,
2	obviously, but	2	contact@Phi	lipEwell.com.
3	A Of course. Of course.	3		I went through Facebook direct messages,
4	If a question that you might want a yes	4	all pertain	ning to the subpoena and the questions
5	or no is asked and it requires some equivocation,	5	asked ma	ay I look here
6	that's okay on my part to give such equivocation.	6	Q	Please.
7	Is that an accurate statement?	7	А	at this document?
8	Q I will leave that to the advice of your	8		MR. ALLEN: And I just let the
9	counsel.	9		record reflect the witness is consulting
10	For the purpose of this "deposation"	10		Exhibit 1.
11	deposition, I would say you must answer a question	11	A	with respect to the documents
12	"yes" or "no" if there's a yes or no answer.	12	requested -	_
13	A Yeah.	13	BY MR. ALLE	
14	Q If you can't answer it "yes" or "no," yo		Q	Okay.
15	should just simply state that and that would give m		A A	and listed at the end of the
				and fisted at the end of the
16	an opportunity to ask you why.	16	subpoena.	Co I looked for relevant items lists in
17	A Perfect.	17	the J.	So I looked for relevant items listed in
18	Q Is there anything that would interfere	18		nts requested. I, on advice of counsel,
19	with your ability to answer questions truthfully	19	put them in	
20	•	20	Q	And let me interrupt you.
21	A No.	21		I'm not going to ask you for anything
22	Q You are not on any drugs?	22	you've disc	cussed with your counsel.
23	A No.	23	A	Uh-huh.
24	Q You are not suffering from any illness	24	Q	That would be privileged.
25	that would affect your memory?	25	A	Uh-huh.
	Page	1		Page 1
1	-			
	A Nope.	1	Q	The fact that you discussed something
2	A Nope. Q Okay. You also understand the meaning of			The fact that you discussed something counsel, that is not necessarily
2	<u>.</u>			counsel, that is not necessarily
	Q Okay. You also understand the meaning of	£ 2	with your o	counsel, that is not necessarily
3	Q Okay. You also understand the meaning of taking an oath; correct?	f 2	with your o	counsel, that is not necessarily
3	Q Okay. You also understand the meaning of taking an oath; correct? A Yup.	f 2 3 4	with your of privileged A Q	counsel, that is not necessarily Oh.
3 4 5	Q Okay. You also understand the meaning of taking an oath; correct? A Yup. Q And that you are obligated to tell the	£ 2 3 4 5	with your of privileged A Q just just	counsel, that is not necessarily Oh but the substance, any legal advice,
3 4 5 6	Q Okay. You also understand the meaning of taking an oath; correct? A Yup. Q And that you are obligated to tell the truth?	f 2 3 4 5 6	with your of privileged A Q just just	counsel, that is not necessarily Oh. but the substance, any legal advice, st so it's clear to you Understood.
3 4 5 6 7 8	Q Okay. You also understand the meaning of taking an oath; correct? A Yup. Q And that you are obligated to tell the truth? A Yup. Q As you just did, please ask me if you do	f 2 3 4 5 6 7 8	with your of privileged A Q just just A Q	counsel, that is not necessarily Oh. but the substance, any legal advice, st so it's clear to you Understood. and for the record, I am not going to
3 4 5 6 7 8 9	Q Okay. You also understand the meaning of taking an oath; correct? A Yup. Q And that you are obligated to tell the truth? A Yup. Q As you just did, please ask me if you do not understand a question or you have a question	f 2 3 4 5 6	with your of privileged A Q just just A Q	counsel, that is not necessarily Oh. but the substance, any legal advice, st so it's clear to you Understood.
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	Dr. Philip Adrian l	- W C	011 07/12/12/12
1	Page 14 A submitted them to my counsel.	1	Page 16 Music. And at that time I was applying to Ph.D.
2	Let's see. In preparation, anything	2	programs and DMA programs as a cellist, so I had a
3	else?	3	bit of a fork in the road: Will I become a
4	That would be it.	4	professional cellist; will I become a music
5	Q And the documents you consulted, were	5	academician?
6	those produced in response to the subpoena?	6	I had offers for both DMA programs and
7	A The PDF document, you are you are	7	Ph.D. programs
8	asking about?	8	Q Can I interrupt you only briefly?
9	Q Uh-huh.	9	Can you state for the record what a DMA
10	A Yes.	10	is?
11	Q Okay. Were there any documents you	11	A Uh-huh. Doctor of Musical Arts.
12	consulted which you have not produced in this in	12	Q Okay.
13	response to the subpoena?	13	A And that's generally for per
14	A Not to my knowledge.	14	classical performance people mostly in the United
15	Q Okay. Did you discuss your upcoming	15	States. It's it's a degree that's not really
16	deposition with anyone besides your attorney?	16	offered in countries other than ours.
17	A With my wife.	17	Q And was there a degree you received from
18	Q Which is also privileged, incidentally.	18	the Conservatory of St. Petersburg?
19	So I'm just going to move on.	19	A A certificate.
20	Anyone else besides your wife?	20	Q How long did it take you to earn the
21	A When I first got the subpoena, I	21	certificate?
22	discussed it I discussed it with the chair of the	22	A I was there for two over two years and
23	Department of Music at Hunter College, Mark Spicer,	23	it was something of the order of a of a special
24	to simply tell him that this had happened. And we	24	certificate for foreign students who'd come to do
25	had a phone conversation and that is the extent of	25	graduate work but it was really
			<u> </u>
	Page 15	1	Page 17
1	that conversation.	1	performance-oriented.
1 2		1 2	
	that conversation.		performance-oriented.
2	that conversation. $\label{eq:Q} \textbf{Simply the existence of the subpoena that}$	2	performance-oriented. Q Uh-huh.
2	that conversation. $\mbox{Q} \qquad \mbox{Simply the existence of the subpoena that} \\ \mbox{the deposition would take place?}$	2	performance-oriented. Q Uh-huh. A So there wasn't a whole lot of classroom
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1	And for the	Page 18 fall of '91, I was in DeKalb	1	tenure. I	Page 2 left before I did that.
2		I did some stuff at Northern	2		I got a job in Naperville, Illinois,
3	Illinois University, st		3	North Cent	ral College. I was a professor there for
4	_	ellist of the Vermeer Quartet.	4		and wasn't so happy with the professional
5	And then it was January	of '92.	5	professors	hip there.
6	That whole f	all of '91 I was trying to	6		And that's when I went back on the job
7	get back to Russia beca	use I knew I wanted to study	7	market. I	found a job at Hunter College, City
8	cello in Russia. And I	was able to it wasn't	8	University	of New York. And fall of 2009 is when I
9	easy because you needed	to get visas and it was	9	began that	position. And that's the position I
10	still kind of a Soviet	transitioning right to	10	still have	
11	post-Soviet.		11	Q	And did you achieve tenure at Hunter
12	Q Uh-huh.		12	College?	
13	A But I did ge	t a visa and I went back in	13	A	I did.
14	January of '92 to study	at the conservatory in	14	Q	What year?
15	St. Petersburg.		15	A	2016.
16	Q So you lived	along with the Russian	16	Q	And are you a did were you promote
17	people the collapse of	the Soviet Union, it sounds	17	after that	?
18	like?		18	A	Well, tenure usually happens with
19	A Yes, kind of	. I I was not there in	19	promotion	from assistant to associate professor, so
20	the fall of '91, which	is when Leningrad became	20	I was I	was both promoted and tenured
21	St. Petersburg. That -	-	21	Q	Uh-huh.
22	Q Uh-huh.		22	A	in 2016.
23	A was Octob	er	23		Are you asking if I was promoted from
24	Q Uh-huh.		24	associate	to full professor?
25	A when Gor-	Gorbachev basically went	25	Q	Yes.
		Page 19			Page 2
1	on air and said, Okay,	peace out. I'm done.	1	A	And that did happen, yes, in 2021.
2	That was Dec	ember. That was Christmas	2	Q	Okay. And that brings us up to the
3	Eve		3	present; c	orrect?
4	Q Uh-huh.		4	А	In terms of my rank
5	_	of '91 and I was in the	5	Q	Yes.
6	States for that.		6	А	and professorship, yes.
7	_	ter that in January first,	7	Q	And I'm not interested in what you earn
	second week of January,	I was back in	8	or when yo	u got pay raises or anything like that.
9	St. Petersburg.		9		But that's in terms of your formal
10		- and thank you for that.	10		your institutional affiliations
11		you said you were from	11	A	Uh-huh.
12	Illinois originally?		12	Q ongongulat	that is pretty pretty much
13	A Yes.	noia?	13	_	es your career?
14 15	Q DeKalb, Illi A Uh-huh.	IIOTS:	14 15	A Q	Yeah. Do you have any positions that are held
16		ou graduated from Yale with a	16	-	held at other institutions?
17			17	ACTOSS	No.
18	A Uh-huh.	map ±0.	18	Q	What
10		that point on briefly	19	Q A	Sorry. I am an affiliate faculty at the
10	2 can you if the		20		enter of the City University of New York.
19 20	describe vour profession		. 40	Januarie C	CITACL OF CITACTOTAL OF INCM TOTAL
20	describe your profession A Yeah, I got			0	And just for the record, the City
20 21	A Yeah. I got	a job ultimately at the	21	Q University	And just for the record, the City of New York is also referred to as
20 21 22	A Yeah. I got University of Tennessee	a job ultimately at the	21 22	University	And just for the record, the City of New York is also referred to as
20 21 22 23	A Yeah. I got University of Tennessee Q Uh-huh?	a job ultimately at the , Knoxville.	21 22 23	University CUNY	of New York is also referred to as
20 21 22	A Yeah. I got University of Tennessee Q Uh-huh? A And from 200	a job ultimately at the	21 22	University	

	Di. i milp Aurian i		
1	Page 22 correct?	1	Page 24 Q So and if I say SMT, you'll know I'm
2	A Yes. CUNY is the way it's generally	2	referring to the Society for Music Theory?
3	pronounced.	3	A Correct.
4	Q And Hunter College is one of those?	4	Q So I believe it was in 2019 that you gave
5	A Correct.	5	a plenary talk at the Society for Music Theory;
6	Q Is that generally associated with	6	correct?
7	graduate teaching?	7	A Correct.
8	A At the graduate center? Yes, that's	8	Q And the title of that plenary talk was
9	associated with graduate teaching.	9	"Music Theory and the White Racial Frame."
10	Q And when you say, "at the graduate	10	Did I get that right?
11	center," is that part of Hunter College or that is	11	A No.
12	the Hunter College?	12	Q Can you
13	A It is not part of Hunter College. It is	13	A It was
14	part of the City University of New York.	14	Q Can you
15	Q Okay.	15	A It was
16	A So it is the City University of New	16	Q Okay. Can
17	York is a consortium, I think they might call it, of	17	A It was "Music Theory's White Racial
18	roughly 24 different institutions.	18	Frame."
19	Q Okay.	19	Q Thank you. Can you, if you remember,
20	A And Hunter is one of them. There are	20	tell me the exact date of that talk?
21	about six four-year colleges, maybe more. There are	21	A I can't tell you the exact date. I can
22	two-year colleges, there's a nursing school, school	22	only say that it was in November of 2019.
23	of social work.	23	Q Was it in the beginning of the month, the
24	And the graduate center is generally	24	end of the month?
25	viewed as the doctoral granting institution within	25	A Well, SMT conferences are generally in
	Page 23		Page 25
1 1	the City University of New York They do grants and	1	8
1 2	the City University of New York. They do grants and terminal master's degrees. I think as well	1 2	the first or second week of November, so before
2	terminal master's degrees, I think, as well.	2	the first or second week of November, so before November 15. I mean, the date is we can find it
2 3	terminal master's degrees, I think, as well. Q Okay. Do you belong to any academic	2 3	the first or second week of November, so before November 15. I mean, the date is we can find it out pretty easily I think.
2 3 4	terminal master's degrees, I think, as well. Q Okay. Do you belong to any academic societies, professional organizations?	2 3 4	the first or second week of November, so before November 15. I mean, the date is we can find it out pretty easily I think. Q Sure. And I also understand the limits
2 3 4 5	terminal master's degrees, I think, as well. Q Okay. Do you belong to any academic societies, professional organizations? A I do. Society Society of Music Theory	2 3 4 5	the first or second week of November, so before November 15. I mean, the date is we can find it out pretty easily I think. Q Sure. And I also understand the limits of memory. That that that's fine. It's not
2 3 4 5 6	terminal master's degrees, I think, as well. Q Okay. Do you belong to any academic societies, professional organizations? A I do. Society Society of Music Theory and American Musicological Society.	2 3 4 5 6	the first or second week of November, so before November 15. I mean, the date is we can find it out pretty easily I think. Q Sure. And I also understand the limits of memory. That that that's fine. It's not about that. I'm trying to place it in time.
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1	Page 26 COURT REPORTER: I can help you.	1	Page 28 That in in fact is the the title of
2	MR. ALLEN: Can we go off the	2	the long article
3	record?	3	Q Uh-huh.
4	I'm sorry, there's a technical	4	A that I had published it looks like
5	issue.	5	you have a copy of it there on the on the table.
6	THE VIDEOGRAPHER: We are going off	6	And and so "Music Theory's White Racial Frame"
7	the record. The time is 10:29.	7	was the distilled version of that very long paper.
8	(Whereupon, there was a recess taken	8	I had been doing that work going back to,
9	from 10:29 a.m. to 10:31 a.m.)	9	I would say, 2017, 2018.
10	THE VIDEOGRAPHER: We are going back	10	Q Uh-huh.
11	on the record. The time is 10:31.	11	A And I had shown it to some colleagues at
12	BY MR. ALLEN:	12	CUNY and certainly Joe Straus was one of them.
13	Q I apologize for the interruption for	13	Q Uh-huh.
14	technical difficulties.	14	A And he thought that this work was
15	I think you were in the middle of	15	important, interesting, so that's why he presented
16	answering a question about how you had been selected	16	it or suggested to the program committee that I be
17	to give the plenary talk in November of 2019 to the	17	considered for this for this slot.
18	Society for Music Theory?	18	Q And if you know, approximately how many
19	A Right.	19	members does the SMT have?
20	Q Can you continue with your answer,	20	A 1200 is the number that sticks in my head
21		21	from back then.
22	A Yeah. So Joe Straus had suggested me to	22	Q Uh-huh.
23	the program committee and as I mentioned, Betsy	23	A So plus or minus at this point. Maybe a
24	Marvin and Elizabeth Marvin and Daniel Jenkins	24	hundred or two plus or minus 1200.
	were the two names I remember from the program	25	Q Is it international in scope?
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1	Page 27	1	
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2	committee. Q Uh-huh.	2	A The short answer is probably no in the sense that there are international societies.
2 3	committee. Q Uh-huh. A And there were four people who gave talks	2 3	A The short answer is probably no in the sense that there are international societies. So there's an International Musicological
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		D 20		D 22
1	and by your account it was well n	Page 30 received, was it	it's goin	Page 32 g to be a ballpark in the spring or
2	available online?	2	summer, l	et's say, of 2020.
3	A Yes.	3	Q	Okay. And who is Patricia Hall?
4	Q And is it still availa	able online? 4	A	She was was the president of the
5	A As far as I know, no.	5	Society f	or Music Theory at that time.
6	Q Why has it been remove	ed from its where 6	Q	Is she a professor as well?
7	it was online before?	7	A	She's a professor of music theory, yes.
8	A At some point, I remov	ved it myself 8	Q	Where?
9	because I was getting hate mail h	pased on people 9	A	University of Michigan, I believe.
10	having viewed the talk.	10	Q	Okay. And you don't have any indication
11	And at some point I co	ontacted I think it 11	that Timo	thy Jackson sent you hate mail as in
12	was Patricia Hall because the ent	tire session was 12	response	to this, do you?
13	online and available open, maybe	on a YouTube 13	A	I do not.
14	channel	14	Q	Or that he organized any of this hate
15	Q Uh-huh.	15	mail?	
16	A via the SMT website	e. 16	A	That that I organized it?
17	I contacted Patricia F	Hall or yes, I 17	Q	No, my client, Timothy Jackson.
18	think it was Patricia Hall as	and she was the 18	A	Yeah.
19	then-president of the Society for	Music Theory and I 19	Q	You don't have any indication that he was
20	said, Could you please remove my	22 minutes of the 20	organizin	g some kind of hate mail?
21	talk because people are watching	it and sending me 21	A	I do not, no.
22	hate mail that got quite aggress	ive, the hate mail. 22	Q	Okay. And I think you already answered
23	Q Uh-huh.	23	this, but	then a longer article based on this talk
24	A And and she did.	24	was event	ually published; right?
25	Well, the Society for	Music Theory did. 25	A	Correct.
		Daga 21		Dogo 22
1	Not immediately, but but in	Page 31 - in a few days I 1	Q	Page 33 And that article was titled "Music Theory
2	think that's when the talk was ta	aken down. 2	and the W	nite Racial Frame."
3	Q When was this, again?	3		Correct?
4	A Oh.	4	A	Correct.
5	Q Within general terms,	if you know? 5	Q	And when did that come out?
6	A I would say well, i	it was in 2020. 6	A	I think that came out some time in June
7				I CITIE CIAC CAME OUR BOME CIME IN OUR
	That's the	7	of 2020.	I dillik dide cane out bone time in oute
8	Q That was the time the			And that was published by the Society for
	Q That was the time the		Q	And that was published by the Society for
		talk was up online; 8	Q Music The	And that was published by the Society for
9	Q That was the time the right?	talk was up online; 8 9 Eter after 10	Q Music The A	And that was published by the Society for pry?
9 10	Q That was the time the right? A Yes. It was online as	talk was up online; 8 9 Eter after 10	Q Music The A Q	And that was published by the Society for ory? Yes.
9 10 11	Q That was the time the right? A Yes. It was online and November 2019, you know, maybe	talk was up online; 8 9 Eter after 10 - I I don't think 11	Q Music The A Q A	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official
9 10 11 12	Q That was the time the right? A Yes. It was online af November 2019, you know, maybe it was immediately online	### talk was up online; 8 9	Q Music The A Q A publication	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official
9 10 11 12 13	Q That was the time the right? A Yes. It was online and November 2019, you know, maybe it was immediately online Q Uh-huh.	### talk was up online; 8	Q Music The A Q A publication	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official ons
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9 10 11 12 13 14 15	Q That was the time the right? A Yes. It was online and November 2019, you know, maybe it was immediately online Q Uh-huh. A until I had asked he from the main Society of Music The	talk was up online; 8 9 Eter after - I I don't think 12 13 her to take it off heory. L I had clipped my 16	Q Music Thee A Q A publication Q name of the	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official ons Okay. Well, what's the what's the he journal in which your article
9 10 11 12 13 14 15 16	Q That was the time the right? A Yes. It was online as November 2019, you know, maybe it was immediately online Q Uh-huh. A until I had asked here the main Society of Music The I should say here that	talk was up online; 8 9 Eter after - I I don't think 12 13 her to take it off heory. L I had clipped my 16	Q Music The A Q A publication Q name of to A Q	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official ons Okay. Well, what's the what's the he journal in which your article Music Theory Online.
9 10 11 12 13 14 15 16 17	Q That was the time the right? A Yes. It was online and November 2019, you know, maybe it was immediately online Q Uh-huh. A until I had asked if from the main Society of Music The I should say here that 22 minutes and made it available.	talk was up online; 8 9 Eter after - I I don't think 11 12 13 her to take it off neory. 15 16 I had clipped my 17	Q Music The A Q A publication Q name of the A Q plenary to	And that was published by the Society for ory? Yes. What's the name of their journal? Well, they have about five official ons Okay. Well, what's the what's the he journal in which your article Music Theory Online. Okay. Was it already agreed that the
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	Di. i mip Aurian		JI 0II 07/17/2024
1	Page 34 So that's not the same the paper		Page 36 published in Spectrum, was that sent out for peer
2	the article that I see printed out over there, that		review before that publication?
3	was a separate thing from the plenary.	3	A I I don't know.
4	The actual plenary talks were in fact	4	Q Wouldn't you know as the author that your
5	published in Music Theory Spectrum, which is another	5	
6	publication of the Society for Music Theory.	6	A I one would think, yes, but I wasn't
7	Q Was your was your talk in print form	7	that involved. I essentially submitted what I had
8	published in the Spectrum journal?	8	read at the plenary address
9	A Correct. Yes, it was.	9	Q Uh-huh.
10	Q So before we go onto the longer	10	A probably probably to Marianne
11	article	11	Wheeldon. What she did as editor, I do not know.
12	A Uh-huh.	12	Q Do you remember responding to reviewers?
13	Q what was the process for publishing in	13	A I do not, no.
14	Spectrum?	14	Q And just for the record, can you describe
15	A I think the editor at that time was	15	what peer review means to an academic in music
16	Marianne Wheeldon	16	theory?
17	Q Uh-huh.	17	A Yes. Peer review generally happens
18	A who was a professor of music theory at	18	it's often called singly-blind or double-blind.
19	the University of Texas-Austin. And she somebody	19	Q Uh-huh.
20	had gotten in touch with her to publish these four	20	A I don't call it that because to use the
21	plenary talks	21	word "blind" like that is ableist language, which I
22	Q Uh-huh.	22	don't support.
23	A as a package. It generally has	23	I call it single or doubly-anonymous
24	happened I've been told; I've not really seen	24	review, as they do in Russia, for example.
25	I I I've never been privy to the	25	And a singly-anonymous review is one in
	D 45		D 4
1	Page 35 conversations it's generally happened that	1	Page 37 which the reviewers know the identity of the author
2	plenary talks at the Society for Music Theory are	2	of the article.
3	published	3	And as you I'm sure know, the
4	Q Uh-huh.	4	doubly-anonymous review is one in which all
5	A in one of those two journals. Those	5	identities are withheld.
6	are the main academic journals.	6	Q Identities meaning the personal identity
7	But how it actually came to pass, I think	7	of the
8	that was more Betsy Marvin and probably Joe Straus	8	A The personal identity of the reviewers
9	who were working with Marianne Wheeldon to actually	9	Q Uh-huh.
10	see those plenary talks published in Music Theory	10	A and the author of the article.
11	Spectrum.	11	Q And so to the best of your recollection,
12	Q And I just to clarify for the record:	12	there was no double-blind peer review of the
13	Is Spectrum a journal that actually appears in	13	Spectrum publication?
14	print, like in a hard copy, old fashioned journal	14	A I didn't say that I I didn't that
15	print?	15	there was no review. I said that I don't know.
16	A I think it no longer does.	16	Q You don't recall ever getting a
17	Q Uh-huh.	17	reviewer's comments?
18	A It might still they might still be	18	A That's correct.
19	burning off print copies.	19	Q You don't recall ever responding to the
20	Back then, I think they they still	20	reviewer's comments?
21	were.	21	A Yeah, correct. Of course.
22	Q Okay.	22	Q You don't recall ever discussing with the
23	A But I think it's more or less all online	23	editor peer reviews?
24	at this point.	24	A That is correct, yes.
25	Q And was that plenary talk when it was	25	Q And certainly, if there was such
1		1	

	DI, I Imp ituitui		
1	Page 38 correspondence, that would be in your e-mail	1	Page 40 A May I ask may I confer with my counsel
2	somewhere?	2	on that?
3	A Correct.	3	Q You confer with your counsel well,
4	Q Or other papers?	4	let's for the purposes
5	A Uh-huh.	5	MR. ALLEN: Do you want to just
6	Q Did you do a diligent search of your	6	confer here or you want to go off the
7	records for those papers?	7	record so he can confer with you?
8	A Yes.	8	MR. PAINTER: Well, I mean, it's a
9	Q Did you turn any up?	9	legal question as to what's responsive.
10	A Excuse me. Can you repeat that question,	10	MR. ALLEN: Yeah.
11	please?	11	MR. PAINTER: I deponents usually
12	Q Did you conduct a diligent search of your	12	consult their counsel as to what is
13	records for peer review documents of the Spectrum	13	responsive and what is not.
14	publication?	14	MR. ALLEN: Uh-huh.
15	A I am now looking at the documents	15	MR. PAINTER: And there are a lot of
16	requested at the end of the subpoena and I really	16	e-mails that are in the possession
17	looked at this request number one, two, and three	17	MR. ALLEN: Sure.
18	and I don't recall seeing anything about peer review	18	MR. PAINTER: of Hunter
19	here.	19	College
20	So I don't think that I specifically	20	MR. ALLEN: I understand.
21	looked for peer review in putting together the	21	MR. PAINTER: that have not been
22	that PDF that I talked about.	22	produced. And I don't believe he's gone
23	Q You would agree that a document that	23	through those in preparation for this
24	discussed peer review of your paper that was	24	deposition.
25	presented at the 219 2019, excuse me, plenary	25	So if you are asking about those, I
	D 20		D 41
1	Page 39 address to the Society for Music Theory would be	1	Page 41 think that just needs to be very clear on
2	information concerning your plenary address;	2	the record that you are asking about
3	correct?	3	those and then he'd have an opportunity
4	A Yes.	4	to review those.
5	Q So that would be responsive to the first	5	BY MR. ALLEN:
6	request there, which asks for each record	6	Q And my purpose here is to try to identify
7	constituting a communication that implements,	7	whether or not any such documents exist?
8	mentions, discusses, or contains any information	8	A Uh-huh.
9	concerning your plenary address at the 2019 Society	9	Q If we need to follow up, that's fine with
10	for Music Theory's annual meeting; correct?	10	me. I'm not here to try to suggest you did anything
11	A Yes.	11	wrong.
12	Q Okay.	12	In fact, this often happens in
13	MR. PAINTER: I'm going to ask for	13	depositions that you identify documents that someone
14	clarification as to what you mean by	14	wants, the other person didn't know they should have
15	"record."	15	got, something like that. So it's really not about
16	Are these records in his possession	16	trying to impugn your reputation.
17	or records in the possession of Hunter	17	I just want to identify whether any such
18	College, which have not been produced?	18	review of the Spectrum publication happened.
19	MR. ALLEN: We can discuss that off	19	So if there are such documents they
20	the record.	20	certainly exist in one of two places, as far as I
21	BY MR. ALLEN:	21	can tell from what you've discussed so far: They
22	Q But I just want to make a record here for	22	exist either in your own personal records or in the
23	the purposes of our deposition that if such a	23	records that are properly in in the control of
24	document was in your possession, that it would be	24	Hunter College; is that correct?
25	responsive to the subpoena; do you agree?	25	A In control of Hunter College, yes.
I			

		Dr. Philip Adrian	_ ,, _	- 011 07/12/12021
	_	Page 42		Page 44
1	Q	Okay.		five articles that were going to appear in Music
2	A	Yes.	2	Theory Online on Kendrick Lamar's album, To Pimp a
3	Q ,	But as you sit here today, you don't	3	Butterfly.
4		seeing any such documents?	4	And there were a lot of things swirling
5	A	Correct.	5	in my head about music theory and how we have dealt
6	Q	Do you remember there being any	6	with race in the past. And I remember writing a
7	_	that publications of these plenary	7	very long so I was contacted by Noriko Manabe.
8	sessions i	n Spectrum were not peer reviewed?	8	She's currently a music theory professor at Indiana
9	A	No.	9	University. She was one of the authors.
10	Q	Do you have any reason to believe that	10	And they said, Would you please write an
11	the Societ	y for Music Theory would not keep such	11	introduction to these five papers?
12	documents	themselves if they were generated in the	12	And I agreed. But the introduction that
13	process of	peer review?	13	I originally wrote was very long, 12-, 14,000 words,
14	A	Can you repeat that question?	14	and it wasn't so much a traditional introduction to
15	Q	Do you have any reason to believe that	15	five papers on Kendrick Lamar.
16		y for Music Theory would not have these	16	But I I wrote that paper, that
17	peer revie	w documents related to your article if	17	introduction, and ultimately I pulled it I wrote
18	they exist	ed?	18	something completely different, which is available
19	A	I don't have any reason to believe that,	19	online now, 4,000 words, Hey, this is a great thing.
20	that they	would not have them.	20	But that original response was the paper
21	Q	And I guess conversely, would you expect	21	that ultimately became "Music Theory and the White
22	the Societ	y for Music Theory to maintain those	22	Racial Frame." So that I wrote Winter/Spring 2018.
23	records of	past peer reviews?	23	Q Let let me ask you a few questions
24	A	Sure. Yeah.	24	about that original what did you call it a
25	Q	Okay.	25	response to Kendrick Lamar?
		Page 43		Page 45
1		Page 43 MR. PAINTER: I'd ask you to	1	Page 45 A It was an introduction
1 2		e	1 2	
		MR. PAINTER: I'd ask you to		A It was an introduction
2		MR. PAINTER: I'd ask you to clarify, are we asking about the article	2	A It was an introduction Q Introduction?
2 3		MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk?	2 3	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's
2 3 4	BY MR. ALI	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum	2 3 4	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album.
2 3 4 5	BY MR. ALI Q	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum	2 3 4 5	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see.
2 3 4 5 6	Q	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum	2 3 4 5 6	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly.
2 3 4 5 6 7	Q	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print	2 3 4 5 6 7	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was
2 3 4 5 6 7 8	Q that was p	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print	2 3 4 5 6 7 8	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published?
2 3 4 5 6 7 8 9	Q that was p address.	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary	2 3 4 5 6 7 8	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was.
2 3 4 5 6 7 8 9	Q that was p address.	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary I would say more than based on. I would	2 3 4 5 6 7 8 9	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very
2 3 4 5 6 7 8 9 10	Q that was paddress. A say it was	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary I would say more than based on. I would s virtually a verbatim	2 3 4 5 6 7 8 9 10	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very long
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2 3 4 5 6 7 8 9 10 11 12 13	Q that was raddress. A say it was Q A	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary I would say more than based on. I would svirtually a verbatim Okay replication of what I spoke.	2 3 4 5 6 7 8 9 10 11 12 13	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very long Q Uh-huh. A 12-, 14,000 words, I completely pulled
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q that was paddress. A say it was Q A Q second pappresentation Music T	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary I would say more than based on. I would s virtually a verbatim Okay replication of what I spoke. So I want to move on a little bit. Now, you've testified that there was a per which grew out of the research and con of the plenary talk which was published theory Online; correct? Uh-huh.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very long Q Uh-huh. A 12-, 14,000 words, I completely pulled that. Q Uh-huh. A That was not part of it. I rewrote something completely different Q Uh-huh. A which is published as the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q that was paddress. A say it was Q A Q second pappresentation Music T A Q be publish A work proba	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum LEN: which you said was based on the print bresented in oral form at the plenary I would say more than based on. I would svirtually a verbatim Okay replication of what I spoke. So I want to move on a little bit. Now, you've testified that there was a ber which grew out of the research and con of the plenary talk which was published theory Online; correct? Uh-huh. Can you describe how that paper came to need in Music Theory Online? Yeah. So I mentioned that I began that abbly 2017, 2018.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A It was an introduction Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very long Q Uh-huh. A 12-, 14,000 words, I completely pulled that. Q Uh-huh. A That was not part of it. I rewrote something completely different Q Uh-huh. A which is published as the introduction Q Okay. A to to that, I think it's called, "A Symposium on Kendrick Lamar's To Pimp a Butterfly."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q that was raddress. A say it was Q A Q second par presentation Music T A Q be publish	MR. PAINTER: I'd ask you to clarify, are we asking about the article or the talk, the plenary session talk? MR. ALLEN: I am talking about the article that was published in Spectrum EN: which you said was based on the print presented in oral form at the plenary I would say more than based on. I would svirtually a verbatim Okay replication of what I spoke. So I want to move on a little bit. Now, you've testified that there was a per which grew out of the research and con of the plenary talk which was published theory Online; correct? Uh-huh. Can you describe how that paper came to ned in Music Theory Online? Yeah. So I mentioned that I began that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Introduction? A to five papers on Kendrick Lamar's third studio album. Q I see. A It's called To Pimp a Butterfly. Q And you said that was published or it was not published? A It was. Oh, the original introduction, very long Q Uh-huh. A 12-, 14,000 words, I completely pulled that. Q Uh-huh. A That was not part of it. I rewrote something completely different Q Uh-huh. A which is published as the introduction Q Okay. A to to that, I think it's called, "A

1 Adms, nor do I, quite frankly. 2 A If you — (Netweapon, the court reporter 1 Page 17 2 No. NASSN: 3 O — an introduction — (Netweapon, the court reporter 1 Page 17 3 V No. NASSN: 4 Unith. 5 Introduction* 5 A I will — 6 O — without belaboring the point. 7 If they become relevant, Professor Reall, 8 introduction* 8 it will be my job to ask about that. 9 A Unith. 10 O In the final form, approximately how many of the words was it? 10 A not they not lose. 11 A 4,000 words. 12 A 4,000 words. 13 O & Dat I do appreciate it when you give these descriptions in brief of who they are and they are located. 14 A Unith. 15 A I thave no idee. 16 O Who were the reviewers? 17 A Ves. 18 O Who were the reviewers? 19 A I do not know. It was — it was 10 O = There' in Music Theory and the White Racial 19 Page 17 A Weshall. 10 O Rat stands out in your mind that it was 12 reviewed and you received the reviewers* coments? 20 A Unith. 21 O Ray comenter 22 Page 17 A Unith. 23 A Unith. 24 O And you remember responding to the 2 reviewers to come back. 25 Racial Frame. 26 Correct: 7 A Unith. 27 A Unith. 28 O So just focusing on that paper, explain the public color for professor at Louisians State the desire for many and the fair bid of time for 12 reviews to come back. 25 They come back. They were positive. But the different decision. 27 A Unith. 28 A Unith. 29 O Unith. 20 O Who was the reviewers of the fair bid of time for 12 reviews to come back. 29 A Unith. 20 O Who was the review of the word of the fair bid of time for 12 reviews to come back. 29 O Who who was the paper, explain for professor at Louisians State the settors that the set of the paper and the White State of the published. 20 O Who who was the paper and the White State of the published. 21 A Boss it halp for me to say that? Should in Marie theory online. And it took a fair bid of time for 12 reviews to come back. 29 O Who who was the paper and the white the second power of the paper and the white the paper and the white th			Page 46		Page 48
3 Q So I think it helps to put it in (whereupon, the court reporter Foregreate clarification.) 5 FWR. ALLEN: 7 Q So we'll refer to it as 'an 8 introduction'? 9 A th-huh. 10 Q In its final form, approximately how many 11 words was it? 12 A 4,000 words in ordinary journal pages 13 So with that said 14 would be about how much, in your experience? 15 A I will be my job to ask about that. 17 A th-rah. 18 Where they are located. 19 A th-huh. 10 Q But it do appreciate it when you give 11 these descriptions in brief of who they are and 12 where they are located. 13 So with that said 14 Where they are located. 15 Q Publishing 'Music Theory and the White Racial 16 Q Now were the reviewers? 17 Frame' in Music Theory online. 18 A Wah, no the editor at the time was Jeff 19 A I dh-mh. 20 Q It stands out in your mind that it was 21 reviewed and you received the reviewers' comments? 22 reviewed and you received the reviewers' comments? 3 A th-huh. 24 Q And you remember responding to the 25 reviewers' comments? 1 A th-huh. 2 Q Cloy. Now, that is separate from an 3 article that you eventually published in Music 4 Theory Chline. And it took a fair hit of time for 2 reviews to come back. 3 A th-huh. 4 Wh-huh. 5 A Correct? 7 A Correct? 7 A Correct? 8 O So just foousing on that paper, explain 9 the publication process in that case. 14 Mb-huh. So I submitted that to Music 15 Theory Chline. And it took a fair hit of time for 2 reviews to come back. 16 D A th-huh. 27 A Other. 28 O And H-huh. So I submitted that to Music 16 Theory Chline. Part it took a fair hit of time for 2 reviews to come back. 3 A th-huh. 4 Wh-huh. 5 A Correct? 6 Correct? 7 A Correct? 8 O B obst foousing on that paper, explain 9 the publication process in that case. 19 A th-huh. 10 A th-huh. 11 A th-huh. 12 O th-huh. 12 They came back. 13 How the decision. 14 A th-huh. 15 A th-huh. 16 A Wh-huh. 17 A Offer Perry and the Music Theory online 18 The revisions. 19 A th-huh. 20 And just for experien	1	Q	e	1	
4	2	A	If you	2	A Sure.
S	3	Q	an introduction	3	Q So I think it helps to put it in
6 EY MR. ALLEN: 7 Q So we'll refer to it as "an 8 introduction" 9 A Un-buh. 10 Q In its final form, approximately how many 11 words was it? 11 A 4,000 words. 12 A 4,000 words. 13 Q And 4,000 words in ordinary journal pages 13 So with that said 14 would be about how much, in your experience? 15 A I have no idea. 16 Q Was that introduction peer reviewed? 17 A Yas. 18 Q Nho were the reviewers? 18 A I do not know. It was it was 19 A I do not know. It was it was 20 anorymous. 20 anorymous. 21 A Un-buh. 22 Testends out in your mind that it was 22 reviewers' comments? 23 A Un-buh. 24 Q And you recember responding to the 25 reviewers' comments? 25 A Un-buh. 26 Correct? 27 A Un-buh. 28 Q Correct? 39 A Un-buh. 30 Correct? 40 Correct? 41 A Un-buh. 41 The huh. 52 A Testends out in your and the White Sacial Prame. 42 Q And you recember responding to the 25 Correct? 44 Q And you recember responding to the 26 Correct? 45 A Un-buh. 46 Correct? 47 A Correct. 48 Q So just focusing on that paper, explain 19 the publication process in that case. 40 Q Nhowline. And it took a fair bit of time for 2 reviews to come back. They were positive. But 1 the editor at the time, that was 3cff Perry, Jeff Perry is a music theory professor at Louisiana State 1 University. 41 Q Un-buh. 42 Q Nhowline. And it took a fair bit of time for 2 reviews to come back. They were positive. But 1 the editor at the time, that was 3cff Perry, Jeff Perry is a music theory professor at Louisiana State 1 University. 45 A Un-buh. 46 A Un-buh. 47 A Un-buh. 48 A Un-buh. 49 A Un-buh. 50 A Un-buh. 51 Correct? 52 A Un-buh. 53 Correct? 64 Correct? 65 A Un-buh. 66 Correct? 75 A Correct. 86 Q So just focusing on that paper, explain 1 the editor at the time, that was 3cff Perry, Jeff Perry is a music theory online 2 was 4 University. 51 A Un-buh. 52 Correct? 53 A Un-buh. 54 Theory Online. And it took a fair bit of time for 2 reviews to come back. They were positive. But 1 University. 55 Correct? 66 Q Un-buh. 67 A University. 68 Q And just for the record again,	4		(Whereupon, the court reporter	4	context
7 If they become relevant, Professor Evell, 8 introduction** 9 A Un-huh. 9 A Un-huh. 10 Q In its final form, approximately how many 11 words was it? 12 A 4,000 words. 13 Q And 4,000 words in ordinary journal pages 14 would be about how much, in your experience? 15 A I have no idea. 16 Q Was that introduction peer reviewed? 17 A Yes. 18 Q Who were the reviewers? 19 A I do not know. It was it was 20 reviewed and you received the reviewers? comments? 21 Q It stands out in your mind that it was 22 reviewed and you received the reviewers comments? 24 Q And you remember responding to the 25 reviewers comments? 26 Q Chay. Now, that is separate from an a article that you eventually published in Music 4 Theory Online called "Music Theory and the Minite 5 Racial Frame." 5 A Un-huh. 6 Correct. 7 A Correct. 8 Q So just focusing on that paper, explain 10 the publication process in that case. 11 They came back. They were positive. But the editor at the time, that was Jeff Perry as music theory professor at Louisians State University. 17 Q Un-huh. 18 A Dees it help for me to say that? Should 19 I be spaying that, by the way? I you know, because you asked 21 Q I appreciate it because you have to 20 understand, this is this is likely to be or could 22 Q Chay. 20 And so fast forward to the next phase. 21 Q I appreciate it because you have to 20 understand, this is this is likely to be or could 22 Q Chay. 22 A Yeah, so the addorn the this them. 23 A different decision. 24 A Understand, this is this is likely to be or could 22 Q Chay. 25 A Understand, this is this is likely to be or could 22 Q Chay. 26 A Yeah, fair. 27 Q I appreciate it because you have to 20 Understand, this is this is likely to be or could 22 Q And so fast forward to the next phase. 28 Yeah, so the decision was revise and resulting the process of the province of the set when you give the these revisions with these revisions we dilike to the second back. 29 A Yeah, so the different decision. 29 A Jeff Perry and the Music Theory and Making	5		requests clarification.)	5	A I will
8 it will be my job to ask about that. 9 A th-huh. 10 Q In its final form, approximately how many 11 words was it? 11 A 4,000 words. 12 A 4,000 words in ordinary journal pages 13 So with that said 14 would be about how much, in your experience? 15 A I have no idea. 16 Q Was that introduction peer reviewed? 17 A Yes. 18 Q Who were the reviewers? 18 A I do not know. It was it was 19 A I do not know. It was it was 20 anonymous. 21 Q I the stands out in your mind that it was 22 reviewed and you received the reviewers' comments? 22 reviewed and you received the reviewers' comments? 23 A Uh-huh. 24 Q And your remember responding to the 24 Q Uh-huh. 25 A Wh-huh. 26 Q Okay. Now, that is separate from an 3 article that you eventually published in Music 4 Theory Online called "Music Theory and the Mite Associated Frame." 29 Q Okay. Now, that is separate from an 3 article that you eventually published in Music 4 Theory Online called "Music Theory and the Mite Associated Frame." 30 A Uh-huh. 31 They came hack. They were positive. But the publication process in that case. 32 A Uh-huh. So I submitted that to Music 1 Theory Online. And it took a fair bit of time for reviews to come back. They were positive. But the the diversal the time has a felf Perry. Meff 1 Theory online. And it took a fair bit of time for reviews to come back. They were positive. But the the diversal the time has a felf Perry. Meff 1 Ferry is a music theory professor at Louisiana State 16 University. 31 Descause you asked 32 Q I appreciate it because you have to 20 Mean, this is this is likely to be or could 3 be show to a year, this is 1; highly to be or could 3 be show to a year, this is 1; highly to be or could 3 be show to a year, this is 1; highly to be or could 3 be a yeah, tair.	6	BY MR. ALL	EN:	6	Q without belaboring the point.
9 λ Un-huh. 9 λ Un-huh. 10 Q But I do appreciate it when you give 11 words was it? 12 λ 4,000 words in ordinary journal pages 13 20 λnd 4,000 words in ordinary journal pages 14 λ Un-huh. 15 Q Was that introduction peer reviewed? 16 Λ Yes. 17 λ Yes. 18 Q Who were the reviewer? 18 A I do not know. It was — it was 19 Perry. 18 A Who were the reviewer? 18 A Vah. Nas.	7	Q	So we'll refer to it as "an	7	If they become relevant, Professor Ewell,
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25 y and they won't know these people from 25 A Un-num.					
	23	Ž	and they won t whom these beobte HOM	25	A OII HUII.

		Page 50		Page 52
1	Q	What happened next?	1	correct?
2	A	Well, since you clarified what revised	2	A Yes.
3	and resubm	it means, we often just say "R&R."	3	Q And in this case, you thought they did
4	Q	Which doesn't mean "rest and relaxation."	4	the right thing?
5	A	It does not mean	5	A Yes.
6	Q	It means more work for the professor?	6	I should also add that any society
7	A	Yeah, yeah.	7	honoring their own rules is important to me.
8		Oh, let me clarify what "accept with	8	Q And I understand from your statement that
9	revisions"		9	you consider yourself a basically, an honest
10	Q	Uh-huh.	10	academic; right?
11	A	at least meant at the time.	11	A I don't understand that question.
12	Q	Uh-huh.	12	Q Sure. You want societies to honor their
13	A	It meant this article will be published.	13	own rules; correct?
14		Music Theory Online said very clearly at	14	A Yes.
15	the time i	n in their language, If you get to	15	Q Professional societies that address
16	"accept wi	th revisions," you can consider your	16	academic work; correct?
17	article pu	blished and you can list it on your CV.	17	A Yes.
18	Q	Uh-huh.	18	Q And you, yourself, consider yourself an
19	A	So that's what that meant vis-à-vis the	19	honorable academic in that sense?
20	"revise an	d resubmit"	20	A Yes.
21	Q	Uh-huh.	21	Q Okay. And this is a perfect example of a
22	A	which is what you just outlined.	22	question being unclear and you ask for clarification
23	Q	Uh-huh.	23	and I appreciate that.
24	A	They changed the "accept with revisions"	24	A I appreciate the clarification.
25	to "revise	and resubmit."	25	Q So I want to turn to so this article
		Page 51		Page 53
1		And I took issue with that. And I began	1	was peer reviewed. It came back, Accepted but we
2	to I dr	afted a memorandum to the chair of the	2	want a few changes.
3	publicatio	ns committee at the time. That was Brian	3	Then the editorial board, it sounds like,
4	Alegant, w	ho is now retired I think	4	changed that to revise and resubmit; correct so far?
5	Q	Uh-huh.	5	A No, it was not the editorial board. It
6	A	from Oberlin as a music theory	6	was the editors at Music Theory Online.
7	professor.		7	Specifically, Jeff Perry and probably David
8		And I had a phone call with Brian Alegant	8	Neumeyer
9	regarding	this case. And ultimately, I emerged	9	MR. ALLEN: Uh-huh.
10	victorious	in this behind-the-scenes battle, let me	10	A retired music theory professor,
11	say		11	University of Texas-Austin, I think.
12	Q	uh-huh.	12	BY MR. ALLEN:
13	A	as to whether they were going to honor	13	Q Uh-huh. And then you pushed back on
1 /	their own	rules and not change the goal posts.	14	that; correct?
14		Diabe	15	A Yes. Then I pushed back the editorial
15	Q	Right.		
	Q A	Right? Or change the goal posts and get	16	not the editorial board, but the publications
15		Right? Or change the goal posts and get	16 17	not the editorial board, but the publications committee was the next level.
15 16	A	Right? Or change the goal posts and get		
15 16 17	A away with	Right? Or change the goal posts and get it.	17	committee was the next level.
15 16 17 18	A away with Q	Right? Or change the goal posts and get it. Uh-huh.	17 18	committee was the next level. Q Uh-huh.
15 16 17 18 19	A away with Q A	Right? Or change the goal posts and get it. Uh-huh. So it was one of those two things.	17 18 19	committee was the next level. Q Uh-huh. And this is a publications committee, by
15 16 17 18 19 20	A away with Q A	Right? Or change the goal posts and get it. Uh-huh. So it was one of those two things. Frankly, I thought that they would get	17 18 19 20	committee was the next level. Q Uh-huh. A And this is a publications committee, by the way, of the Society for Music Theory.
15 16 17 18 19 20 21	A away with Q A away with surprised,	Right? Or change the goal posts and get it. **Th-huh.** So it was one of those two things. Frankly, I thought that they would get it. But I was a little surprised, happily	17 18 19 20 21	committee was the next level. Q Uh-huh. A And this is a publications committee, by the way, of the Society for Music Theory. Q Okay. And you eventually prevailed?
15 16 17 18 19 20 21 22	A away with Q A away with surprised,	Right? Or change the goal posts and get it. **Th-huh.** So it was one of those two things. Frankly, I thought that they would get it. But I was a little surprised, happily when in fact they decided to honor their	17 18 19 20 21 22	committee was the next level. Q Uh-huh. A And this is a publications committee, by the way, of the Society for Music Theory. Q Okay. And you eventually prevailed? A Uh-huh.

Page 54 Page 56 1 after, what I take to be, some few revisions? 1 fact created by white men in the history of music Α Correct. 2 2 theory going back, well, centuries, frankly. 3 So I want to turn now and ask a few 3 And when you look at it from a racialized 0 4 questions about the substance of your article. 4 perspective, as I have, you realize that whiteness I understand you may not have a verbatim 5 plus maleness, the concepts of whiteness plus 6 memory of the article and it's been some time, 6 maleness, in fact give people who happen to be 7 but --7 deemed white by society -- because, of course, 8 Uh-huh. 8 whiteness as a concept is something that's been Α 9 -- I really want you to explain in -- in 9 very, very flexible over -- over the centuries, 10 general terms that can be understand -- -stood by 10 since it was created by humans roughly 500 years 11 the Jury, if you could, what is the white racial 11 ago, right -- it gives people who -- who might 12 frame in music theory? 12 identify as such a great, great advantage because 13 Α Well, the right -- white racial frame is 13 people by default believe that a person who presents 14 from sociologist Joe Feagin --14 as white and male are -- are more inclined to be 15 0 Uh-huh. 15 like the great music -- so-called great music -- who's written books called "White 16 Α 16 theorists of the past; right? 17 Racial Framing," who's talked about this concept 17 And it in fact tells our students that 18 from a sociological point of view for decades now. 18 this is the model for what music theory should be 19 And within -- within music theory, the 19 because quite literally 100 percent of the music 20 white racial frame is essentially an acknowledgment theorists we put forth in study were in fact white 20 21 that American music theory historically is deeply, men, rather than realizing that historically, going 22 deeply rooted in our own country's historic white back hundreds of years, without question, the 23 supremacy. country that became known as the United States has 24 Q So the white racial frame is about the 24 valued whiteness over all other forms of races over 25 historical background to music theory in the United 25 non-whiteness, let's say. Page 55 Page 57 1 States? And it's only now that we are beginning 2 Yes, to a very large extent. Yes. 2 to unpack some of the racialized histories of music 3 education and music theory specifically, which is 3 Okay. And how does the white racial 4 frame justify the great array of privileges and 4 what I do, in order to unpack some of the -- as 5 assets held by white Americans? 5 you -- as you quote from me, the array of I believe that's a quote from your privileges --7 article? 7 0 Uh-huh. 8 Α Can you repeat that again, please? 8 Α -- that whiteness and male -- plus 9 maleness -- I'm speaking about whiteness because I Sure. How does the white racial frame in 10 music theory "justify the great array of privileges 10 think that's where your -- your question is more 11 and assets held by white Americans"? 11 focused on that. 12 In music theory -- in American music 12 Of course, I very clearly link this to 13 theory, it's manifested in many, many different ways 13 maleness and patriarchy in all of my work because if 14 from the curricula that we put forth in the music 14 you actually study race, as I have over many years 15 theory classroom to the music theorists who have 15 now, you realize that patriarchy is tied right at 16 been elevated to study and whose works we read to the hip to the history of white supremacy. 17 the performances and the -- the pieces and the 17 Okay. And is this a fair summary -- and 18 repertoire that we tell our students are the most 18 I'm not trying to put words in your mouths [sic] --19 important in -- in their music educations. 19 but the fact that only white men have written, 20 And how does that justify the great array published the corpus of music theory up to the 21 of privileges and assets held by white Americans? 21 present in the United States, that that has propped 22 It justifies it in the sense that 22 up white supremacy in the United States? No, that's not true. I -- I wouldn't say 23 virtually all of the repertoire, until the last, 23 Α 24 say, five to ten years, all of the repertoire, all 24 only white men because, in fact, people have 25 of the theorists, all of the ideas put forth were in 25 theorized music all over the planet since there's

	Di. I miip Aurian i		
1	Page 58 been music; right?	1	Page 60 literally, would have been three-fifths of a person
2	We've only put forth a select few in our		because of the Three-Fifths Compromise; right?
3	country because historically, the the country	3	And
4	that became known as the United States is rooted in	4	Q And by that, you are referring to the
5	two twin ideologies more than any other and those	5	fact that you identify as black?
6	ideologies are white supremacy and patriarchy.	6	A Correct.
7	Q So these these doctrines of white	7	Q And people at that time certainly would
8	supremacy and patriarchy were responsible for	8	have identified you as black; right?
9	selecting the people in the United States who were	9	A Correct. Correct.
10	considered music theorists?	10	Q And keep in mind, this will be on video,
11	A Well, when you say "responsible for	11	so we are not making things up and they'll see you;
12	selecting," it almost sounds as if there's, like, a	12	right?
13	fair egalitarian selection process that's going on	13	A That's great.
14	behind the scenes.	14	Q Okay. So then that's what you are
15	And that's never been the case; right?	15	referring to?
16	It's it has quite literally been white men	16	A Absolutely, yeah.
17	writing the rules.	17	Q Uh-huh.
18	It's not like in 1787 when the		A And so I probably would ask a question:
	Constitutional convention was convened in	18	1 1
19		19	How could that not be seen as supporting whiteness
20	Philadelphia that there were 55 people from all over	20	if if the Fugitive Slave Clause, which was part
21	the country and half of them were women and over	21	of the original Constitution, and the Three-Fifths
22	here we have the Scots and over here we have the	22	Compromise, which was part of the original
23	Cherokee and the Hopi.	23	Constitution, quite clearly were anti-black in
24	No. No. No. We all know, they were 55	24	
25	white propertied men, about half of whom who owned	25	And the first naturalization law from
	Page 59		Page 61
1	slaves, and they wrote a rulebook, the Constitution,	1	1790 very clearly said, If you want to be
2	which benefited themselves.	2	naturalized citizen, you have to be white.
3	And to be honest, do you blame them? I	3	naturalized citizen, you have to be white. Q Uh-huh.
3 4	And to be honest, do you blame them? I wouldn't do I I would have done the same		naturalized citizen, you have to be white. Q Uh-huh. A It also said you had to be you had to
3	And to be honest, do you blame them? I	3	naturalized citizen, you have to be white. Q Uh-huh.
3 4 5 6	And to be honest, do you blame them? I wouldn't do I I would have done the same thing. You had money, you had education, you had travel.	3 4 5	naturalized citizen, you have to be white. Q Uh-huh. A It also said you had to be you had to
3 4 5	And to be honest, do you blame them? I wouldn't do I I would have done the same thing. You had money, you had education, you had travel. I don't blame somebody 240 years ago for	3 4 5	naturalized citizen, you have to be white. Q Uh-huh. A It also said you had to be you had to be a free white person, is the way they wrote the law. Well, that's a white supremacist
3 4 5 6	And to be honest, do you blame them? I wouldn't do I I would have done the same thing. You had money, you had education, you had travel.	3 4 5 6 7 8	naturalized citizen, you have to be white. Q Uh-huh. A It also said you had to be you had to be a free white person, is the way they wrote the law. Well, that's a white supremacist structure; right. That's what
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	P (4	_	D (4)
1	Page 62 MR. PAINTER: That	1	Page 64 Q Yes?
2	mischaracterizes	2	A in forming the Constitution of the
3	MR. ALLEN: Yeah, no, I'm trying to	3	United States?
4	get it right.	4	Q Yes. We've been talking about the
5	MR. PAINTER: He didn't say the	5	white
6	entire Constitution, every provision.	6	A Uh-huh.
7	MR. ALLEN: Well, let me ask him a	7	Q racial frame of music theory; correct?
8	question.	8	A Yeah.
9	BY MR. ALLEN:	9	Q And you
10	Q I'm asking if you except the First	10	MR. PAINTER: Correction. A lot of
11	Amendment which guarantees free speech from the	11	this has not been about the white racial
12	argument that you made about the 55, I believe,	12	frame of music theory. We have been
13	white men, half of them slave owners, who were	13	talking about the Constitution for at
14	advancing white supremacy at the time of the	14	least five minutes.
15	founding?	15	BY MR. ALLEN:
16	A Yeah. This is a very interesting	16	Q And then we transitioned to talking about
17	conversation.	17	the Constitution when I asked you how did this, for
18	I I fully acknowledge some of the	18	lack of a better word, ideology of the white racial
19	beautiful parts of the United States Constitution.	19	frame justify the great array of privileges and
20	My personal favorite is the 14th Amendment written	20	assets held by white Americans; right?
21	by John Bingham, a Radical Republican	21	A Uh-huh.
22	Q Which is, of course, after the Civil War;	22	Q Do you remember that question?
23	right?	23	A Uh-huh.
24	A Correct. One of the reconstruction	24	Q And then we transitioned based on your
25	amendments.	25	answer to a discussion of the Constitution and
1		1	
	Page 63		Page 65
1	He was a Congressman from Ohio, a Radical	1	the the law in 1790?
2	$\label{eq:hermite} \mbox{He was a Congressman from Ohio, a Radical} \mbox{ Republican, and a white man, I'd like to point out}$	2	the the law in 1790? A Uh-huh.
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	Di. I milp Aurian i		
1	Page 66 the his the patriarchal underpinnings of the	1	Page 68 Music theory is a crucial part of music
2	United States as well, I'll simply point out that	2	education. It has been, of course.
3	the first woman to be accepted to play in the New	3	Q So maybe let me ask my question
4	York Philharmonic, not as just a per service player	4	another way.
5	but someone who is part of the group taken in as a	5	Is is what you are saying or what you
6	tenured member of the orchestra, that was Steffy	6	were trying to advance in your article in Music
7	Goldner. She was a harpist and that was in 1922.	7	Theory Online that the the embedded racial
8	So it took 80 years for them to accept a woman into	8	supremacy in our founding documents went on to
9	the orchestra.	9	influence music theory for generations to come?
10	So if the question is: How did the white	10	A It influenced absolutely every aspect of
11	supremacist underpinnings of a Constitution or just	11	American life up to and including music theory.
12	the founding of the count of the country affect	12	Q Okay.
13	society writ large and, in my case, music and music	13	A And it still influences these things
14	theory, well, just look at look at the New York	14	today.
15	Philharmonic.	15	Q Is it your also your argument that
16	Look at the Metropolitan Opera founded in	16	this white racial frame in Western music theory has
17	1883. First opera written by a black composer	17	the purpose of upholding white supremacy?
18	performed in 2021, four three years ago. That	18	A Well, this is the first time you've used
19	was Fire Shut up in my Bones by Terence Blanchard, a	19	the word "Western" and I I that's not a word I
20	very fine composer and trumpeter.	20	really use anymore. This is something I unpack also
21	Q So let me interject for a second.	21	in my monograph from last year.
22	I don't think anyone would seriously	22	The whole concept of the West, it it
23	question that there has been a racial discrimination	23	never happened before 1860 roughly. It the
24	in the United States, at least not least of which	24	the West was created out of thin air.
25	manifested in institutions like philharmonic	25	Why? Because Europe could no longer
23	manifested in institutions like philadactic	25	Mily. Because harope could no longer
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	Dr. Philip Adrian I	Lwe	3H OH 09/19/2024
1	Page 70 don't think he said he didn't like it.	1	Page 72 Q And I asked if it keeps black Americans
2	THE WITNESS: You are right. I did	2	out of music theory education programs, such as the
3	not say	3	one you teach.
4	BY MR. ALLEN:	4	So let's then move onto that question.
5	Q You don't like this term, "Western"? You	5	A Are you
6	said it's	6	Q Is that an argument you would make, that
7	A I didn't	7	this white racial frame discriminates against black
8	Q something like it was invented out of	8	Americans by keeping them out of music theory
9	think air or something?	9	programs?
10	A Yeah, I didn't say I didn't like it. I	10	A I don't understand what you mean by
11	said I don't use it.	11	"keeping out of."
12	Q Okay. Well, I'm sorry if I interpreted	12	You mean like not being admitted to
13	something that you refuse to use as something you	13	study.
14	don't like, so I stand corrected.	14	Q Sure. It excludes them?
15	Let me ask the question a different way:	15	A It excludes them as undergraduates or as
16	This white racial frame in Wes let me see	16	masters or doctoral students?
17	white racial frame in what is contemporary United	17	Q Let's take them in turn. As
18	States music theory has the purpose of upholding	18	undergraduates?
19	white supremacy; is that your argument?	19	Do you know of any undergraduates who are
20	A No. No.	20	black Americans who wanted to study in music theory
21	Q Do you argue that the contemporary white	21	who were excluded from a program in the United
22	racial frame in classical music theory as it's	22	States because of the white racial frame of music
23	taught in the United States discriminates against	23	theory?
24	black Americans?	24	A Well, so I 00 I often refer to history in
25	A Can you clarify what you mean by	25	these terms and now I would refer to Paul Brent, who
	Page 71		Page 73
1	"discriminates against black Americans"?	1	is the first black student to study at Peabody.
2	Q Let's start with some of the examples	2	That was 1949. He was most certainly excluded
3	you've used.	3	because of his blackness but he did ultimately get
4	It denies black Americans access to, say,	4	in before that.
5	philharmonic orchestras?	5	It was quite routine to exclude black
6	A You mean as members playing in the	6	people from conservatories and from music education
7	orchestra?	7	because quite explicitly because of their
8	Q Sure, let's start with that.	8	blackness.
9	A It has, yes.	9	Carl Seashore was a music theorist at the
10	Q As students of music?	10	University of Iowa who died years ago. He was
11	A I don't understand the question.	11	essentially a musical eugenicist and he is his
12	Q As students in graduate programs in music	12	goal was to prove the inferiority of black musicians
13	theory, such as you teach?	13	in the country.
14	A Could you give me a full question? I	14	The reason I'm laying out the history
15	I	15	here is because it sounds like you want me to answer
16	Q Sure. I'm asking how or if music	16	something about today and I have a hard time
17	theory, as you've described it having this white	17	answering such a question without laying out a
18	racial frame, discriminates against black Americans,	18	little bit of
19	and you asked me to be more specific.	19	Q Sure.
20	A I asked you to to to explain what	20	A the history as to exactly how and why
21	you mean by "discriminating black Americans," yes.	21	blacks were in fact discriminated against in music
22	Q And I said it keeps black Americans out	22	educational settings in horrific ways, I might add,
23	of positions as performing artists in philharmonic	23	going back to the 19th century.
l	orchestras, and you agreed?	24	But Paul Brent was 1949. That's not that
24			
l	A Yeah.	25	old. My folks were alive in 1949. That's not that

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1	Page 74 far in into the past.	1	Page 76 admission to undergraduate. You had also mentioned
2	And it's not that much of a leap to think		graduate schools.
3	that such discrimination could have happened in the	3	So I want to continue with that line of
4	late 20th century.	4	questioning, if you don't mind.
5	Now, if you are asking me if I know	5	Do you know of any black students who
6	specifically, I'd have to think. I could probably	6	have been denied admission to the University of
7	come up with some instances where it actually has	7	North Texas graduate program in music theory?
8	been part of the "do you get admitted or do you not	8	A Nope.
9	get admitted"	9	Q Do you know of any specific incident in
10	Q Uh-huh.	10	which my client, Timothy Jackson, has discriminated
11	A "into this program as an	11	against a black American?
12	undergraduate, as a masters student, as a doctoral	12	A No.
13	student?"	13	Q Any black person, whether American or
14	Q So this is still happening today is is		not?
15	what you believe?	15	A No.
16	A If the question is racial discrimination	16	Q While we are at it, do you know of any
17	is still happening	17	racist actions committed by my client?
18	Q No, that	18	A No.
19	A in music	19	I would ask, I guess, just to define
20	Q wasn't my question.	20	"racist" because I could you define what you mean
21	Are students being excluded from	21	by "racist" as
22	undergraduate programs because they are black today?	22	Q Well, this is something he's accused of,
23	A In undergraduate music programs?	23	so I don't know how graduate students or faculty at
24	I think that it not explicitly, but in	24	the University of North Texas define that. Maybe
25	fact implicitly yes, probably yes.	25	you could illuminate.
	D 77		D 55
1	Page 75 MR. PAINTER: Take a break fairly	1	Page 77 Do you you know the fac you know
2	soon?	2	some of the faculty at the University of North Texas
3	MR. ALLEN: You want a break?	3	in their school of music; right?
4	MR. PAINTER: Yeah, pretty soon.	4	A Yeah, a couple. The one that I knew best
5	THE VIDEOGRAPHER: Okay.	5	was Ellen Bakulina.
6	MR. PAINTER: Brief break.	6	Q Uh-huh.
7	MR. ALLEN: Let's go off the record	7	A She's also a Russianist
8	and take a break now. It's fine. It's	8	Q Uh-huh.
9	11:18.	9	A as am I who's no longer there.
10	THE VIDEOGRAPHER: We are going off	10	Q Uh-huh. Do you know what she means by
11	the record.	11	"racism"?
12	MR. PAINTER: Just go to the	12	A And she's now associate professor of
13	bathroom.	13	music theory at McGill University.
14	MR. ALLEN: Yeah, sure.	14	Sorry, could you repeat that?
15	THE VIDEOGRAPHER: The time is	15	Q Do you know what Ellen Bakulina means by
16	11:18.	16	racist?
17	(Whereupon, there was a recess taken	17	A No.
18	from 11:18 a.m. to 11:31 a.m.)	18	Q Okay. So back to the to questions
19	THE VIDEOGRAPHER: We are going back	19	about the white racial frame in music theory, as
20	on the record. The time is 11:31.	20	you've described it in your article, how has the
21	BY MR. ALLEN:	21	white racial frame in music theory impeded your
22	Q Professor Ewell, I believe before our	22	career personally?
23	short break you were talking about we were	23	A I before I answer that I just want to
24	answering questions about specific incidents of	24	once again highlight because you've said "white
25	discrimination in the field of music theory and the	25	racial frame" quite a bit, that's not my I didn't

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1	Page 78 come up with this this phraseology.	1	Page 80 white racial frame in American music theory as
2	It's Joe Feagin who just retired from	2	you've described it impede your career as a black
3	Texas A&M University as a sociologist. He's	3	
4	85 years old. He's an American icon, as a matter of	4	A Oh, that's a vast, vast question.
5	fact.	5	The first part I would say, it's hard for
6	And so I really have to just kind of say,	6	me to even know because much of anti-black much
7	I didn't come up with white racial framing. That's	7	
8	Joe Feagin. He's written many books on this topic.	8	if if something didn't happen for me, there's a
9	And, you know, so part of me wants to	9	chance that anti-blackness might be the reason why
10	say, We should be reading his work because he's the	10	that happened.
11	expert on white racial framing.	11	So that's unclear to me how that might
12	And I'm sorry, could you please repeat	12	have happened.
13	the question about the white racial frame of music	13	In terms of how has it affected me, well,
14	theory?	14	I've already mentioned the fact that the article
15	Q Well, by mentioning Joe Feagin you are	15	under question was they changed decisions about
16	not suggesting that your articles weren't developing	16	the revision about the reviews from "accept with
17	the idea of the white racial frame as it applied to	17	revisions" to "revise and resubmit."
18	music theory taught in the United States; right?	18	I believe that anti-blackness was, in
19	A No, they were very much		part, part of the reason that happened; right?
20	Q Okay.	20	I believe that I had a very difficult
21	A using his ideas, yes.	21	tenure battle at Hunter College from 2014 to 2016 in
22	Q Okay. And I understand I think you	22	which the chair of the music department at the time
23	would we all would agree that scholars build on	23	tried very, very vigorously to get me fired,
24	the scholarship of others; correct?	24	something I just briefly mention in the introduction
25	A Yes.	25	to my my monograph last year. That, I believe,
	11 165.	23	to my monograph labe year. That, I believe,
	Page 79		Page 81
1	O TIM most interested in the ideas that	1 1	was most sortainly driven by anti-blacknoss
1	Q I'm most interested in the ideas that	1	• • • • • • • • • • • • • • • • • • •
2	you've developed	2	So I even mentioned at some point in
2 3	you've developed A Uh-huh.	2 3	So I even mentioned at some point in that book that it you know, this two-year tenure
2 3 4	you've developed A Uh-huh. Q defining, elaborating, identifying the	2 3 4	So I even mentioned at some point in that book that it you know, this two-year tenure battle that I had to wage because this particular
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_	Die i militarium		
1	Page 82 Q Did anyone ever say they wanted you to be	1	Page 84 Q Let's use your word, "anti-black."
2	converted to a "revise and resubmit" status because	2	A Correct. Okay.
3	you were black?	3	Q Is it fair to say "anti-black racism"?
4	A No.	4	A I prefer "anti-blackness."
5	Q So that was just your surmise that it had	5	Q Okay. Let's use your term.
6	to do with anti-blackness?	6	There was no evidence that you know of
7	A Correct.	7	that anti-blackness led to individuals at Hunter
8	Q In the tenure dispute, which was a second	8	College to oppose your tenure?
9	example you gave from your personal life, you	9	A Correct.
10	mentioned, I believe, the chair	10	Q So, again, that's your surmise?
11	A The chair of the department.	11	A That you my surmise my yeah.
12	Q campaigned to get you denied tenure?	12	Surmise, my my belief.
13	A Correct.	13	Q Okay.
14	Q Did he ever say that was because you were	14	A Yeah, my surmise.
15	black?	15	Q And at the SMT plenary session, you were
16	A No.	16	received quite well?
17	Q He said that was because you were	17	A Yes.
18	incompetent?	18	Q That wasn't anti-black; right?
19	A Yes.	19	A That was not anti-black. Correct.
20	Q And you disagreed?	20	Q Incidentally, because you are a black
21	A Well, yeah, I disagree that I was	21	man, do you enjoy the benefits and privileges of
22	incompetent.	22	patriarchy?
23	Q Correct. And it seems the school	23	A Yes.
24	eventually agreed and sided with you?	24	Q But you
25	A Correct.	25	A I'm sorry, because I'm a man, not black
23	n correct.	23	A I in sorry, securise I in a man, not stack
1	Page 83	1	Page 85 man. You said because I'm a black man.
2	Q And you were granted tenure? A Correct.	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	
3	Q Do you know of white professors at Hunter		Because I'm a man, cisgender, I enjoy the privileges of patriarchy.
4	College who have gone through similar struggles with	4	Q Okay.
5	tenure.?	5	A So so get rid of the word "black"
6	A Not similar anti-black struggles, no.	6	there, please.
7	Q Let me rephrase that then because you	7	Q I believe you've argued in your article
1	yourself said you never heard anyone expressly say	8	in Music Theory Online that a reformed American
			·
10	they were trying to deny you tenure because you were black; correct?	10	music theory should be anti-racist; right? A I'm not sure that's exactly how I put it,
11	A Yes. And it's worth pointing out that	11	but you are not entirely incorrect.
12	that's almost always the case with anti-blackness in the United States. It's a very rare person who will	12	Q So what would an anti-music anti-racist music theory look like?
		14	_
14	say, I'm doing this because you are black. That's just not the way anti-blackness		A I wrote in my book, we cannot understand
15		15	what anti-racism will look like in music theory in
16	works. I'm sure you understand that.	16	the future unless we understand what racist what
17	Q But nevertheless, you had no evidence	17	racism in music theory looked like in the past,
18	that there was specific racist ideas leading to	18	which is a slightly longer way of saying, I don't
19	people arguing you were incompetent when you were up	19	really know what anti-racist music theory would look
20	for tenure? Now wood the word "regist " I'm wains the	20	like in the future. We are all still trying to
21	A You used the word "racist." I'm using the	21	figure that out, in my opinion.
22	word "anti-black."	22	Q Okay. You are writing a textbook on
23	Yes, the answer if if you're going	23	music theory now; correct?
24	Q Okay.	24	A Yes.
25	A Could you revise	25	Q Is that what something you state in
1		1	

	Di. I milp Aurian i		
1	Page 86 your textbook, that you don't know what music theory	1	Page 88 Q Now, you argue in your article and
2	will look like?	2	elsewhere article in Music Theory Online that
3	A No.	3	Heinrich Schenker has been very important in
4	Q So you have some idea of what it should	4	advancing this white racial frame in music theory;
5	look like; correct?	5	is that fair?
6	A Well, yes, of course, based on the	6	A The yeah. I'll go ahead and say yes.
7	textbook that I'm co-authoring, yes.	7	Yes.
8	Q So what would an anti-racist American	8	Q Okay. And how did he contribute to the
9	music theory look like now, today in 2024?	9	wait racial frame in music theory?
10	A Well, again, I don't know what the	10	A Well, of course since he died in 1935,
11	anti-racist music theory would look like.	11	and had virtually nothing, you know, directly to do
12	I can tell you what we are doing in our	12	with American music theory, you have to draw a lot
13	book which would certainly more align with	13	of historical parallels, right.
14	anti-racism than music theory textbooks in the past.	14	And so you first begin with his emigre
15	Should I say what the book is about?	15	students who came over here, Hans Weisse
16	Q Tell me what your book argues is more in	16	Q Uh-huh.
17	line with anti-racist music theory in the present?	17	A would be the first name I would
18	A Well, it's a music theory textbook, so we	18	mention. But then Felix Salzer and Oswald Jonas and
19	are not putting forth arguments about anti-racism	19	Ernst Oster.
20	and anti-blackness. That's just not something that	20	Q Can I interrupt to ask you a question
21	usually happens in a in a music theory textbook.	21	about that group of scholars
22	Q Okay. That's fine.	22	A Uh-huh.
23	Now, I want to transition to talk about	23	Q you just mentioned?
24	someone I know you studied in depth, Heinrich	24	A Uh-huh.
25	Schenker.	25	Q All of them were music theorists?
	Page 87		D 00
1	1 age 07	1	Page 89
1	You can assume that this case has	1	A Yeah yes.
1 2		1 2	~
	You can assume that this case has		A Yeah yes.
2	You can assume that this case has Heinrich Schenker in its background in many regards,	2	A Yeah yes. Q And were they all Jewish immigrants to
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1		Page 90 I I had asked you how Heinrich	1	Page 92 "tonal music" is in in ways that a an utter
2	Schenker o	contributed to the white racial frame and	2	layperson can understand?
3		discussing his students who came to the	3	A So if you had asked me that ten, 15 years
4	United Sta		4	ago, I would have said something like, tonal music
5	А	Yeah. But the question, when you say how	5	is music written in a key like C major or D minor
6	Heinrich S	Schenker contributed, it's a very active	6	that moves that has what we in music theory call
7		are using.	7	triads and harmonies and chords that move in a
8	-	And in fact, you can't use that active	8	certain logical progression within a key of in
9	voice at a	all because Heinrich Schenker himself	9	music; right.
10	didn't cor	ntribute to our white racial frame in the	10	Typical composers of such tonal music
11	sense that	we in America created a system of music	11	would be, for example, names that the Jury probably
12	theory whi	ich has, as Joe Feagin would say, a very	12	knows: Johann Sebastian Bach, Ludwig van Beethoven,
13	pro-White	subframe of the white facial frame.	13	Wolfgang Amadeus Mozart, for example.
14		And and the ideas of tonal music were	14	And tonal music represented a roughly
15	very ofter	n understood through some of the musical	15	200 let's call it, 250-year period from the late
16	theories t	chat Heinrich Schenker put forth.	16	17th century, call it, 1650, with composers like
17		But to say, How did he contribute to the	17	with Arcangelo Corelli up through, let's say, 1900,
18	white rac	al frame, that's you are using the	18	roughly.
19	active vo	ice there that I just disagree with.	19	Today I would give a different answer
20	It's		20	because that very much is part of music theory's
21	Q	Okay.	21	hegemony in promoting what essentially is a white
22	A	He didn't.	22	white racially framed way of conceiving of tonal
23	Q	So and thank you.	23	music or tonality; right.
24		You mentioned tonal music?	24	Q And by "hegemony," you mean a system that
25	A	Uh-huh.	25	maintains its own power?
1				
		Page 91		Page 93
1	Q	Page 91 Can you please describe for the Jury and	1	Page 93 A It's own power, yes.
1 2	-		1 2	S .
	for the Co	Can you please describe for the Jury and		A It's own power, yes.
2	for the Co	Can you please describe for the Jury and ourt here on this record what is in	2	A It's own power, yes. Q Uh-huh.
2	for the Co terms of a knowledge	Can you please describe for the Jury and ourt here on this record what is in absolute you know, someone with no	2 3	A It's own power, yes. Q Uh-huh. Yeah. Of course we haven't mentioned
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	for the Coterms of a knowledge understand tonal must have and it's a the short. Q for the real A Q A Q Can't speak A Q	Can you please describe for the Jury and ourt here on this record what is in absolute you know, someone with no of music theory would be able to d, such as myself, for instance. What what does that mean? What is ic? Well, that's a it's a great question a very you know, do you do you want middle, or long answer? I'm going to try to go for the Well, please, a brief you know, just ecord Yeah. I'll try to go again, for the I'll go record, but again kind of middle middle length. It makes it hard on him. That's why we ak over each other. Was it I apologize. And it was my fault. But let me rephrase my question.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A It's own power, yes. Q Uh-huh. A Yeah. Of course we haven't mentioned I haven't mentioned the term "colonial" or colonialization." That's often a term used in academic circles with Q Well, let's leave that aside and get back to the definition of "tonal music" as you would define it today? A Yes, thank you. So as far as I know, all peoples on our planet have musics; right? And if music has frequencies frequencies are are in music what we call pitches; right? Q You mean the actual frequency of the sound? A Of the sound. Q Like the sound waves A Exactly. Q Okay. Sorry, go ahead. A Any any any sound has a frequency. (Whereupon, the witness taps the table.)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	for the Coterms of a knowledge understand tonal must have and it's athe short. Quantum for the real parts of the coterms of a parts of the coterms of the c	Can you please describe for the Jury and ourt here on this record what is in absolute you know, someone with no of music theory would be able to d, such as myself, for instance. What what does that mean? What is does does does does does does does doe	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A It's own power, yes. Q Uh-huh. A Yeah. Of course we haven't mentioned I haven't mentioned the term "colonial" or colonialization." That's often a term used in academic circles with Q Well, let's leave that aside and get back to the definition of "tonal music" as you would define it today? A Yes, thank you. So as far as I know, all peoples on our planet have musics; right? And if music has frequencies frequencies are are in music what we call pitches; right? Q You mean the actual frequency of the sound? A Of the sound. Q Like the sound waves A Exactly. Q Okay. Sorry, go ahead. A Any any any sound has a frequency. (Whereupon, the witness taps the

1	BY MR. ALI	Page 94 EN:	1	Page 96 music theorists often talk about.
2	Q	I just want	2	Functional means that the chords have
3	A	has a frequency.	3	certain characteristics and and progressions that
4	0	to be clear that you are not talking	4	they follow. So it's a word that we just use in
5	about the	frequency with which music is heard or	5	music theory.
6		like you know, the the oftenness, if	6	Rather than thinking that functional
7	that	,,,,,,,,,	7	tonality is in fact the foundation for music theory
8	A	Correct.	8	in the United States of America, I now say that it
9	Q	So let's now that we have cleared up	9	is a foundation.
10	_	cologize	10	Q Uh-huh.
11	Α	Uh-huh.	11	A And this simple grammatical shift from
12	Q	and I'll stop interrupting you. Go	12	"the foundation" to "a foundation"
13	ahead.		13	Q Uh-huh.
14	А	Yeah, I'm talking about acoustics and	14	A which it is
15	physics ar	_	15	Q Uh-huh.
16	Q Q	Uh-huh.	16	A actually has caused a lot of panic
17	æ A	in physics, frequency is called "Nu,"	17	behind the scenes because a lot of people don't want
18	you know,	the Greek letter	18	to acknowledge that there are many others, that they
19	you know,	Uh-huh.	19	represent very interesting rich music theory
20	A A	that goes like that?	20	traditions, potentially, and that we a country of
21	Q	Yeah.	21	30 330 million people coming from all over the
22	Q A	That's	22	planet and some of whom were here before people
23		Please		
	Q		23	started arriving, right, indigenous folks have
24	A	So if somebody says, "What's new?"	24	
25		You say, "Frequency."	25	very interesting.
1		Page 95		Page 97
1 2	0	That Is a main theory into?	1	Q So everyone can have their own private
3	Q A	That's a music theory joke?	2	music theory; is that what you mean? A If you got rid of the word "private." I
	A	That's that's a music theory joke.	3	A If you got rid of the word "private," I
1	^	To in	1	rould agree with that atatament
4	Q	Fair.	4	would agree with that statement.
5	А	And when musics have freq sounding	5	Q Back to Heinrich Schenker, he is one of
5 6	A frequencie	And when musics have freq sounding es, which vib any vibrating body will	5 6	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you
5 6 7	A frequencie produce, r	And when musics have freq sounding es, which vib any vibrating body will right?	5 6 7	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this
5 6 7 8	A frequencie produce, r	And when musics have freq sounding es, which vib any vibrating body will right? Uh-huh.	5 6 7 8	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th
5 6 7 8 9	A frequencie produce, r	And when musics have freq sounding es, which vib any vibrating body will right?	5 6 7 8 9	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described?
5 6 7 8 9	A frequencie produce, r	And when musics have freq sounding es, which vib any vibrating body will right? Uh-huh. it has potential tones and tonality;	5 6 7 8 9	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century,
5 6 7 8 9 10 11	A frequencie produce, r Q A right?	And when musics have freq sounding es, which vib any vibrating body will right? Uh-huh. it has potential tones and tonality; So in other parts of the world, the	5 6 7 8 9 10 11	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry?
5 6 7 8 9 10 11 12	A frequencie produce, r Q A right?	And when musics have freq sounding es, which vib any vibrating body will right? **Uh-huh.** it has potential tones and tonality; So in other parts of the world, the so of the most developed such systems I	5 6 7 8 9 10 11	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most
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5 6 7 8 9 10 11 12 13 14	A frequencie produce, r Q A right?	And when musics have freq sounding es, which vib any vibrating body will right? **Th-huh.** it has potential tones and tonality; So in other parts of the world, the end of the most developed such systems I enter would be ragas in the Indian ent or different magam systems in Turkey	5 6 7 8 9 10 11 12 13 14	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes.
5 6 7 8 9 10 11 12 13 14 15	A frequencie produce, r Q A right? most tw could cite subcontine and the Mi	And when musics have freq sounding es, which vib any vibrating body will right? Uh-huh. it has potential tones and tonality; So in other parts of the world, the end of the most developed such systems I enhere would be ragas in the Indian ent or different magam systems in Turkey endedle East and Jordan in Arabic magams	5 6 7 8 9 10 11 12 13 14 15	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes. A Yes, I think that Hugo Riemann would be
5 6 7 8 9 10 11 12 13 14 15 16	A frequencie produce, r Q A right? most tw could cite subcontine and the Mi Turkish ar	And when musics have freq sounding es, which vib any vibrating body will right? **Uh-huh.** it has potential tones and tonality; So in other parts of the world, the so of the most developed such systems I e here would be ragas in the Indian ent or different magam systems in Turkey addle East and Jordan in Arabic magams and Arabic magams, for example.	5 6 7 8 9 10 11 12 13 14 15 16	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes. A Yes, I think that Hugo Riemann would be slightly more important.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A frequencie produce, r Q A right? most tw could cite subcontine and the Mi Turkish ar Q A which are Beethoven	And when musics have freq sounding es, which vib any vibrating body will right? Uh-huh. it has potential tones and tonality; So in other parts of the world, the world of the most developed such systems I enter would be ragas in the Indian ent or different magam systems in Turkey addle East and Jordan in Arabic magams and Arabic magams, for example. Uh-huh. Many, many, many centuries of tonalities just not the same as the Bach,	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes. A Yes, I think that Hugo Riemann would be slightly more important. Q Okay. A Heinrich Schenker was very much an American phenomenon. For most of the rest of the world
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A frequencie produce, re Q A right? most two could cite subcontine and the Mi Turkish are Q A which are Beethoven Q A	And when musics have freq sounding as, which vib any vibrating body will right? Uh-huh. it has potential tones and tonality; So in other parts of the world, the are of the most developed such systems I are here would be ragas in the Indian and the or different magam systems in Turkey addle East and Jordan in Arabic magams and Arabic magams, for example. Uh-huh. Many, many, many centuries of tonalities just not the same as the Bach, Uh-huh. functional tonality. So in other words, rather than saying and and the same as the body and the same as the saying and the	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes. A Yes, I think that Hugo Riemann would be slightly more important. Q Okay. A Heinrich Schenker was very much an American phenomenon. For most of the rest of the world Q Uh-huh. A dealing with the Bach through Brahms, is what we sometimes call canonic composers or common practice composers. There's several ways
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A frequencie produce, re Q A right? most two could cite subcontine and the Mi Turkish are Q A which are Beethoven Q A	And when musics have freq sounding as, which vib any vibrating body will right? **Uh-huh.** it has potential tones and tonality; So in other parts of the world, the so of the most developed such systems I se here would be ragas in the Indian and or different magam systems in Turkey addle East and Jordan in Arabic magams and Arabic magams, for example. **Uh-huh.** Many, many, many centuries of tonalities just not the same as the Bach, **Uh-huh.** functional tonality. So in other words, rather than saying	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q Back to Heinrich Schenker, he is one of the primary music theorists of tonal music, as you described it, originally as let's say, this period from the enlightenment to the late 19th century that you described? Enlightenment being the 18th century, sorry? A And you said, One of the most important is that what you music theorists? Q Yes. A Yes, I think that Hugo Riemann would be slightly more important. Q Okay. A Heinrich Schenker was very much an American phenomenon. For most of the rest of the world Q Uh-huh. A dealing with the Bach through Brahms, is what we sometimes call canonic composers or

_	Di. i mip Aurian		
1	Page 98 A of talking about that those	1	Page 100 Documents Online of the word "race"?
2	composers. Hugo Riemann and his theories actually	2	A I believe so.
3	were more important than Heinrich Schenker.	3	Q And is 57 mentions out of thousands of
4	American music theorists might not want	4	pages representative of an intellectual's work over
5	to acknowledge that, but that's a true statement.	5	their lifetime?
6	Q And you examined his I think it's	6	A In terms of talking about human race, I
7	called Schenker Documents Online.	7	think it's significant.
8	Can you describe briefly what that is?	8	Q Okay.
9	A As far as I know I don't even know	9	A And it I would add that I don't think
10	where it's housed but it is he was a very	10	every mention of the word "race" Rasse in
11	prolific writer	11	German was necessarily about human race, but the
12	Q Uh-huh.	12	vast majority you you could say, like, a race
13	A Heinrich Schenker was. And aside from	13	between a turtle and a tortoise or something; right?
14	his main works, Harmonielehre, and Kontrapunkt, and	14	So that's it's not always human race, but it
15	Freie Satz, Free Composition those are his three	15	virtually always was.
16	main works; Counterpoint is in two volumes	16	O Correct.
17	Q Uh-huh.	17	And you mention a a well, what is
18	A there are diaries and letters and	18	that? It's not a synonym.
19	correspondence and and essays and introductions	19	I mean, race running a race and "race"
20	and forwards and many other things.	20	meaning
21	As far as I understand, Schenker	21	A Human race.
22	Documents Online is a repository an online	22	Q Nineteenth century conceptions of skin
23	repository of many of those documents transcribed	23	color in race, those are the same word in English,
24	from German and then translated by several people	24	but they're not in German, are they?
25	into English.	25	A Correct.
	mee migribii.	23	n correct.
	Page 99		Page 101
1	O So a lavoerson could find this online?	1	
1 2	Q So a layperson could find this online? A I think so yeah	1 2	Q Wettrennen is the word in German for
2	A I think so, yeah.	2	Q Wettrennen is the word in German for "race"; right?
2 3	A I think so, yeah. Q And a layperson who didn't even speak	2 3	Q Wettrennen is the word in German for "race"; right? A I do not know.
2 3 4	A I think so, yeah. Q And a layperson who didn't even speak German, which was Schenker's language, could also	2 3 4	Q Wettrennen is the word in German for "race"; right? A I do not know. Q How well you know German?
2 3 4 5	A I think so, yeah. Q And a layperson who didn't even speak German, which was Schenker's language, could also read these translations?	2 3 4 5	Q Wettremmen is the word in German for "race"; right? A I do not know. Q How well you know German? A I've got a reasonable reading knowledge.
2 3 4 5	A I think so, yeah. Q And a layperson who didn't even speak German, which was Schenker's language, could also read these translations? A Correct.	2 3 4 5 6	Q Wettrennen is the word in German for "race"; right? A I do not know. Q How well you know German? A I've got a reasonable reading knowledge. Q Were you reading the Schenker Documents
2 3 4 5 6 7	A I think so, yeah. Q And a layperson who didn't even speak German, which was Schenker's language, could also read these translations? A Correct. Q And they are in side by side, you have	2 3 4 5 6 7	Q Wettrennen is the word in German for "race"; right? A I do not know. Q How well you know German? A I've got a reasonable reading knowledge. Q Were you reading the Schenker Documents Online in the original or were you relying on the
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	D1. 1 mmp Aurian Ewen on 07/17/2024				
1	Page 102 Q If you searched some word like "tone"	1	Page 104 relationship at all in with respect to Heinrich		
2	what's the German word for "tone"?	2	Schenker.		
3	A Tone it's "ton," t-o-n but	3	Q Okay. So you would agree with Timothy		
4	Q If you searched the the Schenker	4	Jackson in that regard?		
5	Documents Online for the word "tone," just give a	5	A I do not know.		
6	guesstimate of how many times that would appear in	6	Q Have you argued that Heinrich Schenker		
7	Schenker's work?	7	had a very hierarchal theory of tones?		
8	A I really couldn't do that.	8	A I've argued that he had a hierarchical		
9	Q Do you think it would be more than 57?	9	theory of of understanding tonality and		
10	A Probably.	10	Q Can you please describe that in terms		
11	Q A lot more?	11	that a layperson could understand, for the record?		
12	A I couldn't say.	12	A Well, his entire system of music theory		
13	Q You do argue that Schenker's music theory	13	was extremely hierarchical; right? And he found		
14	was anti-black; correct?	14	levels of hierarchies in what he would consider to		
15	A I argue that there are elements of	15	be master works; right?		
16	anti-blackness in his music theories.	16	Q Like the great Bach, Beethoven, and so		
17	Q What's the connection between Schenker's	17	forth?		
18	anti-black ideology, if we want to call it that, and	18	A Exactly.		
19	his ideas of music theory as it applies to tonal	19	Q Okay.		
20	music?	20			
21			· •		
		21	And he would find these well, he		
22	black music just for the simple reason that he	22	called them Schichte these layers of of of		
23	didn't think that it was worth attention.	23	hierarchies, right, and all great music would		
24	So the	24	exhibit these layers and of course they were		
25	Q Let me ask my question again because I	25	fundamental structures. We all know that.		
	D 102	_	D 107		
	Page 103		Page 105		
1		1	Just for the layperson, the fundamental		
1 2	8	1 2	8		
	think that's a different that's an answer to a	١.	Just for the layperson, the fundamental		
2	think that's a different that's an answer to a different question.	2	Just for the layperson, the fundamental structure is a struct the tonal structure of a		
2 3	think that's a different that's an answer to a different question. I'm not implying that you are doing	2 3	Just for the layperson, the fundamental structure is a struct the tonal structure of a so-called great piece of music.		
2 3 4	think that's a different that's an answer to a different question. I'm not implying that you are doing anything bad here; I just want an answer to a	2 3 4	Just for the layperson, the fundamental structure is a struct the tonal structure of a so-called great piece of music. Q Is that what some piece might refer to if		
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	D1. 1 mmp Aurian Ewen on 07/17/2024				
1	Page 106 Q And so is it fair, I guess, from my my	1	Page 108 Q So is it true that you have argued and		
2	very uninformed understanding of music theory, is it	2	I'm going to quote from your article in Music Theory		
3	fair to say that in his theory, certain tones were	3	Online "the notion of hierarchy of a strict		
4	subordinate to others in the structure of an entire	4	ordering of the tones of composition is so		
5	musical piece?	5	thoroughly consistent with Schenker, his deeply		
6	A Yes.	6	conservative outlook on life and culture, that it is		
7	Q And would those vary from composition to	7	difficult to uncouple his theory entirely from two		
8	composition, or was it always the case that there	8	of his most consistently expressed ideological		
9	was a superior tone?	9	stances: One, the centrality of the German people		
10	A Well, it would always be the case that it	10	in European culture; and two, the steady decline of		
11	would come down to one of three fundamental	11	culture and political order in Europe since the late		
12	structures that he conceived.	12	18th century."		
13	Q Okay. And how is that related to	13	A Those are not my words. Those are the		
14	anti-blackness?	14	words of William Drabkin, a very imminent Schenker		
15	A Well, you could read my book and you'd	15	scholar, so you should check your source there.		
16	probably get some ideas of how it might be related.	16	I quoted		
17		17			
18	But you are asking a very specific question about Heinrich Schenker's music theories	18	Q Did you quote him? A I'm quoting him but		
19 20	Q And its hierarchy? A and its hierarchies.	19 20	Q Did you quote him positively? You agree with that?		
21	And the way that I would answer that	21	A Were you suggesting that I had written		
22	question is to say, again, Heinrich Schenker died in	22 23	that?		
23	1935 and he, as far as I know, never traveled to the		Q I think it's in your article; correct?		
24	United States of America.	24	A Yeah, but but I didn't write those		
25	What we have done since then in the	25	words.		
	Page 107		7 400		
1 .			Page 109		
	ensuing 85 yeah, 90 years is create a system of	1	Q Okay.		
2	ensuing 85 yeah, 90 years is create a system of music theory that very much has relied on Heinrich	2	Q Okay. A You are aware of that; right?		
2 3	ensuing 85 yeah, 90 years is create a system of music theory that very much has relied on Heinrich Schenker's beliefs. His music theory music	2 3	Q Okay. A You are aware of that; right? Q I I don't know if you did or not.		
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1		D 410		D 410
1 +		Page 110 Therefore, the the clarification is:	1	Page 112 quotation.
2	Do you act	ually not understand that those were not	2	MR. ALLEN: Let me let me do that
3	my words t	hat you just	3	after our next break.
4	Q	I think I said	4	MR. PAINTER: Okay.
5	A	read?	5	MR. ALLEN: We will do that
6	Q	And I'm not sure if I did say this I	6	MR. PAINTER: So it's a block
7	think I sa	id, You argued; okay?	7	quotation
8		And I'm not disputing that you wrote them	8	MR. ALLEN: Correct.
9	or not.		9	MR. PAINTER: It's very helpful if
10	A	Uh-huh.	10	it were part of it
11	Q	If you say you quoted another author's	11	MR. ALLEN: Sure.
12	work, that	's perfectly normal in academic	12	MR. PAINTER: then we would
13	scholarshi	p.	13	as dealt with this right away, this
14		I'm arguing excuse me, I'm not	14	block quotation
15	arguing	I'm asking if you agree with that	15	MR. ALLEN: Sure.
16	statement?		16	MR. PAINTER: from another
17		That's a very clear statement about the	17	author.
18	relationsh	ip with the between the hierarchy of	18	BY MR. ALLEN:
19	tonal theo	ry and ideologies of cultural supremacy of	19	Q I think the record shows that the witness
20	the German	people?	20	remembers it accurately enough to know which author
21	A	Could you	21	he quoted and know that it was accurate quote from
22	Q	Wouldn't you agree to that?	22	the author; correct?
23	A	Could you reread the	23	A Yes.
24	Q	Sure.	24	MR. PAINTER: Yes, we've just got to
25	A	the quote from William Drabkin?	25	reread the statement if you're going to
		D 444		D 440
1	Q	Page 111 Can you spell his name, just for the	1	Page 113 ask if he agrees with it
2	record?	one for after and and for the	2	MR. ALLEN: Absolutely. But I don't
3	A	D-r-a-b-k-i-n.	3	want to now break and go get it.
4	Q	Thank you.	4	
5	-	-		MR. PAINTER: Okay.
		MR. PAINTER: Can I ask for a	5	MR. PAINTER: Okay. MR. ALLEN: I want to ask him
6		MR. PAINTER: Can I ask for a clarification?	5	MR. ALLEN: I want to ask him
		clarification?		• • • • • • • • • • • • • • • • • • •
6			6	MR. ALLEN: I want to ask him this this question and then we can
6 7 8		clarification? Which document are we referring to? Is this in is this an article written	6 7 8	MR. ALLEN: I want to ask him this this question and then we can come back to this. BY MR. ALLEN:
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6 7 8 9		clarification? Which document are we referring to? Is this in is this an article written by	6 7 8 9	MR. ALLEN: I want to ask him this this question and then we can come back to this. BY MR. ALLEN:
6 7 8 9 10		clarification? Which document are we referring to? Is this in is this an article written by MR. ALLEN: We are talking about	6 7 8 9 10	MR. ALLEN: I want to ask him this this question and then we can come back to this. BY MR. ALLEN: Q You asked me to reread the quotation. "The notion of hierarchy of a strict
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6 7 8 9 10 11 12 13		clarification? Which document are we referring to? Is this in is this an article written by MR. ALLEN: We are talking about the MR. PAINTER: the school? MR. ALLEN: Music Theory Online	6 7 8 9 10 11 12 13	MR. ALLEN: I want to ask him this this question and then we can come back to this. BY MR. ALLEN: Q You asked me to reread the quotation. "The notion of hierarchy of a strict ordering of the tones of composition is so thoroughly consistent with Schenker his deeply conservative outlook on life and culture that it is
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6 7 8 9 10 11 12 13 14 15 16 17		clarification? Which document are we referring to? Is this in is this an article written by MR. ALLEN: We are talking about the MR. PAINTER: the school? MR. ALLEN: Music Theory Online article that the the deponent has testified that he published 2021. THE WITNESS: 2020. MR. ALLEN: 2020.	6 7 8 9 10 11 12 13 14 15 16 17	MR. ALLEN: I want to ask him this this question and then we can come back to this. BY MR. ALLEN: Q You asked me to reread the quotation. "The notion of hierarchy of a strict ordering of the tones of composition is so thoroughly consistent with Schenker his deeply conservative outlook on life and culture that it is difficult to uncouple his theory entirely from two of his most consistently expressed ideological stances: One, the centrality of the German people in European culture; and two, the steady decline of
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			EII UII U7/17/2024
1	Page 114 That's a relatively clear statement of	1	Page 116 probably 2018ish.
2	the relationship between Schenker's theory of	2	So I think that's the only time I met
3	hierarchy and tones and what the author, Dubkin, is	3	Frank Heidlbergberg or -berger?
4	arguing is an ideological theory of the hierarchy of	4	Q I believe it's Heidlberger?
5	the German culture or people.	5	A Heidlberger with an "e-r" at the end.
6	A Uh-huh.	6	Okay.
7	Q Correct?	7	Aside from that, at the at the impetus
8	A Uh-huh. Yes.	8	of, I think it was, Ellen Bakulina, I had a piece
9	Q Do you argue that that also expresses	9	published in Theoria, the journal at the University
10	anti-blackness?	10	of North Texas, in a short in a small little
11	A I did not argue that in that article, no.	11	group of of three authors: Ellen Bakulina, whom
12	Q Is there no relationship between Heinrich	12	we've mentioned, Chris Segall, who's a professor of
13	Schenker's hierarchal theory of tones and theories	13	music theory at the University of Cincinnati, and
14	of I don't know bogus phrenology, bogus	14	me.
15	theories of the hierarchy of the races?	15	And this grew out of a of a session
16	A I don't know. I couldn't answer that	16	that we had given, I think it was for the Russian
17	question.	17	music theory interest group.
18	Q Okay. You can't answer it yes or no?	18	Q Uh-huh.
19	A Correct.	19	A And maybe it was in Vancouver. It was
20	MR. ALLEN: Can we go off the record	20	somewhere
21	briefly?	21	Q This is the 2018 conference that you
22	THE VIDEOGRAPHER: We are going off	22	mentioned?
23	the record. The time is 12:10.	23	A Don't quote me on the 2018. I'm pretty
24	(Whereupon, there was a recess taken	24	sure it was Vancouver, whenever that happened.
25	from 12:10 p.m. to 12:12 p.m.)	25	Q Is it fair to say it's a you met at a
	Page 115		Page 117
1	Page 115 THE VIDEOGRAPHER: We are going back	1	Page 117 conference and it was before COVID?
1 2	. 8	1 2	
	THE VIDEOGRAPHER: We are going back		conference and it was before COVID?
2	THE VIDEOGRAPHER: We are going back on the record. The time is 12:12.	2	conference and it was before COVID? A Yes. Oh, yes. Yes.
2 3	THE VIDEOGRAPHER: We are going back on the record. The time is 12:12. BY MR. ALLEN:	2 3	conference and it was before COVID? A Yes. Oh, yes. Yes. Q Before the 2020 academic year?
2 3 4	THE VIDEOGRAPHER: We are going back on the record. The time is 12:12. BY MR. ALLEN: Q I want to make a transition,	2 3 4	Conference and it was before COVID? A Yes. Oh, yes. Yes. Q Before the 2020 academic year? A Correct on both counts, yes.
2 3 4 5	THE VIDEOGRAPHER: We are going back on the record. The time is 12:12. BY MR. ALLEN: Q I want to make a transition, Professor Ewell, and talk about the University of	2 3 4 5	conference and it was before COVID? A Yes. Oh, yes. Yes. Q Before the 2020 academic year? A Correct on both counts, yes. Q I'm going to introduce for the record
2 3 4 5 6 7	THE VIDEOGRAPHER: We are going back on the record. The time is 12:12. BY MR. ALLEN: Q I want to make a transition, Professor Ewell, and talk about the University of North Texas.	2 3 4 5 6	conference and it was before COVID? A Yes. Oh, yes. Yes. Q Before the 2020 academic year? A Correct on both counts, yes. Q I'm going to introduce for the record Exhibit 2, which I'm handing to the court reporter
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	Page 118		Page 120
1	26, 2020.		you remembered.
2	BY MR. ALLEN:	2	A I've got a good memory then.
3	Q And, Professor Ewell, is that an accurate	3	Q So with that said, can you describe the
4	description of what I've just handed you?	4	process of publishing these articles with Frank
5	A Yes.	5	Heidlberger's journal, Theoria?
6	Q So I've introduced this exhibit because	6	A Yeah. I can recall again, I think
7	you were just mentioning publishing in a journal.	7	the the the key Ellen may have been the
8	Is this the journal which that discussion	8	chair of the Russian music theory interest group at
9	referred to?	9	that time.
10	A Oh, yes, for Theoria, yes.	10	Q Uh-huh.
11	Q And describe just briefly what is the	11	A So she was almost certainly the
12	journal Theoria?	12	go-between. She was of course teaching at the
13	A It's a journal that's housed at the	13	University of North Texas at the time.
14	University of North Texas Press, I believe, and	14	Q Uh-huh.
15	Frank Heidlberger is the editor, the the the	15	A I think I mentioned that she moved to
16	lead. I you know, he's essentially well, does	16	McGill.
17	it say it here?	17	Q Yup.
18	Q He's listed on the	18	A Okay. So she was working with Frank,
19	A Yeah, editor.	19	like the pivot between me and Chris Chris
20	Q first page	20	Segall and and putting this together.
21	A Yeah.	21	Q Uh-huh.
22	Q as the editor; correct?	22	A And as far as I can recall, you know,
23	A Frank Heidlberger, yeah. Uh-huh.	23	we we worked on our articles, we, you know
24	Q And that's the Frank Heidlberger you were		turning a presentation into an article
25		25	Q Uh-huh.
23	receiving to in your ecotimony.	25	y on man
1	Page 119	1	Page 121
1	A Correct.	1	A was, you know, something that we all
2	Q And if you go the second page, there's a table of contents.	3	do.
3			And we submitted them together. I think
4		4	we each read each other's work and just commented on
5	Q Correct?	5	it.
6	A Yeah.	6	Q Uh-huh.
7	Q And you were talking about publishing in	7	A And and then ultimately, I don't know
	a group of three some articles in Theoria; right?	8	
9	A Uh-huh.	9	pre so yeah, I'll just stop there.
10	Q And in the title page where it says,	10	Q And when you say, "We read each other's
11	"Russian Music Theory Panel SMT 2018," is that the	11	work," are you referring to Ellen please
12	series of articles you were referring to?	12	pronounce her last name? Bakulina?
13	A Yes.	13	A Bakulina.
14	Q And you are listed here, I guess, the	14	Q Bakulina?
15	fourth article down in the table of contents, Philip	15	A Yeah.
16	Ewell, "Harmonic Functionalism in Russian Music	16	Q I assume Russian?
17	Theory: A Primer."	17	A That's Russian.
18	Did I read that correctly?	18	Q In origin?
19	A Correct.	19	A Yes, correct.
20	Q And your article started on page 61;	20	Q Thank you.
	right?	21	So Ellen Bakulina and Christopher Segall
22	A Yes.	22	and you read each other's articles?
23	Q Okay. I just wanted to establish we were	23	A Uh-huh.
24	talking about the same thing and it turns out the	24	Q That's what you were referring to?
		1	I
25	SMT conference seems to have been in 2018, just as	25	A Yes.

	Dr. Philip Adrian		
1	Page 122 Q And did Frank Heidlberger solicit these	1	Page 124 Q Do you know if in this time period, 2018
2	articles?	2	
3	A I'm not sure. I'm not sure how	3	let's say
4	solicitation, whether Ellen approached him, he	4	A Uh-huh.
5	approached Ellen. I can't even recall whether Frank		Q were they tenured then, to your
6	Heidlberger was at that session where we	6	knowledge?
7	delivered	7	A I think they were both untenured.
8	Q I understand. It was 2018.	8	Q Okay. And you had tenure at this time;
9	A Yeah. Yeah.	9	right?
10	Q So do you remember these articles being	10	A 2016 is when I got tenure, yes.
11	peer reviewed in the processes we've discussed	11	Q Okay. So, again, although you have a
12	earlier?	12	very clear memory of the Music Theory Online article
13	A If I could just go briefly back to the	13	being peer reviewed correct?
14	the plenary because we talked about the plenary and	14	A Yes.
15	the	15	Q you have no memory of getting peer
16	Q Correct.	16	reviews for these articles?
17	A music theory Spectrum and then MTO.	17	A Correct.
18	Q Right.	18	Q And do you consider the vetting of a
19	A I didn't point out back then and I would	19	conference proposal to give a paper at the Society
20	just say it now because we are talking about peer	20	for Music Theory in any way comparable to, I think
21	review again, that as far as I can tell, as far as I	21	what you called, double-anonymous peer review?
22	recall, the plenary talks for music theory are never	22	A Yes and no. It is usually anonymous.
23	peer reviewed. So that didn't surprise me at all.	23	Q Uh-huh.
24	The this, eight years or six years	24	A It is reviewed and and a decision is
25	ago, however many years ago, I don't think that it,	25	handed down. So yes.
	Page 123		Page 125
1	like, was sent out for the doubly-anonymous peer	1	No, in the sense that you are writing
2	review.	2	three- to 500 words about some ideas you want to
3	Q Uh-huh.	3	present. So it's certainly different from from
4	A I don't think so. I don't know how Frank	4	an article that appears in a in a journal.
5	Heidlberger dealt with the behind-the-scenes, but	5	Q And just for the the sake of the
6	I'm pretty certain that I didn't see any reviewer	6	record of a lay Jury that may not be involved in
7	one, reviewer two	7	publication, three- to 400 words is basically a
8	Q Okay.	8	paragraph; right?
9	A you know, which you normally see when	9	A I would call it two paragraphs.
10	you are doing that.	10	Q Okay. And it's certainly not a article
11	So I do, of course, remember batting	11	that spans 24 pages such as you published in
12	around these articles with Ellen and Chris.	12	A Correct.
13	Q Correct. And they are close colleagues	13	Q Theoria?
14	of yours; is that fair to say?	14	A Correct.
15	A Yeah, yeah, yeah. They both went to the	15	Q So in that sense, the 24-page paper that
16	CUNY Graduate Center, but I well, I actually	16	was published in Theoria was not peer reviewed,
17	chaired Christopher Segall's dissertation committee.	17	correct, to the best of your recollection?
18	Q Uh-huh.	18	A Yes, that's correct.
19	A And and I I was also serving on	19	Q So if well, I'll strike that.
20	Ellen Ellen's dissertation committee.	20	And do you have any reason to believe
21	Q Is she junior to you?	21	that the process for publishing the other two
22	A Yeah, they're both junior to me. They're	22	papers, the paper by Ellen Bakulina or Christopher
23	both associate professors, both with tenure	23	Segall, which are also listed here, were subjected
24	Q Uh-huh.	24	to any other process than or was it the same as
25	A and I'm a full professor, so	25	yours?

1 A No. 2 Q Okay. Was there any controversy that you 3 recall over the review process at UNF for the 4 publication of these articles? 5 A Any controversy, you 6 Q Yes? 7 A said? 8 No. not that I can recall. 9 Q Was there any criticism, to the best of 10 your knowledge, that these articles were not 11 subjected to double-anonymous peer review? 12 A Not that I recall, no. 13 Q While we are at it and this will be 14 the last few questions before we break for lunch 15 have you ever published besides this article, which we just talked about, and also the Spectrum 17 article, which we talked about earlier, have you 18 ever published articles that veren't subjected to 3 publications, somewhere between 30 and 40, let's 24 say, The article is one genere, let's call it; right. 1 Q Of course. 1 Q Of course. 2 A So a review essesy, book chapters, 3 review conference review, the introduction I 4 mentioned earlier. So obviously they all come with 5 different sets of guidelines 6 Q Uh-huh. 1 And in my com mind, if I could just 2 laborate a little bit almost as if it wasn't an article in the same 5 way that "Music theory and the White Racial Frame' 18 was, the talkes sense. 1 Q The the coe that was published in 18 Music Theory Online? 1 A Correct. Yeah. 2 Q CRay. And well, we've already		Dr. 1 mmp Aurian 1	1	
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4 A I do not know. 5 A Any controversy, you 6 Q Yess? 7 A said? 8 No, not that I can recall. 9 Q Was there any criticism, to the best of 10 your knowledge, that these articles were not 11 subjected to double-anonymous peer review? 12 A Not that I recall, no. 13 Q While we are at it and this will be 14 the last few questions before we break for lunch 15 have you ever published besides this article, 16 which we just talked about, and also the Spectrum 17 article, which we talked about earlier, have you 18 ever published articles that wernet subjected to 19 peer review in any academic journal? 20 A I think the short answer would be no. 19 peer review in any academic journal? 21 asy that I have well, certainly over 30 22 publications, somewhere between 30 and 40, let's 24 say. The article is one genere, let's call it; 25 right. Page 127 1 Q of course. 2 A So a review essay, book chapters, 3 review conference review, the introduction I mentioned earlier. So obviously they all come with different sets of guidelines 6 Q Uh-hub. 7 A and expectations. 8 The academic articles that I have 9 published have all been peer reviewed with, I suppose, this exception. 10 auppose, this exception. 11 Ard in my own mind, if I could just the alaborate all title bit and this was not peer reviewed. This almost in my 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory online? 19 A Correct. Yeab. 20 Q Ckay. And well, we've already 21 Your point on an an informed academic 22 Nould be peeple who would disagree with me.	2	Q Okay. Was there any controversy that you	2	Q Do you know if Theoria has ever had
5 A Any controversy, you — 6 Q Yee? 7 A — said? 8 No, not that I can recall. 9 Q Was there any criticism, to the best of 1 your knowledge, that these articles were not 11 subjected to double-ancorporous peer review? 12 A Not that I recall, no. 13 Q While we are at it — and this will be 14 the last few questions before we break for lunch — 15 have you ever published — besides this article, which we talked about earlier, have you 18 ever published articles that weren't subjected to 19 peer review in any academic journal? 10 A I think the short answer would be no. 11 E could just teleborate a little bit and 12 say, The article is one genere, let's call it: 12 a You for course. 13 Q Of course. 14 C Q Of course. 15 A So a review essay, book chapters, 16 different sets of guidelines — 2 the fairness of guidelines — 2 the conference review, the introduction I 1 suppose, this exception. 16 Q Uh-hub. 17 A — and expectations. The academic articles that I have 19 published have all been peer reviewed with, I suppose, this exception. 18 The academic articles that I have 19 published have all been peer reviewed with, I subjected to 20 Q Would it be acceptable in an academic of poer nature of Wikipedia. 18 Was not peer reviewed. This almost an informed academic forman the world may be? 19 A Correct. Yesh. 20 Q Kay. And — well, we've already 21 Shoolar? 22 A Shoolar? 23 A Shoolar? 24 A Shoolare? 25 A Shoolare? 26 A Shoolare? 27 A Think the short answer would be not a content on YouTube in an academic article? 28 A Shoolare? 29 You've more acceptable to the editor of a cademic journal than Wikipedia avoid be because of the course, and a cademic journal than Wikipedia avoid be because of the poer nature of Wikipedia. 29 You've pinion as an informed academic for instance, as an informed academic forman the world may be? 30 A Shoolutely yeah. But I'm sure there would be people who would disagree with me.	3	recall over the review process at UNT for the	3	articles that cite Wikipedia?
6 Q Yes? 7 A said? 8 No, not that I can recall. 9 Q Was there any criticism, to the best of 10 your knowledge, that these articles were not 11 subjected to double-anonymous peer review? 12 A Not that I recall, no. 13 Q While we are at it and this will be 14 the last few questions before we hreak for lunch 15 have you ever published besides this article, 16 which we just talked about, and also the Spectrum 17 article, which we talked about earlier, have you 18 ever published articles that weren't subjected to 19 peer review in any academic journal? 20 A I think the short answer would be no. 21 I could just elaborate a little bit and 22 say that I have well, certainly over 30 23 publications, somewhere between 30 and 40, let's 24 say. The article is one genere, let's call it'; 25 right. Page 127 1 Q of course. 2 A So a review essay, book chapters, 3 review conference review, the introduction I mentioned earlier. So obviously they all come with 5 different sets of guidelines 6 Q Uh-huh. 7 A and expectations. 8 The academic articles that I have 9 published have all been peer reviewed with, I olypiched to suppose, this exception. 11 Rand in my own mind, if I could just 1 elaborate a little bit, because I do recall that 1 this was not peer reviewed. This almost in my 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 15 way that "Music Theory and the white Racial Frame" it's almost as if it wasn't an article in the same 16 Q Chay. And veell, we've already 17 should be	4	publication of these articles?	4	A I do not know.
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12 A Not that I recall, no. 13 Q While we are at it and this will be 14 the last few questions before we break for lunch 15 have you ever published besides this article, 16 which we just talked about and also the Spectrum 17 article, which we talked about earlier, have you 18 ever published articles that weren't subjected to 19 peer review in any academic journal? 10 A I think the short answer would be no. 11 I could just elaborate a little bit and 12 say that I have well, certainly over 30 13 publications, somewhere between 30 and 40, let's 14 say. The article is one genere, let's call it: 15 right. Page 127 1 Q Of course. 2 A So a review essay, book chapters, 3 review conference review, the introduction I 4 mentioned earlier. So obviously they all come with 15 different sets of guidelines 16 Q Uh-huh. 17 A and expectations. 18 The academic articles that I have 19 published have all been peer reviewed with, I 10 suppose, this exception. 19 And in my own mind, if I could just 10 suppose, this exception. 10 And in my own mind, if I could just 11 elaborate a little bit, because I do recall that 13 this was not peer reviewed. This almost in my 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory and the White Racial Frame" 16 was, if that makes sense. 17 Q The the one that was published in 18 Music Theory Online? 19 A Correct. Yeah. 20 Q Okay. And well, we've already 21 It depends on the editor; it depends 21 the topic 20 Uh-huh. 21 A It depends on the editor; it depends 21 the topic 20 Uh-huh. 21 A It depends on the editor; it depends 21 the topic 22 Uh-huh. 23 Soyou'd you'd have to be more 24 Soyou'd you'd have to be more 25 specific. 20 Q Is it appropriate to cite, I don't kno 21 content on YouTube in an academic article? 24 A If in fact the author of course, all of these decisions would ultimately fall with the editorial team: right? 25 And if in fact tomewhere the editorial team: right? 26 A Tomethor YouTube with some type of, I don'	10	your knowledge, that these articles were not	10	Q Is it appropriate to to cite anything
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14 the last few questions before we break for lunch 15 have you ever published besides this article, 16 which we just talked about, and also the Spectrum 17 article, which we talked about earlier, have you 18 ever published articles that weren't subjected to 19 peer review in any academic journal? 20 A I think the short answer would be no. 21 I could just elaborate a little bit and 22 say that I have well, certainly over 30 23 publications, somewhere between 30 and 40, let's 24 say. The article is one genere, let's call it; 25 right. Page 127 1 Q Of course. 2 A So a review essay, book chapters, 3 review conference review, the introduction I 4 mentioned earlier. So obviously they all come with 5 different sets of guidelines 6 Q Uh-huh. 6 Q Uh-huh. 7 A and expectations. 8 The academic articles that I have 9 published have all been peer reviewed with, I 10 suppose, this exception. 11 And in my own mind, if I could just 12 elaborate a little bit, because I do recall that 13 this was not peer reviewed. This almost in my 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory and the White Racial Frame" 16 was, if that makes sense. 17 Q The the one that was published in 18 Music Theory Online? 19 A Correct. Yeah. 20 Q Okay. And well, we've already 21 the topic 22 Uh-huh. 24 So out'd you'd have to be more 25 Soyou'd you'd have to be more 26 Q Is it appropriate to cite, I don't kno 27 Content on YouTube in an academic article. 28 A If in fact the author of course, al 29 of these decisions would ultimately fall with the 24 editor and the editorial team: right? 25 A If in fact the author of course, al 26 of these decisions would ultimately fall with the 27 editor and the editorial team: right? 28 A So a review conference review, the introduction I 39 (a YouTube with some type of, I don't kno 39 (briefferent sets of guidelines 39 (a YouTube with some type of, I don't kno 39 (briefferent sets of guidelines 40 (briefferent sets of guidelines 50	12	A Not that I recall, no.	12	A It depends on the article, it depends on
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18 ever published articles that weren't subjected to 19 peer review in any academic journal? 20 A I think the short answer would be no. 21 I could just elaborate a little bit and 22 say that I have well, certainly over 30 23 publications, somewhere between 30 and 40, let's 24 say. The article is one genere, let's call it; 25 right. 20 A If in fact the author of course, al 26 ditor and the editorial team; right? 27 A So a review essay, book chapters, 28 A So a review essay, book chapters, 39 review conference review, the introduction I 40 mentioned earlier. So obviously they all come with 51 different sets of guidelines 62 Q Uh-huh. 63 A and expectations. 74 A and expectations. 75 The academic articles that I have 76 published have all been peer reviewed with, I 76 suppose, this exception. 77 A nad in my own mind, if I could just 78 tit's almost as if it wasn't an article in the same 110 way that "Music Theory and the White Racial Frame" 121 tit's almost as if it wasn't an article in the same 122 the name of wikipedia. 123 of these decisions would ultimately fall with the 124 editor and the editorial team; right? 125 And if in fact something is put up on 18 YouTube with some type of, I don't know, gravitate 18 behind it, and I don't even know what that would 18 look like frankly, I imagine that there I don't know, a Ted talk or something, that there is something to have academic openation of a academic journal than Wikipedia. 19 Q Would it be acceptable in an academic 19 A Sure. That would be acceptable, yeah. 110 A I mean, that's that's my opinion, obviously. 111 Q Your opinion as an informed academic 112 there in the world may be? 113 A Sure. That would be acceptable oviously. 114 Q Okay. 115 A I mean, that's that's my opinion, obviously. 116 obviously. 117 Q The the one that was published i	16	which we just talked about, and also the Spectrum	16	A of of what's being written in what
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22 say that I have — well, certainly over 30 23 publications, somewhere between 30 and 40, let's 24 say. The article is one genere, let's call it: 25 right. Page 127 1 Q Of course. A So a review essay, book chapters, 3 review — conference review, the introduction I 4 mentioned earlier. So obviously they all come with 5 different sets of guidelines — 6 Q Uh-huh. 7 A — and expectations. 8 The academic articles that I have 9 published have all been peer reviewed with, I 10 suppose, this exception. 11 And in my own mind, if I could just 12 elaborate a little bit, because I do recall that 13 this was not peer reviewed. This almost in my — 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory Online? 19 A Correct. Yeah. 20 Q Okay. And — well, we've already 22 A If in fact the author — of course, al 23 of these decisions would ultimately fall with the 24 editor and the editorial team; right? 25 And if in fact the author — of course, al 26 of these decisions would ultimately fall with the 27 editor and the editorial team; right? 28 And if in fact the author — of course, al 29 of these decisions would ultimately fall with the 24 editor and the editorial team; right? 25 And if in fact the author — of course, al 26 of these decisions would ultimately fall with the 26 editor and the editorial team; right? 27 And if in fact the author — of course, al 28 editor and the editorial team; right? 28 As if in fact the author — of course, al 29 to fthese decisions would ultimately fall with the 20 deditor and the editorial team; right? 28 As If in fact the author — of course, al 29 of these decisions would ultimately fall with the 29 deditor and the editorial team; right? 29 Youroble with some type of, I don't know, gravitas behind it, and I don't even know what that would of potentially be more acceptable to the editor of a academic journal than Wikipedia would be because the open nature of Wikipedia, for instance, as an example of what the state of common knowledge out there in the world may be? 10	20	A I think the short answer would be no.	20	Q Is it appropriate to cite, I don't know,
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24 say. The article is one genere, let's call it; 25 right. 26 Page 127 1 Q Of course. 2 A So a review essay, book chapters, 3 review conference review, the introduction I 4 mentioned earlier. So obviously they all come with 5 different sets of guidelines 6 Q Uh-huh. 7 A and expectations. 8 The academic articles that I have 9 published have all been peer reviewed with, I 10 suppose, this exception. 11 And in my own mind, if I could just 12 elaborate a little bit, because I do recall that 13 this was not peer reviewed. This almost in my 14 it's almost as if it wasn't an article in the same 15 way that "Music Theory and the White Racial Frame" 16 was, if that makes sense. 17 Q The the one that was published in 18 Music Theory Online? 19 A Correct. Yeah. 20 Q Okay. And well, we've already 2 ditor and the editorial team; right? 2 behind it, and I don't even know what that would 3 look like frankly, I imagine that there I don' 4 know, a Ted talk or something, that there's 5 something that's out there, that that would 6 potentially be more acceptable to the editor of a academic journal than Wikipedia would be because 8 the open nature of Wikipedia, for instance, as an 11 example of what the state of common knowledge out there in the world may be? 13 A Sure. That would be acceptable, yeah. 14 Q Okay. 15 A I mean, that's that's my opinion, obviously. 16 Q Your opinion as an informed academic scholar? 19 A Absolutely yeah. But I'm sure there would be people who would disagree with me.	22	say that I have well, certainly over 30	22	A If in fact the author of course, all
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20 Q Okay. And well, we've already 20 would be people who would disagree with me.		<u>-</u>		
	21	discussed the the difference between that and	21	Q And, as you said, an author an author
22 Spectrum. 22 of at least 30 academic publications?				
23 Okay. Just just one more question. 23 A Thank you for the compliment.				
24 So have you ever known academic articles 24 Q And how many books to date?				-
25 to cite Wikipedia in any way? 25 A Oh, just one.	23	co cice mixibenta in any may:	45	A OII, Just Oile.

		Page 130		Page 132
1	Q	Just one?		please?
2	A	Yeah.	2	Q Yeah, the the second to last
3		MR. ALLEN: We'll go off the record.	3	sentence
4		THE VIDEOGRAPHER: We are going off	4	A Uh-huh.
5		the record. The time is 12:27.	5	Q before that quote is introduced is
6		(Whereupon, there was a recess taken	6	your writing; correct?
7		from 12:27 p.m. to 1:28 p.m.)	7	A Correct.
8		(Whereupon, Plaintiff's Exhibit 3,	8	Q And it says, "In numerous writings,
9		Article Entitled "Music Theory and	9	he" meaning Schenker "insisted that his
10		the White Racial Frame" Written by	10	views" meaning Schenker's view "on racial and
11		Philip Ewell, Published in Music	11	national hierarchies were key to his beliefs on life
12		Theory Online, was marked for	12	and music."
13		identification.)	13	Correct?
14		THE VIDEOGRAPHER: We are going back	14	A Correct.
15		on the record. The time is 1:28.	15	Q And in fact, you introduced that
16	BY MR. ALI	EN:	16	paragraph with the topic sentence, "I wish to
17	Q	Professor Ewell, I have taken the liberty	17	recouple this severed link between Schenker's
18	of marking	as Exhibit Number 3 for the record. This	18	hierarchal beliefs about music and his hierarchal
19	will be	for the people who are remote, this will	19	hierarchical beliefs about people."
20	be sent to	you as marked 023.	20	Did I read that correctly?
21		It's an article in Music Theory Online,	21	A Yes.
22	which we'v	e discussed earlier. And I'm going to ask	22	Q So and this is the last question, just
23	you to con	firm for the record that this is the	23	a yes or no question.
24	article th	at we discussed earlier?	24	So it's fair to say, as we discussed
25	А	Correct.	25	earlier, that you were quoting William Drabkin,
1	0	Page 131 And it's titled, "Music Theory and the		Page 133 which we read earlier into the record, with
2	White Raci		2	·
3	А	Correct.	3	A It's not just yes or no.
-	==	**==***	-	
4	0	And if I could ask you to turn to	4	It's it is his agreement with some of
4 5	Q section 4.	And if I could ask you to turn to 4 in the article. I believe you'll find	4 5	It's it is his agreement with some of the the basic elements of recognling this this
5	section 4.	4 in the article, I believe you'll find	5	the the basic elements of recoupling this this
5 6	section 4.	4 in the article, I believe you'll find ge 11?	5	the the basic elements of recoupling this this severed link.
5 6 7	section 4. that on pa	4 in the article, I believe you'll find ge 11? Uh-huh.	5 6 7	the the basic elements of recoupling this this severed link. With approval? Ye yeah, I think it's
5 6 7 8	section 4. that on pa A Q	4 in the article, I believe you'll find ge 11? Uh-huh. Right above that is a subsection where	5 6 7 8	the the basic elements of recoupling this this severed link. With approval? Ye yeah, I think it's fair to just say with approval. Yeah, that's fair.
5 6 7 8 9	section 4. that on pa A Q there's th	4 in the article, I believe you'll find ge 11? Uh-huh. Right above that is a subsection where e quote that I had read aloud into the	5 6 7 8 9	the the basic elements of recoupling this this severed link. With approval? Ye yeah, I think it's fair to just say with approval. Yeah, that's fair. Q And you believe there's a link between
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	Dr. Philip Adrian I		
1	Page 134 A Oh, no, no.	1	Page 136 context.
2	You said "for" and I thought it was "of,"	2	Q Did you ever hear anyone say the journal
3	but	3	was racist?
4	Q You know what, I don't want to make a	4	A No.
5	mistake for the record here, so I	5	Q Thank you.
6	So you were correct to point that out.	6	What was your understanding of Timothy
7	It is the Journal of Schenkerian Studies.	7	Jackson's relationship to the Journal of Schenkerian
8	A Good.	8	Studies from the time you published in it back in
9	Q Thank you.	9	in the you know, sounds like the 2000s, to 2020?
10	And so I I take from your answer that	10	A Well, in that time, I have to be honest,
11	you are familiar with it?	11	I basically never thought of that journal.
12	A Of course.	12	Q Uh-huh.
13	Q Have you published in it?	13	A I published in it and then I then
14	A Yes.	14	20 years well, I don't know how many years, but
15	Q When did you publish an article in the	15	almost 20 years passed.
16	Journal of Schenkerian Studies?	16	Q Uh-huh.
17	A Oh, when? 2004 or '05. It was one of my	17	A And if you were to say that Timothy
18	very first published articles.	18	Jackson was part of the original my original
19	Q Was that journal article handled by	19	thing, I would I wouldn't be surprised.
20	Timothy Jackson?	20	But I just don't recall 20 years ago what
21	A I have no idea.	21	his relationship was, if there was a relationship,
22	Q Was there any suggestion at that time	22	to the journal at that point.
23	that the Journal of Schenkerian Studies was	23	Q By "your thing," you mean your article?
24	publishing racist articles?	24	A My article and it was in Volume 1, the
25	A What do you mean by "racist articles"?	25	very first issue of the journal.
	Page 135		Page 137
	1 age 133		rage 15/
1	Q Well, I don't I don't mean anything by	1	And then up until Volume 12, which had
1 2		1 2	
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	Di. i iiiip Aurian i		
1	Page 138 A I'm sorry, 2019 yes, 2019.	1	Page 140 Q Okay.
2	But then I for sure became aware of it	2	A on the Journal Volume 12 of the
3	when there was a call for papers announced. And I	3	Journal of Schenkerian Studies.
4	think, if I'm not mistaken, that was on	4	Q And just to be clear, by "monograph," we
5	December 31st, 2019.	5	understand I mean an ac an academic book?
6	And it had a very quick turnaround, which	6	A Correct.
7	everybody was like, Wait, what's going on with this?	7	Q All right. So I want to take you back to
8	So it was a strange three-week	8	the time before you had read the responses published
9	turnaround, like, sub submit this by then.	9	in the symposium and when you heard about it.
10	Q Uh-huh.	10	And what was your criticism of the
11	A So when that call for papers was	11	symposium in that time window before you had
12	announced, whatever date it was, but late call it	12	actually read the symposium papers?
13	late December 2019, I was of course aware	13	A I had seen on Twitter and probably
14	Q Uh-huh.	14	Facebook I've I left Twitter between one and
15	A that this was happening.	15	two years ago; I deleted my account.
16	Q Do you remember who you heard that from?	16	But I was on Twitter and Facebook and I
17	A I think it was the SMT Listserv where	17	saw some of the quotations, and they were very
18	call where such calls are usually put out.	18	strange, I thought to myself.
19	Q Okay. And so you were a subscriber to	19	Q Uh-huh.
20	the SMT list Listserv?	20	A And of course, I knew that I had not been
21	A Correct.	21	contacted to be part of this symposium, which struck
22	Q And you had already testified today, I	22	me as strange. So I knew about some of those
23	believe, you were you were at that time a member	23	things.
24	of the Society for Music Theory, SMT?	24	Most of what I was any if you are
25	A Yes.	25	asking me what my opinion was of what was going on
	Page 139		Page 141
1	Q Did you ever read any of the articles in	1	
2	the symposium which appeared in Volume 12, published	2	probably based on what I was seeing on social media.
3	in 2020?	3	Q What was based on what you were seeing on
4	A Not when it came out.	4	social media? What do you mean by that?
5	Q Have you since read them?	5	A My opinions about what the
6	A Yes.	6	Q Okay.
7	Q When did you read them?	7	A symposium was about.
8	A As I was writing my book, because that's	8	Q And your opinions were that this seemed
9	when I actually did respond to ten of the authors	9	strange?
10	of of that symposium.	10	A Yes.
11	And well, the book came out in	11	Q And stuff.
12	2023 April, so I would guess if I would say when I	12	Do you think it was improper for the
13	actually read the 15 responses and I have to put	13	Journal of Schenkerian Studies to publish the
14	the "responses" in scare quotes because it didn't	14	symposium before you read it?
15	seem to me that they were really responses to what $\ensuremath{\mathtt{I}}$	15	A I believe it was improper to do so
16	had said in the plenary I would guess let me	16	without any participation by me.
17	think here fall fall of '21, early 2022.	17	Q Any other reason you thought it was
18	Q Okay.	18	improper for the Journal of Schenkerian Studies to
19	A Some time in 2022 probably.	19	publish the symposium besides not contacting you?
20	Q Okay. And this was the time leading up	20	A The anonymous submission. One of the
21	to the publication of your monograph; is that fair?	21	submissions was written anonymously, and that struck
22	A Correct, yeah.	22	me as very strange also.
23	Q Okay.	23	Q So we have there was you allege
24	A During the process. Because chapter	24	there was no contact to you. There's also an
25	three or four is in fact	25	anonymous publication in the symposium.

	Di. i iiiip Aurian i		M OH 07/17/2024
1	Page 142 Was there anything else that you	1	Page 144 there were another 13 minutes that had nothing to do
2	criticized about the Journal of Schenkerian Studies		with Heinrich Schenker that I spoke about at that
3	publishing the symposium?	3	plenary session, so Heinrich Schenker was roughly
4	A I wouldn't say there was no contact. I	4	nine minutes that responses would be put together
5	mentioned in my book that two professors at the	5	without having the person to whom they were
6	University of North contact North Texas contacted	6	responding have a chance to address the issues
7	me as it was being put together.	7	brought up in the responses, which is industry
8	One was Ellen Bakulina. The other was	8	standard for such colloquies or symposiums in
9	Stephen Slottow	9	academia.
10	Q Okay.	10	Q What made you think you were being
11	A who I think is an associate professor	11	excluded from commenting on the symposium responses
12	of music theory	12	to your plenary address?
13	Q Uh-huh.	13	A I have no idea.
14	A at the University of North Texas, also	14	Q Did anyone tell you you would not be
15	one of the managing editors, along with Timothy	15	allowed to respond to them?
16	Jackson, of that of that volume.	16	A No.
17	Separately, they contacted me. Stephen	17	Q And you now said that you actually were
18	Slottow wanted to know where he could find the	18	contacted both by Professor Slottow and Ellen
19	slides to the presentation I had given.	19	Bakulina; correct?
20	Q The the plenary talk at the SMT	20	A Yeah, but that was not to ask me to be
21	A Correct.	21	part of this
22	Q in 2019?	22	Q And you were
23	A Correct. Yeah.	23	A symposium.
24	And at that point the slides were on my	24	Q you received the SMT call for papers;
25	website	25	correct?
	Page 143		Page 145
1	Q Uh-huh.	1	A I did.
2	A so I told him where to get them.	2	Q But it's your testimony today that that
3	Q Uh-huh.	3	also wasn't an appropriate way to contact you?
4	A And then Ellen Bakulina wrote an e-mail	4	A Yes, it was not appropriate.
5	simply asking me if I had any questions about these	5	Q And can you just explain for the record
6	responses that were being put together, to which I	6	what would have been the most appropriate way to
7	responded, No, I don't have any questions.	7	contact you in your experience as an academic?
8	Q Did anything prevent Ellen Bakulina from	8	A Well, I've never been a respondent like
9	inviting you to participate in the Journal of	9	that so I would only be speculating.
10	Schenkerian Studies symposium?	10	But it would I I presume that it
11	The same the	11	would be one of the lead editors who would reach out
1	A I have no idea.		
12	Q But she didn't invite you?	12	to the person who was who who originally gave
12 13		12 13	
	Q But she didn't invite you?	13 14	to the person who was who who originally gave
13 14 15	Q But she didn't invite you? A No.	13 14 15	to the person who was who who originally gave the talk to which people were responding to invite them to be part of a colloquy or symposium. Q Did you reach out to anyone on the
13 14	Q But she didn't invite you? A No. Q You don't know of anything that prevented	13 14	to the person who was who who originally gave the talk to which people were responding to invite them to be part of a colloquy or symposium.
13 14 15	Q But she didn't invite you? A No. Q You don't know of anything that prevented her from inviting you to participate? A No. Q So let me again summarize: You you've	13 14 15	to the person who was who who originally gave the talk to which people were responding to invite them to be part of a colloquy or symposium. Q Did you reach out to anyone on the
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13 14 15 16 17 18 19 20 21 22 23	Q But she didn't invite you? A No. Q You don't know of anything that prevented her from inviting you to participate? A No. Q So let me again summarize: You you've identified the, I guess, failure of the journal to contact you in the way you wanted to be contacted; is that fair? A No. It the way I want to be contacted is well, it's not really up to me. I'm I am taking issue with the notion that somebody would respond to what effectually was	13 14 15 16 17 18 19 20 21 22 23	to the person who was who who originally gave the talk to which people were responding to invite them to be part of a colloquy or symposium. Q Did you reach out to anyone on the editorial board to ask them about that? A No. Q Why not? A It's not my place to invite myself to a party thrown in my honor. Q Was there any criticism of your paper aired at the plenary talk you gave in 2019? A Not to my knowledge.

	Dr. Philip Adrian I	- W C	
1	Page 146 Q That there wouldn't be any invitation to	1	Page 148 of 2020 when that appeared?
2	criticism of your paper at the symposium that you	2	A I can't recall.
3	gave not symposium, the plenary talk you gave in	3	Q Okay. You don't know of any other ad hoc
4	2019?	4	panel that addressed the Journal for Schenkerian
5	A The question is: Would that have been	5	Studies, though; correct?
6	proper, you said?	6	A Correct.
7	Q Was it proper that there was no form for	7	Q Okay. What were the things that you read
8	criticism of your plenary address?	8	in the ad hoc panel's report that stand out to you
9	A Yeah, plenary addresses never really	9	as improper?
10	Q Okay.	10	A I think the two that I've mentioned:
11	A have Q&As afterward. In music theory,	11	The the inclusion of an anonymous
12	I should say.	12	Q Uh-huh.
13	Q So, again, I'm trying to get a the	13	A author, and the lack oh, the lack
14	universe of things that you thought was improper	14	of peer review that's that we hadn't talked about
15	about the publication of the symposium in 2020 by	15	that. So three things.
16	the Journal of Schenkerian Studies.	16	The lack of peer review, the anonymous
17	It's not improper that it addressed your	17	author, and the one that we just said, the fact that
18	plenary talk; right?	18	I was not part of the colloquy.
19	A No.	19	Q Okay. Any other things that you
20	Q But you've said that they didn't contact	20	remember?
21	you in the way that you have argued is industry	21	A No.
22	standard?	22	Q Okay. So as you sit here today, you only
23	A Correct.	23	have identified the lack of peer review, the
24	Q You've also identified the publication of	24	anonymous author's publication, and that you weren't
25	an anonymous author?	25	contacted in the way that you feel was an industry
	Page 147		Page 149
1	Page 147 A Correct.	1	Page 149 standard?
1 2	8	1 2	-
	A Correct. Q Are there any other things you found to be improper about the Journal for of Schenkerian	2 3	standard? A Yes. Q Okay. Did you ever argue that the
2 3 4	A Correct. Q Are there any other things you found to be improper about the Journal for of Schenkerian Studies publication of the symposium?	2 3 4	standard? A Yes. Q Okay. Did you ever argue that the Journal for Schenkerian Studies should be censored?
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2 3 4 5 6 7 8	A Correct. Q Are there any other things you found to be improper about the Journal for of Schenkerian Studies publication of the symposium? A Only I I would say only what I've read in what was ultimately called, I think, an ad hoc panel that some UNT professors had convened to look into how this journal issue was put together.	2 3 4 5 6 7 8	A Yes. Q Okay. Did you ever argue that the Journal for Schenkerian Studies should be censored? A I think I used in my book kind of as a question, Is there no reason for condemnation, or possibly I used the word "censure." In other words, it seems so out of the
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	Dr. Philip Adrian		
1	Page 150 A I don't know enough about it to make a	1	Page 152 MR. PAINTER: Yes.
2	judgment on that.	2	MR. ALLEN: That's not a legal issue
3	Q Do you think a journal should be ordered	3	in this case.
4	to cease publication for pub for publishing the	4	The First Amendment is something
5	symposium that was published in the Journal of	5	he's already testified to.
6	Schenkerian Studies that was published in 2020?	6	MR. PAINTER: Yes, but he's not
7	A I would need to know more information. I	7	provided legal opinion on that and you
8	really couldn't say.	8	are not asking him
9	Q What more information do you need to	9	MR. ALLEN: I'm not asking for a
10	know? It stopped publication; right?	10	legal opinion.
11	A You just said, "allegedly stopped	11	BY MR. ALLEN:
12	publication, so	12	Q So, Professor Ewell, I'm just asking in
13	Q No, I said it did stop publication.	13	your experience as an academic professional and
14	A Well, you added you added the word	14	assuming it's true that the University of North
15	"allegedly."	15	Texas has instructed the University of North Texas
16	Q Let me do this.	16	Press to stop publishing the Journal of Schenkerian
17	A But that's okay. That's okay.	17	Studies, is that appropriate in your view?
18	Q Assume that that's true.	18	A I don't have enough information to make
19	A Okay.	19	that judgment.
20	Q Is that appropriate?	20	Q And what more information would you need?
21	A I don't know enough about it to make a	21	A Well, I could imagine I would need to
22	comment on it.	22	know some more of the particulars about what
23	Q You commented earlier that you thought	23	actually happened behind the scenes and I'm just not
24	the First Amendment was a benefit to the United	24	privy to that information.
25	States; correct?	25	Q You've read the University of North
	Page 151		Page 153
1	Page 151	1	Page 153 Texas, quote, ad hoc panel report; correct?
2	A Yes. Q And you do though know that the	2	Texas, quote, ad hoc panel report; correct? A Yes.
2	A Yes. Q And you do though know that the University of North Texas is a public institution	2 3	Texas, quote, ad hoc panel report; correct? A Yes. Q That wasn't enough information for you?
2 3 4	A Yes. Q And you do though know that the University of North Texas is a public institution A I do, yes.	2 3 4	A Yes. Q That wasn't enough information for you? A Correct. It was not enough information.
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	Dr. Philip Adrian I		
1	Page 154 Press' Journal of Schenkerian Studies?	1	Page 156 MR. ALLEN: If he's going to testify
2	A Only in the sense that I was not invited	2	that he has no idea
3	to this process.	3	MR. PAINTER: Yeah.
4	Q If you were invited, would you have	4	MR. ALLEN: what "dehumanize"
5	responded?	5	means, he can put that on the record.
6	A I would have needed to see the outlines	6	MR. PAINTER: Okay. But you are not
7	of the symposium, who was saying what.	7	asking about a specific time which he
8	I wouldn't have agreed immediately, but I	8	said "dehumanized" in the past? You are
9	would have been interested in being part of it.	9	not asking him that, are you?
10	Q Did you ever speak with Ellen Bakulina	10	MR. ALLEN: Richard, I'm conducting
11	about her failure to invite you to respond to	11	my deposition and there's a question
12	symposium?	12	before him and I want him to answer it.
13	A No.	13	BY MR. ALLEN:
14	Q Why didn't you raise this issue with her?	14	Q If you don't know the definition of
15	A It wasn't my place, I felt.	15	"dehumanize" or if you don't understand that word,
16	Q Did you talk to any of the editors of the	16	you can just say so.
17	Journal of Schenkerian Studies about the failure to	17	But I want to know what you understand by
18	invite you?	18	"dehumanize"?
19	A No.	19	A And I just am pointing out that you used
20	Q Did you ever feel dehumanized by the	20	whether I felt demeaned and then you asked whether I
21	Journal of Schenkerian Studies?	21	felt dehumanized.
22	A Well, you used the word "demeaned" and	22	And I think it's perfectly reasonable for
23	now you are saying "dehumanized." So I guess I	23	me to say to ask you for as a point of
24	would ask for a little clarification.	24	clarification, and that's all it is really, what the
25	What's the difference between those two	25	difference is between demeaning and dehumanizing.
			difference is seened demodrately and definitions.
1	Page 155 things to you?	1	Page 157 If you are asking me so I'll go ahead
1 2	things to you?	1 2	If you are asking me so I'll go ahead.
2	things to you? Q Well, I'm not testifying today,	2	If you are asking me so I'll go ahead. We don't need to
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	Di. i mip Aurian i		7 460
1	Page 158 consistent well, let me back up and strike that	1	Page 160 Q Sure.
2	question.	2	A Okay.
3	What did the open letter say, to your	3	Q So you testified earlier that you believe
4	knowledge?	4	strongly in academic societies like the Society for
5	A Oh, to my recollection, yeah, it was	5	Music Theory honoring its own policies; right?
6	condemning it was an open letter on anti-racism	6	A Yes.
7	in the Society for Music Theory.	7	Q They should follow their own rules;
8	It was drafted by eight music theorists.	8	right?
9	It had over 900 signatories because it was an open	9	A Correct.
10	letter. I was one of the signatories.	10	Q This SMT policy on ethics should be
11	Q Uh-huh.	11	followed by the Society for Music Theory; correct?
12	A It it mentioned the Journal of	12	A Correct.
13	Schenkerian Studies, Volume 12, although I don't	13	Q It "upholds and promotes the following
14	think it mentioned Timothy Jackson's name.	14	basic principles of ethical conduct in our
15	And it essentially raised some points	15	profession," in the first line; correct?
16	about how we can think about anti-racism in the	16	A Correct.
17	field in the Society for Music Theory moving	17	Q And they are numbered one through seven?
18	forward.	18	A Correct.
19	Q Do you think that was consistent with the	19	Q The first is, "Freedom of inquiry and the
20	SMT statement of on ethics?	20	widest possible access to information of use to
21	A I don't know what you are talking about,	21	scholars."
22	the statement on ethics.	22	Right?
23	Q Sure.	23	A Correct.
24	(Whereupon, Plaintiff's Exhibit 4,	24	Q Can we both agree that the censorship of
25	Printout from Society of Music Theory	25	an academic journal is not consistent with that
	Page 159		Page 161
l	1 age 139		
1	Website, was marked for	1	policy number one?
1 2	Website, was marked for identification.)	1 2	
			policy number one?
2	identification.)	2	policy number one? A Can I ask what you mean by "censor
2	identification.) MR. ALLEN: I want to introduce in	2 3	policy number one? A Can I ask what you mean by "censor censorship"?
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2 3 4 5 6 7	identification.) MR. ALLEN: I want to introduce in the record as Exhibit 4 a printout from the website of the Society for Music Theory. For the people online, this was	2 3 4 5 6 7	policy number one? A Can I ask what you mean by "censor censorship"? Q Sure. Ordering an academic publication to cease and suppressing its publication? A And now the original question, please? Q Is suppressing the publication of an
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_	Di. i iiiip Aurian i	_ ,, ,	
1	Page 162 that the diverse points of view to which they claim	1	Page 164 open letter. They certainly raised it.
2	they they followed should have included a	2	Q No. No. I mean, did they raise this
3	response the person to whom they were responding.	3	policy on ethics?
4	So they did not respect the diverse	4	A Oh. Raise I don't recall anyone, no.
5	points of view because that	5	Q Okay. Were you aware of this policy on
6	Q "They" being?	6	ethics in 2020?
7	A "They," the the Journal of Schenkerian	7	A I don't think I was, no.
8	Studies, Volume 12, did not respect the diverse	8	MR. ALLEN: I'm going to introduce
9	points of view.	9	in the record a document I've marked as
10	If they had, I would have been invited	10	Exhibit Number 5.
11	and I shouldn't have to respond to a call for	11	And for people who are viewing the
12	papers invited to be part of a colloquy because	12	deposition virtually, this was originally
13	this is academic freedom and inquiry.	13	in your packet, 012, the Denton Record
14	Q So that really wasn't my question.	14	Chronicle article.
15	Was suppressing the publication of the	15	And I'm handing a copy to
16	Journal of Schenkerian Studies consistent with	16	Professor Ewell's counsel.
17	principle number three?	17	(Whereupon, Plaintiff's Exhibit 5,
18	A I don't know in the sense that in the	18	Article Titled "A UNT Professor
19	sense that I don't believe that they completely	19	Challenged Claims of Racism in Music
20	followed point number three, whether	20	Theory and Now He's Facing the Music"
21	Q "They" being the SMT?	21	by Lucinda Breeding Dated August 2,
22	A No, "they" being Volume 12 of the Journal	22	2020, was marked for identification.)
23	of Schenkerian Studies.	23	BY MR. ALLEN:
24	And how exactly authorities at the	24	Q So, Professor Ewell, I I'm going to
25	University of North Texas deal with that, well, I	25	give you some time to look at this, but I want to
			<u></u>
	Page 163		D 165
1		1	Page 165
1	don't know. I can't comment on that. I just don't	1	just represent for the record that this is an
2	don't know. I can't comment on that. I just don't know enough.	2	just represent for the record that this is an article with the title "A UNT professor challenged
2 3	don't know. I can't comment on that. I just don't know enough. Q Do you believe the SMT open letter	3	just represent for the record that this is an article with the title "A UNT professor challenged claims of racism in music theory and now he's facing
2 3 4	don't know. I can't comment on that. I just don't know enough. Q Do you believe the SMT open letter condemning the Journal of Schenkerian Studies as you	2 3 4	just represent for the record that this is an article with the title "A UNT professor challenged claims of racism in music theory and now he's facing the music" by Lucinda Breeding, a journalist, and
2 3 4 5	don't know. I can't comment on that. I just don't know enough. Q Do you believe the SMT open letter condemning the Journal of Schenkerian Studies as you remember it was consistent with these policies on	2 3 4 5	just represent for the record that this is an article with the title "A UNT professor challenged claims of racism in music theory and now he's facing the music" by Lucinda Breeding, a journalist, and it's dated August 2, 2020.
2 3 4 5 6	don't know. I can't comment on that. I just don't know enough. Q Do you believe the SMT open letter condemning the Journal of Schenkerian Studies as you remember it was consistent with these policies on ethics that they have promulgated here?	2 3 4 5 6	just represent for the record that this is an article with the title "A UNT professor challenged claims of racism in music theory and now he's facing the music" by Lucinda Breeding, a journalist, and it's dated August 2, 2020. Did I read that correctly?
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1	Page 166 A Can I may I read it?	1	Page 168 journalist, Ms. Breeding.
2	Q You may, but I just want to get these	2	You are talking about the quote, a
3	some some general questions out of the way first.	3	white racial frame of music theory; correct?
4	A Please, go ahead. Ask again.	4	A Yes.
5	Q Did you ever object to the journalist or	5	Q And there's a relatively lengthy quote
6	to the paper that you were misquoted?	6	from you.
7	A No.	7	A Uh-huh.
8	Q Okay. So please go ahead and read. I	8	Q It says, "'In its most abstract form,
9	and feel free to read the whole thing, but	9	music theory is not racist,' Ewell said. 'It's
10	A Uh-huh. Uh-huh.	10	talking about music in an analytical way. But I
11	Q on page three of this document, I	11	look at this question from the angle of the United
12	believe you are mentioned	12	States and its history. It takes something as a
13	A Uh-huh.	13	simple Google search of the country's Naturalization
14	Q and quotes by you?	14	Act of 1790, which is the very first citizenship act
15	A Uh-huh.	15	in the country and I can sum it up: The
16	Q And then and so on it goes.	16	Naturalization Act of 1790 said in order to be a
17	THE WITNESS: Can I use this pen?	17	citizen of these United States, you've got to be
18	MR. ALLEN: I'm going to ask you not	18	white. Have a nice day.'"
19	to mark on the exhibit.	19	Did I read that accurately?
20	Perhaps I don't want to keep him	20	A Yes.
21	from making notes, Richard	21	Q And then it goes on to quote you still
22	MR. PAINTER: Okay.	22	further, "'If you think about it from that angle, if
23	MR. ALLEN: but I don't want him	23	you think of American music theory, then it has to
24	to mark on the exhibit.	24	be part of that white racial frame,' Ewell said."
25	THE WITNESS: Can I just	25	It goes on, "Quite literally, the people
	D 4/5		D 1/0
1	Page 167 MR. ALLEN: If you want do you	1	Page 169 in the U.S. at that time, the people of color, they
2	mind	2	
3	MR. PAINTER: You can mark on my	3	shouldn't be fooling ourselves that music theory
4	copy.	4	can't be part of that history. That's as structural
5	THE WITNESS: Can I?	5	and institutional as it gets."
6	MR. ALLEN: And we are actually	6	Did I read that correctly?
7	going to take your notes and enter them	7	A Yes.
8	into the record, too, just so you know.	8	Q And is it fair to say that's more or less
9	MR. PAINTER: Yeah.	9	similar to what you've testified to today, this link
1,0			
10	THE WITNESS: I've just got to	10	between the Naturalization Act of 1790 and the white
11	THE WITNESS: I've just got to circle something.	10 11	
			between the Naturalization Act of 1790 and the white
11	circle something.	11	between the Naturalization Act of 1790 and the white racial frame of music theory?
11 12	circle something. MR. ALLEN: Yeah, please.	11 12	between the Naturalization Act of 1790 and the white racial frame of music theory? $\mbox{\tt A} \qquad \mbox{\tt Not quite}.$
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	Dog 170	1	Dogg 172
1	Page 170 answer is no, it's not. It's	1	Page 172 Twitter; right?
2	Q But here you say, "That's as structural	2	A Yes. And also I can recall when this
3	and institutional as it gets."	3	was kind of blowing up, I think, in July, August of
4	Right?	4	20
5	MR. PAINTER: He should be allowed	5	Q Uh-huh?
6	to finish	6	A '20. 2020?
7	THE WITNESS: Yeah.	7	Q Yeah.
8	MR. PAINTER: the question	8	A Yeah. Yeah. The pandemic was just
9	answer.	9	starting, yeah. And I can recall I spoke with one
10	THE WITNESS: Yeah.	10	journalist, and it might have been this person,
11	A And so the what's structural and	11	actually
12	institutional is how over decades and centuries all	12	Q Uh-huh.
13	of these ideas of white superiority	13	A when I was unplugged and I was
14	BY MR. ALLEN:	14	literally upstate with my wife and son.
15	Q Uh-huh.	15	Q And you say here or it says here in
16	A and non-white inferiority manifested	16	the article, "He hasn't read the rebuttals and
17	themselves in many, many ways in our country, as I'm	17	doesn't plan to."
18	sure we all know here.	18	Correct?
19	And ultimately, in my field, music	19	A Uh-huh.
20	theory, which really became a well defined field in	20	Q Is that was that accurate at that
21	the United States only in the 1960s, obviously very		
22	hard for something in 1790 to directly affect	22	A Yeah.
23	something that happened in the 1960s.	23	Q And then you are quoted saying, "I won't
24	Absolutely is part of the same white	24	read them because I will not participate in my own
25	supremacist structures and institutions that have	25	dehumanization."
25	supremacist structures and instructions that have	25	dendialization.
1	Page 171		Page 173
l .	happened long before, frankly, 1790 in the United	1	Did I read that right?
2	States of Am well, in the country that became	2	A Yeah.
3	known as the United States of America.	3	Q Is that something you told to the journalist?
4	Q Do you have any reason to think that that	4	
5	was misquoted, what Cindy Breeding wrote in this	5	A Yes.
6		_	0 3-1
-,	article?	6	Q And you also say here, "They were
7	A No.	7	incensed by my blackness challenging their
8	A No. Q Can we skip forward to page at the	7 8	incensed by my blackness challenging their whiteness. The Journal of Schenkerian Studies has
8	A No. Q Can we skip forward to page at the bottom, you'll see five of five?	7 8 9	incensed by my blackness challenging their whiteness. The Journal of Schenkerian Studies has done far more to damage Schenkerian studies than
8 9 10	A No. Q Can we skip forward to page at the bottom, you'll see five of five? A Uh-huh.	7 8 9 10	incensed by my blackness challenging their whiteness. The Journal of Schenkerian Studies has done far more to damage Schenkerian studies than Schenkerian studies."
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8 9 10 11 12 13	A No. Q Can we skip forward to page at the bottom, you'll see five of five? A Uh-huh. Q In the middle of that page there's another quote by you and it it begins the paragraph before.	7 8 9 10 11 12 13	incensed by my blackness challenging their whiteness. The Journal of Schenkerian Studies has done far more to damage Schenkerian studies than Schenkerian studies." Did I read that correctly? A You did and that's a bit of a misquote. It doesn't quite read. But
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	Dr. Philip Adrian	CW	21 01 02/12/101
1	Page 174 take comments, for instance, from David Beach, who		Page 176 that is I'm uninterested in.
2	said, "Philip my suggestion to Philip Ewell is	2	Q And yet you didn't raise that with Ellen
3	that he stop complaining about us white guys."	3	Bakulina?
ء 4	Q Who is Philip Beach?	4	A I I already said that when I responded
5	A I'm sorry, David Beach	5	to Ellen Bakulina, I simply said she said, Do you
6	Q David Beach?	6	have any questions about these responses?
7	A wrote in response to my nine minute	7	I said, No, I have no questions. Have a
8	plenary talk, "My advice to Philip Ewell is that he	8	nice day.
9	stop complaining about us white guys."	9	Q Did you raise the issue of not being
10	That would probably fall under the rubric	10	invited with the journalist?
11	of being incensed by my blackness.	11	A No. To my knowledge, no.
12	Q Did he mention your blackness or just	12	Q If that was so important to you at the
13	said you shouldn't complain about his whiteness?	13	time, why didn't you raise that with the journalist
14	A Did David Beach mention my blackness? I	14	when you were explaining your dehumanization?
15	would have to go back to his actual report.	15	A You know, back in 2020 a lot of things
16	Q And at that time you hadn't read those	16	were happening so it wasn't like I was laser focused
17	reports, had you?	17	on one thing.
18	A Correct.	18	This one little aspect of a lack of
19	Q At this time had anyone from the journal	19	industry industry standard following the the
20	expressly criticized you for being black?	20	rules of inviting people to whom you are responding.
21	A No.	21	So in a brief ten-minute phone call
22	Q And you did say that you would not	22	probably with this journalist, no, I did not bring
23	participate in your own dehumanization; right?	23	that up.
24	A Correct.	24	Q Did you bring up your other complaint
25	Q You didn't say "demeaning" you or	25	that there were articles that weren't peer reviewed,
	Page 175		Page 177
1	Page 175 anything like that here?	1	
1	-		g
	anything like that here?	1	to your knowledge?
2	anything like that here? A Correct.	1 2	to your knowledge? A To my knowledge, no. I don't think so.
2 3	anything like that here? A Correct. Q So you seem to know what that word meant	1 2 3	to your knowledge? A To my knowledge, no. I don't think so. Q How about the anonymous publication?
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				==
	1.			
		Person with convenien at the nitratibility of		Did I read that correctly:

			II ON 09/19/2024
1	Page 182 A The second one, yeah.	1	Page 184 to Philip Ewell, a direct invitation to
2	Q Sorry, the one at the bottom of the page?	2	
3	A Uh-huh.	3	indeed.
4	Q Correct?	4	Q Now, I never said that it was a
5	A Uh-huh.	5	somehow a direct invitation to you, but you did
6	Q And it seems to be from someone named Bob	6	receive it; right?
7	Kosovsky?	7	A I received it.
8	A Uh-huh.	8	0 It's an invitation to participate;
9	Q The thing I want to ask you about is the	9	correct?
10	"to" line, SMT-announce@societymusictheory.org.	10	A Not to me specifically.
11	Do you recognize that e-mail?	11	Q You specifically received it on a
12	A Yes.	12	Listserv that you subscribe to; correct?
13	Q Can you explain for the record what that	13	A Yeah, but thousands of people probably
14	e-mail is?	14	received that.
15	A It's a Listserv where music theorists	15	Q And you didn't respond to it, in fact;
16	make announcements.	16	right?
17	Q And would you have received that e-mail?	17	A Along with along with other thousands
18	A Yes.	18	of people that didn't respond, yeah. In fact, if I
19	Q And in fact I think you've testified you	19	could say, Listservs aren't meant to be responded
20	did receive that e-mail?	20	to.
21	A Correct.	21	Q The statement that you never received an
22	Q And this has the caption in the first	22	invitation to participate in the Journal of
23	line, "The Journal of Schenkerian Studies Volume 12	23	Schenkerian Studies, which was made repeatedly at
24	2019 Call for Papers."	24	this time, was false, however; correct?
25	Right?	25	A No, I disagree.
	Page 183		Page 185
1	A Correct.	1	Q You disagree that this announcement was
2	Q If I could ask you to just review that	2	an invitation which you received to participate in
3	through the next page.	3	the Journal of Schenkerian Studies?
4	And I was just going to ask if this is	4	A Not
5	the call for papers that was sent out over the SMT	5	MR. PAINTER: Could you clarify who
6	Listserv, to the best of your knowledge?	6	the announcement came from? Did this
7	A Yes, to the best of my knowledge. Yeah.	7	come from the Journal of Schenkerian
8	Q So to the extent that you've testified	8	
9			Studies?
	today that you didn't receive an invitation to	9	BY MR. ALLEN:
10	participate in the Journal of Schenkerian Studies	9 10	BY MR. ALLEN: Q Do you see where it says, "forwarded
11	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked	9 10 11	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663?
11 12	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't	9 10 11 12	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor
11 12 13	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't asked in the way that you would have preferred and	9 10 11 12 13	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor Ewell.
11 12 13 14	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't asked in the way that you would have preferred and thought of as industry standards?	9 10 11 12 13 14	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor Ewell. A Oh, I see. Yes, I
11 12 13 14 15	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't asked in the way that you would have preferred and thought of as industry standards? A Well, when you say, "would have preferred	9 10 11 12 13 14	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor Ewell. A Oh, I see. Yes, I Q Do you see the cc line, Levi Walls,
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11 12 13 14 15 16 17 18 19 20 21 22 23 24	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't asked in the way that you would have preferred and thought of as industry standards? A Well, when you say, "would have preferred or thought of," I would go a step further and say in 22 years, I've never heard of a general Listserv announcement making a call for papers tried to be substituted for a specific invitation to a person who whose work has been under scrutiny in responses as my work was with the Journal of Schenkerian Studies Volume 12. In fact, I would go so far as to say is that is so far outside of industry standards to	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor Ewell. A Oh, I see. Yes, I Q Do you see the cc line, Levi Walls, LeviWalls@MyUNT.edu? A Uh-huh. Q And it says, "Forwarded message from: Levi Walls," the same e-mail, "LeviWalls@MyUNT.edu. Correct? Did I read that right? A Yes. Q Do you know who Levi Walls is? A He was one of the student editors, I believe, of the journal issue.
11 12 13 14 15 16 17 18 19 20 21 22 23	participate in the Journal of Schenkerian Studies Volume 12, it's not because you weren't asked through this Listserv; it's because you weren't asked in the way that you would have preferred and thought of as industry standards? A Well, when you say, "would have preferred or thought of," I would go a step further and say in 22 years, I've never heard of a general Listserv announcement making a call for papers tried to be substituted for a specific invitation to a person who whose work has been under scrutiny in responses as my work was with the Journal of Schenkerian Studies Volume 12. In fact, I would go so far as to say is	9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. ALLEN: Q Do you see where it says, "forwarded message from" on page -2663? This is a question for you, Professor Ewell. A Oh, I see. Yes, I Q Do you see the cc line, Levi Walls, LeviWalls@MyUNT.edu? A Uh-huh. Q And it says, "Forwarded message from: Levi Walls," the same e-mail, "LeviWalls@MyUNT.edu. Correct? Did I read that right? A Yes. Q Do you know who Levi Walls is? A He was one of the student editors, I

	Dr. Philip Adrian l	- W C	
1	Page 186 A I I know the name. I think he's	1	Page 188 A Ben Graf was the other student to my
2	somebody at SMT. He might have been a like an	2	knowledge, to my recollection, the other student
3	executive director of the Society for Music Theory,	3	editor of the journal issue, Levi Walls and Ben
4	but I	4	Graf.
5	Q And do you	5	I think that they were both mentioned in
6	A I don't think I've ever met him.	6	that ad hoc panel, which is when I found out, if
7	Q And do you have any reason to believe	7	if I remember correctly, that they were in fact the
8	that this wasn't a message, the call for papers,	8	student editors.
9	forwarded to the SMT-announce list by Levi Walls?	9	And, of course, Timothy Jackson and
10	A I think it was such a message.	10	Stephen Slottow were also mentioned in that ad hoc
11	Q Okay. And you received it, which we've	11	panel as the editorial advisors, I think, the
12	already discussed?	12	faculty, and the editors, the the two graduate
13	A Yes.	13	students, Levi Walls and Ben Graf.
14	Q And it is an invitation to participate in	14	And what else about Ben Graf? He I
15	the journal; correct?	15	presumed that both students were graduate students
16	A Yes.	16	working with Schenkerian studies, potentially with
17	Q It's just not the one that you wanted?	17	one of two faculty advisors.
18	A It's not the one that anybody who	18	Q Uh-huh.
19	actually whose work is under scrutiny would	19	A Excuse me.
20	expect. It's just not what happens. It never	20	That's my recollection of of Ben Graf.
21	happens that way.	21	Q So did you know Ben Graf before this
22	Q Did this call for papers dehumanize you?	22	episode in late 2020?
23	A I can't comment on that.	23	A I do not think so, no.
24	Q Does that you can't comment on it	24	Q Were you aware that Benjamin Graf was on
25	because it's not true or it is true and you don't	25	faculty at University of North Texas at this time?
	Page 187		Page 189
1	want to comment on it?	1	A No, I thought he was a grad student.
1 2	want to comment on it? A Just because I it's a very difficult	1 2	A No, I thought he was a grad student. Q And had you had any contact with him when
2	A Just because I it's a very difficult		Q And had you had any contact with him when he was the editor of the Journal of Schenkerian
2 3	A Just because I it's a very difficult thing to think about. I'd have to think about	2	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian
2 3 4	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me.	2 3 4	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies?
2 3 4 5	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me. What I would prefer to say is that this	2 3 4 5	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came
2 3 4 5 6	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me.	2 3 4 5	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came out, I think one of those two people, Levi Walls or
2 3 4 5 6 7 8	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me. What I would prefer to say is that this is not the way colloquies or symposia happen in academia.	2 3 4 5 6 7 8	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came out, I think one of those two people, Levi Walls or Ben Graf, sent me a PDF of the journal issue because I had not been sent a copy Q Uh-huh.
2 3 4 5 6 7 8 9	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me. What I would prefer to say is that this is not the way colloquies or symposia happen in academia. Q Do you find anything objectionable	2 3 4 5 6 7 8 9	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came out, I think one of those two people, Levi Walls or Ben Graf, sent me a PDF of the journal issue because I had not been sent a copy Q Uh-huh. A physical or otherwise.
2 3 4 5 6 7 8 9 10	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me. What I would prefer to say is that this is not the way colloquies or symposia happen in academia. Q Do you find anything objectionable objectionable about the call for papers itself?	2 3 4 5 6 7 8 9 10	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came out, I think one of those two people, Levi Walls or Ben Graf, sent me a PDF of the journal issue because I had not been sent a copy Q Uh-huh. A physical or otherwise. And I do remember, I think I think on
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Just because I it's a very difficult thing to think about. I'd have to think about whether it dehumanized me. I I hesitate to say whether it dehumanized me. What I would prefer to say is that this is not the way colloquies or symposia happen in academia. Q Do you find anything objectionable objectionable about the call for papers itself? A Actually, if I remember, they just had mis mis misquoted something I said, but it's so it's so minimal that that I don't I wouldn't really raise any objection. Something here written is not exactly what I said at that plenary session. And that's what happens of course when you take a plenary session. Q I want to talk about the role of two individuals at the University of North Texas: One is a defendant named Benjamin Graf and the other is someone we've already discussed in a little bit	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q And had you had any contact with him when he was the editor of the Journal of Schenkerian Studies? A Somebody sent me after the issue came out, I think one of those two people, Levi Walls or Ben Graf, sent me a PDF of the journal issue because I had not been sent a copy Q Uh-huh. A physical or otherwise. And I do remember, I think I think on a Twitter direct message hearing from one or both of them just kind of explaining, saying, I'm sorry this happened. Because it, you know, it had blown up, to a large extent. And and me replying, It's okay. I mean, it's Q Uh-huh. A These things happen, I guess, yeah. Q Do you remember the exact words that either of them used? A No, I do not.
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		Page 190		11 ON U9/1	Page 192
1	A Yes	6	1		Dated July 25, 2020, was marked for
2	Q So	those are no longer retrievable?	2		identification.)
3	A Not	by me.	3		COURT REPORTER: Thank you.
4	Q Now	, I asked I asked you about	4	BY MR. ALI	EN:
5	Benjamin Graf.	· · ·	5	Q	And while you are reviewing that, it's a
6	But	let me ask the same question about	6	one-page d	document which seems to be the printout of
7		though I know you've answered some of	7		exchange; is that correct?
8	that.	-	8	А	Uh-huh. Uh-huh.
9	Wha	t was your understanding of the role	9	Q	And it's dated July 25th, 2020.
10		Walls in the journal in July of 2020?	10	~	MR. ALLEN: I'm going to inform the
11		- i thought he was a graduate student	11		people online here that it's marked in
12		Journal of Schenkerian Studies, as I	12		your exhibit pack as 03UNT0441.
13	thought Ben Gr		13		And you'll see that Bates stamp in
14	_	e you met with Benjamin Graf since	14		the lower right-hand corner but it may
15	that time?	e you nee with benjamin that bince	15		not be legible because it's printed black
16		aw Ben Graf at the Pedagogy into	16		on black.
17		rence that happened not too long ago.	17	BY MR. ALI	
18		as far as I know, that's the first	18	Q Q	So is this a message you remember getting
19		met him in person. And we had lunch		via Facebo	
20		_	20	A	
20 21	with a big gro	he talk about the Journal of			I certainly do now, yes. Uh-huh.
			21	Q the the	And that's your, I guess, avatar there,
22		udies with you at all at that lunch?	22		charming fellow playing the cello?
23		did not.	23	A	Correct. Yeah.
24		t did you talk about, if I may ask?	24	Q time the	And Benjamin Graf said to you, "At this
25	A Mus	ic theory pedagogy. There were six of	25	time, the	JSS would likely welcome a response from
1	us at a table	Page 191	1	"	Page 193
1		and we had a nice lunch.		you."	District.
2		talked about these issues I	2		Right?
3	_	ean, I knew the name from the ad hoc		7	
4	paner and arso			A	Yes.
	_	he he he's still at University	4	Q	
5	of North Texas	, I think, Ben Graf.	4 5	Q Studies?	And JSS stands for Journal of Schenkerian
6	of North Texas	, I think, Ben Graf but I think he knew that he, you	4 5 6	Q Studies? A	And JSS stands for Journal of Schenkerian Uh-huh.
6 7	of North Texas So know, wasn't t	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was	4 5 6 7	Q Studies? A Q	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing?
6 7 8	of North Texas So know, wasn't t told by someon	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this	4 5 6 7 8	Q Studies? A Q A	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No.
6 7 8 9	of North Texas So know, wasn't t told by someon and with Phili	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either.	4 5 6 7 8 9	Q Studies? A Q A	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt
6 7 8 9	of North Texas So know, wasn't t told by someon and with Phili So	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I	4 5 6 7 8 9	Q Studies? A Q A	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning."
6 7 8 9 10 11	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to.	4 5 6 7 8 9 10	Q Studies? A Q A Q uneasy abo	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt out the situation from the beginning." Do you see where he says that in the next
6 7 8 9 10 11 12	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that?	4 5 6 7 8 9 10 11 12	Q Studies? A Q A Q uneasy above	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after
6 7 8 9 10 11 12	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh,	, I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall	4 5 6 7 8 9 10 11 12	Q Studies? A Q A Q uneasy above sentence a	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh.
6 7 8 9 10 11 12 13	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh, whether we eve	. I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall n mentioned the Journal of Schenkerian	4 5 6 7 8 9 10 11 12 13	Q Studies? A Q A Q uneasy abo sentence a	Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh. Did you have any discussion with him
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6 7 8 9 10 11 12 13 14 15	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh, whether we eve Studies, to be But	Think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall n mentioned the Journal of Schenkerian honest. I do remember that there was no	4 5 6 7 8 9 10 11 12 13 14 15 16	Q Studies? A Q A Q uneasy abo sentence a A Q about how beginning?	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh. Did you have any discussion with him he felt so-called uneasy from this
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6 7 8 9 10 11 12 13 14 15 16 17 18	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh, whether we eve Studies, to be But	Think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall in mentioned the Journal of Schenkerian honest. I do remember that there was no inversation.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q Studies? A Q A Q uneasy abo sentence a A Q about how beginning? A Q	Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh. Did you have any discussion with him he felt so-called uneasy from this No. He also claimed to get, quote,
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh, whether we eve Studies, to be But substantive co Q Oka	. I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall in mentioned the Journal of Schenkerian honest. I do remember that there was no inversation. Y. MR. ALLEN: I'm going to mark for record Exhibit 7. COURT REPORTER: One moment. If I could, sir.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Studies? A Q A Q uneasy above sentence a A Q about how beginning? A Q significan	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh. Did you have any discussion with him he felt so-called uneasy from this No. He also claimed to get, quote, at pressure from the advisory board. Do you see that? I'd like to find it here. MR. PAINTER: In the middle here.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of North Texas So know, wasn't t told by someon and with Phili So wouldn't want Q Did A Oh, whether we eve Studies, to be But substantive co Q Oka	. I think, Ben Graf. but I think he knew that he, you o I I I presume that he was e, Don't talk with people about this p Ewell either. that's not something I pried and I to. he tell you that? I can't recall. I can't recall in mentioned the Journal of Schenkerian honest. I do remember that there was no inversation. Y. MR. ALLEN: I'm going to mark for record Exhibit 7. COURT REPORTER: One moment. If I could, sir.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Studies? A Q A Q uneasy above sentence a A Q about how beginning? A Q significan	And JSS stands for Journal of Schenkerian Uh-huh. Was that dehumanizing? No. And then he says he felt or, "We felt but the situation from the beginning." Do you see where he says that in the next after Uh-huh. Did you have any discussion with him he felt so-called uneasy from this No. He also claimed to get, quote, at pressure from the advisory board. Do you see that? I'd like to find it here. MR. PAINTER: In the middle here.

		Dr. Philip Adrian I	-we	31 OH 07/17/2024
1	BY MR. ALI	Page 194	1	Page 196 is, "Thanks, Ben. I understand the difficult
2	Q	Did he ever explain what he meant by	2	position you were in. Yes, the next time we meet,
3	that?		3	I'd be happy to get a coffee. Best, Phil."
4	А	No, not to my recollection, no.	4	Right?
5	Q	If you skip down a few sentences, do you	5	A Correct.
6	see the se	entence that says, "I really enjoy	6	Q And it sounds like you actually did meet
7	reading"?		7	for dinner?
8	A	Uh-huh.	8	A Lunch, yeah.
9	Q	It says he said to you here, "I really	9	Q Lunch? Okay.
10	enjoy read	ling your blog post and the JSS advisors	10	A Uh-huh.
11	mentioned	asking you about a response after your	11	Q What did you understand by the difficult
12	planned vi	sit to UNT."	12	position that Benjamin Graf was in?
13		Did I read that right?	13	A Well, graduate students and I thought
14	A	Correct.	14	he was a graduate student I think he had been a
15	Q	Were you planning to visit the University	15	graduate student at the University of North Texas
16	of North 1	exas around this time?	16	right prior to this.
17	A	Not around this time.	17	But even so, I thought he was a graduate
18	Q	What is he referring to when he says,	18	student, like Levi Walls, are under enormous
19	"your plar	med visit"?	19	pressure if they are caught between the faculty
20	A	The planned visit was to have happened a	20	and and outward-facing scholarship, such as a
21	year rough	aly beyond this. I think the fall if	21	journal.
22	this is 20	20, this I think the fall of 2021,	22	So it's very difficult to walk that line.
23	perhaps, i	t was planned.	23	That's what I was referring to.
24	Q	The your visit, you mean?	24	Q And having met Benjamin Graf in person,
25	A	Correct.	25	do you think of him as a weak person?
		Page 195		Page 197
1	Q	Ah.	1	A I don't know him well enough to comment
2	Α	And it was it was about Russian music	2	on that.
3		nich is I'm a Russianist. That's	3	Q Do you think of him as in any way an
4	what	a	4	uncourageous person?
5	Q	Sure. Sure.	5	A Again, I I just don't know him well
6	A	that's my field.	6	enough well enough to comment on that.
7	Q A	And did that visit take place? It did not.	7	Q In your experience of meeting him in
9		Why is that?	8	person, did you have any reason to believe that he was lacking in courage in any way?
10	Q A	I cancelled it.	10	A It was one lunch with five other people
11	Q	Why did you cancel it?	11	at the table. I really can't comment on that.
12	A A	Because I didn't want to go down to the	12	Q And you've already testified that you
13		of North Texas.	13	thought he was a graduate student, not on faculty;
14	Q	Why?	14	right?
15	æ A	Because this was blowing up and I didn't	15	A Correct.
16		e part of it.	16	Q The fact that he was on faculty, does
17	Q	It was specifically because of the	17	that change any of your testimony?
18		on of the Journal of Schenkerian Studies	18	A No. Because there are, as you know,
19	Volume 123		19	many, many levels of faculty rank and levels of
20	А	Among other things happening around this,	20	vulnerability.
21	yeah.		21	And I was presuming at the time, and I
22	Q	So there was no opportunity for JSS	22	think accurately, that he was a graduate student.
23	advisors t	to ask you about a response at that visit?	23	But if he were in fact faculty, I'm
24	А	After the journal issue had come out, no.	24	pretty sure that he was not a tenured faculty,
1		And your regrence here in the gray hubble	25	boggings toning is what actually gives you never at a
25	Q	And your response here in the gray bubble	43	because tenure is what actually gives you power at a

1	Di. i milp Aurian i		
1	Page 198 university. So anyone who is not tenured walks a	1	Page 200 MR. ALLEN: so let's go off the
	very fine line.	2	record.
3	Q Do you know if Benjamin Graf benefited	3	THE VIDEOGRAPHER: We are going off
4	from editing the Journal of Schenkerian Studies in	4	the record. The time is 2:41.
5	terms of advancing his career?	5	(Whereupon, there was a recess taken
6	A I imagine that there's some small	6	from 2:41 p.m. to 2:48 p.m.)
7	benefits, yeah, of of being listed as an editor	7	THE VIDEOGRAPHER: We are going back
8	of a journal, yeah.	8	on the record. The time is 2:48.
9	Q He also says something here, you know, in	9	BY MR. ALLEN:
10	the middle of this post or exchange with you, "We	10	Q So, Professor Ewell, I'm going to ask you
11	tried to distance ourselves from some of the content	11	some questions about things that are in the
12	of the responses as a result, but as you well know,	12	contemporaneous documents of the journal only for
13	silence is complicity and I sincerely apologize for	13	the purpose of asking what you know about things
14	that."	14	that are said about either your talk or the
15	Did I read that correctly into the	15	individual's relationships to you and things like
16	record?	16	that.
17	A Yes.	17	A Uh-huh.
18	Q What did you understand by this phrase,	18	Q So I'm going to ask that you look at
19	"silence is complicity"?	19	2657, UNT2657?
20	A I imagine since I had only seen a few of	20	A Uh-huh.
21	the postings like on like on Twitter about some	21	Q This is an e-mail by your colleague, the
22	of the content, that someone could have been saying	22	defendant, Ellen Bak Bakulina
23	something at some point about some of the commentary	23	A Uh-huh.
24	that was getting some pushback that we shouldn't be	24	Q on December 1st, 2019.
25	publishing X, Y, or Z; right?	25	Do you see that?
	D 100		P. 401
1	Page 199 Q Uh-huh.	1	Page 201 A Uh-huh.
2			
4	A And I presume that's what Ben is talking	2	Q And I just want to direct your attention
3	A And I presume that's what Ben is talking about when he says, "silence is complicity."	2	
			Q And I just want to direct your attention
3	about when he says, "silence is complicity."	3	Q And I just want to direct your attention to the first sentence.
3 4	about when he says, "silence is complicity." Q Was keeping silence about these	3	Q And I just want to direct your attention to the first sentence. It says, "I just had a conversation with
3 4 5	about when he says, "silence is complicity." Q Was keeping silence about these supposedly improper methods for contacting you also	3 4 5	Q And I just want to direct your attention to the first sentence. It says, "I just had a conversation with a colleague about the SMT plenary session of which
3 4 5 6	about when he says, "silence is complicity." Q Was keeping silence about these supposedly improper methods for contacting you also complicity in the Journal of Schenkerian Studies?	3 4 5 6	Q And I just want to direct your attention to the first sentence. It says, "I just had a conversation with a colleague about the SMT plenary session of which Ewell's talk was a part and he told me that I should
3 4 5 6 7	about when he says, "silence is complicity." Q Was keeping silence about these supposedly improper methods for contacting you also complicity in the Journal of Schenkerian Studies? A No.	3 4 5 6 7	Q And I just want to direct your attention to the first sentence. It says, "I just had a conversation with a colleague about the SMT plenary session of which Ewell's talk was a part and he told me that I should have known all along told me what I should have
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	D 202	_	D 204
1	Page 202 Q So if you skip down to -2657 at the	1	Page 204 A Uh-huh.
2	bottom there	2	Q Right?
3	A Uh-huh.	3	A Uh-huh.
4	Q there's some sort of "from Ellen	4	Q Did Benjamin Graf ever discuss with you
5	Bakulina"?	5	agreeing that the call should go forward?
6	A Uh-huh.	6	A No.
7	Q Then it goes forward.	7	Q Is that consistent in your view with him
8	It says, "Dear Ellen, hyphen" or,	8	being pressured?
9	excuse me "comma, colleaques, comma."	9	A No, not pressured.
10	And that appears to be an e-mail signed	10	Q Does it look like he's opposing the
11	by Timothy Jackson.	11	publication
12	Do you see that one that spills over to	12	A No.
13	the next page, UNTO2658?	13	Q of some special symposium?
14	A To Levi Walls, to Timothy Jackson,	14	A No.
15	Benjamin Graf, Stephen Slottow, Diego Cubero, and	15	Q And, again, these were records disclosed
16	it's from Timothy Jackson?	16	to the so-called ad hoc panel.
17	Q Well, it's it's not entirely clear	17	A Uh-huh.
18	here, but if you see at the bottom, it says, "Best,	18	Q That's why I'm presenting it to you. All
19	Tim," at the bottom of the e-mail?	19	right.
20	A Of the next page, yeah.	20	Do you remember in July 27, 2020 an
21	Q Yes.	21	apology posted by Levi Walls on Facebook?
22	A Okay. Yeah.	22	A I I'm I wouldn't deny it existed.
23	Q So this message, "All things considered,	23	I don't recall it.
24	JSS"	24	Q Let me ask it this way: Do you have no
25	A Uh-huh.		memory of it now as you sit here today because you
23	A Oil Huit.	25	memory of it now as you sit here today because you
	Page 203		D 205
1		1	Page 205
1	Q "should go forward with the call as		think you didn't read it?
2	Q "should go forward with the call as planned"?	2	think you didn't read it? A I if it were posted as a general
2	Q "should go forward with the call as planned"? Right?	2 3	think you didn't read it? A I if it were posted as a general Facebook post, it's entirely possible I did not read
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2 3 4 5	Q "should go forward with the call as planned"? Right? A Okay. Q Now, if we if we look up to the	2 3 4 5	think you didn't read it? A I if it were posted as a general Facebook post, it's entirely possible I did not read it. If it were a direct message to me which I
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I just easy to 1004 at this, maybe 2 briefly, and tell me if you remember reading this at the time? 3 Re. Wallow: 4 A Sure. 5 Re. Wallow: 6 Re. Miller: 6 Re. Miller: 7 Re. Wallow: Think you. I was going at the time? 8 Could I ask you to revise that e-mail? 7 Re. Wallow: Think is also marked 08 Jackson 0234. 10 Re. Mullow: 10 Re. Mullow: 11 This is also marked 08 Jackson 0234. 12 BY Re. Mullow: 12 BY Re. Mullow: 13 Q So flust, again, did you ever read this at the time? 14 the time? 15 A I think I did. 16 Q Rod in that case, you knew at that time, of this date being dated July 27th, 2020; correct? 18 A Uthinh. Youh. 19 Q that Levi Walls, who you formerly 10 Q was claiming to have no control over the content of the journal. 21 A Uthinh: 22 A Third's what it supplere, yeah. I kind 25 Q If you skip doom to Jackson -235, that's the second page of this Exhibit Namber ? 4 A Mallow. 5 Q If you skip doom to Jackson -235, that's he second page of this Exhibit Namber ? 6 A Mallow, I resentially agreed with Baell's talk, it was not up to me what did or did not go into the same than the says, "Although, after serious the chart of the journal right of the journal right of the journal to 'grosecut' of the journal right of the journa			Page 206		Page 208
3 the time? 4 A Sure. 5 NR. WALTON: Which document is this, 6 NR. ALLEN: Thank you. I was going 8 This is also marked 08 Jackson 0234. 9 NR. ALLEN: Thank you. I was going 8 NR. ALLEN: Thank you. I was going 8 NR. ALLEN: Thank you. I was going 8 NR. ALLEN: Thank you. I was going 9 NR. WALTON: Thanks. 10 NR. WALTON: Thanks. 11 This is also marked 08 Jackson 0234. 12 BY NR. ALLEN: 13 Q So just, again, did you ever read this at the time? 14 the time? 15 A I think I did. 16 Q And in that case, you knew at that time, 17 this date being dated July 77th, 2020; correct? 18 A Lb-huh. 19 Q	1			1	
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1	3	the time?		3	And it says, "to me," meaning to Timothy Jackson.
Mr. Allen: Thank you. I was going to just as you to review that e-mail? A Un-hub. This is a also marked 08 Jackson 0234. Un-hub. This is a also marked 08 Jackson 0234. Un-hub. This is a 2705, Bates number? Q UNTO2705? A Un-hub.	4	A	Sure.	4	Do you see that?
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This is also marked 08 Jackson 0234. This is also marked 08 Jackson 0234. MR. WALLEN: THE WINNESS: Okay. This deep and the bottom of that 10 An e-mail beginning on the bottom of that 10 Q So just, again, did you ever read this at 11 Q An e-mail beginning on the bottom of that 12 page dated November 15th, 2019? A I think I did. A I think I did. A Un-huh. Yeah. A Un-huh.	7		MR. ALLEN: Thank you. I was going	7	A Uh-huh.
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11 PM R. ALLEN: 12 PM MR. ALLEN: 13 Q So just, again, did you ever read this at 14 the time? 14 the time? 15 A I think I did. 16 Q And in that case, you knew at that time, 16 Q And in that case, you knew at that time, 17 this date being dated July 27th, 2020; correct? 18 A Uh-huh. Yeah. 19 Q that Levi Walls, who you formerly 19 C estifiedd you knew, was a graduate student working 21 on the journal 22 A Uh-huh. 21 Q was claiming to have no control over 24 the content of the journal; right? 22 A Uh-huh. 23 Q was claiming to have no control over 24 the content of the journal; right? 25 A That's what it says here, yeah. I kind 26 Q If you skip down to Jackson -235, that's 3 the second page of this Exhibit Number 8? 27 Q There's a second sentence that begins on 6 the page, "Nowwer, after Philip Evell's SMT presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 9 Schenkerian analysis.'" 28 A Wes. 29 G There's a second sentence that begins on 6 the page, "Nowwer, after Philip Evell's SMT presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 9 Schenkerian analysis.'" 19 A Wes. 20 G There's a become with Evell's SMT presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 9 Schenkerian analysis.'" 29 A No, because this is November 2019, after 10 my talk a week after my talk. And the 2020 11 thought, I essentially agreed with Evell's talk, it 12 was not up to me what did or did not go into the 19 my talk a week after my talk and worked on 17 what had happened inside the journal? 14 Did I read that correctly? 15 A Wes. 16 Q Is that your understanding at the time of 17 what had happened inside the journal? 17 Page 200 20 You would state the question again? 18 A Mong other things. 19 Q Okay, Well, and I just want to focus on 19 A I disagree. I don't think every single 20 academic attacked the journal. 20 Q So now if I could get you to go back to 20 academic attacked the journal.	9			9	Q UNT02705?
12 FY MR. ALLEN: 13 Q So just, again, did you ever read this at the time? 15 A I think I did. 16 Q And in that case, you knew at that time, 16 A Un-huh. 17 this date being dated July 27th, 2020; correct? 18 A Un-huh. Yeah. 19 Q that Levi Walls, who you formerly 19 as it caused quite a stir. I was very ambivalent 20 about it because it suggested that anlaysis that 21 on the journal 22 A Un-huh. 21 Q was claiming to have no control over 24 the content of the journal; right? 22 A Un-huh. 23 Q If you skip down to Jackson -235, that's 3 the second page of this Exhibit Number 8? 24 A A Hare's a second sentence that begins on 6 the page, "However, after Philip Bwell's SMT 7 presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 9 Schenkerian analysis.'' 19 Then he says, "Although, after serious 11 thought, I essentially agreed with Ewell's talk, it 12 was not up to me what did or did not go into the 17 what had happened inside the journal? 19 Q Ckay, Well, and I just want to focus on 17 what had happened inside the journal? 20 Q So now if I could get you to go back to 29 Q So ont if I could get you to go back to 20 Q So optimal apologia on Facebook because the journal. 21 A Un-huh. 22 Q So now if I could get you to go back to 20 Q So optimal apologia on Facebook because the journal.	10		MR. WALTON: Thanks.	10	A Uh-huh.
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14 the time? A I think I did. A Wh-huh. Yeah. Q And in that case, you knew at that time, 17 think date being dated July 27th, 2020; correct? 18 A Wh-huh. Yeah. 19 Q that Levi Walls, who you formerly 19 testified you knew, was a graduate student working 21 on the journal 22 A Wh-huh. 21 On the journal 22 A Wh-huh. 22 A Wh-huh. 23 Q was claiming to have no control over 24 the content of the journal; right? 24 the content of the journal; right? 25 A That's what it says here, yeah. I kind 25 Q Do you understand this to be referring to 26 with seminary and this to be referring to 27 A I think 80. 3 the second page of this Edhibit Number 8? 4 A Wh-huh. 5 Q If you skip down to Jackson -215, that's 3 the second page of this Edhibit Number 8? 4 A Wh-huh. 5 Q There's a second sentence that begins on 6 the page, "Bowever, after Philip Ewell's SMT 7 presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 9 Schenkerian analysis." 5 Q There's a second sentence that begins on 10 the 10 thought, I essentially agreed with Ewell's talk, it 2 was not up to me what did or did not go into the 12 publication of the Journal to 'protect 12 was not up to me what did or did not go into the 12 publication of the Journal to 'protect 13 journal." 16 Q Is that your understanding at the time of 17 what had happened inside the journal? A Wes. 17 Then he says, "Although, after serious 11 thought, I essentially agreed with Ewell's talk, it 2 was not up to me what did or did not go into the 2 publication of the Journal to 'protect 14 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me what did or did not go into the 2 was not up to me wh	12	BY MR. ALI	EN:	12	page dated November 15th, 2019?
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4 Mith your paper? 5 Q There's a second sentence that begins on 6 the page, "However, after Philip Ewell's SMT 6 racist" is not something I would say, but yeah. 7 presentation, Timothy Jackson decided that it was 8 the responsibility of the journal to 'protect 8 lying in his Facebook post on July 27th, 2020? 9 Schenkerian analysis.'" 9 A No, because this is November 2019, after 10 Then he says, "Although, after serious 10 my talk a week after my talk. And the 2020 11 thought, I essentially agreed with Ewell's talk, it 12 was not up to me what did or did not go into the 12 publication of the Journal of Schenkerian Studies. 13 And apparently, Levi Walls had worked on 14 Did I read that correctly? 14 that so had been kind of deeply involved in it. So 15 A Yes. 15 clearly he changed some opinions. 16 Q Don't you think he changed his opinions 17 what had happened inside the journal? 18 A Among other things. 18 Decause the journal was attacked by almost every 18 A Among other things. 18 Decause the journal was attacked by almost every 19 A I disagree. I don't think every single academic attacked the journal. 20 Chay. Well, and I just want to focus on 19 A I disagree. I don't think every single academic attacked the journal. 21 So that's that's to answer your 22 Q So now if I could get you to go back to 22 question can you state the question again? 24 Dh-huh. 24 posting an apologia on Facebook because the journal		-			
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25 Y AM 90 to UNI2/05. 25 was being attacked as facist:	23			2/	
	23 24	А	Uh-huh.	١	posting an apologia on Facebook because the journal

		LWC	
1	Page 210 A No.	1	Page 212
2	Q You don't think Levi Walls was	2	Q And, again, this would have been within
3	misrepresenting his actual true feelings about your	3	plus or minus a week of your talk; right?
4	work because the entire Society for Music Theory had	4	A A week, two weeks, yeah.
5	published an open letter condemning the Journal of	5	Q Okay. And again it's by Levi Walls?
6	Schenkerian Studies?	6	A Uh-huh.
7	A You say "entire Society for Music Theory"	7	Q Okay.
8	and it wasn't. It was 900 signatories. So they	8	A After after the talk. Let's not
9	don't speak for absolutely 100 percent of the	9	not plus or minus. It's after, plus.
10	membership, obviously.	10	Q Correct.
11	And I don't believe that Levi Walls was	11	Levi Walls writes to Dr. Jackson.
12	misrepresenting his beliefs. I believe that they	12	Did I characterize that correctly?
13	had changed, just from the two documents you showed	13	A It just says to me.
14	me.	14	Q Do you see it says, "Dear Dr. Jackson"?
15	Q He never said he changed his beliefs, did	15	A Correct. Okay. Yes.
16	he?	16	Q And it says at the end, "Regards, Levi"?
17	A Well, something changed, did they did	17	A Yes.
18	they not did it not?	18	Q And then he goes on in the second
19	Q Yeah, the thing that changed was the	19	paragraph that begins in this e-mail, "Yes, the
20	Journal of Schenkerian Studies came under attack;	20	paper's willful ignorance of Schenker's Jewish
21	right?	21	identity is indeed troubling. That seems to mark it
22	MR. PAINTER: Do you have a	22	as implicitly antisemitic at the very least. I
23	question?	23	think that had he limited his criticisms to
24	A Yeah, is there a question there?	24	Schenker, the man, it would have been slightly less
25	A rean, is there a question there:	25	problematic. But his claim that the entire
23		23	problematic. But his claim that the entire
	Page 211		Page 213
1	BY MR. ALLEN:		
١.		١.	theoretical world view and, by extension, those who
2	Q Did you understand my question?	2	help spread it, is racist becomes very problematic
3	MR. ALLEN: Could you read back the	3	help spread it, is racist becomes very problematic when we consider the intimate connection between
3 4	MR. ALLEN: Could you read back the question to the witness?	2 3 4	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity."
3 4 5	MR. ALLEN: Could you read back the question to the witness? (Whereupon, the referred-to text was	2 3 4 5	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity." And then he ends that paragraph, "Ewell's
3 4 5 6	MR. ALLEN: Could you read back the question to the witness? (Whereupon, the referred-to text was read back by the court reporter.)	2 3 4 5 6	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity." And then he ends that paragraph, "Ewell's talk certainly failed in that regard."
3 4 5 6 7	MR. ALLEN: Could you read back the question to the witness? (Whereupon, the referred-to text was read back by the court reporter.) BY MR. ALLEN:	2 3 4 5 6 7	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity." And then he ends that paragraph, "Ewell's talk certainly failed in that regard." Do you see that?
3 4 5 6 7 8	MR. ALLEN: Could you read back the question to the witness? (Whereupon, the referred-to text was read back by the court reporter.) BY MR. ALLEN: Q Is that question unclear to you?	2 3 4 5 6 7 8	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity." And then he ends that paragraph, "Ewell's talk certainly failed in that regard." Do you see that? A Uh-huh.
3 4 5 6 7 8 9	MR. ALLEN: Could you read back the question to the witness? (Whereupon, the referred-to text was read back by the court reporter.) BY MR. ALLEN: Q Is that question unclear to you? A No, it's not unclear. It's just a	2 3 4 5 6 7 8	help spread it, is racist becomes very problematic when we consider the intimate connection between Schenkerian analysis and the Jewish identity." And then he ends that paragraph, "Ewell's talk certainly failed in that regard." Do you see that? A Uh-huh. Q So, again, is this consistent with a
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	Dog 21/		Dog 216
1	Page 214 actually point to where I wrote that because they		Page 216 speaker I don't pay attention
2	would be looking for a very long time.	2	Q Of course.
3	Q Have you ever sought out Mr. Walls to	3	A to the the Zoom gallery.
4	discuss your work?	4	But I just want since we are talking
5	A No.	5	about Levi Walls, I did have I think I instigated
6	Q Has he ever sought out you to discuss	6	an e-mail saying, I see you're giving a talk. I
7	your work?	7	look forward to hearing your talk.
8	A Again, a direct message?	8	And that's what it was.
9	There were a lot of a lot of	9	Q There was no more substantive discussion
10	communications going back and forth.	10	between you about that?
11	I don't remember seeing I mean, in my	11	A About that's correct.
12	Facebook direct messages, I searched.	12	Q Okay. Could I ask you to skip to
13	Q Uh-huh.	13	UNT02708?
14	A And that was a search term. So I did	14	There's an e-mail here from Timothy
15	I have something in my Facebook direct messages?	15	Jackson to Mr. Levi Walls dated November 19th, 2019?
16	I mean, you you looked at it. I I	16	A Uh-huh.
17	can't recall.	17	Q And it appears to be from Timothy
18	And it's possible that if it's not there,	18	Jackson?
19	that it there was a Twitter direct message.	19	He says, "Dear Levi, It occurred to me
20	Probably it would have happened in one of those two	20	that it might be appropriate for the journal to
21	places if I had any contact with Levi Walls.	21	solicit responsible responses to Ewell from a
22	Q And so to sum up, you don't recall that	22	number of prominent Schenkerians."
23	ever happening?	23	Did I
24	A Correct.	24	A Correct.
25	Q Okay. Let me ask you to jump to	25	Q read that
	* orași de anii șe e șe șe șe		*
	Page 215		Page 217
1			
1	A May I may I may I	1	Now, it's relatively long and I don't
2	A May I may I may I Q Please.	1 2	Now, it's relatively long and I don't want to spend that time on it.
2 3	A May I may I may I Q Please. A qualify?	1 2 3	Now, it's relatively long and I don't want to spend that time on it. But if we skip down to the next page,
2 3 4	A May I may I may I Q Please. A qualify? I gave a talk a remote talk in Florida	1 2 3 4	Now, it's relatively long and I don't want to spend that time on it. But if we skip down to the next page, there's a response from Levi Walls; right?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A May I may I may I Q Please. A qualify? I gave a talk a remote talk in Florida and and Levi Walls was also giving a talk at some point. And I recall, I it must have been from my Hunter e-mail because virtually all of these communications were professional and from my Hunter e-mail. I recall writing Levi Walls just saying, I see you are giving a talk in Florida. Q Uh-huh. A I look forward to listening to it. I don't think I was actually able to attend his Q Uh-huh. A his virtual talk. Q Uh-huh. A And I also don't know whether he attended my virtual talk because it it wasn't one I don't think it was one where all the Zoom windows	1 2 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Now, it's relatively long and I don't want to spend that time on it. But if we skip down to the next page, there's a response from Levi Walls; right? And this is November 19th, 2019 at 3:16 p.m.? A Yes. Q And he writes, "Dear Dr. Jackson, I agree that a response in the JSS would be very appropriate. It would be nice to have it for the upcoming issue, although it is very forthcoming around mid-December. A response in Issue 13 would of course be quite late. Did you have any particular Schenkerians in mind? Dr. Graf and I can discuss some candidates tomorrow at our weekly meeting and get requests out as early as tomorrow evening." Did I read that right? A Yes. Q Does that sound like someone who has no control over the content of the journal? A No.

1		Page 218 Do you recall anything to that effect?	1	Page 220 1 A Uh-huh.
2	А	No.	2	Q But not Dr. Slottow?
3	Q	Let me direct your attention to UNT02758.	3	3 A Uh-huh.
4	This time	we'll be looking to the top of the page.	4	4 Q He says, "Dr. Graf and I were wondering
5		But before I ask you a question about	5	5 what your thoughts were concerning the submission
6	this commu	nication internal to the journal, I want	6	
7		you remember in the UNT so-called ad hoc	7	
8	panel repo		8	
9	A	Uh-huh.	9	~
10	0	a kind of very graphic description of	10	
11	-	being forced into Timothy Jackson's car	11	
12		d to basically publish something he didn't	12	
13	want to pu	• •	13	
14	A	I do remember something about a car,	14	
15	yeah.	1 do Tellelliber Sollectiffing about a car,	15	
16	yearr. 0	Okazz But you don't remember that in	16	
17	detail?	Okay. But you don't remember that in	17	•
18	Qetail?	No, I don't.	18	
19	Q Q	Right? Its connection to censorship?	19	· .
20	Q A	I do not, no.	20	
21	0	Okay. So if we look at the top of	21	-
22	-	erry, UNT2758, do you see how that e-mail	22	
23		by Levi Walls?	23	
24	A A	Uh-huh.	24	-
25	Q	And if we look at the very bottom of the		5 yes. We're talking about Suzannah Clark, Harvard
23	¥	And II we look at the very bottom of the	23	yes. We re carking about suzaman crark, narvard
		Page 219	1	Page 221
		age, it states from February 13th,		University; Richard Beaudoin, Dartmouth College
2	10:54 a.m.		2	-
3	A	Very bottom	3	
4	Q	Of the of the page -02757?	4	
5	A	Two seven	5	•
6	Q :11	I'm sorry to jump around but the e-mail	6	
7	spills ove		7	
8	A	Uh-huh.	8	g.,
10	Q A	from one page to the next	9	
10	A	Okay.	10	~
11	Q	in an inconvenient way.	11	
12	A	Yeah. Could you say what you just said	12	2 July
112			12	2 O III hub
13	again?		13	_
14	again? Q	So the e-mail is from Levi Walls; right?	14	A after the publication of Volume 12,
14 15	again? Q A	So the e-mail is from Levi Walls; right? Uh-huh.	14 15	A after the publication of Volume 12, and you've gone back to November.
14 15 16	again? Q A Q	So the e-mail is from Levi Walls; right? Uh-huh. It's dated February 13th?	14 15 16	A after the publication of Volume 12, and you've gone back to November. Q Correct.
14 15 16 17	again? Q A Q A	So the e-mail is from Levi Walls; right? Uh-huh. It's dated February 13th? 10:54 a.m.	14 15 16 17	A after the publication of Volume 12, and you've gone back to November. Q Correct. A Now we are in February; right?
14 15 16 17 18	again? Q A Q A	So the e-mail is from Levi Walls; right? Uh-huh. It's dated February 13th? 10:54 a.m. Yes.	14 15 16 17 18	A after the publication of Volume 12, and you've gone back to November. Q Correct. A Now we are in February; right? So I think that it's quite reasonable to
14 15 16 17 18 19	again? Q A Q A Q A	So the e-mail is from Levi Walls; right? Uh-huh. It's dated February 13th? 10:54 a.m. Yes. Uh-huh.	14 15 16 17 18 19	A after the publication of Volume 12, and you've gone back to November. Q Correct. A Now we are in February; right? So I think that it's quite reasonable to presume that once all of the journal responses were
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	Di. I milp Aurian		
1	Page 222 is not so unreasonable, I think.	1	Page 224 to JSS authors and advisory board; do you see that?
2	Q Isn't the simpler explanation that at the	2	A Yeah, start
3	moment it appeared there was a massive social media	3	Q Oh, sorry, I should say, the bottom of
4	attack on the journal and they, quote, changed their	4	the page?
5	mind?	5	A Uh-huh. Yeah.
6	MR. PAINTER: Asks for speculation.	6	Q March 14th, 2020?
7	BY MR. ALLEN:	7	A Uh-huh.
8	Q That's all right. You can answer.	8	Q And I'm just going to represent to you
9	THE WITNESS: Do I have to?	9	this was the time when the special volume the
10	MR. PAINTER: You should give some	10	special symposium and the entire Volume 12 went to
11	answer, whatever answer you think	11	the press.
12	is the	12	A Okay.
13	THE WITNESS: Okay.	13	Q So it was finished in its editorial phase
14	A Can you repeat the question, please?	14	and it was just going into production.
15	BY MR. ALLEN:	15	A Uh-huh.
16	Q Isn't the simplest explanation that they	16	Q Just going to skip down past the numeral
17	were attacked on social media and by the SMT and by $$	17	three on that bottom of that page; do you see that?
18	everyone claiming the journal was racist and they,	18	A Uh-huh.
19	quote, changed their mind then?	19	Q "Levi Walls has done excellent work on
20	A No.	20	this volume and the journal will be in good hands as
21	Q You don't find that plausible at all, do	21	he takes over sole editorship of the JSS. In my
22	you?	22	view, the additional content that we collected this
23	A I wouldn't say plausible at all. I would	23	winter following Ewell's SMT plenary makes a great
24	say that's not the actual issue, though.	24	addition to an already remarkable publication."
25	Q Somehow they are saying at the time the	25	Did I read that correctly?
	Page 223		Page 225
1	journal articles are being gathered and published,	1	A Yes.
2	they Levi Walls disagrees with your work?	2	Q Is that consistent with Benjamin Graf
3	A Uh-huh.	3	telling you in his Facebook message to you that, I
4	Q They want to solicit these papers, they	4	don't know, he was complicit in some sort of
5	want to solicit others.	5	silence?
6	And then all of a sudden, they change	6	A Huh.
7	their mind after the journal comes out?	7	Q Or he didn't want to do it or
8	A I think it's probably a little bit of	8	A No.
	both, don't you?	9	Q Okay. He says, "Cheers getting this to
10	Q Well, I'm not the one testifying.	10	press."
11	A That's true. I apologize.	11	Right?
12	I think it's entirely reasonable,	12	A Uh-huh. Yes.
13	however, to think that two things can be true at	13	Q Then on March 20, there's another message
14	once.	14	from Ben Graf to Barry Wiener, maybe pronounced it
15	Q Do you know that after the attack on the	15	Wiener.
16	journal, Levi Walls openly expressed his fear for	16	You would know?
17	his career?	17	A I don't know.
18	A I do not know that.	18	Q You don't know.
19	Q Just one last example here. If you could	19	Was Barry Wiener critical of you or in
20	skip to UNT02697?	20	favor of you?
21	A Six, nine six, nine, seven. I'm in	21	A Critical.
22	the sevens	22	Q Ben Graf writes to a critical respondent,
23	Q -2697?	23	I suppose we'll call him, "Thank you, Barry. I
24 25	A -2697, yes. Q And this is an e-mail from Benjamin Graf	24	should note that I enjoyed reading your response to Ewell."
23	X www come to an e-ment from perilemni etat	25	LINCII.

	Page 226		Page 22
1	Did I read that correctly?	1	A Correct.
2	A Yes.	2	Q And I understand she's no longer there.
3	Q Do you have any reason to believe that	3	So if you skip down a few pages, you'll
4	Benjamin Graf would lie about that?	4	see that there's an attachment that says, "Dear Dear
5	A No.	5	Richmond"?
6	MR. ALLEN: I think I have one last	6	A Uh-huh. "Dear Dr. Richmond," yeah.
7	document to present to you and I think we	7	Q Uh-huh. And you'll see I just want
8	will probably be able to wrap this up.	8	to you see how there's a subheading A, close
9	I can't promise that Benjamin Walton	9	paren?
10	won't have some questions for you.	10	A Uh-huh.
11	THE WITNESS: Sure.	11	Q I guess it's the third paragraph.
12	MR. ALLEN: But let me move on.	12	A Uh-huh.
13	I'm going to we're done talking	13	Q She gives a little bit of a history of
14	about Mr. Walls and Mr. Graf.	14	her participation in the journal?
15	I want to ask you some additional	15	A Uh-huh.
16	questions about your colleague, Ellen	16	Q And then she also says I'm just going
17	Bakulina.	17	to begin with the sentence, "The e-mails were an
18	THE WITNESS: Bakulina.	18	exchange."
19	MR. ALLEN: So if I could mark this	19	Do you see that?
20	for the record. We are introducing here	20	A One second.
21	Exhibit Number 9. This is marked in the	21	Q Third sentence?
22	exhibit folder 06 UNT2559.	22	A Yes. Go.
23	(Whereupon, Plaintiff's Exhibit 9,	23	Q "The e-mails were an exchange of opinions
24	Document Presented to Ad Hoc Review	24	on Ewell's keynote talk. They led to another string
25	Panel, was marked for	25	of e-mails which were directly related to the call
	Page 227		Page 22
1	identification.)	1	for responses. The string was initiated by Levi
2	MR. ALLEN: Sorry.	2	Walls whose initial e-mail, November 25th, 2019, was
3	BY MR. ALLEN:	3	sent to several theory faculty, included some that
4	Q Now, before you look at this, again, I'm	4	are not on the JSS editorial board. The second
5	not suggesting that you know anything about this	5	e-mail exchange led to the formulation of the call.
6	document.	6	I discussed the formulation with the editors but
7	It's because some things are represented	7	didn't make any substantive suggestions."
8	about you in the document that I want to ask you	8	A You said "editors" when it said "others,
9	questions about it.	9	but aside from that, yes.
10	A Sure.	10	Q I apologize for misspeaking and thanks
11	Q This is also a document that was	11	for catching that.
12	presented to the so-called ad hoc journal review	12	A Uh-huh.
13	panel that UNT convened to investigate solely	13	Q Now, did Ellen Bakulina ever talk to you
14	Timothy Jackson for the supposed whatever they	14	about her role on the journal?
	thought the journal of Schenkerian studies did	15	A No.
15	wrong, I suppose.	16	Q So you don't know whether she's
		1 1 7	representing this accurately or not?
16	And you can see that in the header; do	17	
16 17	And you can see that in the header; do you see that in the first message?	18	A Correct.
16 17 18			A Correct. Q If you could skip down to UNT02560.
16 17 18 19	you see that in the first message?	18	
16 17 18	you see that in the first message? A "Talk with UNT ad hoc journal review	18 19	Q If you could skip down to UNT02560.
16 17 18 19 20	you see that in the first message? A "Talk with UNT ad hoc journal review panel"?	18 19 20	Q If you could skip down to UNT02560. And this is one of the infelicities of
16 17 18 19 20 21	you see that in the first message? A "Talk with UNT ad hoc journal review panel"? Q Yes?	18 19 20 21	Q If you could skip down to UNT02560. And this is one of the infelicities of electronic documents.
21 22	you see that in the first message? A "Talk with UNT ad hoc journal review panel"? Q Yes? A Yes.	18 19 20 21 22	Q If you could skip down to UNT02560. And this is one of the infelicities of electronic documents. A Uh-huh.

	DI. I mip Aurian i		
1	Page 230 Q I want you to look at the paragraph right	1	Page 232 Q Uh-huh.
2	before that?	2	A And to be honest, I didn't know if Ellen
3	A "In retrospect"?	3	Bakulina, who is a Russianist
4	Q Correct.	4	Q Uh-huh.
5	A Uh-huh.	5	A like me, whether she was involved with
6	Q This is Ellen Bakulina in a letter to her	6	journal at all in any capacity, whatsoever. And
7	dean, who is Dean Richmond.	7	Q If she
8	"In retrospect, I regret that I did not	8	A If I may.
9	contact Ewell to ask if he would like to write a	9	Q Please.
10	response to the responses or to simply inform him	10	A And therefore it didn't even strike me
11	about what is happening in JSS. A lack of such	11	to to wait for an invitation from Ellen Bakulina
12	timely contact with Ewell on part on the part of	12	because I just didn't think she was involved with
13	JSS editorship is part of what is currently being	13	the production of this journal.
14	condemned on social media. In fact, I did think of	14	Q Right. And does this message to the dean
15	contacting him in December 2019, partly because he	15	of her school of music clarify that she was indeed
16	is a long-time friend and a former mentor of mine."	16	involved in the production of the journal, at least
17	Did I read that correctly?	17	in the fall and winter of 2020?
18	A Yes.	18	A Well, what you've read confirms that she
19	Q Now, you've testified today that she did	19	regrets that she did not contact me.
20	contact you in around that timeframe; right?	20	It doesn't really clarify what role she
21	A Yes. I would say it was probably	21	played, if any, in the journal's structure. And she
22	February 2020.	22	may have had a role, maybe on the editorial board.
23	Q But at that time she expressed no concern	23	I don't know.
24	that you hadn't been personally invited?	24	Q And also, I believe I misspoke. I meant
25	A The only thing that was stated in her	25	fall and winter of 2019, not fall and winter of
	Page 231		Page 233
1	e-mail was it was maybe one sentence and it	1	2020. That was when
2	was the title of the the subject title was		
	was the create of the stablect tree was	2	A Uh-huh. Nineteen going into '20.
3	"JSS responses."	2 3	A Uh-huh. Nineteen going into '20. Q Yes.
3 4			
	"JSS responses."	3	Q Yes.
4	"JSS responses." Q Uh-huh.	3 4	Q Yes. Do you this is true that what she
4 5	"JSS responses." Q Uh-huh. And it was of the order, "Dear Phil, Do	3 4 5	Q Yes. Do you this is true that what she says here that you were long-time friends and she
4 5 6	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about"	3 4 5 6	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right?
4 5 6 7	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh.	3 4 5 6	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I
4 5 6 7 8	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh. A "these JSS responses," because the	3 4 5 6 7 8	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I was on her dissertation committee
4 5 6 7 8 9	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh. A "these JSS responses," because the call for papers had gone out.	3 4 5 6 7 8 9	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I was on her dissertation committee Q Uh-huh.
4 5 6 7 8 9	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh. A "these JSS responses," because the call for papers had gone out. So I was aware at that point that	3 4 5 6 7 8 9 10	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I was on her dissertation committee Q Uh-huh. A when she was at the graduate center,
4 5 6 7 8 9 10 11	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh. A "these JSS responses," because the call for papers had gone out. So I was aware at that point that Q Uh-huh.	3 4 5 6 7 8 9 10	Q Yes. Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I was on her dissertation committee Q Uh-huh. A when she was at the graduate center, yes.
4 5 6 7 8 9 10 11	"JSS responses." Q Uh-huh. A And it was of the order, "Dear Phil, Do you have any questions about" Q Uh-huh. A "these JSS responses," because the call for papers had gone out. So I was aware at that point that Q Uh-huh. A that this was being put together. And as I said earlier, I responded, No, I have no questions.	3 4 5 6 7 8 9 10 11 12	Do you this is true that what she says here that you were long-time friends and she was a former mentee of yours; right? A Yeah, I I mentioned that she that I was on her dissertation committee Q Uh-huh. A when she was at the graduate center, yes. Q Are you still in regular contact with her? A Regular, no. I haven't heard from her in
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1	Page 234 the Russian music theory aspects. And she and	1	Page 236 A Correct. She did not.
2	Thomas Christensen, a music theorist music	2	Q Do you know of any reason she couldn't
3	theorist at the University of Chicago, invited me to	3	have spoken up if she really did object to that at
4	write a section on on the music theorist Modest	4	the time?
5	Rezvoi, who was a Russian music theorist who in	5	A Other than the fact that she's pre-tenure
6	198 sorry, 1830 translated some very significant	6	and pre-tenure people are in fact, as you know,
7	terms.	7	vulnerable and often hesitant to speak up.
8	Q And can I just interrupt you to say that	8	Q She wasn't hesitant to speak up when she
9	she's involved in a very significant work of	9	condemned Timothy Jackson, was she?
10	scholarship?	10	A I don't know how she condemned
11	A Yes.	11	condemned Timothy Jackson.
12	Q Do you know her to be an especially	12	Q Do you know that the faculty circulated a
13	fragile individual?	13	petition condemning condemning Timothy Jackson
14	A I I can say with a little bit more	14	after the publication in July 25, 2020?
15	certainty than because you asked the same	15	A I think I have a recollection of that.
16	questions of Ben Graf, I think.	16	I I can't specifically say.
17	She could you clarify "fragile	17	Q Her lack of tenure didn't prevent her
18	individual," in what respect?	18	from signing onto that, did it?
19	Q Well, do you know that she is afraid to	19	A And 900 people signed an anti-racist
20	speak her mind?	20	letter to SMT, most of whom I would presume were
21	A Yeah. Yeah. Occasionally, yes.	21	un-tenured also, so
22	Q And do you think she's particularly	22	Q So she had at least enough civil courage
23	cowardly?	23	to do that; right?
24	A I wouldn't use the word "cowardly," but I	24	A Civil courage?
25	also wouldn't say "forceful" and and "ambitious"	25	Yeah, let's just say that she signed the
	Page 235		Page 237
1			
1	and I wouldn't say the opposite of "cowardly"	1	
2	and I wouldn't say the opposite of "cowardly" either.	1 2	
			letter, yes, she did.
2	either.	2	letter, yes, she did. Q So just to close this off, the things
2 3	either. Q Do you know of any reason she couldn't	2	letter, yes, she did. Q So just to close this off, the things that she's representing here to her dean and by
2 3 4	either. Q Do you know of any reason she couldn't have spoken up and said you needed to be invited,	2 3 4	letter, yes, she did. Q So just to close this off, the things that she's representing here to her dean and by extension, the so-called ad hoc panel investigating
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1 This is an e-mail exchange with what 2 appears to be you and a defendant named Rachel Gain. 3 It is Bates-stamped UNT1146. 4 Do you recognize this document? 5 A Yes. 6 Q Do you remember sending this document? 7 A Yes. 8 Q Do you know who Rachel Gain is? 9 A She was a graduate student at UNT. I 10 believe she's at Yale University now. 11 Q Your alma mater? 12 A My alma mater? 13 Q Have you had 14 A far from here. 15 Q Have you had any further contact with 16 her? 17 A I gave a talk at Yale two things: The 18 same talk in Florida, the virtual talk I gave 19 Q Uh-huh. 20 A was also attended, probably virtually, 21 by Rachel Gain. And when I e-mailed I think I 22 may have e-mailed from my Hunter e-mail both Levi 23 Walls and Rachel Gain and essentially saying hi. 24 You know, I had had this e-mail this 25 Facebook exchange with Levi Walls Walls or Wall? 11 circumstances of the publication of Volume 12 of th 2 JSS? 3 A No. 4 Q Did she discuss with you any of her 5 criticisms of Timothy Jackson? 6 A No. 7 Q And this e-mail seems to have been 8 initiated by her; correct? 9 A Correct. 10 Q And she e-mails you on July 27th, 2020, 11 at 7:30 in the evening, an apology from the UNT 12 graduate students; right? 13 A Correct. 14 Q Do you know why she was claiming to spea 15 On behalf of the UNT graduate students? 16 A I thought at the time I think that she 17 had some type of student counsel leaders position 18 where she I don't know if it's elected or 19 something, but, you know, there was a student body, 20 graduate student alliance. You know, graduate 21 students have organizations among them. 22 And I think that she was contacting me 23 kind of on maybe it's even said here that the 24 graduate student 25 Yeah, so that's my my recollection		D 230					
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25 & Did she discuss with you any of the 25 objections that you had to the journal of			١.				
	43	A bid sile discuss with Aod sulv of the	25	objections that you had to the Journal Of			

	Daga 1/	T W	Page 244
1	Page 24 Schenkerian Studies in Volume 12?	1	the record. The time is 3:39.
2	Again, the anonymous publication, the	2	(Whereupon, there was a recess taken
3	failure to peer review, and the failure to reach ou	3	from 3:39 p.m. to 3:47 p.m.)
4	to you individually?	4	THE VIDEOGRAPHER: We are going back
5	A Well, I I don't recall, but the actua		on the record. The time is 3:47.
6	apology is on the third page of your exhibit.	6	MR. WALTON: Dr. Ewell, we are back
7	And I don't know if they may I read	7	after a brief break and it's now my turn
8	this and	8	to ask a few questions.
9	Q Please.	9	-
10	A and then we can actually just put	10	I'll try try to keep these as
1		11	as targeted as possible.
11	put some teeth onto that question.		ODOGC EVANTNATION
12	Okay. It seems they did not mention any	12	CROSS-EXAMINATION
13	of those three specific things.	13	
14	Q They are just engaging with what we migh		BY MR. WALTON:
15	call viewpoints; correct?	15	Q Just, first off, it's nice to meet you
16	A Yeah, I would say opinions but yeah,	16	remotely. Sorry I couldn't be there in person.
17	sure, viewpoints.	17	But to clarify for the record, you and I
18	Q Fine. And in fact, they say in her cove		have never spoken before right now; correct?
19	e-mail to you: "I would also like to offer my	19	A That is correct.
20	personal apologies for everything that has happened	. 20	Q Okay. Could you I I know there's
21	There are no excuses for the views published,	21	been a lot of talk back and forth throughout the
22	platform [sic], and encouraged by our department's	22	day.
23	publication and faculty members. I am sincerely	23	I was wondering if you could give me
24	sorry."	24	something as a handle to just as as clearly and
25	Right?	25	succinctly as you could, summarize what you see as
1			
	Page 24	3	Page 245
1	Page 24 A Correct.		Page 245 the relationship, if any, between Heinrich
1 2	-		
	A Correct.	1	the relationship, if any, between Heinrich
2	A Correct. Q And she also jumping back to the	2	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has
2	A Correct. Q And she also jumping back to the letter says something about structural racism.	1 2 3	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has developed in the United States?
2 3 4	A Correct. Q And she also jumping back to the letter says something about structural racism. Do you see that?	1 2 3 4	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has developed in the United States? A Yeah. So the second part of what you
2 3 4 5	A Correct. Q And she also jumping back to the letter says something about structural racism. Do you see that? A Can you give me a line number? First	1 2 3 4 5	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has developed in the United States? A Yeah. So the second part of what you just what you just ended with is extremely
2 3 4 5	A Correct. Q And she also jumping back to the letter says something about structural racism. Do you see that? A Can you give me a line number? First paragraph, second paragraph?	1 2 3 4 5 6	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has developed in the United States? A Yeah. So the second part of what you just what you just ended with is extremely important, "music theory as it's been developed in
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Correct. Q And she also jumping back to the letter says something about structural racism. Do you see that? A Can you give me a line number? First paragraph, second paragraph? Q First paragraph, seven lines down? A Uh-huh. Okay. Hold on. Yes, okay. Got it. Q Did you ever lecture Rachel Gain on the meaning or not of racism? A No, I don't lecture anyone on the meaning of racism. Never have, never will. Q So you didn't bring up the lack of meaning of that term that you've kind of testified to today with her? A No. Q Okay. MR. ALLEN: Okay. Ben, I have no further questions for this witness. MR. WALTON: All right. Can we go off the record and take a brief break?	1	the relationship, if any, between Heinrich Schenker's ideas and music theory as it has developed in the United States? A Yeah. So the second part of what you just what you just ended with is extremely important, "music theory as it's been developed in the United States." Because Mr. Allen had asked about Heinrich Schenker and then almost immediately followed it up with the white racial frame. And I essentially pushed back on that in the sense that the direct connection between Heinrich Schenker and music theory's white racial frame, well, there is none. That's 1935 and now it's 2024. So one must make connections; right? And the reason I often will say not just Heinrich Schenker, but the legacy of Heinrich Schenker. That's really the main point of of my crit my criticism of Heinrich Schenker. It's really not so much about the person, it's very much about the legacy that he left via these emigres to first to the east coast and

Page 246 Page 248 1 Schenker died. 1 those of us who aren't either sociologists, race So if -- if one studies race scholarship 2 scholars, or music theory scholars, how would you 3 as virtually no music theorists do, it need be said, 3 describe your -- your thesis, as it were, in a 4 nutshell? 4 right, it's not a common thing, then it actually 5 becomes pretty clear to see how and why a figure 5 Uh-huh. Yeah, well, the thesis is that 6 like Heinrich Schenker could become so extremely 6 the -- the historic white supremacy -- and 7 popular, especially in the 1930s and '40s where 7 patriarchy, by the way, it's something I always 8 racial segregation and the Jim Crow racism were just 8 hasten to add -- of the United States of America 9 on fire in our country. 9 have manifested themselves in the field of music 10 So when the -- the -- the writings, the 10 theory. Obviously they've manifested themselves 11 pseudoscientific writings of Schenker, the 11 from top to bottom in any academic field, in any 12 anti-black racist writings, the anti-Asian racist 12 walk of life. And that's something that most people 13 writings, the anti-Islam writings -- he -- he mocked 14 the Arabic language in one very interesting, 14 would concede, they would acknowledge that -- that 15 historically the country does have a white 15 poignant footnote, for example -- then we can begin 16 to see how in the 1930s in the United States and the 16 supremacist and patriarchal past; right? That's not 17 1940s, well, that just fit perfectly -- it fit 17 an open question. 18 perfectly with the American mind; right? It wasn't 18 The question for me as an American 19 citizen and as a Ph.D. holder in music theory is --19 just music theory, it -- it was America. 20 We were living in the 1930s and '40s 20 who hap -- who happens to be a black person, is how 21 through a virulently racist -- and now I will just 21 those things have come together to create a 22 say that word, a word I generally don't say -- a 22 situation in which, as I put in that article that we 23 virulently racist period of our country, thousands 23 talked about earlier, out of about 1200 people, 24 upon thousands of African Americans slaughtered in 24 there were two associate professors who were black. 25 lynchings and mass race occurs -- sorry, mass --25 I was one of them. Now I'm a full professor. Page 247 Page 249 1 mass massacres, race massacres; right. That's an unacceptable percentage. It's So when I start -- you're asking about 2 an unacceptable percentage to have two black 3 the connections of Heinrich Schenker and how I'm 3 associate professors, out of -- associate out of 4 1200 -- 200 people, maybe, let's say, that would be 4 putting these things together now. Well, one must really tell the story in 5 one percent; right? 6 great detail going through the years and one cannot Black Americans are roughly 14 percent of 6 7 distill and say, How does Heinrich Schenker, the 7 the country. I'd like to see 14 percent associate 8 professors in my field. That would be a fair 8 person, connect to today's music theory's white 9 racial frame? 9 system. 10 The short answer to that question is, But apparently there are people who don't 11 well, in almost no way, actually, if you are going 11 want that. 12 to ask me that specifically. 12 We all know that what we are living But that's not how I answered a question 13 13 through in the United States of America, we will get 14 that was very similar put to me by Mr. Allen because through it and we will get through it together. 14 15 I have to relate this history of how these things 15 Together. We will fight through these racial 16 actually happened. 16 problems, our racial past. 17 It's very common among race scholars to 17 If I can go down one small rabbit hole, I 18 spent some time in Norway this summer and I gave a 18 do that and I think I did it pretty effectively in 19 music theory. 19 talk -- a couple of talks: One at the University of 20 I don't know if I answered that 20 Oslo, the other at the Music Academy in Oslo. 21 question -- did I answer that question, Mr. Walton? 21 And you all probably know, I'm sure 22 I -- I think so. And, you know, my 22 you've all been to Europe, you probably know that 23 question was not coming from a request to clarify a 23 Europeans are really good at pointing the fingers at 24 specific thing from earlier today. 24 Americans when it comes to racism; right. 25 It was just more of a broad question for 25 And I tell my colleagues in Norway and I

	Dr. Philip Adrian Ewell on 09/19/2024					
1	Page 250 tell anyone else who will listen, you know what, I'm	1	Page 252 music theory's development?			
2	a black American. We're fine. Leave me and leave	2	A Not at all. That's that that			
3	us out of this.	3				
4	Look at yourselves in the mirror, my	4				
5	Norwegian colleagues. You look at yourselves in the	5	• • • • • • • • • • • • • • • • • • • •			
6	mirror and you ask yourselves about your own views	6	But no, of course not. I believe that			
7	about black people, for example, or about your	7	•			
8	Somali immigrants, about your own anti-blackness;	8	right here, whether we are in a in a table in			
9	right.	9	in New Haven.			
10	So I'm going to climb back out of my	10	But for my purposes, a table of			
11	rabbit hole and simply say that these these	11	discussions of music theory moving forward. I'm			
12	anti-black elements, these anti-woman elements,	12	honored and humbled that hundreds hundreds of			
13	these anti-Jewish elements, these anti-Islam	13	white men have reached out to me from high school			
14	elements, anti-Asian elements are in fact part of	14	students who are literally 14 years old who are			
15	contemporary music theory.	15	Zooming with me for an interview or or just			
16	In part, why? Because they are part of	16	asking for some some questions, you know, to my			
17	our American society. It's not all about our	17	colleague John Snyder, who finished my book a few			
18	country. Our country has many beautiful, great	18	weeks ago and just wrote me he's at the			
19	things about it and I do, in fact, highlight those	19	University of Houston as a professor of musicology.			
20	things.	20	And he's certainly in his seventies, a			
21	I don't get credit for that and I'm fine	21	white man. He just said, Thank you for your			
22	with that. People don't want to talk about Phil	22	thought-provoking book. It was very, well,			
23	Ewell actually praising the United States, which I	23	thoughtful.			
24	do. I'm okay with that.	24	To which I said, Thank you for reading			
25	And if people want to criticize me	25	it, John. I look forward to seeing you at the next			
	Page 251		Page 253			
	because and they call me a racist and a sexist	1	3			
2	and an anti-Semite because of something I fine.	2	I welcome white men with open arms and			
3	You know, I'm I'm a big boy. I can handle the	3	I'm really honored and humbled that so many have			
	pressure.	4	taken me up on these calls.			
5	But I do I do think it's extremely	5	Q I'm I'm going to jump around just a			
6	important to make the connections to show how some of the structural anti-black, structural white	7	little bit and these questions will appear disjointed just because I'm trying to save time.			
8	supremacist elements, and structural patriarchal	8	Do you you were asked at some point			
9	elements in music theory have manifested themselves	9	during the day about the idea of censorship.			
10	in the United States.	10	Do you have any personal reason to			
11	And let me just end by that very same	11	believe that UNT censored any material that was			
12	statistic. You are asking, how?	12	presented for publication in any of its academic			
13	I'm like, well, I've explained how in	13	journals?			
14	lots of writings. One result would be two black	14	A I have no reason to believe that			
15	associate professors. The numbers don't lie. The	15	happened, no.			
16	numbers do not lie.	16	Q Okay. Moving to Levi Walls, do you have			
17	There are 94 percent white people who	17	any personal knowledge as to why he appeared to			
18	have power in music theory. Tenure. That's the	18	change his opinions regarding your presentation?			
19	result of the racial segregationism, the	19	A Personal knowledge, no.			
20	anti-blackness, etc., of of Heinrich Schenker's	20	Q And did you ever talk with Dr. Benjamin			
21	American legacy, among other problems that we have	21	Graf about any pressures he may or may not have been			
22	in music theory. Heinrich Schenker was obviously	22	feeling in his position?			
23	not alone.	23	A No.			
24	Q Do you just to clarify, do you believe	24	Q And did you ever talk with Dr. Graf about			
25	that white males today should not have a say in	25	why he said or wrote any of the specific things that			

l		Page 254		Page 256
1	you've	you've looked at earlier today?	1	1 uge 200
2	A	No.	2	CROSS-EXAMINATION
3		MR. WALTON: All right. Well, I	3	
4		hope that was less than 15 minutes.	4	BY MR. PAINTER:
5		I'll pass the witness.	5	Q I think we are going to clarify one issue
6		Thank you for your time, Dr. Ewell.	6	on and I guess I would ask the question as your
7		THE WITNESS: My pleasure. Thank	7	counsel about the peer review.
8		you.	8	There was some confusion with your
9			9	plenary talk.
10		REDIRECT EXAMINATION	10	A Uh-huh.
11			11	Q And the plenary talk you were invited to
12	BY MR. ALL	EN:	12	give and I believe there was testimony about how
13	Q	Let me just ask two brief questions.	13	that process worked.
14	-	Do you consider Timothy Jackson to be a	14	But then you gave the plenary talk and
15	white man?		15	then they republished your plenary talk.
16	Α	I've never met Timothy Jackson and I've	16	Did they republish that word for word?
17		a profile picture in The New York Times	17	A Yes, more or less.
18	=	chael Powell published something. And he	18	There might have you know, when you
19		looked like he presented as white.	19	give a plenary, maybe there's something on a slide
20	0	Did you embrace Timothy Jackson's	20	that doesn't make it into the text, maybe there's a
21	-	because he expressed criticism of you?	21	comma that you want to add.
22	Α	I don't understand that question.	22	So I can't say verbatim exactly what I
23	0	Let me strike it.	23	what I spoke. But, you know, 98, 99 percent
24	~	You just testified in response to	24	verbatim and more or less no change in the content
25	Attornev W	alton's questions that you embraced white	25	of the talk itself.
1	men who had	Page 255 d contacted you, something to that effect.	١,	Page 257
_			1 1	U Did they do that from a tabe recording
2			1 2	Q Did they do that from a tape recording or or from the a piece of paper that you
2		Did I misrepresent that testimony?	2	or or from the a piece of paper that you
3	А	Did I misrepresent that testimony? Slightly. I've I've welcomed white		or or from the a piece of paper that you because you read the talk that you give them a copy
3 4	A men who co	Did I misrepresent that testimony? Slightly. I've I've welcomed white ntact me to have discussions, adult	2 3 4	or or from the a piece of paper that you because you read the talk that you give them a copy of the paper?
3 4 5	A men who conconversation	Did I misrepresent that testimony? Slightly. I've I've welcomed white ntact me to have discussions, adult ons, about race and music theory,	2 3 4 5	or or from the a piece of paper that you because you read the talk that you give them a copy of the paper? A piece of paper. And, in fact, Marianne
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A men who conconversation patriarchy Q criticism of A Q right? A responded of the word that of the response, of the correct?	Did I misrepresent that testimony? Slightly. I've I've welcomed white ntact me to have discussions, adult ons, about race and music theory, etc. Have you welcomed Timothy Jackson's of your work? No. In fact, you've said it's dehumanizing; I'm thinking about the chapter that I to Timothy Jackson. I do not believe I ord "dehumanizing" in that chapter. And most rigorous unpacking of his particular so no. You did say it was dehumanizing to the of the Denton Record Chronicle, however;	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	or or from the a piece of paper that you because you read the talk that you give them a copy of the paper? A A piece of paper. And, in fact, Marianne Wheeldon, the editor at the journal at the time, had asked us to reproduce the the PDF word text of those talks. So it it wasn't up to them. We basically went I had put in a comma if I needed one and I essentially handed over the PDF of what I had read in front of the in front of the plenary. And I should also say that sometimes people extemporize a little bit in addition to speaking from script. My particular talk, since I knew it would be, well, let's say, controversial speaking about whiteness as a black person is almost always controversial in a white supremacist system; right?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A men who conconversation patriarchy Q criticism A Q right? A responded used the withat's the response, Q journalist correct? A Q	Did I misrepresent that testimony? Slightly. I've I've welcomed white ntact me to have discussions, adult ons, about race and music theory, etc. Have you welcomed Timothy Jackson's of your work? No. In fact, you've said it's dehumanizing; I'm thinking about the chapter that I to Timothy Jackson. I do not believe I ord "dehumanizing" in that chapter. And most rigorous unpacking of his particular so no. You did say it was dehumanizing to the of the Denton Record Chronicle, however;	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	or or from the a piece of paper that you because you read the talk that you give them a copy of the paper? A A piece of paper. And, in fact, Marianne Wheeldon, the editor at the journal at the time, had asked us to reproduce the the PDF word text of those talks. So it it wasn't up to them. We basically went I had put in a comma if I needed one and I essentially handed over the PDF of what I had read in front of the in front of the plenary. And I should also say that sometimes people extemporize a little bit in addition to speaking from script. My particular talk, since I knew it would be, well, let's say, controversial speaking about whiteness as a black person is almost always controversial in a white supremacist system; right? I literally had scripted every word that
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_	21.1 mmp Parlan 2 work on 03/12/2021				
1	Page 258 that when if they are published, they are	1	Page 260 CERTIFICATE		
2	published word for word what was said, with that	2	I hereby certify that I am a Notary Public,		
3	exception that some people give some extemporaneous	3	in and for the State of Connecticut, duly		
4	comments, but that it's a set talk and then it's	4	commissioned and qualified to administer oaths.		
5	published.	5	I further certify that the deponent named in		
		6	the foregoing deposition was by me duly sworn, and		
6	And have you ever heard of any type of	7	thereupon testified as appears in the foregoing		
7	peer review process ever be used really for	8			
8	republication of plenary talks?		deposition; that said deposition was taken by me		
9	A No. Plenary talks are not peer reviewed	9	stenographically in the presence of counsel and		
10	generally in in in music academia.	10	reduced to typewriting under my direction, and the		
11	MR. PAINTER: Okay. No further	11	foregoing is a true and accurate transcript of the		
12	questions.	12	testimony.		
13	MR. ALLEN: I have no further	13	I further certify that I am neither of		
14	questions.	14	counsel nor attorney to any of the parties to said		
15	MR. WALTON: Nothing further here	15	suit, nor am I an employee of any party to said		
16	either.	16	suit, nor of any counsel in said suit, nor am I		
17	THE VIDEOGRAPHER: Okay. This is	17	interested in the outcome of said cause.		
18	the end on the video deposition of Philip	18	Witness my hand and seal as Notary Public		
19	Ewell. The time is 4:04.	19	this 3rd day of October, 2024.		
20	MR. WALTON: Dr. Ewell, thank you	20	PAT Oc		
21	for your time.	21	Off on		
22	THE WITNESS: Thank you.	22	Clifford Edwards		
23	(Whereupon, there was a discussion	23	Connecticut Notary Public No. SNPC.0129714		
		24	My commission expires: 9/30/2026		
24	off the record.)	25	My Commission expires. 5/30/2020		
25	MR. WALTON: Cliff, we will take an	25			
	Page 259		Page 261		
1	electronic only copy of the transcript.	1	Page 261 JURAT		
1 2	S .	1 2			
	electronic only copy of the transcript.				
2	electronic only copy of the transcript. No need to order a paper copy but I would	2	J U R A T		
2	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF.	2	J U R A T $$ I have read the foregoing 260 pages and hereby		
2 3 4	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you.	2 3 4	J U R A T $$ I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record		
2 3 4 5	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5	J U R A T $$ I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record		
2 3 4 5 6	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5	J U R A T $$ I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record		
2 3 4 5 6 7 8	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7	J U R A T $$ I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record		
2 3 4 5 6 7	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8	J U R A T $$ I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record		
2 3 4 5 6 7 8 9	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8	J U R A T I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony.		
2 3 4 5 6 7 8 9 10 11	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10	J U R A T I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony.		
2 3 4 5 6 7 8 9 10 11 12	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10	J U R A T I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to		
2 3 4 5 6 7 8 9 10 11 12 13	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13	JURAT I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to		
2 3 4 5 6 7 8 9 10 11 12 13 14	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13	I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to Before me this day of,		
2 3 4 5 6 7 8 9 10 11 12 13 14 15	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14	JURAT I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to Before me this day of,		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to Before me this day of,		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to Before me this day of,		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	electronic only copy of the transcript. No need to order a paper copy but I would like a PDF. COURT REPORTER: Okay. Thank you. (Thereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I have read the foregoing 260 pages and hereby acknowledge the same to be a true and correct record of the testimony. PHILIP ADRIAN EWELL Subscribed and sworn to Before me this day of,		
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