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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF TEXAS</p> <p>3 SHERMAN DIVISION</p> <p>4</p> <p>5 TIMOTHY JACKSON, X</p> <p>6 Plaintiff, X</p> <p>7 VS. X CASE ACTION</p> <p>8 X NO.: 4:21-cv-00033-ALM</p> <p>9 LAURA WRIGHT, ET AL., X</p> <p>10 Defendants. X</p> <p>11</p> <p>12 -----</p> <p>13 ORAL AND VIDEOTAPED DEPOSITION OF</p> <p>14 ANDREW JAY CHUNG</p> <p>15</p> <p>16 October 15, 2024</p> <p>17</p> <p>18 (Reported Remotely)</p> <p>19</p> <p>20 -----</p> <p>21 ORAL AND VIDEOTAPED DEPOSITION OF ANDREW JAY</p> <p>22 CHUNG, produced as a witness at the instance of the</p> <p>23 Plaintiff, and duly sworn, was taken in the above-styled</p> <p>24 and numbered cause on October 15, 2024, from 9:05 a.m. to</p> <p>25 12:46 p.m., via Zoom, before JENNIFER L. SANDERS, CSR in</p> <p>and for the State of Texas, reported by machine</p> <p>shorthand, the witness located in Worcester,</p> <p>Massachusetts, pursuant to the Federal Rules of Civil</p> <p>Procedure and the provisions stated on the record and/or</p> <p>attached hereto.</p>	<p align="center"><b>I N D E X</b></p> <p align="right"><u>PAGE</u></p> <p>2 Appearances..... 2</p> <p>3 Exhibit Index..... 4</p> <p>4 Agreements..... 5</p> <p>5</p> <p>6 <u>ANDREW JAY CHUNG</u></p> <p>7 Examination by Mr. Allen..... 6</p> <p>8</p> <p>9 Changes and Signature..... 148</p> <p>10 Reporter's Certificate..... 150</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<div>1 2                   <b>A G R E E M E N T S</b> 3 DEPOSITION OF: ANDREW JAY CHUNG 4 DATE: October 15, 2024 5 CAUSE NO. 4:21-cv-00033-ALM 6 7 TAKEN PURSUANT TO: 8           (X) Notice 9           ( ) Agreement 10          ( ) Court Order 11          (X) Rules of Civil Procedure 12 13 ORIGINAL TO: 14           ( ) Witness 15           (X) Witness's Attorney 16           ( ) Producing Attorney 17           ( ) Custodial Attorney 18 19 ADDRESS FOR ORIGINAL: 20           MS. MARY QUIMBY 21           Assistant Attorney General 22           General Litigation Division 23           P.O. Box 12548 24           Austin, Texas 78711-2548 25 26 NUMBER OF DAYS FOR SIGNATURE: 27           ( ) 20 days 28           (X) 30 days 29           ( ) other: 30 31 MISCELLANEOUS: 32           ( ) Any objection made by one party inures to all 33           parties. 34           (X) An unsigned copy may be used at any trial or 35           hearing.</div>	<div>1 2                   <b>P R O C E E D I N G S</b> 3                   THE VIDEOGRAPHER: Today's date October 15, 4                   2024. The time is 9:07 a.m. We're on the record. 5                   THE REPORTER: My name is Jennifer Sanders, 6                   Texas CSR 5091. I am reporting this deposition remotely 7                   by stenographic means from Carrollton, Texas. The 8                   witness is located in Worcester, Massachusetts. 9                   ANDREW JAY CHUNG, 10                  having been first duly sworn, testified as follows: 11                  MR. ALLEN: Thank you, Professor Chung. 12                  Shall we state all the attorneys' names for 13                  the record, Madam Court Reporter? 14                  THE REPORTER: Sure. 15                  MR. ALLEN: My name is Michael Thad Allen 16                  for the plaintiff in this civil action. 17                  MS. QUIMBY: My name is Mary Quimby with 18                  the Texas Attorney General's office. I represent the 19                  defendants in this matter. 20                  MR. STOWERS: My name is Renaldo Stowers. 21                  I'm the deputy general counsel for the University of 22                  North Texas System. 23                  <b>EXAMINATION</b> 24                  BY MR. ALLEN: 25                  Q. Thank you, Professor Chung. I'm just going to 26                  talk to you about a few basic ground rules for</div>	<div>1 2                   7 3 depositions. Have you ever been deposed before? 4                   A. I have not. 5                   Q. So I can just ask you for the record to state 6                   your full name, just as you had before we went on the 7                   record? 8                   A. Yes. My full name is Andrew Jay Chung. 9                   Q. Is there anything that would interfere with 10                  your ability to answer questions truthfully today? 11                  A. Not to my knowledge. 12                  Q. You're not on any medications? 13                  A. I am not. 14                  Q. You're not suffering from any illness or mental 15                  condition that would affect your memory? 16                  A. No. 17                  Q. Okay. And from time to time your attorney may 18                  object. That's a normal part of building a record for 19                  the court, which is what we're here to do today. It does 20                  not relieve you of your obligation to answer a question 21                  that is before you. Is that clear? 22                  A. Understood. 23                  Q. There are some few exceptions, but they will be 24                  very clear if they come up. I imagine your attorney 25                  would instruct you not to answer. But for the most part, 26                  objections are for the record. 27                  If at any time you don't understand a question</div>	<div>1 2                   8 3 I've asked you, just please interrupt me and ask for 4                   clarification. That is also perfectly normal. I don't 5                   want you to answer a question that you haven't understood 6                   or that I've put unclearly in some way. Is that clear? 7                   A. Understood. 8                   Q. And, likewise, if you do not ask for 9                   clarification, I will assume that you have understood the 10                  question as asked. Is that also clear? 11                  A. Understood. 12                  Q. I need you to answer questions audibly. There 13                  are many things we do in the course of ordinary 14                  conversations like nod, say things like "uh-huh" and 15                  "huh-uh." But those don't help build a clear record, 16                  which the stenographer and court reporter is taking down 17                  word for word. 18                  So I'm going to ask you in response to all 19                  questions to answer them with an audible "yes" or "no" or 20                  as you have been doing say "understood" or "correct" or 21                  something of that nature that is audible. Is that also 22                  clear? 23                  A. Yes. 24                  Q. Thank you. From time to time I'll also be 25                  introducing exhibits today. I'm going to introduce the 26                  first one right now. If I am finding it. There it is. 27                  I'm going to mark as Exhibit 1 for the record</div>
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<p style="text-align: right;">9</p> <p>1 the document that you should see on the screen. Can I</p> <p>2 just ask for clarification if that's visible to you,</p> <p>3 Professor Chung?</p> <p>4 <b>A. Yes. It's visible.</b></p> <p>5 <b>(Exhibit No. 1 marked.)</b></p> <p>6 Q. (BY MR. ALLEN) Like I asked you to ask for</p> <p>7 clarification when I ask questions, likewise, if I'm</p> <p>8 introducing an exhibit and you need to see some part of</p> <p>9 it or want clarification of how long it is, anything of</p> <p>10 that nature, just please tell me. I'm not trying to hide</p> <p>11 the ball or conceal pages.</p> <p>12 We are in a virtual deposition today. So that</p> <p>13 will mean I can only show you one page at a time. But if</p> <p>14 you ask, I'm happy to navigate to where in the document</p> <p>15 you would to see. Likewise, I'm not going to ask you to</p> <p>16 answer questions if you haven't had a chance to review a</p> <p>17 document. So if you want additional time to review or</p> <p>18 read a document, just please tell me. Okay?</p> <p>19 <b>A. Okay.</b></p> <p>20 Q. Thank you. Do you recognize this document</p> <p>21 captioned Re-Notice of Taking Deposition that I've</p> <p>22 introduced as Exhibit 1?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. I'll just go -- it's two pages. I'm just</p> <p>25 scanning down to the signatures on the second page. Have</p>	<p style="text-align: right;">11</p> <p>1 document. Are you referring to a statement circulated</p> <p>2 around July -- the end of July 2020 by graduate students</p> <p>3 of the University of Texas?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. University of North Texas? Excuse me.</p> <p>6 <b>A. North Texas. Yes.</b></p> <p>7 Q. Were there any other documents you examined in</p> <p>8 preparation for your testimony today?</p> <p>9 <b>A. At the time that is what I truthfully recall.</b></p> <p>10 Q. And about how long did you spend discussing</p> <p>11 today's deposition with your attorney?</p> <p>12 <b>A. We went about four hours.</b></p> <p>13 Q. Okay. Did you speak with anyone else in</p> <p>14 preparation for your testimony today?</p> <p>15 <b>A. Nope.</b></p> <p>16 <b>(Exhibit No. 2 marked.)</b></p> <p>17 Q. (BY MR. ALLEN) I want to ask you a few</p> <p>18 questions about the course of your career just as a</p> <p>19 matter of background, if you don't mind. I'm going to</p> <p>20 introduce for the record Exhibit 2. Let me -- sorry.</p> <p>21 From time to time this may get cumbersome, but I'm sure</p> <p>22 we'll get through it.</p> <p>23 Can you see Exhibit 2 that I've marked for the</p> <p>24 record, which is captioned January 2024, Andrew Jay</p> <p>25 Chung?</p>
<p style="text-align: right;">10</p> <p>1 you had a chance to look at this document?</p> <p>2 <b>A. I have seen it.</b></p> <p>3 Q. Is it accurate to say you have appeared today</p> <p>4 to give testimony in response to this re-notice of taking</p> <p>5 deposition?</p> <p>6 <b>A. I assume so.</b></p> <p>7 Q. All right. I don't have any questions about</p> <p>8 this any further at this time.</p> <p>9 Can I ask you to explain what you've done to</p> <p>10 prepare for today's deposition, Professor Chung?</p> <p>11 <b>A. I have met with Mary Quimby and Renaldo Stowers</b></p> <p>12 <b>to go over what a deposition is. We looked at the</b></p> <p>13 <b>faculty letter that was signed in relation to the <i>Journal</i></b></p> <p>14 <b>of <i>Schenkerian Studies</i>. We looked at the student</b></p> <p>15 <b>generated document as well.</b></p> <p>16 Q. And let me be clear. I'm not asking you to</p> <p>17 tell me what you've discussed with your attorneys. That</p> <p>18 would be privileged.</p> <p>19 In -- in addition to looking at the faculty</p> <p>20 statement, I believe you said, or letter and the student</p> <p>21 correspondence did you say? Is that how you put it?</p> <p>22 <b>A. I think I said statement.</b></p> <p>23 Q. Statement.</p> <p>24 <b>A. I don't know.</b></p> <p>25 Q. Is this -- well, I'm sure we'll get to that</p>	<p style="text-align: right;">12</p> <p>1 <b>A. Yes. Correct.</b></p> <p>2 Q. Is it accurate to say this is your current CV?</p> <p>3 <b>A. No, it is not. I've updated the CV between</b></p> <p>4 <b>January and now.</b></p> <p>5 Q. Will you be able to provide a current version</p> <p>6 of your CV for your attorney for production in this civil</p> <p>7 action?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. So I just want to go through -- is it -- is it</p> <p>10 true that you have compiled this CV yourself?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And everything in this CV at least, up to</p> <p>13 January 2024, accurate?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. So based on your CV, you received your PhD in</p> <p>16 music from Yale University in May 2019?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. And that was after completing an MPhil in music</p> <p>19 at Yale in 2016?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. And at the same time you received an MA in</p> <p>22 music at Yale in 2016, right?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And you attended Wesleyan University for your</p> <p>25 undergraduate degree?</p>

<p>13</p> <p>1 A. Correct.</p> <p>2 Q. And there you graduated in 2012, right?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Was the visiting instructorship at</p> <p>5 Wesleyan in the spring of 2019 your first job after</p> <p>6 completing your PhD in music?</p> <p>7 A. Incorrect. That was while I was completing my</p> <p>8 PhD.</p> <p>9 Q. How long were you a visiting instructor at</p> <p>10 Wesleyan?</p> <p>11 A. For the semester of spring 2019, just like it</p> <p>12 says.</p> <p>13 Q. So when you finished the spring semester there,</p> <p>14 what happened next?</p> <p>15 A. I spent the summer moving to Carrollton, Texas,</p> <p>16 in preparation for my appointment at the University of</p> <p>17 North Texas.</p> <p>18 Q. And you started there roughly</p> <p>19 August/September 2019?</p> <p>20 A. Officially September 1, 2019.</p> <p>21 Q. Have you held any other positions since you</p> <p>22 took the position in the fall of 2019 at the Division of</p> <p>23 Music History, Theory, and Ethnomusicology at UNT?</p> <p>24 A. I have not. I am currently on leave on a</p> <p>25 research fellowship at the -- at a research library</p>	<p>15</p> <p>1 here.</p> <p>2 Q. Okay. And you'll understand if I say "UNT" I</p> <p>3 mean the University of North Texas, right?</p> <p>4 A. Yes.</p> <p>5 Q. When do you expect to return to the University</p> <p>6 of North Texas?</p> <p>7 A. If I return, I expect to return June 2025.</p> <p>8 Q. Okay. Between 2019 and now have you held any</p> <p>9 visiting positions at any other institution besides the</p> <p>10 one at which you are now?</p> <p>11 A. No. I have not.</p> <p>12 Q. Okay. You remain an assistant professor now?</p> <p>13 A. I currently am an assistant professor, correct.</p> <p>14 Q. When do you intend to go up for tenure?</p> <p>15 A. My tenure application has been submitted in --</p> <p>16 in May and -- in two parts, in May and August of this</p> <p>17 year.</p> <p>18 Q. And just for the record, 2024, right?</p> <p>19 A. That is this year. Yes.</p> <p>20 Q. Since you have already testified that you've</p> <p>21 updated your CV to the present, I am just going to ask</p> <p>22 you to state for the record any additional publications</p> <p>23 that you've published that are not in your CV.</p> <p>24 A. No additional publications.</p> <p>25 Q. Now, these peer-reviewed articles, it looks</p>
<p>14</p> <p>1 called the American Antiquarian Society. Strictly</p> <p>2 speaking, this is not an appointment, but this is why I</p> <p>3 am not at the University of North Texas and it's some --</p> <p>4 it's -- it is what I am doing professionally now for this</p> <p>5 year.</p> <p>6 Q. I believe -- is that in Worcester,</p> <p>7 Massachusetts?</p> <p>8 A. Worcester, yes.</p> <p>9 Q. Thank you. So just let me see if I get this</p> <p>10 right. You received a fellow [audio cut out] to attend</p> <p>11 the institution where you're now pursuing your career but</p> <p>12 you remain appointed as a professor at the University of</p> <p>13 North Texas?</p> <p>14 A. Your audio cut out in the middle of your</p> <p>15 question. Please ask it again.</p> <p>16 Q. Yeah. Thanks. And this is a good example of</p> <p>17 asking for clarification. So thanks a lot.</p> <p>18 I just wanted to summarize to make sure I</p> <p>19 understand. So at point you received a fellowship to</p> <p>20 attend the institution where you're now pursuing your</p> <p>21 career, but while you pursue your career in Worcester,</p> <p>22 you're also continuing your appointment as an assistant</p> <p>23 professor at UNT?</p> <p>24 A. Yes. I am on the research leave at the</p> <p>25 University of North Texas while I'm conducting research</p>	<p>16</p> <p>1 like -- let me see -- one, two, three, four, five --</p> <p>2 five. Did I count right?</p> <p>3 A. Correct.</p> <p>4 Q. This is in Exhibit 2 of your CV again. All of</p> <p>5 those are peer reviewed, correct?</p> <p>6 A. All these are peer reviewed.</p> <p>7 Q. And what do you mean and understand by peer</p> <p>8 reviewed?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. Peer review is where an article is sent by a</p> <p>11 journal to external reviewers who are other scholars in</p> <p>12 the field.</p> <p>13 Q. (BY MR. ALLEN) Are they generally unknown, in</p> <p>14 other words, kept anonymous during the review process?</p> <p>15 A. Yes. Generally, yes. For all of these cases,</p> <p>16 yes.</p> <p>17 Q. And was your identity also, as much as</p> <p>18 possible, kept anonymous vis-a-vis the reviewers?</p> <p>19 A. That's my understanding. I'm not certain that</p> <p>20 that's the case. Sometimes journals do not observe a</p> <p>21 double blind review process.</p> <p>22 Q. That was going to be my follow-up -- I'm sorry.</p> <p>23 I interrupted you. Could you please restate that?</p> <p>24 A. Sometimes journals do not observe a double</p> <p>25 blind process. So it is possible that journals --</p>

<p style="text-align: right;">17</p> <p>1 journal reviewers knew my name. It's often -- in a small</p> <p>2 field, it's pretty easy to infer who an author is.</p> <p>3 Q. Sure. So let me just summarize, if possible.</p> <p>4 A double blind peer-review process means that both the</p> <p>5 author of an article and the outside reviewers of the</p> <p>6 author -- of the article remain anonymous to each other,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And to the best of your knowledge, these</p> <p>10 peer-reviewed articles were double blind peer reviewed?</p> <p>11 A. To the best of my knowledge. My expectation is</p> <p>12 that they were all double blind peer reviewed.</p> <p>13 Q. Have you ever published articles that are not</p> <p>14 peer reviewed?</p> <p>15 A. Articles, no.</p> <p>16 Q. Textbook chap- -- go ahead. I'm sorry.</p> <p>17 A. On articles, no. I've done some journalistic</p> <p>18 writing, but that's, I think, a different matter.</p> <p>19 Q. In this book chapter you've listed in your CV,</p> <p>20 "Consonance and Dissonance," do you see where that is on</p> <p>21 the -- it looks like second page of Exhibit 2?</p> <p>22 A. Correct.</p> <p>23 Q. Was that peer reviewed?</p> <p>24 A. That was editor reviewed.</p> <p>25 Q. And could you describe that process in brief</p>	<p style="text-align: right;">19</p> <p>1 affiliation with Wesleyan University?</p> <p>2 A. Nope.</p> <p>3 Q. When did your association with Wesleyan end?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. My association with Wesleyan University ended</p> <p>6 when my visiting appointment was over in May -- let's see</p> <p>7 -- 2019.</p> <p>8 Q. (BY MR. ALLEN) Okay. Sorry if I pause between</p> <p>9 exhibits. It's because I'm keeping track of them and</p> <p>10 keeping track of their files names so I can circulate</p> <p>11 them eventually to the reporter.</p> <p>12 Are you familiar with a music theory journal</p> <p>13 called <i>Spectrum</i>?</p> <p>14 A. You are referring to <i>Music Theory Spectrum</i>.</p> <p>15 Yes.</p> <p>16 Q. Can you describe what <i>Music Theory Spectrum</i> is</p> <p>17 for the record, please?</p> <p>18 A. For the record, <i>Music Theory Spectrum</i> is, I</p> <p>19 believe, one of the official publications of the Society</p> <p>20 for Music Theory.</p> <p>21 Q. What's the Society for Music Theory?</p> <p>22 A. The Society for Music Theory is a professional</p> <p>23 society of music theorists.</p> <p>24 Q. Do you belong to the Society for Music Theory?</p> <p>25 A. I am -- I am currently a member of the SMT.</p>
<p style="text-align: right;">18</p> <p>1 for the record?</p> <p>2 A. Editor review is -- is a standard that is often</p> <p>3 used for edited collections that are published as books</p> <p>4 where book chapters are solicited from authors by a team</p> <p>5 of editors, and the pieces are reviewed by the editors.</p> <p>6 Q. And I believe you said you had -- how did you</p> <p>7 describe your non-peer reviewed publication efforts?</p> <p>8 Something like journalistic or popular or something of</p> <p>9 that nature?</p> <p>10 A. Yeah. Journalistic writing.</p> <p>11 Q. Where are those in your CV, if they are?</p> <p>12 A. They should be in other writings.</p> <p>13 Q. Is that this portion on the bottom of Page 2?</p> <p>14 A. Yes. The -- yeah. The bottom two items, in</p> <p>15 <i>The Wire</i> and <i>icareifyoulisten.com</i>. Yeah. Those are --</p> <p>16 those are -- those are journalistic writings.</p> <p>17 Q. And then what is the History of Music Theory</p> <p>18 blog? You've listed a publication under other writings,</p> <p>19 "Colonial Organology and Ornithology in Richard Ligon's</p> <p>20 Acoustics of Anthropological Difference." Did I read</p> <p>21 that right?</p> <p>22 A. Correct. Yes. That is a blog post that</p> <p>23 solicits short pieces, short reflections having to do</p> <p>24 with the history of music theory.</p> <p>25 Q. Okay. Do you retain any kind of institutional</p>	<p style="text-align: right;">20</p> <p>1 That is the Society for Music Theory.</p> <p>2 Q. And I believe you just used its acronym SMT,</p> <p>3 right?</p> <p>4 A. Uh-huh.</p> <p>5 Q. So if we say "SMT" we'll both understand we're</p> <p>6 refer to Society for Musical Theory, right?</p> <p>7 A. Correct. Music --</p> <p>8 Q. Thank you. Society for Music Theory just for</p> <p>9 the record. Thank you.</p> <p>10 A. Correct.</p> <p>11 Q. How important is the Society for Music Theory</p> <p>12 in your field?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 Go ahead.</p> <p>15 A. It is -- it is the primary U.S.-based</p> <p>16 professional association and conference organizing body</p> <p>17 in the field.</p> <p>18 Q. (BY MR. ALLEN) And you consider yourself a</p> <p>19 music theorist, right?</p> <p>20 A. At times. I certainly --</p> <p>21 Q. How about --</p> <p>22 A. -- teach in the music theory departments.</p> <p>23 Q. Okay. Do you teach classes in music theory?</p> <p>24 A. I teach classes in music theory.</p> <p>25 Q. Did your -- do your publications -- your</p>

<p>21</p> <p>1 academic publications engage in the field of music</p> <p>2 theory?</p> <p>3 A. Some of them primarily do, yes.</p> <p>4 Q. Do you have graduate students in the field of</p> <p>5 music theory?</p> <p>6 A. Correct.</p> <p>7 Q. Can you describe the position that <i>Spectrum</i> has</p> <p>8 in the field of music theory among people such as</p> <p>9 yourself?</p> <p>10 MS. QUIMBY: Objection.</p> <p>11 A. Sure. I would say -- would say <i>Spectrum</i> --</p> <p>12 <i>Music Theory Spectrum</i> is one of three flagship journals.</p> <p>13 The others would be the journal for music theory --</p> <p>14 sorry -- <i>Journal of Music Theory</i> and <i>Music Theory Online</i>.</p> <p>15 Q. (BY MR. ALLEN) Are those all published by SMT?</p> <p>16 A. They are not.</p> <p>17 Q. Which ones are published by the Society for</p> <p>18 Music Theory?</p> <p>19 A. <i>Music Theory Spectrum</i> and <i>Music Theory Online</i></p> <p>20 are officially affiliated with the SMT.</p> <p>21 Q. And what is the third one, if you could state</p> <p>22 that again, please?</p> <p>23 A. The <i>Journal of Music Theory</i>, JMT.</p> <p>24 Q. What professional society, if any, is that</p> <p>25 associated with?</p>	<p>23</p> <p>1 meaningful distinction in your mind between the</p> <p>2 publication of papers in a symposium and in a commentary?</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 Q. (BY MR. ALLEN) Do you know?</p> <p>5 A. Difference between papers in a symposium and a</p> <p>6 commentary? I'm not sure I understand the question.</p> <p>7 Q. (BY MR. ALLEN) Well, have you -- have you done</p> <p>8 -- well, there has been a distinction made, for instance,</p> <p>9 by -- I'm just going to represent to you for the record</p> <p>10 by an ad hoc panel between symposia and commentary. I'm</p> <p>11 asking if you know the distinction between those two</p> <p>12 scholarly kinds of publication?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. I mean, my impression is that commentary is a</p> <p>15 far more informal thing. A symposium I would assume --</p> <p>16 having never published in a symposium myself, my</p> <p>17 assumption is that a symposium is a collection of</p> <p>18 research articles that circulate or orbit around a</p> <p>19 certain particular topic.</p> <p>20 Q. (BY MR. ALLEN) Okay. Any particular standards</p> <p>21 for symposia that you're aware of in your field?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. Not -- not that I know of as consistent rules,</p> <p>24 per se, for symposia.</p> <p>25 (Exhibit No. 3 marked.)</p>
<p>22</p> <p>1 A. No professional society.</p> <p>2 Q. Who publishes it?</p> <p>3 A. Duke University Press.</p> <p>4 Q. Who -- who edits it, if you know?</p> <p>5 A. I am -- I do not know who the current editor</p> <p>6 is.</p> <p>7 Q. Okay. Do you know who the actual publisher of</p> <p>8 <i>Spectrum</i> is?</p> <p>9 A. That I do not know.</p> <p>10 Q. Have you published in <i>Spectrum</i> by any chance?</p> <p>11 We could back to your CV, but I figured I'd just ask you</p> <p>12 because you must know.</p> <p>13 A. I've published a book review in <i>Music Theory</i></p> <p>14 <i>Spectrum</i>.</p> <p>15 Q. Have you ever had a chance to peruse their</p> <p>16 website for their standards of publication?</p> <p>17 A. Specifically, no, I have not. But I -- there</p> <p>18 are certain kinds of assumptions that one makes about the</p> <p>19 standards of publication at a flagship journal.</p> <p>20 Q. What are the standards that you assume are</p> <p>21 applied by <i>Spectrum</i>?</p> <p>22 A. Double blind peer review for all research</p> <p>23 articles and editor based review for things like book</p> <p>24 reviews, concert reviews, or conference reports.</p> <p>25 Q. And while we're at it, do you -- is there any</p>	<p>24</p> <p>1 Q. (BY MR. ALLEN) Okay. I'm going to introduce</p> <p>2 into the record Exhibit 3. And, Professor Chung, first</p> <p>3 I'm going to take you through the document to introduce</p> <p>4 it to you, and then I'm going to ask you some questions</p> <p>5 about it.</p> <p>6 The first page is --</p> <p>7 MS. QUIMBY: I'm sorry to interrupt. I</p> <p>8 can't even begin to try to read this.</p> <p>9 MR. ALLEN: It's too small, is that what</p> <p>10 you're saying?</p> <p>11 MS. QUIMBY: Yeah. I'm sorry if that</p> <p>12 wasn't clear. I can't read it.</p> <p>13 MR. ALLEN: I'll tell you what, why don't</p> <p>14 I -- can we go off the record, please.</p> <p>15 THE VIDEOGRAPHER: The time 9:31 a.m. We</p> <p>16 are off the record.</p> <p>17 (Recess from 9:31 a.m. to 9:33 a.m.)</p> <p>18 THE VIDEOGRAPHER: The time is 9:33 a.m.</p> <p>19 We are on the record.</p> <p>20 Q. (BY MR. ALLEN) So this exhibit marked as</p> <p>21 Exhibit 3 for the record is a compilation of two</p> <p>22 websites and one journal article concerning the journal</p> <p>23 <i>Spectrum</i> which we have just been discussing.</p> <p>24 The first page is from the website of the</p> <p>25 Society for Music Theory. In fact, you can see in the</p>

<p>25</p> <p>1 lower left-hand corner, which I'm highlighting here on</p> <p>2 the screen, the URL says SocietyMusicTheory.org. Do you</p> <p>3 see that, Professor Chung?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. The second is a printout of a website Oxford</p> <p>6 University Press, which also addresses <i>Music Theory</i></p> <p>7 <i>Spectrum</i>. And if you'll see the URL here is</p> <p>8 AcademicOUP.com. Do you see that down at the bottom of</p> <p>9 Page 2?</p> <p>10 <b>A. Correct. Yes.</b></p> <p>11 Q. And do you understand OUP is an abbreviation</p> <p>12 for Oxford University Press?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. So does that help inform you that Oxford</p> <p>15 University Press publishes <i>Music Theory Spectrum</i>?</p> <p>16 <b>A. Yeah. I believe that's correct.</b></p> <p>17 Q. Okay. Well -- and just to sew that up, you</p> <p>18 don't have any reason to believe that Oxford University</p> <p>19 Press does not publish <i>Music Theory Spectrum</i>, right?</p> <p>20 MS. QUIMBY: Objection; form.</p> <p>21 <b>A. My -- yeah. My understanding was that the</b></p> <p>22 <b>change -- that there was a change of press in some recent</b></p> <p>23 <b>years. So previously they were published by, I believe,</b></p> <p>24 <b>the University of California Press. I -- I access the</b></p> <p>25 <b>journal online, so -- you know.</b></p>	<p>27</p> <p>1 Music Theory concerning the journal <i>Spectrum</i> --</p> <p>2 MS. QUIMBY: Objection.</p> <p>3 Q. (BY MR. ALLEN) -- in Exhibit 3?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 <b>A. In Exhibit 3? In the material provided?</b></p> <p>6 Q. (BY MR. ALLEN) Correct. Again, I'm just</p> <p>7 asking you about the Society of Music Theory portion of</p> <p>8 Exhibit 3, which is the first page.</p> <p>9 <b>A. Only the first page?</b></p> <p>10 Q. Yes.</p> <p>11 <b>A. Why only the first page?</b></p> <p>12 Q. Because that -- that first page is from the</p> <p>13 Society for Music Theory's website, not from the Oxford</p> <p>14 University Press website, which I'm going to ask you</p> <p>15 about next.</p> <p>16 <b>A. Okay.</b></p> <p>17 Q. So I could just ask you to address --</p> <p>18 <b>A. No -- no review information on the first page.</b></p> <p>19 Q. Okay. Now we're going to go to the Oxford</p> <p>20 University Press. I'm just going to direct your</p> <p>21 attention to what I've highlighted here for the purposes</p> <p>22 of your testimony. It says, after one or two bullet</p> <p>23 points, "Instructions to authors. <i>Music Theory Spectrum</i></p> <p>24 practices blind review. For this reason, authors should</p> <p>25 avoid identifying themselves, directly or indirectly, in</p>
<p>26</p> <p>1 Q. (BY MR. ALLEN) Would that be through SMT or</p> <p>2 through Oxford?</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 <b>A. Accessing the journal? Through neither. It's</b></p> <p>5 <b>through the University's -- University of North Texas's</b></p> <p>6 <b>library.</b></p> <p>7 Q. (BY MR. ALLEN) Oh. Okay. So I'll just</p> <p>8 represent to you that after the website that is printed</p> <p>9 out from the Oxford University Press, I've included a</p> <p>10 table of contents from fall 2021 journal of the Society</p> <p>11 for Music Theory <i>Spectrum</i>. Then after that is an article</p> <p>12 which was published in that volume in the fall of 2021 by</p> <p>13 Philip Ewell called "Music Theory's White Racial Frame."</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. We're not -- we're obviously not going to read</p> <p>16 this all into the record. But I'm just showing you that</p> <p>17 that's the nature [audio cut out].</p> <p>18 I would like to go back to the first page of</p> <p>19 exhibit number -- I believe we're up to 3. Specific</p> <p>20 declaration of the review process on this printout of the</p> <p>21 web page for the society for music -- Society for Music</p> <p>22 Theory concerning <i>Spectrum</i>.</p> <p>23 <b>A. Was there -- was there a question? I'm sorry.</b></p> <p>24 Q. Yes. Can you identify any specific declaration</p> <p>25 of the review process on the website of the Society of</p>	<p>28</p> <p>1 submissions" -- "in the submission itself," confirming</p> <p>2 "such identification to an accompanying cover letter" --</p> <p>3 or excuse me -- "confining such identification to an</p> <p>4 accompanying cover letter."</p> <p>5 At least on the second try did I read that</p> <p>6 correctly?</p> <p>7 <b>A. I believe so.</b></p> <p>8 Q. And is it your understanding, then, that the</p> <p>9 Oxford University Press does identify that <i>Spectrum</i></p> <p>10 articles are to be blind peer reviewed?</p> <p>11 <b>A. For articles, correct.</b></p> <p>12 Q. Yes. I am now going to skip down to <i>Music</i></p> <p>13 <i>Theory Spectrum</i>, the journal of the Society for Music</p> <p>14 Theory. On this table of contents, do you find anything</p> <p>15 suggesting that the article of Philip Ewell, which is</p> <p>16 included in this section here starting at Page 324, is</p> <p>17 not peer reviewed?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 <b>A. Do I find anything to suggest that it is not</b></p> <p>20 <b>peer reviewed?</b></p> <p>21 Q. (BY MR. ALLEN) Correct.</p> <p>22 <b>A. The fact that it's a colloquy raises the</b></p> <p>23 <b>potential that it's not peer reviewed.</b></p> <p>24 Q. Does the title page say that it's not peer</p> <p>25 reviewed?</p>

<p>29</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. It does not.</p> <p>3 Q. (BY MR. ALLEN) Would it be your expectation</p> <p>4 that the title page would specify that articles are not</p> <p>5 peer reviewed if, in fact, they are not?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 A. Well, implicitly -- implicitly it is specified</p> <p>8 that the -- you know, the six pieces appearing before the</p> <p>9 word "colloquy" are peer reviewed.</p> <p>10 Q. (BY MR. ALLEN) How is that implicitly stated?</p> <p>11 A. Because it's not stated explicitly.</p> <p>12 Q. Okay. So you agree that it's not stated</p> <p>13 explicitly that the colloquy is not peer reviewed,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And I'm just going to call your attention to</p> <p>17 Philip Ewell's article. Do you see Page 324 just as the</p> <p>18 table of contents suggests?</p> <p>19 A. Correct.</p> <p>20 Q. And this is "Music Theory's White Racial</p> <p>21 Frame"?</p> <p>22 A. Correct.</p> <p>23 Q. The title?</p> <p>24 A. Correct.</p> <p>25 Q. And just to back up, did you attend the 2019</p>	<p>31</p> <p>1 reception. Nothing unusual about its reception.</p> <p>2 Q. (BY MR. ALLEN) Do you recall a standing</p> <p>3 ovation?</p> <p>4 A. I personally do not recall whether the ovation</p> <p>5 was standing, not standing.</p> <p>6 Q. Okay. Do you recall any opportunity for people</p> <p>7 to criticize Professor Ewell's plenary address "Music</p> <p>8 Theory's White Racial Frame"?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. There is always an opportunity to address a</p> <p>11 plenary address.</p> <p>12 Q. (BY MR. ALLEN) When was that afforded at the</p> <p>13 Society for Music Theory in their annual conference in</p> <p>14 2019?</p> <p>15 A. During free time. That time is not, per se,</p> <p>16 listed on the program.</p> <p>17 Q. What do you mean "free time"? What does that</p> <p>18 mean at the conference?</p> <p>19 A. Because conference sessions do not run 24 hours</p> <p>20 of the day. People take time to be out of conference</p> <p>21 sessions and speak amongst themselves.</p> <p>22 Q. So other than this free time, was there any</p> <p>23 opportunity for people to formally critique Philip</p> <p>24 Ewell's plenary address?</p> <p>25 MS. QUIMBY: Objection; form.</p>
<p>30</p> <p>1 conference of the Society for Music Theory?</p> <p>2 A. I did.</p> <p>3 Q. That would have been shortly after you joined</p> <p>4 the University of North Texas, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Do you remember it being in the early weeks of</p> <p>7 November?</p> <p>8 A. Early weeks of November 2019.</p> <p>9 Q. You wouldn't happen to remember the days on</p> <p>10 which the conference fell, would you?</p> <p>11 A. Well, every year the conference falls on a</p> <p>12 Thursday, Friday, Saturday, Sunday.</p> <p>13 Q. Do you remember it being the first week of</p> <p>14 November?</p> <p>15 A. I am uncertain as to whether it was the first</p> <p>16 week or the second week of November.</p> <p>17 Q. I'm sorry, we've just had trouble figuring out</p> <p>18 exactly when it took place. That's why I ask.</p> <p>19 Did you personally sit in on the plenary</p> <p>20 address of Professor Philip Ewell of Hunter College in</p> <p>21 New York?</p> <p>22 A. I did.</p> <p>23 Q. How was the paper received?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. The paper was received with -- with a polite</p>	<p>32</p> <p>1 A. Formally, not that I know of.</p> <p>2 Q. (BY MR. ALLEN) Okay. So I'm just going to</p> <p>3 ask, given that we have in Exhibit 3 the article, is it</p> <p>4 your understanding that this article in Society for Music</p> <p>5 Theory was the publication of the talk [audio cut out] 19</p> <p>6 Society for Music Theory plenary address?</p> <p>7 MS. QUIMBY: I'm sorry, halfway you -- you</p> <p>8 just cut out. I only caught part of that question.</p> <p>9 MR. ALLEN: Sure. Sure.</p> <p>10 So I'll ask the court reporter to strike</p> <p>11 that, and I'll ask the question again.</p> <p>12 Q. (BY MR. ALLEN) Was it your understanding that</p> <p>13 Philip Ewell published his plenary address at the 2019</p> <p>14 Society for Music Theory conference as this paper "Music</p> <p>15 Theory's White Racial Frame" in this 2021 volume of</p> <p>16 Society for Music Theory's <i>Spectrum</i>?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. That is my understanding.</p> <p>19 Q. (BY MR. ALLEN) If there was going to be a note</p> <p>20 stating that this paper was not peer reviewed, where</p> <p>21 would it appear in the article?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. A note stating that it was not peer reviewed?</p> <p>24 Q. (BY MR. ALLEN) Yes. If one was to exist in</p> <p>25 such a publication, where would it be?</p>



<p>33</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. Such a note would -- would not be customary.</p> <p>3 Q. (BY MR. ALLEN) Okay. And here at the bottom</p> <p>4 you see this that I've highlighted just for the purpose</p> <p>5 of drawing your attention to it?</p> <p>6 A. Yes.</p> <p>7 Q. It says, "This article is a transcript of my</p> <p>8 2019 Society for Music Theory plenary paper." He goes on</p> <p>9 to say, "Aside from adding bibliographic citations, I</p> <p>10 have adjusted the text minimally as possible." And for a</p> <p>11 complete -- a more complete version he refers to another</p> <p>12 publication, which is apparently linked under Ewell 2020.</p> <p>13 Did I read that right?</p> <p>14 A. Yes.</p> <p>15 Q. So you would agree with me that doesn't</p> <p>16 indicate that this is not a peer-reviewed article, right?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. That it -- this does not indicate that it was</p> <p>19 peer reviewed; is that the question?</p> <p>20 Q. (BY MR. ALLEN) Yes, that is the question.</p> <p>21 A. Yeah. There's no indication of the peer-review</p> <p>22 process to which this was subjected.</p> <p>23 Q. And following up on your previous testimony, is</p> <p>24 that -- would you expect that? Is it normal? Let me</p> <p>25 strike that and just ask it.</p>	<p>35</p> <p>1 plenary address in <i>Spectrum</i> under these conditions, do</p> <p>2 you?</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 A. I am not privy to conversations like that about</p> <p>5 this piece.</p> <p>6 Q. (BY MR. ALLEN) Do you recall anyone</p> <p>7 circulating an open letter condemning Philip Ewell for</p> <p>8 publishing something which didn't clearly indicate</p> <p>9 whether it was peer reviewed or not?</p> <p>10 A. I have no knowledge of whether such a letter</p> <p>11 existed or didn't exist.</p> <p>12 Q. Did anyone accuse Philip Ewell of racism for</p> <p>13 publishing under those conditions, that he published that</p> <p>14 2019 plenary address in <i>Spectrum</i>?</p> <p>15 MS. QUIMBY: Objection; form.</p> <p>16 A. I do recall -- I believe I recall hearsay that</p> <p>17 Philip had an ax to grind against European music</p> <p>18 theorists of the past.</p> <p>19 Q. (BY MR. ALLEN) So that's -- that wasn't my</p> <p>20 question. Maybe I phrased it unclearly.</p> <p>21 Did it come to your attention that anyone</p> <p>22 accused Philip Ewell particularly of racism for</p> <p>23 publishing in <i>Spectrum</i> under the conditions that he</p> <p>24 published his 2019 plenary address?</p> <p>25 A. Strictly speaking, no, I recall no such thing.</p>
<p>34</p> <p>1 Is it your understanding that would be normal</p> <p>2 for such a publication?</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 A. For a piece like this that's a transcript of a</p> <p>5 well-known talk, I don't think that scholars in the</p> <p>6 field, professionals in the field would expect a peer --</p> <p>7 for such a piece to go through the same kind of</p> <p>8 peer-review process that an article would under blind</p> <p>9 submission.</p> <p>10 Q. (BY MR. ALLEN) Okay. I'm just going to skip</p> <p>11 to the back without spending more time on this. There's</p> <p>12 another blurb at the bottom of the article at the very</p> <p>13 end. This would be on the 11th page of Exhibit 3 and</p> <p>14 Page 329. It says, "<i>Music Theory Spectrum</i>, Volume 43,</p> <p>15 Issue 2, Page 324 to 29." It gives an ISSN number and</p> <p>16 also an electronic ISSN number. It has a copyright</p> <p>17 signification and says, "Published by Oxford University</p> <p>18 Press" and so forth. "All rights reserved."</p> <p>19 Can I just have you confirm that that also does</p> <p>20 not indicate whether peer review applied to this article?</p> <p>21 MS. QUIMBY: Objection; form.</p> <p>22 A. This page does not indicate peer-review</p> <p>23 procedures.</p> <p>24 Q. (BY MR. ALLEN) Thanks. And you don't recall</p> <p>25 anyone objecting to Philip Ewell's publication of his</p>	<p>36</p> <p>1 Q. Thank you. That would be absurd, wouldn't it?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 A. No. In fact, it would be quite understandable.</p> <p>4 I can imagine scholars accusing Philip Ewell of being</p> <p>5 racist towards white European music theorists of the</p> <p>6 past.</p> <p>7 Q. (BY MR. ALLEN) For publishing without peer</p> <p>8 review?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. I -- I don't see how that question follows.</p> <p>11 Q. (BY MR. ALLEN) So I'm just going to represent</p> <p>12 to you that Philip Ewell, himself, has testified that</p> <p>13 that article was published without double blind peer</p> <p>14 review. You don't recall anyone ever accusing of Philip</p> <p>15 Ewell of racism for publishing the 2019 plenary address</p> <p>16 without peer review?</p> <p>17 A. I don't see why anybody would be accused of</p> <p>18 racism for that specific reason.</p> <p>19 Q. Right. And that was -- my follow-up question</p> <p>20 was: That would be absurd, correct?</p> <p>21 A. Correct.</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 Q. (BY MR. ALLEN) Are you also aware of the</p> <p>24 journal published by the University of North Texas Press</p> <p>25 called <i>Theoria</i> or <i>Theoria</i>? I'm not sure how it's</p>

<p>37</p> <p>1 pronounced actually.</p> <p>2 A. I believe it's <i>Theoria</i>. Yes, I'm aware of that</p> <p>3 publication.</p> <p>4 Q. Have you ever submitted anything for</p> <p>5 publication in <i>Theoria</i>?</p> <p>6 A. I was solicited to submit a publication.</p> <p>7 Q. Who solicited your publication in <i>Theoria</i>?</p> <p>8 A. That was the editor Frank Heidleberger.</p> <p>9 Q. When was this?</p> <p>10 A. This was in late -- well, early -- yeah. Late</p> <p>11 autumn of 2022.</p> <p>12 Q. So roughly about two years ago?</p> <p>13 A. Yes.</p> <p>14 Q. And in your experience as an academic and a</p> <p>15 music theorist, is that normal for an editor to solicit</p> <p>16 contributions to his or her journal?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. When the -- when the contributions are -- let's</p> <p>19 see -- like reprints of talks, lectures that take place,</p> <p>20 this is a known practice, yes.</p> <p>21 Q. (BY MR. ALLEN) Which was your talk -- I'm</p> <p>22 sorry go ahead.</p> <p>23 A. Yes. That was the nature of my submission to</p> <p>24 that publication.</p> <p>25 Q. I was just going to follow-up with that very</p>	<p>39</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. That is a publication that has been published.</p> <p>3 It's not a peer-reviewed article. It's not something I</p> <p>4 would list as a peer-reviewed article. It's not the same</p> <p>5 scope of publication as a peer-reviewed article.</p> <p>6 Q. (BY MR. ALLEN) So that was not peer reviewed</p> <p>7 that you published in <i>Theoria</i>?</p> <p>8 A. No.</p> <p>9 Q. Is there any reason you don't list it on your</p> <p>10 CV?</p> <p>11 A. Because it was not ready at the time of this</p> <p>12 CV.</p> <p>13 Q. Uh-huh. Where would you sort it into your CV</p> <p>14 if you were to list it today?</p> <p>15 A. I would probably make a new section for it</p> <p>16 under published conference proceedings or some equivalent</p> <p>17 heading.</p> <p>18 Q. Uh-huh. And was it in the 2022 volume of</p> <p>19 <i>Theoria</i> that it came out?</p> <p>20 A. No.</p> <p>21 Q. Which volume?</p> <p>22 A. 2024.</p> <p>23 Q. Okay. So it must have come out very recently,</p> <p>24 right?</p> <p>25 A. Very recently. The past handful of months. I</p>
<p>38</p> <p>1 question.</p> <p>2 So could you just for the record briefly</p> <p>3 describe the nature of the piece that he was soliciting</p> <p>4 from you?</p> <p>5 A. Yes. The nature of the piece that he was</p> <p>6 soliciting which I wrote was the transcript of a talk</p> <p>7 that explained early modern keyboard tunings and how they</p> <p>8 related to changing understandings of the natural world</p> <p>9 in early modern Europe.</p> <p>10 Q. Did you end submitting that to <i>Theoria</i>?</p> <p>11 A. I did.</p> <p>12 Q. Is that in press?</p> <p>13 A. Yes, it has been published.</p> <p>14 Q. I'm sorry, I'm just going to go back to your CV</p> <p>15 which is Exhibit 2, just put that up again on screen.</p> <p>16 MR. ALLEN: Mary, once again I'll try to</p> <p>17 drop this in chat this time.</p> <p>18 MS. QUIMBY: This is easier. The font is a</p> <p>19 little bit bigger.</p> <p>20 MR. ALLEN: I know. That should come</p> <p>21 through.</p> <p>22 Q. (BY MR. ALLEN) So is that one of the articles</p> <p>23 that has since been published in the meantime that you --</p> <p>24 since I think it was January 2024 that you drafted this</p> <p>25 CV, Professor Chung?</p>	<p>40</p> <p>1 don't remember when.</p> <p>2 Q. And do you understand that that's the usual</p> <p>3 practice of <i>Theoria</i>, to, from time to time, solicit</p> <p>4 conference proceedings as you've described without peer</p> <p>5 review?</p> <p>6 A. I do not know what their normal practices are.</p> <p>7 It's not a journal with which I'm deeply familiar.</p> <p>8 Q. Are you aware that Philip Ewell published in</p> <p>9 <i>Theoria</i>?</p> <p>10 A. I do not know whether he has or has not</p> <p>11 published in <i>Theoria</i>.</p> <p>12 Q. You do know <i>Theoria</i> is published by the</p> <p>13 University of North Texas Press, right?</p> <p>14 A. Many things are published by the University of</p> <p>15 North Texas Press.</p> <p>16 Q. That wasn't my question.</p> <p>17 You know that <i>Theoria</i> is published by the</p> <p>18 University of North Texas Press, right?</p> <p>19 A. Correct.</p> <p>20 Q. Thanks.</p> <p>21 Have you ever heard of anyone condemn <i>Theoria</i></p> <p>22 for publishing articles without peer review?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. I have not heard such -- such a thing.</p> <p>25 Q. (BY MR. ALLEN) And I believe you referred to</p>

<p style="text-align: right;">41</p> <p>1 the defendant Frank Heidleberger as the editor of</p> <p>2 <i>Theoria</i>?</p> <p>3 A. Yes. That is my correct understanding.</p> <p>4 Q. Has anyone ever accused Frank Heidleberger of</p> <p>5 racism for publishing articles without peer review to</p> <p>6 your knowledge?</p> <p>7 MS. QUIMBY: Objection; form.</p> <p>8 A. To my knowledge I do not know whether he has or</p> <p>9 has not.</p> <p>10 Q. (BY MR. ALLEN) When you published your article</p> <p>11 in <i>Theoria</i>, did you check <i>Theoria</i>'s editorial practices</p> <p>12 to determine whether peer review was used by the journal?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. The assumption -- when the editor Frank</p> <p>15 Heidleberger solicited the pieces, it was made clear</p> <p>16 that -- I believe it was made clear that -- that the</p> <p>17 articles would be -- would not be peer reviewed, because</p> <p>18 they are not, strictly speaking, articles. They are</p> <p>19 conference proceedings.</p> <p>20 Q. (BY MR. ALLEN) Was it stated in your published</p> <p>21 version of that article in <i>Theoria</i> that it was not peer</p> <p>22 reviewed?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. Typically that -- that kind of thing, it would</p> <p>25 be understood it's not peer reviewed, because, again,</p>	<p style="text-align: right;">43</p> <p>1 A. Correct.</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 Q. (BY MR. ALLEN) So, Professor Chung, one thing</p> <p>4 I forgot to tell you at the beginning is: If at any time</p> <p>5 you want a break, just say so. I don't --</p> <p>6 A. Okay.</p> <p>7 Q. I obviously don't want you answering questions</p> <p>8 if you're uncomfortable or you need to go to the bathroom</p> <p>9 or something of that nature. I am going to transition</p> <p>10 now talking about your relationship with Professor</p> <p>11 Timothy Jackson, who is the plaintiff in this case.</p> <p>12 A. Sure.</p> <p>13 Q. We have been about an hour. So I was going to</p> <p>14 ask if you would like a break. If you don't, we can just</p> <p>15 keep going.</p> <p>16 A. I'm happy to continue.</p> <p>17 Q. Okay.</p> <p>18 MS. QUIMBY: I would like to ask for a</p> <p>19 break shortly. Maybe in the next 15 minutes. Is that</p> <p>20 okay, or would you prefer to break now?</p> <p>21 THE WITNESS: We can get -- sorry.</p> <p>22 MR. ALLEN: Yeah. We're on the record. I</p> <p>23 bet we can get through this in about 15 minutes or so.</p> <p>24 Q. (BY MR. ALLEN) It's just a -- I'm just going</p> <p>25 to ask about the nature of your relationship with Timothy</p>
<p style="text-align: right;">42</p> <p>1 it's published conference proceedings.</p> <p>2 Q. (BY MR. ALLEN) Who -- who would understand</p> <p>3 that?</p> <p>4 A. People who know how to read journals in the</p> <p>5 field.</p> <p>6 Q. Other academics in music theory?</p> <p>7 A. Other academics in music theory.</p> <p>8 Q. And that's not unusual in your field of music</p> <p>9 theory, right?</p> <p>10 MS. QUIMBY: Object --</p> <p>11 A. Not unusual for more informal types of</p> <p>12 publications such as conference proceedings, publications</p> <p>13 of talks that were delivered originally at a conference,</p> <p>14 correct.</p> <p>15 Q. (BY MR. ALLEN) And, again, just like Philip</p> <p>16 Ewell's publication in <i>Spectrum</i>, that did not raise a</p> <p>17 stir simply because it was published without peer review,</p> <p>18 did it?</p> <p>19 MS. QUIMBY: Objection; form.</p> <p>20 A. To my knowledge, no such objections were</p> <p>21 raised.</p> <p>22 Q. (BY MR. ALLEN) You weren't the object of an</p> <p>23 open letter by the Society for Music Theory simply</p> <p>24 because you published something in <i>Theoria</i> without peer</p> <p>25 review, right?</p>	<p style="text-align: right;">44</p> <p>1 Jackson without getting into exhibits and so forth.</p> <p>2 Okay, Professor Chung?</p> <p>3 A. Sure. Fine by me.</p> <p>4 Q. Sure. Thank you.</p> <p>5 So first question is: Could you just please</p> <p>6 explain for the record your relationship to Timothy</p> <p>7 Jackson since you joined the faculty of the University of</p> <p>8 North Texas?</p> <p>9 A. We are employed by the same department in the</p> <p>10 same university. His office is a handful of doors down</p> <p>11 the hallway and around the corner from mine.</p> <p>12 Q. What are your interactions with Timothy Jackson</p> <p>13 as a faculty member at the University of North Texas?</p> <p>14 A. I haven't had very many interactions with</p> <p>15 Professor Jackson. As you recall, my hire was in 2019.</p> <p>16 And shortly after, you know, we were beset by the COVID</p> <p>17 pandemic and I really interacted with none of my</p> <p>18 colleagues very much for a very long time due to the</p> <p>19 unusual conditions of the -- of the COVID pandemic.</p> <p>20 Q. That must have been difficult to start your</p> <p>21 position -- your first position as an assistant professor</p> <p>22 under those circumstances?</p> <p>23 A. Yes. It was very unusual and unexpected.</p> <p>24 Q. I'm happy that it seems that you're thriving,</p> <p>25 Professor Chung, despite all of those setbacks.</p>

<p>45</p> <p>1 A. Thank you.</p> <p>2 Q. Did you ever work together with Timothy Jackson</p> <p>3 on anything, excepting any work you might have done on</p> <p>4 the Schenker controversy which we'll get to in a minute?</p> <p>5 A. Other than serving together on some student</p> <p>6 examination committees for students' doctoral exams.</p> <p>7 Other than that, we've had no collaborative projects or</p> <p>8 anything of the like.</p> <p>9 Q. No joint publications of any sort?</p> <p>10 A. No joint publications.</p> <p>11 Q. What was Timothy Jackson's participation in the</p> <p>12 student dissertation committees? Is that what you</p> <p>13 described?</p> <p>14 A. Exam committees. These are --</p> <p>15 Q. Yes.</p> <p>16 A. Students -- doctoral students have what are</p> <p>17 called qualifying exams, exams that they take to move on</p> <p>18 to the stage in which they write their PhD dissertations.</p> <p>19 These -- these involve oral examinations on student</p> <p>20 written essays. And Professor Jackson and myself were on</p> <p>21 a handful of examining committees for one or two of our</p> <p>22 students during the past academic year, '23 to '24. 2023</p> <p>23 to 2024.</p> <p>24 Q. Can you describe your direct experience of</p> <p>25 Timothy Jackson's demeanor during those exams?</p>	<p>47</p> <p>1 A. I have no direct knowledge.</p> <p>2 Q. (BY MR. ALLEN) Does that mean you have no</p> <p>3 direct knowledge of a graduate student coming to tell you</p> <p>4 about them? So please understand I'm trying to make a</p> <p>5 distinction here between direct knowledge which you may</p> <p>6 have witnessed personally and something that a graduate</p> <p>7 student might have told you about.</p> <p>8 So do you mean -- and I'm just trying to clarify</p> <p>9 your answer, if we could. Do you mean you have no</p> <p>10 knowledge of a graduate student coming to you and</p> <p>11 identifying a specific action that Timothy Jackson</p> <p>12 committed that was, quote, racist?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. That is correct.</p> <p>15 Q. (BY MR. ALLEN) Okay. And if I asked the same</p> <p>16 question but just substituted behaviors for actions,</p> <p>17 would your answer be the same?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. My answer would be the same.</p> <p>20 Q. (BY MR. ALLEN) Thank you.</p> <p>21 MR. ALLEN: So I was going to transition to</p> <p>22 talking about the now rather famous <i>Journal of</i></p> <p>23 <i>Schenkerian Studies</i>, but you and your attorney had</p> <p>24 requested a short break, and I think we got through that</p> <p>25 section in less than ten minutes. So how about now?</p>
<p>46</p> <p>1 A. Polite and professional.</p> <p>2 Q. Are you aware of any incident in which Timothy</p> <p>3 Jackson was extorting students in any capacity, way,</p> <p>4 shape, or form?</p> <p>5 MS. QUIMBY: Objection; form.</p> <p>6 A. Extorting students? I have no knowledge of</p> <p>7 such phenomenon.</p> <p>8 Q. (BY MR. ALLEN) Can you identify any specific</p> <p>9 racist actions that you have direct knowledge of that</p> <p>10 Timothy Jackson has engaged in?</p> <p>11 A. I know of no such actions.</p> <p>12 Q. If I said the same with regard to, quote,</p> <p>13 racist behaviors, would your answer be the same?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. I know of no such accusations.</p> <p>16 Q. (BY MR. ALLEN) I'm not asking about</p> <p>17 accusations, which we'll get to in a minute. I'm asking</p> <p>18 about specific, quote, racist behaviors that you have</p> <p>19 direct knowledge of concerning Timothy Jackson's, quote,</p> <p>20 behavior?</p> <p>21 A. I have no direct knowledge of such actions.</p> <p>22 Q. Have you learned of any actions that are,</p> <p>23 quote, racist that Timothy Jackson allegedly engaged in</p> <p>24 from graduate students?</p> <p>25 MS. QUIMBY: Objection; form.</p>	<p>48</p> <p>1 MS. QUIMBY: Yes, please. Thank you.</p> <p>2 MR. ALLEN: Could we go off the record,</p> <p>3 please.</p> <p>4 THE VIDEOGRAPHER: The time is 10:03 a.m.</p> <p>5 We are off the record.</p> <p>6 (Recess from 10:03 a.m. to 10:13 a.m.)</p> <p>7 THE VIDEOGRAPHER: The time is 10:13 a.m.</p> <p>8 We are on the record.</p> <p>9 Q. (BY MR. ALLEN) Thank you, Professor Chung. I</p> <p>10 wanted to ask you now about the <i>Journal of Schenkerian</i></p> <p>11 <i>Studies</i>. Can you explain your relationship to the</p> <p>12 <i>Journal of Schenkerian Studies</i> from the time you joined</p> <p>13 the faculty at the University of North Texas in 2019?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. I've had no relationship with the <i>Journal of</i></p> <p>16 <i>Schenkerian Studies</i>.</p> <p>17 Q. (BY MR. ALLEN) Did you have any interactions</p> <p>18 with the editorial staff of the <i>Journal of Schenkerian</i></p> <p>19 <i>Studies</i>?</p> <p>20 MS. QUIMBY: Objection; form.</p> <p>21 A. The editorial staff are students and colleagues</p> <p>22 in the department. So, yes, I have interacted with them.</p> <p>23 Not in regards to the <i>Journal of Schenkerian Studies</i>, per</p> <p>24 se, I believe other than the emails about -- about --</p> <p>25 asking about whether to do a colloquy. I'm sure you know</p>

<p style="text-align: right;">49</p> <p>1 what I'm talking about.</p> <p>2 Q. (BY MR. ALLEN) By that do you mean the call</p> <p>3 for papers -- soliciting papers from the Society for</p> <p>4 Music Theory?</p> <p>5 A. Yes. Yes. That --</p> <p>6 Q. Do you recall --</p> <p>7 A. I'm sorry. To my knowledge that's the only</p> <p>8 action I've had.</p> <p>9 Q. Okay. And just for the record, that was in the</p> <p>10 winter and early springtime period of 2019, 2020?</p> <p>11 A. Correct.</p> <p>12 Q. So describe, if you can remember, the process</p> <p>13 in which you participated in the formulation or</p> <p>14 contributed in any way to the call for papers that was</p> <p>15 issued by the <i>Journal of Schenkerian Studies</i> that you</p> <p>16 just described?</p> <p>17 A. Sure. I did contribute to the formation of the</p> <p>18 call of papers. I simply expressed my support that</p> <p>19 the -- that considering to do such an issue would --</p> <p>20 would be something that I think that I myself and other</p> <p>21 members of the field would have been interested in.</p> <p>22 Q. Do you recall when the call for papers went out</p> <p>23 approximately?</p> <p>24 A. I do not recall. I was not involved in</p> <p>25 disseminating the call for papers.</p>	<p style="text-align: right;">51</p> <p>1 just had -- I'm sure you've brought her to my attention</p> <p>2 before. I just didn't recognize the name. Sorry.</p> <p>3 MS. QUIMBY: No problem.</p> <p>4 Q. (BY MR. ALLEN) So back to Exhibit No. 4. Is</p> <p>5 it -- well, let me present just you. You'll see over</p> <p>6 here it's a four-page exhibit, Professor Chung.</p> <p>7 A. Uh-huh.</p> <p>8 Q. And I'm just going to scroll through it. I'm</p> <p>9 not going to ask about all of it, but I don't want you to</p> <p>10 think that I'm hiding something. This is a long email by</p> <p>11 Timothy Jackson. You'll see his name is signed at the</p> <p>12 end, at least electronically. Do you see that?</p> <p>13 A. Uh-huh. Correct. Yes.</p> <p>14 Q. He seems to be talking about some interactions</p> <p>15 he's had with an individual named Eric Wen.</p> <p>16 A. Uh-huh. Yes.</p> <p>17 Q. Do you see this guy?</p> <p>18 A. Yes, I see the name.</p> <p>19 Q. Incidentally, do you know Eric Wen?</p> <p>20 A. I do not know Eric Wen. I know that he exists.</p> <p>21 I know his name. That is all.</p> <p>22 Q. You don't know anything else about him?</p> <p>23 A. No.</p> <p>24 Q. Okay. So I'm presenting you with this email</p> <p>25 because you'll recognize you're on it here in the</p>
<p style="text-align: right;">50</p> <p>1 Q. Okay. So after it went out, did you have any</p> <p>2 further interactions with the journal until objections</p> <p>3 began to erupt within the Society for Music Theory?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. I -- I do not believe so.</p> <p>6 Q. (BY MR. ALLEN) Okay. I'm just going to mark</p> <p>7 for the record as Exhibit No. 4 --</p> <p>8 MR. ALLEN: Am I correct, Madam Court</p> <p>9 Reporter, that I'm up to 4?</p> <p>10 THE REPORTER: Yes, sir.</p> <p>11 MR. ALLEN: I'm going to mark for the</p> <p>12 record as Exhibit 4 an email that's captioned Response to</p> <p>13 Ewell? It's an email dated December 11, 2019.</p> <p>14 (Exhibit No. 4 marked.)</p> <p>15 THE REPORTER: We have a Cari Jacoby who</p> <p>16 wants to join.</p> <p>17 MS. QUIMBY: She's with UNT.</p> <p>18 MR. ALLEN: Who is that, Mary?</p> <p>19 MS. QUIMBY: I'm sorry if you didn't hear</p> <p>20 that. She is with the office of general counsel at UNT</p> <p>21 with Renaldo.</p> <p>22 MR. ALLEN: That's fine.</p> <p>23 MS. QUIMBY: I'm sorry, I wasn't sure if</p> <p>24 she would be joining us.</p> <p>25 MR. ALLEN: That's -- no. That's fine. I</p>	<p style="text-align: right;">52</p> <p>1 recipient line, Andrew Chung, correct?</p> <p>2 A. Correct.</p> <p>3 Q. This is your email that you use to conduct</p> <p>4 business as an assistant professor of the University of</p> <p>5 North Texas?</p> <p>6 A. Correct.</p> <p>7 Q. So in this email of December 11, 2019, Timothy</p> <p>8 Jackson writes to you, among others who are in this</p> <p>9 recipient line, "I have approached a number of</p> <p>10 Schenkerians directly with request for comment on Ewell's</p> <p>11 SMT presentation. We will receive publishable replies</p> <p>12 from at least four outside distinguished scholars. Not</p> <p>13 from Eric Wen, however, see below."</p> <p>14 Did I read that correctly?</p> <p>15 A. Correct.</p> <p>16 Q. Do you remember getting this email?</p> <p>17 A. I don't -- I -- my memory does not serve me</p> <p>18 well enough to recall having received it or not received</p> <p>19 it. I -- I believe the, you know, exhibit is a truthful</p> <p>20 one.</p> <p>21 Q. Do you remember in this time frame -- in this</p> <p>22 general time frame Timothy Jackson raising the issue with</p> <p>23 you and other colleagues of yours that there would be a</p> <p>24 solicitation of papers for comment on Ewell's SMT</p> <p>25 presentation?</p>

<p>53</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. I -- I believe I do recall.</p> <p>3 Q. (BY MR. ALLEN) And this SMT presentation, is</p> <p>4 it understood or did you understand at the time that that</p> <p>5 was referring to the plenary address at the 2019 SMT</p> <p>6 conference?</p> <p>7 A. Yes.</p> <p>8 Q. As much as you can remember, do you remember</p> <p>9 your response to this initiative?</p> <p>10 MS. QUIMBY: Objection; form.</p> <p>11 A. I don't recall whether I had a response or not</p> <p>12 having a response other than expressing openness to the</p> <p>13 idea of, you know, doing such a colloquy, which I believe</p> <p>14 was before this date.</p> <p>15 Q. (BY MR. ALLEN) Sure. And I think we'll get to</p> <p>16 that in a second.</p> <p>17 And I just want to ask some general questions.</p> <p>18 Before July of 2020 did you suggest that Philip Ewell</p> <p>19 should be contacted directly to solicit a response from</p> <p>20 him individually to the -- what you were calling a</p> <p>21 colloquium or a colloquy or what eventually was published</p> <p>22 as the symposium in the <i>Journal of Schenkerian Studies</i></p> <p>23 Volume 12?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. I had no approval or disapproval of such a</p>	<p>55</p> <p>1 Q. Okay. What was your relationship to the</p> <p>2 student -- the graduate student at the University of</p> <p>3 North Texas Levi Walls at this time? And I'm talking,</p> <p>4 again, about before July of 2020.</p> <p>5 A. At this time Levi was simply, you know, one of</p> <p>6 a number of students in the department. I had -- I had</p> <p>7 no relationship with Levi other than knowing his name,</p> <p>8 knowing what he looked like, seeing him in the hallways</p> <p>9 from time to time.</p> <p>10 Q. Did you ever discuss the <i>Journal of Schenkerian</i></p> <p>11 <i>Studies</i> with Levi Walls before July 2020?</p> <p>12 A. I did not.</p> <p>13 Q. Now, it's my understanding that Levi Walls is</p> <p>14 now a mentee of yours. Is that accurate?</p> <p>15 A. Yes, that is correct.</p> <p>16 Q. Is he doing his dissertation under your</p> <p>17 direction?</p> <p>18 A. Correct.</p> <p>19 Q. I'm sorry, you froze. Can you just restate the</p> <p>20 answer for the record?</p> <p>21 A. Correct.</p> <p>22 Q. Thank you. What's -- is there an official</p> <p>23 title for that in the -- in the MHTE division? Is it</p> <p>24 dissertation advisor?</p> <p>25 A. Yeah. I mean, there are a number of words that</p>
<p>54</p> <p>1 measure.</p> <p>2 Q. (BY MR. ALLEN) So you never -- you never</p> <p>3 announced an objection before July of 2020 to the way in</p> <p>4 which papers were solicited for Volume 12 of the <i>Journal</i></p> <p>5 <i>of Schenkerian Studies</i>?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 A. I did not.</p> <p>8 Q. (BY MR. ALLEN) Before July of 2020 did you</p> <p>9 express any objection to the symposium being published</p> <p>10 without double blind peer review?</p> <p>11 MS. QUIMBY: Objection; form.</p> <p>12 A. I don't recall objecting or not objecting. I</p> <p>13 don't recall objecting to it being published without</p> <p>14 double blind peer review.</p> <p>15 Q. (BY MR. ALLEN) If you did, would you have put</p> <p>16 that in email?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. As the <i>Journal of Schenkerian Studies</i> is very</p> <p>19 far outside of my business, I -- if I had held that view,</p> <p>20 I would -- would have kept it to myself.</p> <p>21 Q. (BY MR. ALLEN) Did you have that view at the</p> <p>22 time that you kept to yourself?</p> <p>23 A. I don't --</p> <p>24 Q. I'm talking before July 2020.</p> <p>25 A. I cannot -- I don't recall.</p>	<p>56</p> <p>1 are used to mean such a position of supervision.</p> <p>2 Dissertation advisor, dissertation supervisor,</p> <p>3 dissertation director. I can't recall which term our</p> <p>4 bylaws and so forth uses specifically, but these are</p> <p>5 equivalent terms.</p> <p>6 Q. But whatever it is, you are -- you serve that</p> <p>7 function for the graduate student Levi Walls who is a PhD</p> <p>8 candidate?</p> <p>9 A. Yeah. Levi Walls.</p> <p>10 Q. When did you become the dissertation advisor to</p> <p>11 Levi Walls?</p> <p>12 A. I agreed during, I believe, the fall of 2020.</p> <p>13 Q. It would have been after a controversy erupted</p> <p>14 over the <i>Journal of Schenkerian Studies</i> in July 2020?</p> <p>15 A. You cut out during the question. Please</p> <p>16 repeat.</p> <p>17 Q. Yes. Thank you.</p> <p>18 You became Levi Walls dissertation advisor</p> <p>19 shortly after the controversy that erupted around the</p> <p>20 <i>Journal of Schenkerian Studies</i> around July 2020 then?</p> <p>21 A. About five months after. Yes.</p> <p>22 Q. Okay. Have you discussed with Levi Walls his</p> <p>23 role in the <i>Journal of Schenkerian Studies</i> after becoming</p> <p>24 his dissertation advisor?</p> <p>25 A. Only to ask whether -- what -- what his title</p>

<p>57</p> <p>1 was in the -- in Volume 12 of the journal.</p> <p>2 Q. And what did he say?</p> <p>3 A. I can't recall. I know that he -- he had an</p> <p>4 official title. Assistant editor or student editor,</p> <p>5 something of that sort.</p> <p>6 Q. He hasn't discussed with you hints of helping</p> <p>7 edit the journal in the summer and let's -- let's say</p> <p>8 that 2019, 2020 time period?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 Q. (BY MR. ALLEN) Let me strike that question and</p> <p>11 ask it more specifically.</p> <p>12 So he hasn't discussed his experience of serving</p> <p>13 on the editorial staff from, say, November of 2019 to</p> <p>14 July of 2020 with you?</p> <p>15 A. No. That is external to our advising</p> <p>16 relationship. External to the topics of his research.</p> <p>17 Q. When did you first learn that there was a</p> <p>18 controversy surrounding Volume 12 of the <i>Journal of</i></p> <p>19 <i>Schenkerian Studies</i>?</p> <p>20 MS. QUIMBY: Objection; form.</p> <p>21 A. I believe it was -- well, it was in the summer</p> <p>22 of 2020. I believe in July. I noticed some rather</p> <p>23 rancorous commentary on what was then known as Twitter</p> <p>24 regarding Volume 12 of the <i>Journal of Schenkerian</i></p> <p>25 <i>Studies</i>.</p>	<p>59</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. I do not know whether they have or have not.</p> <p>3 Q. (BY MR. ALLEN) Have you ever provided any</p> <p>4 tweets from your Twitter feed to your counsel so that</p> <p>5 they could be provided in discovery?</p> <p>6 A. I cannot recall.</p> <p>7 Q. You can't recall because it didn't happen or</p> <p>8 you can't recall because it may have happened and you've</p> <p>9 forgotten?</p> <p>10 MS. QUIMBY: Objection; form.</p> <p>11 A. I can't -- I can't recall because I may have</p> <p>12 forgotten and I -- I don't believe that I provided tweets</p> <p>13 to counsel.</p> <p>14 Q. (BY MR. ALLEN) So I'm sorry, you don't believe</p> <p>15 you did provide those to your counsel?</p> <p>16 A. To the best of my knowledge I don't believe so.</p> <p>17 Q. Okay. Was there specific content in Volume 12</p> <p>18 that was particularly the object of these objections via</p> <p>19 Twitter?</p> <p>20 A. I can't recall the specific content of the</p> <p>21 objections that were over Twitter in July 2020.</p> <p>22 Q. Okay. If you had those tweets in front of you,</p> <p>23 would that serve to refresh your memory?</p> <p>24 A. Presumably, yes.</p> <p>25 Q. And what -- so this is how you first learned of</p>
<p>58</p> <p>1 Q. (BY MR. ALLEN) And that's the platform now</p> <p>2 known as X, correct?</p> <p>3 A. That is the platform now known as X.</p> <p>4 Q. Are you -- do you maintain an X or Twitter</p> <p>5 account yourself?</p> <p>6 A. I do.</p> <p>7 Q. Is that how you became aware of it, then,</p> <p>8 through your own Twitter feed?</p> <p>9 A. That is correct.</p> <p>10 Q. I hope we can agree. I'll just refer to it as</p> <p>11 Twitter, but we know that includes X as well. I don't</p> <p>12 really care when the platform changed its name. Is that</p> <p>13 -- is that okay, to have that understanding in your</p> <p>14 testimony today?</p> <p>15 A. Uh-huh. Understood.</p> <p>16 Q. Thank you. So what did you begin to hear?</p> <p>17 A. I began to hear -- I can't recall the specific</p> <p>18 comments of these tweets, posts on the platform at the</p> <p>19 moment. I remember that they expressed quite a bit of</p> <p>20 disapprobation. On what specific points the Twitter</p> <p>21 discourse was objecting to I cannot at this point recall</p> <p>22 now that it's four years past.</p> <p>23 Q. Do you know if those tweets that you were</p> <p>24 getting in your feed have been produced in discovery in</p> <p>25 this case?</p>	<p>60</p> <p>1 it, through the social media platform Twitter?</p> <p>2 A. True.</p> <p>3 Q. Once you -- sorry. Go ahead.</p> <p>4 A. Yes. Yes. Through social media Twitter.</p> <p>5 Q. And so after that what -- what happened?</p> <p>6 A. After that I wrote an email to my department to</p> <p>7 some number of my department colleagues, I believe it was</p> <p>8 not all of them, notifying -- notifying some number of</p> <p>9 colleagues -- and I can't remember which ones they</p> <p>10 were -- that there is some rancorous sentiment being</p> <p>11 circulated over social media about the journal.</p> <p>12 Q. Do you have any personal knowledge of any</p> <p>13 policy of the University of North Texas that makes</p> <p>14 Twitter some sort of editorial authority over the</p> <p>15 journals published by the UNT Press?</p> <p>16 MS. QUIMBY: Objection; form.</p> <p>17 A. Editorial authority, no.</p> <p>18 Q. (BY MR. ALLEN) So, then, you notified your</p> <p>19 colleagues I believe by email, you just said, and what --</p> <p>20 what happened then?</p> <p>21 A. I recall that my colleagues agreed that it</p> <p>22 could potentially be a cause for concern, and that was</p> <p>23 what I recall happening subsequently.</p> <p>24 Q. Do you know, as you sit here today, what the</p> <p>25 journal was accused of doing?</p>

<p>61</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. I believe that the accusations had some kind of</p> <p>3 objection to racially insensitive remarks. I can't</p> <p>4 recall if the peer-review issue was -- was raised in the</p> <p>5 Twitter discourse though.</p> <p>6 Q. (BY MR. ALLEN) Do you know if remarks were</p> <p>7 identified as -- what did you say, racially insensitive?</p> <p>8 Is that how you put it?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Which in particular, if you recall?</p> <p>11 A. I don't recall Twitter -- the Twitter discourse</p> <p>12 identifying particular remarks as such.</p> <p>13 Q. Since you cut out, did you say you don't</p> <p>14 recall -- could you just restate because I didn't hear</p> <p>15 it.</p> <p>16 A. I don't recall on Twitter that any content on</p> <p>17 Twitter singled out particular marks or particular</p> <p>18 paraphrases of remarks.</p> <p>19 Q. And other than Twitter were particular</p> <p>20 publications or statements in Volume 12 of the <i>Journal of</i></p> <p>21 <i>Schenkerian Studies</i> called out as racially insensitive?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. At that time in 2000- -- July 2020, no</p> <p>24 publications had yet -- no other publications had yet</p> <p>25 responded.</p>	<p>63</p> <p>1 hold on. I will drop it in the chat. Let me -- before I</p> <p>2 publish it to the record, I'm going to rename it so it's</p> <p>3 clear. Again, Exhibit 5.</p> <p>4 (Exhibit No. 5 marked.)</p> <p>5 Q. (BY MR. ALLEN) Okay. Sorry about the delay.</p> <p>6 Professor Chung, do you see Exhibit No. 5?</p> <p>7 A. Yes.</p> <p>8 Q. Like many emails, it sort of begins at the end,</p> <p>9 so we're just going to skip down. Exhibit 5 begins with</p> <p>10 an email from you, Andrew Chung, to Benjamin Graf, Diego</p> <p>11 Cubero and Ellen Bakulina, on July 25, 2020, in the early</p> <p>12 evening at 7:08 p.m. Did I read that caption directly?</p> <p>13 A. Correct.</p> <p>14 Q. Scan through this just to give you a sense what</p> <p>15 we'll be talking about. You'll see the chain progresses.</p> <p>16 Eventually additional commentators join. There's a</p> <p>17 discussion by Levi Walls, Timothy Jackson, and then the</p> <p>18 lead email is by Stephen Slottow to you, in addition to</p> <p>19 another faculty and Levi Walls. Did I characterize that</p> <p>20 more or less correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So if you'll allow me to start at the</p> <p>23 end, you had referred to an email you sent once you</p> <p>24 noticed things were beginning to -- I believe you said</p> <p>25 become rancorous on Twitter, right?</p>
<p>62</p> <p>1 Q. (BY MR. ALLEN) So is your answer you don't</p> <p>2 recall any other specific content of Volume 12 of the</p> <p>3 <i>Journal of Schenkerian Studies</i> at that time that was</p> <p>4 being identified as particularly racist or racially</p> <p>5 insensitive or however it was being put in the discourse</p> <p>6 at that time?</p> <p>7 A. At that time when -- when, you know,</p> <p>8 expressions of disapproval were starting to circulate on</p> <p>9 social media, no, I don't recall any other</p> <p>10 publications --</p> <p>11 Q. Okay.</p> <p>12 A. -- remarking on the journal.</p> <p>13 Q. I'm going to take that down. Because I wanted</p> <p>14 to bring up -- I'm not sure of where we are in the</p> <p>15 record.</p> <p>16 MR. ALLEN: Madam Court Reporter, are we on</p> <p>17 Exhibit 5, please?</p> <p>18 THE REPORTER: Yes, sir.</p> <p>19 MR. ALLEN: Thank you. I'm going to mark</p> <p>20 for the record as Exhibit 5 an email -- well, it begins</p> <p>21 with an email of July 25, 2020, from Stephen Slottow to</p> <p>22 various members of the faculty, and I believe you'll see</p> <p>23 that you are also included, Professor Chung.</p> <p>24 THE WITNESS: Uh-huh.</p> <p>25 MR. ALLEN: And I'm going to drop that --</p>	<p>64</p> <p>1 A. Uh-huh. Correct.</p> <p>2 Q. Is this that email to the best of your</p> <p>3 remember?</p> <p>4 A. This is -- this is the email to which I was</p> <p>5 referring, yes.</p> <p>6 Q. And just skipping forward, you say, "But via</p> <p>7 Twitter I have been seeing that there has been some early</p> <p>8 and vociferous pushback re: the new issue of JSS, with</p> <p>9 concerns that Philip Ewell wasn't invited to respond and</p> <p>10 that there is an anonymous contribution."</p> <p>11 I read that portion correctly?</p> <p>12 A. Correct.</p> <p>13 Q. And by "JSS" we understand that we're referring</p> <p>14 to <i>Journal of Schenkerian Studies</i>, right?</p> <p>15 A. Correct.</p> <p>16 Q. And did you continue to participate in this</p> <p>17 conversation via email or otherwise?</p> <p>18 A. There's -- there's a subsequent message from</p> <p>19 me. Other than that, I don't believe any that I --</p> <p>20 Q. Okay.</p> <p>21 A. -- was involved in.</p> <p>22 Q. Okay.</p> <p>23 A. Proceedings after that point.</p> <p>24 Q. Thank you. And do you recall your colleague</p> <p>25 Ellen Bakulina saying that she had seen a similar</p>



<p style="text-align: right;">65</p> <p>1 reaction on Facebook? This is the next email in the</p> <p>2 chain.</p> <p>3 <b>A. I don't -- I don't recall it, per se. But</b></p> <p>4 <b>it's -- it's here in the email thread. Yes, I believe is</b></p> <p>5 <b>it.</b></p> <p>6 Q. And do you have any knowledge of Facebook --</p> <p>7 the social media platform Facebook serving any role in</p> <p>8 the editorial process of journals at the University of</p> <p>9 North Texas Press?</p> <p>10 <b>A. I know of no such practice.</b></p> <p>11 Q. Is Facebook a particularly scholarly forum?</p> <p>12 <b>A. It is not.</b></p> <p>13 Q. And here's the second email from you, I</p> <p>14 believe, a little bit later in the evening at 8:32.</p> <p>15 "Please feel free to forward this message to anyone you</p> <p>16 think would be appropriate." Right?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. So is it fair to say that you were bringing</p> <p>19 your colleagues -- to your colleagues attention this --</p> <p>20 what seemed to be a rapidly developing controversy?</p> <p>21 MS. QUIMBY: Objection; form.</p> <p>22 <b>A. Yes. A rapidly developing potential for</b></p> <p>23 <b>controversy.</b></p> <p>24 Q. (BY MR. ALLEN) Okay. Did it develop into a</p> <p>25 full-blown controversy?</p>	<p style="text-align: right;">67</p> <p>1 ruined before it properly began. I have a family to take</p> <p>2 care of now. I'm also confused about what exactly people</p> <p>3 want."</p> <p>4 Did I read that right?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. How did you understand what Mr. Walls was</p> <p>7 particularly afraid of at this time?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 <b>A. With the caveat that, you know, I don't have</b></p> <p>10 <b>omniscient access to the internal --</b></p> <p>11 Q. (BY MR. ALLEN) Sure.</p> <p>12 <b>A. -- cognition of others, I believe that Levi, in</b></p> <p>13 <b>his position as student editor or assistant editor or</b></p> <p>14 <b>editor of the journal, was worried about being --</b></p> <p>15 <b>being -- about his reputation being jeopardized by</b></p> <p>16 <b>association with the -- the controversy in regards to the</b></p> <p>17 <b>journal.</b></p> <p>18 Q. And have you and he talked about that</p> <p>19 subsequently as his dissertation advisor?</p> <p>20 <b>A. I don't believe so.</b></p> <p>21 Q. In your role as his dissertation advisor have</p> <p>22 you witnessed any harm that has come to his career</p> <p>23 because he participated in the <i>Journal of Schenkerian</i></p> <p>24 <i>Studies</i>?</p> <p>25 MS. QUIMBY: Objection.</p>
<p style="text-align: right;">66</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 <b>A. I think that most people would agree that it</b></p> <p>3 <b>developed into -- into a point of contention, yes.</b></p> <p>4 Q. (BY MR. ALLEN) Thank you. So here's an email</p> <p>5 on July 25 at about 9:00, 8:55 p.m., by Levi Walls. Do</p> <p>6 you see that email in Exhibit 5?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And this is a student who would become your</p> <p>9 graduate student or at least in your role as a</p> <p>10 dissertation advisor. Can I ask you to read that email</p> <p>11 carefully, please?</p> <p>12 <b>A. Okay. I'm finished reading.</b></p> <p>13 Q. Sure. I just have a question in the first</p> <p>14 sentence. Well, in the second sentence actually. He</p> <p>15 says, "I just heard about this." Referring to what you</p> <p>16 and Ellen Bakulina have identified. Is that your</p> <p>17 understanding of the email?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. Would you have received this email at the time?</p> <p>20 <b>A. I believe I did receive this, yes.</b></p> <p>21 Q. I only ask because, unlike some of the other</p> <p>22 emails, it doesn't seem to have the full received line on</p> <p>23 it.</p> <p>24 He then goes on, Mr. Walls, to say, "It's very</p> <p>25 worrying, especially as I don't want my career to be</p>	<p style="text-align: right;">68</p> <p>1 <b>A. Not to my knowledge.</b></p> <p>2 Q. (BY MR. ALLEN) And did you understand this</p> <p>3 email to be expressing his fear of some sort of, quote,</p> <p>4 power differential between him and Professor Timothy</p> <p>5 Jackson?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 <b>A. Power differential? I mean, there's always a</b></p> <p>8 <b>power differential between students and professors.</b></p> <p>9 <b>That's understood.</b></p> <p>10 Q. (BY MR. ALLEN) Sure. Do you -- do you</p> <p>11 understand him to be expressing in this email, especially</p> <p>12 did you understand at the time -- let me strike that</p> <p>13 question, ask this.</p> <p>14 Did you understand at the time that Mr. Levi</p> <p>15 Walls was objecting to a so-called power differential</p> <p>16 between him and Professor Jackson in this email?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 <b>A. In this email I don't recall -- I -- I don't</b></p> <p>19 <b>believe that he was expressing sentiments related to a</b></p> <p>20 <b>power differential, no.</b></p> <p>21 Q. (BY MR. ALLEN) Picking up on what you said</p> <p>22 about the inherent difference between a dissertation</p> <p>23 advisor and the student, the graduate student, that</p> <p>24 there's an inherent power differential, that so-called</p> <p>25 power differential exists between you and Mr. Walls now,</p>

<p>69</p> <p>1 right?</p> <p>2 A. In any student-teacher relationship, a power</p> <p>3 differential exists.</p> <p>4 Q. Sure. Is it your experience of Professor</p> <p>5 Walls -- excuse me. Strike that, please.</p> <p>6 Is it your experience of Mr. Walls that this</p> <p>7 power differential prevents him from exercising his own</p> <p>8 agency in your relationship to him?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. I mean, strictly speaking -- strictly speaking,</p> <p>11 no. But teachers are -- you know, teachers are</p> <p>12 considered -- are considered influential authorities on</p> <p>13 topics. Students often feel pressure to take the advice</p> <p>14 or take the recommendations of their professors.</p> <p>15 Q. (BY MR. ALLEN) I'm talking about your direct</p> <p>16 experience of Mr. Walls. In your experience with him as</p> <p>17 his dissertation advisor, do you feel that he's reluctant</p> <p>18 to speak his mind to you?</p> <p>19 A. Not more than any other students. I -- you</p> <p>20 know, students choose their words carefully around their</p> <p>21 advisors if they're -- if they are smart. As they would</p> <p>22 with any authorities in a supervisory capacity over them.</p> <p>23 Q. And when you were a graduate student at Yale,</p> <p>24 did this power differential affect you in your</p> <p>25 relationship with your dissertation advisor?</p>	<p>71</p> <p>1 independent will when he worked with [audio cut out]?</p> <p>2 THE REPORTER: You cut out at the end.</p> <p>3 MR. ALLEN: Let me rephrase.</p> <p>4 Q. (BY MR. ALLEN) Did you have any reason to</p> <p>5 believe, at the time these emails were being sent back</p> <p>6 and forth, that Mr. Walls was bereft of his independent</p> <p>7 will in working with Professor Jackson?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. I have no knowledge of the dynamics of -- of</p> <p>10 Professor Jackson's advisory -- dissertation advisory</p> <p>11 capacity, dissertation relationship -- dissertation</p> <p>12 advisory relationship with Levi Walls.</p> <p>13 Q. (BY MR. ALLEN) In these emails that were</p> <p>14 exchanged back and forth in which Mr. Walls took part,</p> <p>15 did you have reason to believe that he had been bereft of</p> <p>16 his own independent will in his work on the <i>Journal of</i></p> <p>17 <i>Schenkerian Studies</i>?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. I do not believe that he was bereft of his own</p> <p>20 independent will.</p> <p>21 Q. (BY MR. ALLEN) Thank you. And just to follow</p> <p>22 up on your relationship with Mr. Walls, how close would</p> <p>23 you describe your relationship with mentee and advisee of</p> <p>24 Mr. Walls at this time?</p> <p>25 A. Somewhat close. We correspond maybe once a</p>
<p>70</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. Of course. This power differential, like I</p> <p>3 said, is in every student-teacher relationship.</p> <p>4 Q. (BY MR. ALLEN) Would you state for the record</p> <p>5 whether you believe that, quote, power differential</p> <p>6 affected your ability to think independently in your own</p> <p>7 dissertation</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. I don't believe that it affected my ability to</p> <p>10 think independently. But, of course, I received advice</p> <p>11 and cautions that I would not have known to be cognizant</p> <p>12 of from the dissertation advisor who I had who was in a</p> <p>13 position of greater power over me in that relationship.</p> <p>14 Q. (BY MR. ALLEN) Is it fair to say that's</p> <p>15 inherent in the mentor/mentee relationship?</p> <p>16 A. That is inherent to the mentor/mentee</p> <p>17 relationship.</p> <p>18 Q. So your answer is yes?</p> <p>19 A. Yes.</p> <p>20 Q. Thank you. And just back to Mr. Walls, you</p> <p>21 don't -- you don't have any reason to think that he's so</p> <p>22 weak that he has no independent will as your dissertation</p> <p>23 advisee, do you?</p> <p>24 A. I have no reason to believe such a thing.</p> <p>25 Q. Did you ever witness him to be bereft of an</p>	<p>72</p> <p>1 month, once every two months.</p> <p>2 Q. I assume you have a residence somewhere in the</p> <p>3 -- in the Denton area near the University of North Texas,</p> <p>4 correct?</p> <p>5 A. At the moment, no.</p> <p>6 Q. While you were teaching at the University of</p> <p>7 North Texas, do you live in the Dallas area?</p> <p>8 A. While teaching and -- so not -- meaning not</p> <p>9 this year, prior to this year --</p> <p>10 Q. Yes.</p> <p>11 A. -- and after this year, yes, I have had a</p> <p>12 residence in -- around Dallas.</p> <p>13 Q. Have you had Mr. Walls over to your home?</p> <p>14 A. Nope.</p> <p>15 Q. Have you ever visited Mr. Walls at his home?</p> <p>16 A. Nope.</p> <p>17 Q. Do you primarily meet in your office at UNT?</p> <p>18 A. Primarily, yes.</p> <p>19 Q. Is Mr. Walls in residence at the -- in Dallas?</p> <p>20 A. Currently, no.</p> <p>21 MS. QUIMBY: Object to form.</p> <p>22 Q. (BY MR. ALLEN) Where is he now?</p> <p>23 A. Mr. Walls is in residence in California while</p> <p>24 writing his dissertation.</p> <p>25 Q. And do you know when he left for California?</p>

<p>73</p> <p>1 A. Yes. He left the Denton area for California</p> <p>2 in -- this year in -- I believe in June.</p> <p>3 Q. So it's very recent?</p> <p>4 A. Quite recent.</p> <p>5 Q. Okay. I'm sorry, going back to Exhibit 5.</p> <p>6 Based on Mr. Walls' response here in this email of</p> <p>7 July 25, was there an intent to exclude Ewell from</p> <p>8 responding to the <i>Journal of Schenkerian Studies</i>?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. I do not know whether there was or was not</p> <p>11 intent to exclude Professor Ewell.</p> <p>12 Q. (BY MR. ALLEN) He says here, if you look at</p> <p>13 the -- sorry. I'm going to try to highlight this. He</p> <p>14 says, "We could publish something in the upcoming volume</p> <p>15 if that is what people want, but he couldn't" -- meaning</p> <p>16 Ewell -- "he couldn't have responded to responses that</p> <p>17 hadn't yet come out."</p> <p>18 Did I read that correctly?</p> <p>19 A. Correct.</p> <p>20 Q. And you understand "he" in that sentence to</p> <p>21 refer to Philip Ewell, right?</p> <p>22 A. Correct.</p> <p>23 Q. Did you understand that to indicate an</p> <p>24 intention to exclude Philip Ewell from responding in the</p> <p>25 pages of the <i>Journal of Schenkerian Studies</i> to Volume 12?</p>	<p>75</p> <p>1 barrier or measure, no.</p> <p>2 Q. (BY MR. ALLEN) So here, then, above Mr. Walls'</p> <p>3 email is one by Timothy Jackson. He addresses you</p> <p>4 directly, saying, "Andrew, perhaps if you feel it</p> <p>5 necessary, you can inform people that they can write to</p> <p>6 me using email. Unlike our current president, I do not</p> <p>7 use Twitter. But if they want to send me an email, you</p> <p>8 can give them any UNT email address. That will be the</p> <p>9 official response for now."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. And that's Timothy email -- Timothy Jackson's</p> <p>13 email on Saturday, July 25 at 9:47 p.m.?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Do you remember getting that email and</p> <p>16 that instruction from Timothy Jackson?</p> <p>17 A. I don't recall getting that specific email.</p> <p>18 But seeing it in front of me, you know, I believe it took</p> <p>19 place.</p> <p>20 Q. Well, my volume question was going to be: Did</p> <p>21 you take any action in response to that?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. Then there's an email finally from</p> <p>24 Professor Slottow and you are on the cc line right here?</p> <p>25 A. Uh-huh. Yes.</p>
<p>74</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. I take this as an indication that Levi was not</p> <p>3 privy to whether -- was not privy to -- sorry. Let me --</p> <p>4 let me rephrase that.</p> <p>5 I take this as an indication that -- that</p> <p>6 Levi's understanding is that Philip Ewell hadn't been</p> <p>7 contacted. And I take this to mean that Levi's</p> <p>8 understanding is that Professor Ewell, you know, wasn't</p> <p>9 meant to be contacted by the other editorial staff of the</p> <p>10 journal.</p> <p>11 Q. (BY MR. ALLEN) Do you know if Mr. -- excuse</p> <p>12 me. Do you know if Professor Ewell was contacted by</p> <p>13 Ellen Bakulina?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. I do not know.</p> <p>16 Q. (BY MR. ALLEN) You and Professor Bakulina</p> <p>17 never discussed that?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. No.</p> <p>20 Q. (BY MR. ALLEN) Do you have any knowledge of</p> <p>21 anything that prevented Professor Bakulina from</p> <p>22 contacting Philip Ewell and inviting him to participate</p> <p>23 in Volume 12 I mean?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. I know of no such, you know, preventative</p>	<p>76</p> <p>1 Q. Did you -- did you recall receiving this email</p> <p>2 of July 25, 2020, at, looks like, about 10:30 at night,</p> <p>3 10:28?</p> <p>4 A. I believe I remember receiving this one. I</p> <p>5 certainly -- you know, I see it in front of me and I</p> <p>6 believe that I -- that I definitely received it.</p> <p>7 Q. And Professor Slottow characterized the</p> <p>8 situation, in that second paragraph, "Here's how I see</p> <p>9 it. Ewell gave a talk at" the -- "at SMT to which there</p> <p>10 was no opportunity to respond."</p> <p>11 Did I read that correctly?</p> <p>12 A. That is correct.</p> <p>13 Q. Do you recall anyone objecting that that wasn't</p> <p>14 true at the time?</p> <p>15 MS. QUIMBY: Objection; form.</p> <p>16 A. I recall no such objection.</p> <p>17 Q. (BY MR. ALLEN) And then he goes on, "The JSS</p> <p>18 initiative was for the purpose of giving Schenkerians an</p> <p>19 opportunity to respond to Ewell's comments since they had</p> <p>20 no opportunity at SMT."</p> <p>21 Did I read that correctly?</p> <p>22 A. Correct.</p> <p>23 Q. Just to back up a bit, did you understand</p> <p>24 Philip Ewell's talk in November of 2019 at the Society</p> <p>25 for Music Theory to be a general critique of Schenkerians</p>

<p>77</p> <p>1 in the field?</p> <p>2 A. Not per se. I understood it to be raising the</p> <p>3 question of the ways in which, you know, music</p> <p>4 theoretical methods are -- may carry baggage from</p> <p>5 unsavory views that their historical authors held, and</p> <p>6 Schenker and Schenkerians were adduced as a case study.</p> <p>7 Q. Do you recall him arguing that Schenkerian</p> <p>8 scholars had, quote, whitewashed Heinrich Schenker?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. I do recall that pronouncement, yes.</p> <p>11 Q. (BY MR. ALLEN) Do you consider yourself a</p> <p>12 Schenkerian scholar?</p> <p>13 A. Not in any way.</p> <p>14 Q. Okay. So he also says, going on, "The feeling</p> <p>15 was that he had already had his say" -- meaning Ewell had</p> <p>16 had his say -- "now some Schenkerians could have theirs."</p> <p>17 Did I read that correctly?</p> <p>18 A. Correct.</p> <p>19 Q. At the time did you find anything objectionable</p> <p>20 about how Stephen Slottow had characterized Volume 12?</p> <p>21 MS. QUIMBY: Objection; form.</p> <p>22 A. I don't believe so. I -- I would not be</p> <p>23 surprised if -- you know, if I -- if I believed at the</p> <p>24 time that it would have been in good taste for the</p> <p>25 editors of the journal to have asked Professor Ewell to</p>	<p>79</p> <p>1 A. Without -- without further contextualizing</p> <p>2 information, I -- I can't, you know, answer that question</p> <p>3 with clarity and divinity in the abstract and</p> <p>4 hypothetical.</p> <p>5 Q. Okay. Well, I'm not being abstract. I'm</p> <p>6 telling you -- and I want you to assume it's true -- that</p> <p>7 Philip Ewell told the <i>Denton Record Chronicle</i> that he</p> <p>8 refused to read Volume 12 of the <i>Journal of Schenkerian</i></p> <p>9 <i>Studies</i>. And my question for you is: In that context,</p> <p>10 is it professional for a scholar to refuse to read the</p> <p>11 essays of their critics?</p> <p>12 MS. QUIMBY: Objection.</p> <p>13 A. If they believe if it's in their -- in their</p> <p>14 best interest not to read, then -- then yes. I believe</p> <p>15 it's acceptable professional conduct to decline even if</p> <p>16 it's the writings of ones critics.</p> <p>17 Q. (BY MR. ALLEN) And is it reasonable to expect</p> <p>18 a journal to invite someone to participate in a symposium</p> <p>19 when they declare they won't read it?</p> <p>20 MS. QUIMBY: Objection.</p> <p>21 A. I wouldn't -- I wouldn't say that it's like a</p> <p>22 tacit unspoken rule that should be followed. I -- I</p> <p>23 believe that the majority of people in the field would</p> <p>24 say that it's in good taste and a good practice for</p> <p>25 editors to -- to invite a response.</p>
<p>78</p> <p>1 submit a response to the pieces that were collected for</p> <p>2 the issue.</p> <p>3 Q. (BY MR. ALLEN) Are you aware that Philip Ewell</p> <p>4 made a statement to the <i>Denton Record Chronicle</i> that he</p> <p>5 refused to read Volume 12 of the <i>Journal of Schenkerian</i></p> <p>6 <i>Studies</i>?</p> <p>7 A. I -- I do not remem- -- I don't remember this</p> <p>8 information, no.</p> <p>9 Q. Do you read the <i>Denton Record Chronicle</i> --</p> <p>10 <i>Denton Record Chronicle</i>? Excuse me.</p> <p>11 A. I do not.</p> <p>12 Q. Okay. Do you consider it professional of an</p> <p>13 academic scholar to announce that he or she will not read</p> <p>14 essays in which their critics are publishing viewpoints</p> <p>15 contrary to their own?</p> <p>16 MS. QUIMBY: Objection; form.</p> <p>17 A. Scholars are free to read as they please or</p> <p>18 decline to read.</p> <p>19 Q. (BY MR. ALLEN) Well, of course --</p> <p>20 A. I see that neither as professional or</p> <p>21 unprofessional.</p> <p>22 Q. Okay. That was going to be my question.</p> <p>23 So your testimony today is that you don't see</p> <p>24 it as professional or unprofessional to refuse to read</p> <p>25 the publications of your critics?</p>	<p>80</p> <p>1 Q. (BY MR. ALLEN) Do you have any reason to</p> <p>2 believe that the announcement that went out soliciting</p> <p>3 papers to the Volume 12 of the <i>Journal of Schenkerian</i></p> <p>4 <i>Studies</i> was not received by Philip Ewell?</p> <p>5 A. Without seeing the call for papers in front of</p> <p>6 me, I'm -- I'm -- I'm unaware.</p> <p>7 Q. Sure. Do you get the emails that are sent out</p> <p>8 over the SMT server list?</p> <p>9 A. To which list are you referring? What is the</p> <p>10 -- the exact title?</p> <p>11 Q. Yeah.</p> <p>12 A. There are a handful of lists. That's why I</p> <p>13 ask.</p> <p>14 Q. No, no. And that's perfectly -- let's see.</p> <p>15 Let me take down this exhibit, and we'll get to exactly</p> <p>16 what I'm talking about here. Not that. Here we go.</p> <p>17 MR. ALLEN: I'm going to mark for the</p> <p>18 record as Exhibit 6. These are a large body of emails.</p> <p>19 (Exhibit No. 6 marked.)</p> <p>20 Q. (BY MR. ALLEN) And I'm just going to represent</p> <p>21 to you, Professor Chung, that I -- I wouldn't expect that</p> <p>22 you've seen all of them. I think you probably will have</p> <p>23 seen some of them. And we're not going to dwell on all</p> <p>24 of them. I just want to call your attention to one in</p> <p>25 particular that we've raised here. Let me publish this</p>

<p style="text-align: right;">81</p> <p>1 to the record.</p> <p>2 <b>A. Okay. I understood. I -- I got you.</b></p> <p>3 Q. So Exhibit 6 is a lengthy document, 138 pages.</p> <p>4 This is material -- I'm just going to represent to you</p> <p>5 that this is material that Timothy Jackson provided to</p> <p>6 John Ishiyama and others who were part of a so-called ad</p> <p>7 hoc committee convened to investigate the <i>Journal of</i></p> <p>8 <i>Schenkerian Studies</i> in the fall of 2020.</p> <p>9 I wouldn't expect you to have been privy to</p> <p>10 these -- to the -- except to the extent that you received</p> <p>11 emails that are in this body of documents provided to the</p> <p>12 ad hoc panel. I am going to ask you to -- hold on.</p> <p>13 Let me get the -- navigate to the page UNT 2663.</p> <p>14 You see how in the bottom of these documents there are</p> <p>15 page numbers that have been assigned to them? I'm just</p> <p>16 going to let you know those are what's called Bates</p> <p>17 numbers, and attorneys mark documents with what's called</p> <p>18 Bates numbers to give documents that are produced in the</p> <p>19 discovery of civil litigation a uniform series of page</p> <p>20 numbers.</p> <p>21 <b>A. Understood. Yes, I'm on UNT_002663 right now.</b></p> <p>22 Q. Thank you. Now I'll have to get that up on the</p> <p>23 screen. There we go. So I'm just going to highlight so</p> <p>24 that you can see it. Do you see it says smt-announce CFP</p> <p>25 <i>Journal of Schenkerian Studies</i> here?</p>	<p style="text-align: right;">83</p> <p>1 Q. (BY MR. ALLEN) Okay. What's the purpose of a</p> <p>2 call for papers in academic publishing based on your</p> <p>3 experience as an assistant professor who has published</p> <p>4 extensively?</p> <p>5 <b>A. Sure. A call for papers is a means for editors</b></p> <p>6 <b>of a publication to solicit submissions from the wider</b></p> <p>7 <b>membership or constituency of a field if there are, you</b></p> <p>8 <b>know, any authors out there who have some writing or</b></p> <p>9 <b>thoughts to share about the topic that's proposed in the</b></p> <p>10 <b>call for papers.</b></p> <p>11 Q. So is it inaccurate to characterize it as an</p> <p>12 invitation to participate?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 <b>A. It's an invitation to submit essays for</b></p> <p>15 <b>consideration.</b></p> <p>16 Q. (BY MR. ALLEN) Okay. So I think we've</p> <p>17 established this is the server list we were talking</p> <p>18 about. I think we can put away that.</p> <p>19 <b>A. Okay.</b></p> <p>20 Q. It might be that we come back to it, but if we</p> <p>21 do, I'll -- I'll ask you to call it up again. Thank you,</p> <p>22 Professor Chung.</p> <p>23 <b>A. Okay.</b></p> <p>24 Q. Do you recall Timothy Jackson ever expressing</p> <p>25 any opposition to publishing a response by Philip Ewell</p>
<p style="text-align: right;">82</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And this seems to be two -- hold on. My</p> <p>3 computer is trying to launch an email to the very server</p> <p>4 list we've just described. Sorry.</p> <p>5 Do you see</p> <p>6 smt-announce@societymusictherapy.org?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. That is the server list I'm referring to. Do</p> <p>9 you recognize this server list as a server list of the</p> <p>10 Society for Music Theory?</p> <p>11 <b>A. Yes, I do.</b></p> <p>12 Q. Do you receive that server list?</p> <p>13 <b>A. I receive -- I'm a subscriber to this list,</b></p> <p>14 <b>yes.</b></p> <p>15 Q. So would you have received the call for papers</p> <p>16 to Volume 12 of the <i>Journal of Schenkerian Studies</i>?</p> <p>17 <b>A. I would have received this, yes.</b></p> <p>18 Q. And I think we had broken off at the point</p> <p>19 where I asked whether you had any reason to believe that</p> <p>20 Philip Ewell did not receive this invitation to</p> <p>21 participate in Volume 12 of the <i>Journal of Schenkerian</i></p> <p>22 <i>Studies</i>?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 <b>A. My expectation is that he is a subscriber to</b></p> <p>25 <b>this list and that he would have received this list.</b></p>	<p style="text-align: right;">84</p> <p>1 in the pages of the <i>Journal of Schenkerian Studies</i>?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 <b>A. I was not privy to any conversations about what</b></p> <p>4 <b>the journal would or would not publish, so I -- I have no</b></p> <p>5 <b>knowledge of Professor Jackson supporting or objecting.</b></p> <p>6 MR. ALLEN: I'm going to mark for the</p> <p>7 record another exhibit. This will be marked as</p> <p>8 Exhibit 7. I will also place it in the chat.</p> <p>9 (Exhibit No. 7 marked.)</p> <p>10 Q. (BY MR. ALLEN) So I've marked as Exhibit 7 a</p> <p>11 document that begins with an email from Timothy Jackson,</p> <p>12 which is undated, and then continues through a thread of</p> <p>13 six pages. It starts with the Bates number UNT 000304.</p> <p>14 Did I characterize that correctly?</p> <p>15 <b>A. Yes. Correct.</b></p> <p>16 Q. Thank you. So I believe we'll see that this is</p> <p>17 the same -- some of this is the same thread but it</p> <p>18 diverges. Do you see that professor -- excuse me.</p> <p>19 Do you see, Professor Chung, here is this email</p> <p>20 on Page 000307 from Mr. Walls that we had just been</p> <p>21 talking about in Exhibit 5?</p> <p>22 <b>A. Yes, I see it.</b></p> <p>23 Q. And then there are some additional responses,</p> <p>24 including one from you, that diverge from the previous</p> <p>25 exhibit. And I just want to state for the record that</p>

<p style="text-align: right;">85</p> <p>1 Exhibit 7 is a distinct email thread but it shares emails</p> <p>2 in common with the previous exhibit in the way that</p> <p>3 emails often do, someone picks it up and forwards it to</p> <p>4 another thread. Is that fair to say?</p> <p>5 MS. QUIMBY: Objection; form.</p> <p>6 A. Yes.</p> <p>7 Q. (BY MR. ALLEN) Okay. So if we can just pick</p> <p>8 up where we left off with the other thread, this appears</p> <p>9 to be a conversation that is occurring at the same time</p> <p>10 after Levi Walls has emailed everyone that he has just</p> <p>11 heard about this controversy that you brought to</p> <p>12 everyone's attention. And if you skip to the bottom of</p> <p>13 the exhibit, you'll see it also begins with that very</p> <p>14 same email in which you have brought to everyone's</p> <p>15 attention that there is a controversy bubbling up on</p> <p>16 Twitter, right?</p> <p>17 A. Correct.</p> <p>18 Q. Just trying to get us on the same page,</p> <p>19 Professor Chung. Thank you.</p> <p>20 A. Correct.</p> <p>21 Q. Now, we're -- so, then, this is your email on</p> <p>22 July 25, 2020, at 9:12 p.m. Before we talk about that,</p> <p>23 is it common for you to be discussing and exchanging this</p> <p>24 volume of emails with your colleagues on a Saturday</p> <p>25 evening?</p>	<p style="text-align: right;">87</p> <p>1 That's my understanding.</p> <p>2 Q. Did you have an understanding about why there</p> <p>3 would have been an anonymous publication in Volume 12 of</p> <p>4 the <i>Journal of Schenkerian Studies</i>?</p> <p>5 A. I had no such understanding. Only question</p> <p>6 marks.</p> <p>7 Q. So once the journal came out, there was an open</p> <p>8 letter from the Society of Music Theory, right?</p> <p>9 A. Correct.</p> <p>10 Q. Do you recall signing that letter yourself?</p> <p>11 A. I -- yeah, I recall signing it.</p> <p>12 Q. Did that open letter include the vast majority</p> <p>13 of members of the Society of Music Theory?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. I do not know whether -- I am -- I am not aware</p> <p>16 of what the total, you know, numbers of membership are.</p> <p>17 I -- I do recall that a letter was signed by several</p> <p>18 hundred people at least.</p> <p>19 Q. (BY MR. ALLEN) And what was the nature of that</p> <p>20 open letter? What was its -- what was its intent? What</p> <p>21 was its substance?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. Not having the letter in front of me, I don't</p> <p>24 recall very well. I -- my impression, from what I can</p> <p>25 recall, is that the -- the substance and the thrust of</p>
<p style="text-align: right;">86</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. This would -- this would be an unusual event to</p> <p>3 exchange this much correspondence on a Saturday evening.</p> <p>4 Q. (BY MR. ALLEN) And you write to your</p> <p>5 colleagues, including Ellen Bakulina, Timothy Jackson,</p> <p>6 Stephen Slottow, Benjamin Graf, Diego Cubero, as well as</p> <p>7 Mr. Walls, "Dear all, I agree with Levi that a</p> <p>8 well-considered and timely response seems important.</p> <p>9 From what I have been seeing, people on social media are</p> <p>10 not happy that there is not a published response-to-the-</p> <p>11 responses written by Ewell at the invitation of JSS, and</p> <p>12 have concerns that the journal published an anonymous</p> <p>13 article whatever the merits and complexities for doing</p> <p>14 so."</p> <p>15 Did I read that correctly, Professor Chung?</p> <p>16 A. Correct. Uh-huh.</p> <p>17 Q. What was the objection to the anonymous</p> <p>18 publication in Volume 12 of the <i>Journal of Schenkerian</i></p> <p>19 <i>Studies</i> such as you understood it at this time?</p> <p>20 A. Sure. My -- I believe my understanding --</p> <p>21 well, my understanding at the time was that it's -- it's</p> <p>22 highly unusual for an anonymous submission to be</p> <p>23 published in -- in any academic journal. The unusualness</p> <p>24 by dent of its sheer abhorrency raises questions about</p> <p>25 why such a measure was taken, whether it was appropriate.</p>	<p style="text-align: right;">88</p> <p>1 the letter was for -- really for the SMT to ask its</p> <p>2 members to think about, you know, the ways in which</p> <p>3 racially insensitive ideas may still linger in the field.</p> <p>4 Q. (BY MR. ALLEN) Is it safe to say that it</p> <p>5 condemned the <i>Journal of Schenkerian Studies</i> Volume 12?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 A. What do you mean by condemn?</p> <p>8 Q. (BY MR. ALLEN) Did it criticize Volume 12 of</p> <p>9 the <i>Journal of Schenkerian Studies</i>?</p> <p>10 A. I believe that's an accurate summary of -- of</p> <p>11 the SMT.</p> <p>12 Q. And it criticized Volume 12 as, quote, racist,</p> <p>13 correct?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. That I cannot recall without seeing it in front</p> <p>16 of me.</p> <p>17 Q. (BY MR. ALLEN) Do you recall that there were</p> <p>18 several hundred people who signed that open letter?</p> <p>19 MS. QUIMBY: Objection; form.</p> <p>20 A. I recall that there were several hundred people</p> <p>21 who signed it.</p> <p>22 Q. (BY MR. ALLEN) And so you still, as you sit</p> <p>23 here today, can't think of a reason why someone would</p> <p>24 want to publish their article in the <i>Journal of</i></p> <p>25 <i>Schenkerian Studies</i> anonymously?</p>

<p>89</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 Q. (BY MR. ALLEN) That's really a mystery to you,</p> <p>3 Professor Chung?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. Can you restate the question, please?</p> <p>6 Q. (BY MR. ALLEN) Sure. Despite several hundred</p> <p>7 people publishing an open letter condemning or, as you</p> <p>8 said, criticizing the <i>Journal of Schenkerian Studies</i></p> <p>9 Volume 12, it's your testimony today that you really</p> <p>10 don't understand why someone published anonymously in</p> <p>11 Volume 12 <i>Journal of Schenkerian Studies</i>?</p> <p>12 A. The anonymous publication --</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. -- was before that letter. That is -- so, yes,</p> <p>15 that is my testimony. Because the chronology that you</p> <p>16 seem to be assuming is not correct.</p> <p>17 Q. (BY MR. ALLEN) Incidentally, are you aware</p> <p>18 that Professor Ewell published a book addressing some of</p> <p>19 the same themes that began with his plenary address in</p> <p>20 2019 at the SMT annual conference?</p> <p>21 A. I am -- I am aware of the existence of the</p> <p>22 book, yes.</p> <p>23 Q. And is the title of that book <i>On Music Theory,</i></p> <p>24 <i>and Making Music Theory More Welcoming for Everyone</i>?</p> <p>25 A. I believe that's the correct title.</p>	<p>91</p> <p>1 A. I -- I have no idea what presses or journals</p> <p>2 dealings with Professor Ewell have been since 2020.</p> <p>3 Q. (BY MR. ALLEN) Well, you know his book came</p> <p>4 out, right?</p> <p>5 A. Yes.</p> <p>6 Q. That's a sign that he's had some success</p> <p>7 publishing, correct?</p> <p>8 A. More than zero, yes.</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 Q. (BY MR. ALLEN) Have you been able to publish a</p> <p>11 book at this stage in your career?</p> <p>12 A. No, I have not.</p> <p>13 Q. I want to call your attention to Benjamin</p> <p>14 Graf's response in this thread. It's on page UNT 000306</p> <p>15 on July 25 at 9:47 p.m.</p> <p>16 A. Yes.</p> <p>17 Q. And it's addressed to you as well as others.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. He also says, in this second line of his email,</p> <p>21 "I think we should send Ewell a copy and invite him to</p> <p>22 respond." Correct?</p> <p>23 A. Correct.</p> <p>24 Q. Does that indicate an unwillingness to publish</p> <p>25 Ewell in the pages of the <i>Journal of Schenkerian Studies</i>?</p>
<p>90</p> <p>1 Q. Have you read it?</p> <p>2 A. I have not read it.</p> <p>3 Q. Do you know whether he engages in a response to</p> <p>4 his critics in the <i>Journal of Schenkerian Studies</i> in the</p> <p>5 pages of his book?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 A. It is -- it is known that he -- he does make</p> <p>8 some commentary on -- in regards to the <i>Journal of</i></p> <p>9 <i>Schenkerian Studies</i>.</p> <p>10 Q. (BY MR. ALLEN) Do you have any reason to</p> <p>11 believe that Professor Ewell was, quote, silenced by the</p> <p>12 <i>Journal of Schenkerian Studies</i> publishing the symposium</p> <p>13 in Volume 12?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. Do I have any reason to believe that Professor</p> <p>16 Ewell was silenced? Insofar he wasn't invited to or</p> <p>17 wasn't -- yeah, invited to respond to the pieces that</p> <p>18 were being published, many of which, you know, mention</p> <p>19 him by name -- I mean, whether that's, you know, being</p> <p>20 silenced or excluded, per se, is perhaps a matter of</p> <p>21 semantic definition.</p> <p>22 Q. (BY MR. ALLEN) Well, how about this</p> <p>23 definition: Has he had any trouble getting his work</p> <p>24 published to your knowledge since 2020?</p> <p>25 MS. QUIMBY: Objection; form.</p>	<p>92</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. Well, I think it -- it suggests, implies to a</p> <p>3 reasonable person that Professor Ewell had not been</p> <p>4 invited previously.</p> <p>5 Q. (BY MR. ALLEN) That was -- great. We're not</p> <p>6 talking about that right now. I asked a pretty simple</p> <p>7 question.</p> <p>8 Does that indicate to you a resistance to</p> <p>9 publishing Ewell in the pages of the <i>Journal of</i></p> <p>10 <i>Schenkerian Studies</i>, "I think we should send Ewell a copy</p> <p>11 and invite him to respond"?</p> <p>12 A. Again, it's -- it leaves open the possibility</p> <p>13 that there was a resistance to publishing Ewell in Volume</p> <p>14 12, but not subsequently.</p> <p>15 Q. So that's your testimony today, that this</p> <p>16 actually does indicate a resistance to publishing him?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 Q. (BY MR. ALLEN) Publishing him --</p> <p>19 A. My testimony is that I don't know whether there</p> <p>20 was or was not resistance.</p> <p>21 Q. That's not what I'm asking.</p> <p>22 I'm asking: Does Benjamin -- first of all, who</p> <p>23 is Benjamin Graf?</p> <p>24 A. Benjamin Graf is a lecturer in the division of</p> <p>25 music history, music theory, and ethnomusicology.</p>

<p>93</p> <p>1 Q. Is it fair to say he's teaching faculty at UNT?</p> <p>2 A. That is correct.</p> <p>3 Q. But nevertheless a member of the faculty,</p> <p>4 correct?</p> <p>5 A. Yes. A member of the faculty just the same,</p> <p>6 correct.</p> <p>7 Q. What was his role in the <i>Journal of Schenkerian</i></p> <p>8 <i>Studies</i> at this time, if you know?</p> <p>9 A. I do not know.</p> <p>10 Q. Did you know he was the previous graduate</p> <p>11 student editor of the <i>Journal of Schenkerian Studies</i>?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. I did not know.</p> <p>14 Q. (BY MR. ALLEN) You knew that he was part of</p> <p>15 the editorial staff at this time?</p> <p>16 A. I knew that he had some kind of named and</p> <p>17 printed official involvement with the journal.</p> <p>18 Q. Okay. And in his role as some sort of</p> <p>19 involvement with the journal, he's saying to this</p> <p>20 audience, comprising you, Levi Walls, Ellen Bakulina,</p> <p>21 Timothy Jackson, Stephen Slottow: I think we should send</p> <p>22 Ewell a copy and invite him to respond, right?</p> <p>23 A. Correct.</p> <p>24 Q. And you can't give a straight yes or no answer</p> <p>25 to whether you think that indicates a willingness to</p>	<p>95</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. It certainly leaves open the possibility that</p> <p>3 such an intention existed but does not confirm such an</p> <p>4 intention.</p> <p>5 Q. (BY MR. ALLEN) Do you know of any documents</p> <p>6 that confirm an intention to exclude Philip Ewell from</p> <p>7 publishing in the <i>Journal of Schenkerian Studies</i> at any</p> <p>8 time, Professor Chung?</p> <p>9 A. I know of no such document.</p> <p>10 Q. But nevertheless you think such a document may</p> <p>11 exist?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. I don't know what things do or don't exist</p> <p>14 other than what I empirically --</p> <p>15 Q. Okay.</p> <p>16 A. -- see in my --</p> <p>17 Q. Well, let's -- let's follow up on that. Do you</p> <p>18 have any empirical evidence that there was an intention</p> <p>19 not to publish Philip Ewell in the pages of the <i>Journal</i></p> <p>20 <i>of Schenkerian Studies</i>?</p> <p>21 MS. QUIMBY: Objection; form.</p> <p>22 A. I think that there is certainly a suggestion</p> <p>23 that such a move was not considered.</p> <p>24 Q. (BY MR. ALLEN) A suggestion to you is</p> <p>25 empirical evidence?</p>
<p>94</p> <p>1 invite Philip Ewell to respond?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 A. I think you're asking two questions in this</p> <p>4 question. Certainly he wasn't invited to --</p> <p>5 Q. (BY MR. ALLEN) Why don't you answer them in</p> <p>6 series?</p> <p>7 A. -- respond.</p> <p>8 Q. He wasn't invited individually to respond. We</p> <p>9 can assume that based on the record. We do know that he</p> <p>10 received the invitation through the SMT server list</p> <p>11 because I'm just going to represent to you he's testified</p> <p>12 to that.</p> <p>13 My question is really a simple one: Does</p> <p>14 saying to you, among others, "I think we should send</p> <p>15 Ewell a copy and invite him to respond" indicate a</p> <p>16 willingness to have Ewell respond in the pages of the</p> <p>17 <i>Journal of Schenkerian Studies</i>?</p> <p>18 (Cross-talk.)</p> <p>19 A. It indicates a willingness to publish him in</p> <p>20 the <i>Journal of Schenkerian Studies</i> subsequent to the</p> <p>21 publication of Volume 12 certainly.</p> <p>22 Q. (BY MR. ALLEN) Okay. Let's just sew this up.</p> <p>23 Does indicate an intention to exclude Professor Ewell</p> <p>24 from publishing in the pages of the <i>Journal of</i></p> <p>25 <i>Schenkerian Studies</i>?</p>	<p>96</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. A suggestion -- I don't -- I don't understand</p> <p>3 the question.</p> <p>4 Q. (BY MR. ALLEN) Well, I don't understand your</p> <p>5 answer. I asked you if you have any empirical evidence,</p> <p>6 because you brought up empirical evidence. I'm asking</p> <p>7 you if you have any empirical evidence that there was an</p> <p>8 intention to exclude Philip Ewell --</p> <p>9 A. I am not in possession --</p> <p>10 Q. -- from publishing --</p> <p>11 A. -- of such empirical evidence, no.</p> <p>12 Q. Thank you.</p> <p>13 MS. QUIMBY: Can we take a break, please?</p> <p>14 It's been over an hour.</p> <p>15 MR. ALLEN: We're just going to finish this</p> <p>16 real quick, and how about after that? I don't think we</p> <p>17 have more than five minutes. Be done by 12:30.</p> <p>18 MS. QUIMBY: Yes.</p> <p>19 MR. ALLEN: Is that okay with you,</p> <p>20 Professor Chung?</p> <p>21 THE WITNESS: Yes.</p> <p>22 Q. (BY MR. ALLEN) So I just wanted to skip up</p> <p>23 to -- let me see. What are we on? UNT Page 305. Here</p> <p>24 is a message from Benjamin Brand to all of you. Do you</p> <p>25 see that?</p>



<p>97</p> <p>1 A. Yes.</p> <p>2 Q. And who is Professor Benjamin Brand?</p> <p>3 A. Benjamin Brand was the -- was the chair of the</p> <p>4 division of music -- music history, music theory, and</p> <p>5 ethnomusicology at the time.</p> <p>6 Q. So is it fair to say he was your direct boss at</p> <p>7 that time in colloquial terms?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And he's calling for an emergency</p> <p>10 meeting here at 4:00 p.m., right?</p> <p>11 A. Correct.</p> <p>12 Q. And that is Sunday, July 26, 2020, right?</p> <p>13 A. Correct.</p> <p>14 Q. Is that unusual at UNT, to have an emergency</p> <p>15 meeting on a Sunday?</p> <p>16 A. I think by virtue of the fact it's an emergency</p> <p>17 it's inherently unusual.</p> <p>18 Q. Was it usual to have any meetings on Sundays?</p> <p>19 A. Very unusual to have any meetings on Sundays.</p> <p>20 Q. Okay. Did you attend that, quote, emergency</p> <p>21 meeting?</p> <p>22 A. I did not attend this meeting.</p> <p>23 Q. So you don't know what the substance of this</p> <p>24 so-called emergency meeting was?</p> <p>25 A. I do not.</p>	<p>99</p> <p>1 the public privy to.</p> <p>2 Q. (BY MR. ALLEN) And you didn't know who was</p> <p>3 suggesting which comments on any particular essay in</p> <p>4 Volume 12 of the <i>Journal of Schenkerian Studies</i>, correct?</p> <p>5 A. No. Generally that's kind of held in</p> <p>6 confidence among the editorial staff and peer reviewers</p> <p>7 and authors and so forth.</p> <p>8 Q. Okay. And that's kind of my -- I guess the</p> <p>9 last question would be: You didn't consider yourself</p> <p>10 part of the editorial staff of the <i>Journal of Schenkerian</i></p> <p>11 <i>Studies</i> at that time?</p> <p>12 A. No. Not at all.</p> <p>13 Q. All right.</p> <p>14 MR. ALLEN: I think that will do it for</p> <p>15 Exhibit 7. And we can go off the record.</p> <p>16 THE VIDEOGRAPHER: The time is 11:24 a.m.</p> <p>17 We are off the record.</p> <p>18 (Recess from 11:24 a.m. to 11:32 a.m.)</p> <p>19 THE VIDEOGRAPHER: The time is 11:32 a.m.</p> <p>20 We are on the record.</p> <p>21 MR. ALLEN: Professor Chung, I'm going to</p> <p>22 mark for the record Exhibit 8 a document that is going to</p> <p>23 put in the chat here as well. It is captioned Open</p> <p>24 Letter on Anti-Racist Actions within SMT. Let me publish</p> <p>25 to the record here.</p>
<p>98</p> <p>1 Q. Okay.</p> <p>2 MR. ALLEN: I think we're done, but I'm not</p> <p>3 sure. With this.</p> <p>4 Q. (BY MR. ALLEN) You've already testified you</p> <p>5 have no direct knowledge of the processes of editorial</p> <p>6 staff in reviewing, editing, copyediting, etcetera, the</p> <p>7 Volume 12 of the <i>Journal of Schenkerian Studies</i>, right?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. That I have no knowledge of the editorial</p> <p>10 practices of the <i>Journal of Schenkerian Studies</i>?</p> <p>11 Q. (BY MR. ALLEN) Yeah. Let me strike that</p> <p>12 question and just ask you straightforwardly. Sorry about</p> <p>13 that, Professor Chung. I just really wanted to get you</p> <p>14 to your break here.</p> <p>15 But back in -- you know, back before July 2020,</p> <p>16 did you have any direct knowledge of how Volume 12 was</p> <p>17 edited, put together, compiled, the day in/day out work</p> <p>18 of editing the volume?</p> <p>19 A. My assumption was that it's not much different</p> <p>20 from any other journal. That's -- that's the extent of</p> <p>21 my knowledge. No -- no specific, confirmed knowledge</p> <p>22 about the specific practices of the journal.</p> <p>23 Q. But you didn't know who was reading what essay?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. No. That is not something that a journal makes</p>	<p>100</p> <p>1 (Exhibit No. 8 marked.)</p> <p>2 Q. (BY MR. ALLEN) So is -- we were talking before</p> <p>3 we went on break about --</p> <p>4 MR. ALLEN: Sorry. Are we on the record?</p> <p>5 THE REPORTER: Yes.</p> <p>6 MR. ALLEN: Thank you.</p> <p>7 Q. (BY MR. ALLEN) We were talking about an open</p> <p>8 letter that you signed that was circulated by members of</p> <p>9 the Society for Music Theory. Do you remember that</p> <p>10 testimony?</p> <p>11 A. Correct.</p> <p>12 Q. Is this that particular, quote, open letter?</p> <p>13 A. This is that letter, correct.</p> <p>14 Q. And it says, "Anyone may sign this document via</p> <p>15 Google Forms," right?</p> <p>16 A. Yes. Correct.</p> <p>17 Q. And the signatures start -- like it's Bates</p> <p>18 marked UNT 1090, this particular copy. And signatures</p> <p>19 start on page UNT 1092, and they proceed for another 23</p> <p>20 pages ending only on UNT 01115.</p> <p>21 A. Correct.</p> <p>22 Q. And I believe -- so hold on one sec. If we can</p> <p>23 find 1096, UNT 1096 by Bates stamp, I believe we find</p> <p>24 your name in -- as a signatory, correct?</p> <p>25 A. Correct.</p>

<p>101</p> <p>1 Q. Do you know of any of your music theory</p> <p>2 colleagues who did not sign this open letter?</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 A. I believe that not all of them did.</p> <p>5 Q. (BY MR. ALLEN) Do you know who were the</p> <p>6 members of your community at the University of North</p> <p>7 Texas that did not sign?</p> <p>8 A. I cannot recall.</p> <p>9 Q. And then if we look at its substance, they are</p> <p>10 talking about Volume 12 of the <i>Journal of Schenkerian</i></p> <p>11 <i>Studies</i>, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And they say that the journal, quote, singled</p> <p>14 out Professor Ewell while denying him a chance to</p> <p>15 respond, right?</p> <p>16 A. Correct.</p> <p>17 Q. And you signed that statement, right? That he</p> <p>18 was, quote, denied a chance to respond?</p> <p>19 A. Correct.</p> <p>20 Q. And they also accuse the language of many of</p> <p>21 its essays of, quote, anti-Black racism, right?</p> <p>22 A. Correct.</p> <p>23 Q. What does that mean to you, anti-Black racism?</p> <p>24 A. Remarks made in poor taste, disparaging</p> <p>25 judgments of Black Americans and Black American musical</p>	<p>103</p> <p>1 A. Yes, it is.</p> <p>2 Q. And if I ask the same about hip hop, would that</p> <p>3 answer be the same, Professor Chung?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. Thank you. And so as you understood it at the</p> <p>6 time, Timothy Jackson's statements about -- I believe you</p> <p>7 said hip hop or rap was -- was anti-Black racism?</p> <p>8 A. No. I said -- I said -- specifically I said</p> <p>9 that some of the remarks in -- not limited to Professor</p> <p>10 Jackson's contribution to the journal -- were racially</p> <p>11 insensitive in my opinion, in poor taste in my opinion.</p> <p>12 Q. Did you think the proper response was to</p> <p>13 publish a refutation of Timothy Jackson's viewpoints?</p> <p>14 MS. QUIMBY: Objection; form.</p> <p>15 A. It is -- it is a standard and expected and</p> <p>16 appropriate procedure for scholars to weigh in on --</p> <p>17 weigh in on the writings of other members of the field.</p> <p>18 Q. (BY MR. ALLEN) Was it appropriate to cancel</p> <p>19 the <i>Journal of Schenkerian Studies</i> in response to this</p> <p>20 so-called anti-Black racism?</p> <p>21 MS. QUIMBY: Objection; form.</p> <p>22 A. What does "cancel" mean in this context?</p> <p>23 Q. (BY MR. ALLEN) Are you aware that the <i>Journal</i></p> <p>24 of <i>Schenkerian Studies</i> has ceased publishing after 2020?</p> <p>25 A. I'm aware of that.</p>
<p>102</p> <p>1 cultures. I remember this appearing in the discourse</p> <p>2 around the journal.</p> <p>3 Q. And do you know what specifically you</p> <p>4 understood, at the time you signed this, constituted</p> <p>5 anti-Black racism in the pages of the <i>Journal of</i></p> <p>6 <i>Schenkerian Studies</i>?</p> <p>7 MS. QUIMBY: Objection; form.</p> <p>8 A. I remember a remark from Professor Jackson --</p> <p>9 and I'm paraphrasing -- to the effect that Black people</p> <p>10 need to be elevated in order to be able to,</p> <p>11 quote/unquote, to compete. Disparaging remarks made</p> <p>12 about rap music, as if rap music is the end all and be</p> <p>13 all of Black American musical production. I remember</p> <p>14 remarks like this.</p> <p>15 Q. (BY MR. ALLEN) Do you, yourself, have a basic</p> <p>16 knowledge as a professor of music theory of rap, hip hop,</p> <p>17 and jazz?</p> <p>18 A. A very basic understanding. I'm certainly not</p> <p>19 an expert.</p> <p>20 Q. Is it controversial in your field that jazz is</p> <p>21 an African American art form, meaning by that that it</p> <p>22 originated in African American culture?</p> <p>23 A. No. That is wildly recognized.</p> <p>24 Q. Is it wildly recognized that rap music is also</p> <p>25 an art form that originated in African American culture?</p>	<p>104</p> <p>1 Q. Was that an appropriate response to, quote,</p> <p>2 anti-Black racism --</p> <p>3 MS. QUIMBY: Objection; form.</p> <p>4 Q. (BY MR. ALLEN) -- if Timothy Jackson did</p> <p>5 express that viewpoint?</p> <p>6 MS. QUIMBY: Objection; form.</p> <p>7 A. Journals stop publishing for all sorts of</p> <p>8 reasons.</p> <p>9 Q. (BY MR. ALLEN) Why do you think the <i>Journal of</i></p> <p>10 <i>Schenkerian Studies</i> stopped publishing?</p> <p>11 A. I'm not privy to that information.</p> <p>12 Q. You have no information as to why?</p> <p>13 A. I'm really not privy -- I can -- I have</p> <p>14 conjectures but I have no real information.</p> <p>15 Q. Did you read a report that was published by the</p> <p>16 University of North Texas called the ad hoc panel</p> <p>17 report in November --</p> <p>18 A. I know of the existence --</p> <p>19 Q. -- of 2020?</p> <p>20 A. Sorry. I know of the existence of such a</p> <p>21 report. I did not read it.</p> <p>22 Q. Okay. Did you read the articles of Volume 12</p> <p>23 of the <i>Journal of Schenkerian Studies</i> before you signed</p> <p>24 this open letter on anti-racist actions?</p> <p>25 A. Not in tremendous detail. I did read the</p>

<p>105</p> <p>1 contents of -- of many of them quickly and hastily.</p> <p>2 Q. Did you read Timothy Jackson's article?</p> <p>3 A. I did read Professor Jackson's article.</p> <p>4 Q. So this -- this open letter on anti-racist --</p> <p>5 by the way, what do you understand by anti-racist? What</p> <p>6 does that mean among music theorists?</p> <p>7 MS. QUIMBY: Objection; form.</p> <p>8 A. I believe that it really has -- has a quite</p> <p>9 bare denotation of meaning, you know, opposing racially</p> <p>10 tinged or racially offensive remarks should they arise,</p> <p>11 racially -- opposing -- let's see -- racially unequal</p> <p>12 behaviors and actions should they arise.</p> <p>13 Q. (BY MR. ALLEN) And you -- do you have any</p> <p>14 personal knowledge of publications in academic journals</p> <p>15 that refuted the factual statements Timothy Jackson made</p> <p>16 in his contribution to Volume 12 of the <i>Journal of</i></p> <p>17 <i>Schenkerian Studies</i>?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. Of specific refutations of the -- like critical</p> <p>20 and historical claims, I am -- I am not aware of any.</p> <p>21 Q. (BY MR. ALLEN) Okay. Now, here in this open</p> <p>22 letter that you signed on anti-racist actions, it refers</p> <p>23 to: "These actions provide further evidence of the</p> <p>24 structural force of white supremacy in our discipline."</p> <p>25 This was also something you signed on to. So</p>	<p>107</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. I can certainly understand why authors of the</p> <p>3 letter would use that language in relation to the ad</p> <p>4 hominem remarks in relation to the disparaging remarks</p> <p>5 about Black musical cultures and so forth. That can</p> <p>6 certainly be interpreted as dehumanizing contents.</p> <p>7 Q. (BY MR. ALLEN) But you can't remember what</p> <p>8 those ad hominem and dehumanizing content is at this</p> <p>9 time?</p> <p>10 A. That Black people's standard needs to be raised</p> <p>11 to compete; that -- that rap -- suggestions that rap</p> <p>12 music, hip hop, and so forth have a sort of lesser</p> <p>13 aesthetic dignity than classical music. Remarks like</p> <p>14 this did appear. And I'm paraphrasing.</p> <p>15 Q. And it's mostly those two that you allege</p> <p>16 Timothy Jackson said in Volume 12?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. Those are the two that stick out in my memory.</p> <p>19 Q. (BY MR. ALLEN) Incidentally, I -- do you</p> <p>20 consider yourself a person of color, Professor Chung?</p> <p>21 A. Yes.</p> <p>22 Q. I assume your background is Chinese in origin?</p> <p>23 But you can correct me if I'm wrong.</p> <p>24 A. You are wrong.</p> <p>25 Q. What is your national origin?</p>
<p>106</p> <p>1 what does -- what does that mean?</p> <p>2 A. This is -- this remark in the letter I believe</p> <p>3 is a response to the ad hominem character of some remarks</p> <p>4 published in Volume 12 of the <i>Journal of Schenkerian</i></p> <p>5 <i>Studies</i>. Ad hominem in reference to Professor Ewell.</p> <p>6 Q. What are those ad hominem statements in the</p> <p>7 <i>Journal of Schenkerian Studies</i> Volume 12?</p> <p>8 A. I don't remember their specific contents at</p> <p>9 this time. I -- I remember Professor Ewell being singled</p> <p>10 out and -- and questioned as far as his remarks go.</p> <p>11 Q. Is it systemically racist to criticize a Black</p> <p>12 scholar?</p> <p>13 MS. QUIMBY: Objection; form.</p> <p>14 A. It certainly can give the appearance.</p> <p>15 Q. (BY MR. ALLEN) So Professor Ewell should be</p> <p>16 treated specially because he's Black and should not be</p> <p>17 criticized?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. No, I don't agree with that.</p> <p>20 Q. (BY MR. ALLEN) And, incidentally, do you</p> <p>21 believe in any way or do you have any -- strike that,</p> <p>22 please.</p> <p>23 Do you have any direct knowledge of anything</p> <p>24 published in the <i>Journal of Schenkerian Studies</i> having,</p> <p>25 quote, dehumanized Professor Ewell?</p>	<p>108</p> <p>1 A. I am Korean.</p> <p>2 Q. Have you experienced white supremacy at the</p> <p>3 University of North Texas?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. Strictly speaking, yes.</p> <p>6 Q. (BY MR. ALLEN) Could you explain for the</p> <p>7 record how you have experienced white supremacy at the</p> <p>8 University of North Texas?</p> <p>9 A. Well, I mean what -- this -- I think this</p> <p>10 depends on what the definitions of white supremacy are.</p> <p>11 Can you give me yours?</p> <p>12 Q. Well, no. You've signed a statement that says,</p> <p>13 "Actions provide further evidence of the structural force</p> <p>14 of white supremacy in our discipline," meaning your</p> <p>15 discipline. You signed it.</p> <p>16 A. You are -- you are leading the proceeding, and</p> <p>17 you have asked the question. I would like you to define</p> <p>18 it.</p> <p>19 Q. Well, what do you mean by white supremacy? You</p> <p>20 signed an SMT open letter saying there's white supremacy</p> <p>21 in your discipline. What do you mean by that?</p> <p>22 A. "White supremacy" here refers to the ways in</p> <p>23 which the norms and judgments of European cultures are</p> <p>24 taken to be the sort of standards and norms.</p> <p>25 Q. And is that what you've perceived at the</p>

<p>109</p> <p>1 university of north texist -- excuse me -- at the</p> <p>2 University of North Texas?</p> <p>3 A. Oh, sure. Every -- any person of color can</p> <p>4 attest to such things I would expect.</p> <p>5 Q. How have you personally experienced white</p> <p>6 supremacy as you define it at the University of North</p> <p>7 Texas?</p> <p>8 A. For instance, the, you know, emphasis on</p> <p>9 European composers in the curricula of my department.</p> <p>10 For instance, the majority white representation of</p> <p>11 administrative staff, chairs, tenured faculty.</p> <p>12 Q. So the bear number of people who are white in</p> <p>13 your department is -- is evidence of white supremacy; is</p> <p>14 that -- is that your testimony?</p> <p>15 MS. QUIMBY: Objection; form.</p> <p>16 A. My testimony is that the -- the majority white</p> <p>17 population of the University and its staff and institu-</p> <p>18 -- and its structures mean that the majority -- the</p> <p>19 majority of power holders are -- are white people.</p> <p>20 Q. (BY MR. ALLEN) And how have -- how has your</p> <p>21 career suffered because of the majority representation of</p> <p>22 white people at the University of North Texas?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. I don't believe that my career has suffered.</p> <p>25 Q. (BY MR. ALLEN) Have you not been able to</p>	<p>111</p> <p>1 supremacy?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 A. Perhaps not in the -- you know, in the manner</p> <p>4 in which white supremacy is used on television or so</p> <p>5 forth. But, yes, it -- strictly speaking it is an</p> <p>6 expression of white supremacy.</p> <p>7 Q. (BY MR. ALLEN) And you also signed this</p> <p>8 statement where it says here under like a sub area B,</p> <p>9 "These white supremacist roots have resulted in racist</p> <p>10 policies that have benefited whites and whiteness while</p> <p>11 disadvantaging nonwhites and nonwhiteness."</p> <p>12 Did I read that correctly?</p> <p>13 A. Correct.</p> <p>14 Q. What racist policies can you identify at the</p> <p>15 University of North Texas that have benefited whites and</p> <p>16 whiteness while disadvantaging nonwhites and</p> <p>17 nonwhiteness?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. Strict policy there I can think of none.</p> <p>20 Q. (BY MR. ALLEN) Okay. And can you identify</p> <p>21 injustices suffered by BIPOC at all stages of their</p> <p>22 careers at the University of North Texas?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. Only anecdotically.</p> <p>25 Q. (BY MR. ALLEN) Well, please tell us some</p>
<p>110</p> <p>1 publish what you want because of white supremacy at the</p> <p>2 University of North Texas?</p> <p>3 A. I don't publish at the University of North</p> <p>4 Texas.</p> <p>5 Q. That wasn't my question.</p> <p>6 Have you not been able to publish in your field</p> <p>7 what you want because of white supremacy at the</p> <p>8 University of North Texas?</p> <p>9 MS. QUIMBY: Objection; form.</p> <p>10 A. Me personally, no, I have not experienced that</p> <p>11 on -- that.</p> <p>12 Q. (BY MR. ALLEN) Have you experienced pressure</p> <p>13 in your discipline not to publish whatever you want</p> <p>14 because of white supremacy in your discipline?</p> <p>15 MS. QUIMBY: Objection; form.</p> <p>16 A. There are certainly explicit pressures to</p> <p>17 publish on topics that, you know, appeal to -- to</p> <p>18 scholars of the sort, you know, traditional core of -- of</p> <p>19 European musical repertoires.</p> <p>20 Q. (BY MR. ALLEN) So teaching European musical</p> <p>21 repertoires is itself an expression of white supremacy?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. It expresses the predominance of white European</p> <p>24 cultures.</p> <p>25 Q. (BY MR. ALLEN) And in your view that is white</p>	<p>112</p> <p>1 anecdotes relevant to the University of North Texas in</p> <p>2 your experience.</p> <p>3 A. Sure. Anecdotically I think scholars of color</p> <p>4 are less accustomed to having their ideas be, you know,</p> <p>5 immediately believed. Scholars of color are often</p> <p>6 accustomed to deferring to -- to majority white</p> <p>7 colleagues. This is a common anecdotal experience in</p> <p>8 the academy.</p> <p>9 Q. As a person of color -- I mean "BIPOC" stands</p> <p>10 for black, indigenous, person of color, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And I'm reading from the SMT open letter that</p> <p>13 says, "Racist policies have resulted in injustices</p> <p>14 suffered by BIPOC at all stages of their careers."</p> <p>15 Did I read that correctly?</p> <p>16 A. Correct.</p> <p>17 Q. And as a person of color yourself, have you</p> <p>18 experienced at the University of North Texas difficulty</p> <p>19 being believed because of the color of your skin?</p> <p>20 A. I certainly have my suspicions that such is the</p> <p>21 case. Again, not having omniscient access to other</p> <p>22 people's internal states, I can't confirm or deny.</p> <p>23 Q. Well, describe an incident. I mean, you're the</p> <p>24 one signing statements that says this racism is so</p> <p>25 pervasive that you needed to sign a very lengthy</p>

<p>113</p> <p>1 statement about it. So please describe instances in</p> <p>2 which you -- I guess you said you surmised that you were</p> <p>3 being disbelieved because of your race.</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. I mean, for instance, ideas about making</p> <p>6 curricular changes to include more nonwestern musics are</p> <p>7 sometimes met with skepticism.</p> <p>8 Q. (BY MR. ALLEN) When did you make such --</p> <p>9 (Cross-talk.)</p> <p>10 A. -- remarks of the sort that the -- that the</p> <p>11 letter is -- is talking about.</p> <p>12 Q. (BY MR. ALLEN) When did you make such</p> <p>13 suggestions that were rejected?</p> <p>14 A. I don't recall making such suggestions myself.</p> <p>15 But this is -- this is the kind of thing that the letter</p> <p>16 is talking about.</p> <p>17 Q. And you also said that, I believe, BIPOC</p> <p>18 scholars defer to their white colleagues. That's another</p> <p>19 example of racial supremacy?</p> <p>20 MS. QUIMBY: Objection; form.</p> <p>21 A. Strictly speaking, yes.</p> <p>22 Q. (BY MR. ALLEN) When have you individually,</p> <p>23 Professor Chung, deferred to your white colleagues</p> <p>24 because of their white supremacy?</p> <p>25 A. Because of their white supremacy? What do you</p>	<p>115</p> <p>1 of color to talk about race.</p> <p>2 Q. (BY MR. ALLEN) Do you feel compromised in your</p> <p>3 tenure application by your participation in the open</p> <p>4 discussion about race in July of 2020?</p> <p>5 A. Beyond conjecture, no.</p> <p>6 Q. You certainly don't believe you suffer from any</p> <p>7 kind of fragile nature that prevents you from speaking</p> <p>8 your mind about race at the University of North Texas, do</p> <p>9 you?</p> <p>10 MS. QUIMBY: Objection; form.</p> <p>11 A. Can you repeat the question? Fragile nature?</p> <p>12 Q. (BY MR. ALLEN) Yeah. Do you -- is there some</p> <p>13 sort of fragility that you suffer from that would prevent</p> <p>14 you from speaking your mind on matters of race at the</p> <p>15 University of North Texas?</p> <p>16 MS. QUIMBY: Objection; form.</p> <p>17 A. Well, it's often not a prudent topic. I think</p> <p>18 fragility is a -- I don't know why that's entering the</p> <p>19 question.</p> <p>20 Q. (BY MR. ALLEN) It's, quote, not a prudent</p> <p>21 topic, that's your -- that's your view?</p> <p>22 A. Sometimes.</p> <p>23 Q. And yet you know that Philip Ewell's</p> <p>24 November 2019 paper at the university -- excuse me -- at</p> <p>25 the Society for Music Theory was well received, correct?</p>
<p>114</p> <p>1 mean?</p> <p>2 Q. Well, I don't know. That's when you're</p> <p>3 describing. You said that it is a marker of white</p> <p>4 supremacy in your discipline that people of color defer</p> <p>5 to their white colleagues and that indicates systemic</p> <p>6 race, or something like that. Did I -- did I</p> <p>7 mischaracterize that?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. Yeah. It's not the best characterization.</p> <p>10 Q. (BY MR. ALLEN) So I'm asking for a specific</p> <p>11 example of when you deferred to a white colleague and you</p> <p>12 believe that was because of white supremacy.</p> <p>13 A. What that means is that, you know, you were</p> <p>14 expected -- scholars of color are, you know, not -- are</p> <p>15 expected to really not talk about race.</p> <p>16 Q. It seems like all this open letter talks about</p> <p>17 is race. Did that apply to this open letter too?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 A. No. That's why -- that's why it's an open</p> <p>20 letter.</p> <p>21 Q. (BY MR. ALLEN) You didn't -- you certainly</p> <p>22 didn't feel impeded from talking about racism in July</p> <p>23 of 2020, did you?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. In July 2020? It's always risky for scholars</p>	<p>116</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. Yes.</p> <p>3 Q. (BY MR. ALLEN) It didn't seem that that</p> <p>4 required any prudence for him to avoid that topic, right?</p> <p>5 MS. QUIMBY: Objection; form.</p> <p>6 A. Oh, it certainly required prudence to -- to</p> <p>7 handle that topic correctly or handle that topic at all.</p> <p>8 Q. (BY MR. ALLEN) Did you think it was</p> <p>9 particularly courageous of him, for instance, to avoid</p> <p>10 reading his critics in the <i>Journal of Schenkerian</i></p> <p>11 <i>Studies</i>?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. I don't think courage or not courage is the --</p> <p>14 is the correct axis on -- on which that hinges. I think</p> <p>15 that's if -- you know, if the scholar chooses not to read</p> <p>16 their critics for their own reasons, whatever they may</p> <p>17 be, that's -- that's their prerogative.</p> <p>18 Q. (BY MR. ALLEN) Yet in this letter, you singled</p> <p>19 Professor Ewell out as someone with -- among others who</p> <p>20 spoke at that 2019 plenary session, as someone with</p> <p>21 exceptional courage, correct?</p> <p>22 A. Correct.</p> <p>23 Q. I want to transition now to speaking of the --</p> <p>24 the faculty letter which you also signed in addition.</p> <p>25 Before we move on, do you recall when you signed this SMT</p>

<p>117</p> <p>1 open letter on anti-racist actions?</p> <p>2 A. I do not recall when that was.</p> <p>3 Q. Was it before or after the July 25 emails that</p> <p>4 we had examined earlier?</p> <p>5 A. It -- it has to have been after.</p> <p>6 Q. Okay. Is it safe to say it was before the end</p> <p>7 of July, if you know?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. It's not safe to say that. It was before -- I</p> <p>10 don't know. It was before the beginning of 2024. I do</p> <p>11 not recall the time when this letter was circulated.</p> <p>12 Q. (BY MR. ALLEN) It certainly would have been in</p> <p>13 2020, right?</p> <p>14 A. It would have been in 2020 after July.</p> <p>15 Q. Okay.</p> <p>16 A. That's my assumption.</p> <p>17 Q. And that's fine. I understand the limits of</p> <p>18 memory.</p> <p>19 MR. ALLEN: I'm going to mark for the</p> <p>20 record as Exhibit 9 a document captioned ad hoc panel --</p> <p>21 Ad Hoc Review Panel Report of Review of Conception and</p> <p>22 Production of Volume 12 of the <i>Journal of Schenkerian</i></p> <p>23 <i>Studies</i>, and it is dated November 25, 2020.</p> <p>24 (Exhibit No. 9 marked.)</p> <p>25 Q. (BY MR. ALLEN) I'm going to represent to you,</p>	<p>119</p> <p>1 your graduate students in their letter condemning the</p> <p>2 <i>Journal of Schenkerian Studies</i>, right?</p> <p>3 A. That is what that says, correct.</p> <p>4 Q. What does that refer to?</p> <p>5 A. What does what refer to?</p> <p>6 Q. The letter of condemnation that the graduate</p> <p>7 students apparently wrote concerning the <i>Journal of</i></p> <p>8 <i>Schenkerian Studies</i>.</p> <p>9 A. Well, that is referring to, I believe, the</p> <p>10 document in the second link.</p> <p>11 Q. The link right here that I am --</p> <p>12 A. Correct.</p> <p>13 Q. Oops. I just launched it.</p> <p>14 I'm highlighting it here. It follows in the</p> <p>15 second paragraph after the statement, "We endorse the</p> <p>16 call for action outlined in our student letter"?</p> <p>17 A. Yeah.</p> <p>18 Q. That URL?</p> <p>19 A. Yeah. Correct.</p> <p>20 Q. And I am just going to represent to you that</p> <p>21 that URL would lead to this attachment to Exhibit 9.</p> <p>22 A. Correct.</p> <p>23 Q. Is this the letter you remember endorsing?</p> <p>24 MS. QUIMBY: Objection; form.</p> <p>25 A. This is the letter to which we -- we refer in</p>
<p>118</p> <p>1 Professor Chung, that this is a report that was issued by</p> <p>2 a so-called ad hoc panel convened to investigate the</p> <p>3 <i>Journal of Schenkerian Studies</i>, supposedly objectively,</p> <p>4 and charged with that by Jennifer Cowley, your former</p> <p>5 provost.</p> <p>6 You had already testified that you did not read</p> <p>7 this document, so I'm not going to ask you to comment on</p> <p>8 it. But it does have, as exhibits, at the very end</p> <p>9 various attachments, and it's those that I would like to</p> <p>10 talk about.</p> <p>11 A. Okay.</p> <p>12 Q. This is one captioned Statement of UNT Faculty</p> <p>13 on <i>Journal of Schenkerian Studies</i>, and it's signed by</p> <p>14 you. Do you see that?</p> <p>15 A. Correct.</p> <p>16 Q. Do you recognize this attachment -- I'm not</p> <p>17 asking you about the -- the total report, just this</p> <p>18 attachment. Do you recognize this attachment?</p> <p>19 A. Yes.</p> <p>20 Q. And what is this Statement of UNT Faculty on</p> <p>21 <i>Journal of Schenkerian Studies</i> in Exhibit 9?</p> <p>22 A. I take it as an expression of disapprobation</p> <p>23 towards some of the contents of JSS Volume 12.</p> <p>24 Q. And -- let me see if we can...</p> <p>25 Here you also say you stand in solidarity with</p>	<p>120</p> <p>1 the faculty letter.</p> <p>2 Q. (BY MR. ALLEN) Okay. Again, it says here</p> <p>3 the -- referring to Volume 12 of the <i>Journal of</i></p> <p>4 <i>Schenkerian Studies</i>, "It's replete with racial</p> <p>5 stereotypes and tropes," right?</p> <p>6 A. Correct.</p> <p>7 Q. And those were the same disparaging comments</p> <p>8 you believe were also what you were thinking about when</p> <p>9 you signed the SMT letter -- the SMT open letter?</p> <p>10 A. Correct.</p> <p>11 Q. Were there any others that you were thinking of</p> <p>12 when you signed this -- you were referring to when you</p> <p>13 signed this letter?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay. And then you say in this letter you've</p> <p>16 signed of UNT faculty, "The fact that he was not afforded</p> <p>17 the opportunity to respond in print in unacceptable, as</p> <p>18 is the lack of a clearly defined peer-review process."</p> <p>19 Did I read that correctly?</p> <p>20 A. Correct.</p> <p>21 Q. Who does "he" refer to in that sentence?</p> <p>22 A. Professor Ewell.</p> <p>23 Q. And so you're making an assertion of fact that</p> <p>24 he was not afforded the opportunity to respond in print,</p> <p>25 right?</p>

<p style="text-align: right;">121</p> <p>1       <b>A. What do you mean by an assertion of fact?</b></p> <p>2       Q. Well, this is the language that you signed on</p> <p>3 to. "The fact that he was not afforded the opportunity</p> <p>4 to respond in print is unacceptable," correct?</p> <p>5       <b>A. Yes. That -- that was our surmise to the best</b></p> <p>6 <b>of our knowledge, that he was not contacted to respond to</b></p> <p>7 <b>the -- the pieces that were published in Volume 12.</b></p> <p>8       Q. Were you aware that Benjamin Graf contacted</p> <p>9 Philip Ewell to invite him to respond?</p> <p>10       MS. QUIMBY: Objection; form.</p> <p>11       <b>A. I was not.</b></p> <p>12       Q. (BY MR. ALLEN) Benjamin Graf signed this</p> <p>13 letter as well, right?</p> <p>14       <b>A. Yes. I see his name there.</b></p> <p>15       Q. You don't recall anyone pointing out that</p> <p>16 Philip Ewell also received the SMT invitation to</p> <p>17 contribute to Volume 12?</p> <p>18       MS. QUIMBY: Objection; form.</p> <p>19       <b>A. I don't believe that that counts as an</b></p> <p>20 <b>invitation to respond to the -- the -- the pieces that</b></p> <p>21 <b>were solicited for the journal. That's a somewhat</b></p> <p>22 <b>different matter of being invited to contribute to the --</b></p> <p>23 <b>the pieces that were initially collected.</b></p> <p>24       Q. (BY MR. ALLEN) So only a personal invitation</p> <p>25 would have, quote, afforded the opportunity to respond in</p>	<p style="text-align: right;">123</p> <p>1 say -- you endorse the call for action outlined in the</p> <p>2 students letter, right?</p> <p>3       <b>A. Uh-huh.</b></p> <p>4       Q. Right here?</p> <p>5       <b>A. Uh-huh.</b></p> <p>6       Q. So let's talk about the students letter.</p> <p>7       <b>A. Okay.</b></p> <p>8       Q. Which was incorporated by reference through</p> <p>9 that URL link, right, into the --</p> <p>10       <b>A. Right.</b></p> <p>11       MS. QUIMBY: Objection; form.</p> <p>12       Q. (BY MR. ALLEN) -- the faculty letter?</p> <p>13       MS. QUIMBY: Objection; form.</p> <p>14       <b>A. Correct.</b></p> <p>15       Q. (BY MR. ALLEN) Thank you. So let's see. Here</p> <p>16 you endorse this, that it was platforming racist</p> <p>17 sentiments, the <i>Journal of Schenkerian Studies</i>?</p> <p>18       MS. QUIMBY: Objection; form.</p> <p>19       <b>A. What's the question, please? Sorry.</b></p> <p>20       Q. (BY MR. ALLEN) You endorse this part of the</p> <p>21 letter that the <i>Journal of Schenkerian Studies</i> was</p> <p>22 platforming, quote, racist sentiments?</p> <p>23       MS. QUIMBY: Objection; form.</p> <p>24       <b>A. I certainly endorse that the students were</b></p> <p>25 <b>appalled, that they perceived such to be the case. I</b></p>
<p style="text-align: right;">122</p> <p>1 print according to your testimony?</p> <p>2       MS. QUIMBY: Objection; form.</p> <p>3       <b>A. Well, that is -- that is the implicit and</b></p> <p>4 <b>specific meaning of that remark in the -- in the letter.</b></p> <p>5       Q. (BY MR. ALLEN) That's the implicit meaning is</p> <p>6 what you're saying?</p> <p>7       <b>A. That is what I'm saying.</b></p> <p>8       Q. It doesn't say that though, does it?</p> <p>9       <b>A. Debatable.</b></p> <p>10       Q. It actually says, "He was not afforded the</p> <p>11 opportunity to respond in print," right?</p> <p>12       <b>A. That is -- that is the denotation of that</b></p> <p>13 <b>sentence, yeah.</b></p> <p>14       Q. Was there anything that prevented you from</p> <p>15 qualifying that in -- along the lines of: He wasn't</p> <p>16 provided a personal engraved invitation or something of</p> <p>17 that nature?</p> <p>18       MS. QUIMBY: Objection; form.</p> <p>19       <b>A. An engraved invitation? What does that mean?</b></p> <p>20       Q. (BY MR. ALLEN) There's no qualifying language</p> <p>21 to this factual statement indicating that there is some</p> <p>22 sort of hidden, implicit meaning, is there?</p> <p>23       MS. QUIMBY: Objection; form.</p> <p>24       <b>A. There's no qualifying remark, no.</b></p> <p>25       Q. (BY MR. ALLEN) All right. Then you also</p>	<p style="text-align: right;">124</p> <p>1 <b>think that to many people's reasonable judgments</b></p> <p>2 <b>racially -- racially incentives -- racially incentive --</b></p> <p>3 <b>racially insensitive sentiments appeared in the journal.</b></p> <p>4 <b>That was also my understanding. That was also my</b></p> <p>5 <b>opinion, yes.</b></p> <p>6       Q. (BY MR. ALLEN) You also endorsed this</p> <p>7 statement, "The students have absolutely no say in the</p> <p>8 content of the JSS."</p> <p>9       MS. QUIMBY: Objection; form.</p> <p>10       Q. (BY MR. ALLEN) Right here. That's a factual</p> <p>11 statement, right, Professor Chung?</p> <p>12       MS. QUIMBY: Objection; form.</p> <p>13       <b>A. What's a factual statement, the statement that</b></p> <p>14 <b>students have --</b></p> <p>15       Q. (BY MR. ALLEN) "Students have absolutely no</p> <p>16 say in the content of the JSS," right?</p> <p>17       MS. QUIMBY: Objection; form.</p> <p>18       <b>A. I believe that students -- yeah. I believe</b></p> <p>19 <b>that students generally believe they don't have ultimate</b></p> <p>20 <b>final say over what goes into the journal.</b></p> <p>21       Q. (BY MR. ALLEN) You've never discussed that</p> <p>22 with Mr. Walls, right?</p> <p>23       <b>A. I -- I know so little about Schenkerian studies</b></p> <p>24 <b>and the <i>Journal of Schenkerian Studies</i> that this hasn't</b></p> <p>25 <b>come up in our discussions.</b></p>

<p style="text-align: right;">125</p> <p>1 Q. Okay. Good. Did you consider this part that</p> <p>2 you endorsed, "Publicly condemn the issue and release it</p> <p>3 free online to the public"?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 A. I endorse the ability of the students to -- to,</p> <p>6 you know, make these kinds of calls.</p> <p>7 Q. (BY MR. ALLEN) Sure.</p> <p>8 A. Express their voices like this.</p> <p>9 Q. Uh-huh. But that's not what your letter says,</p> <p>10 is it? It says, "We endorse the call for action outlined</p> <p>11 in our students letter," right?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. I took that -- I took that as, you know,</p> <p>14 endorsing their general sentiments through the letter. I</p> <p>15 certainly endorse their rights to express themselves and</p> <p>16 to -- to declare their opinions and to ask for certain</p> <p>17 kinds of actions.</p> <p>18 Q. (BY MR. ALLEN) Incidentally, they also called</p> <p>19 for providing a full public account of the editorial and</p> <p>20 publication process and its failures, right?</p> <p>21 A. Correct.</p> <p>22 Q. And you endorsed that call for action?</p> <p>23 MS. QUIMBY: Objection; form.</p> <p>24 A. Sure. I think when a journal is asked to -- to</p> <p>25 clarify its procedures in the name of transparency, I</p>	<p style="text-align: right;">127</p> <p>1 right?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 A. I was not aware of that.</p> <p>4 Q. (BY MR. ALLEN) Did you know that Timothy</p> <p>5 Jackson wrote a response to this report?</p> <p>6 A. No. I knew of no such writing.</p> <p>7 Q. Are you aware of any calls at the University of</p> <p>8 North Texas to provide a, quote, full public account of</p> <p>9 the editorial and publication process so that it includes</p> <p>10 Timothy Jackson's response?</p> <p>11 MS. QUIMBY: Objection; form.</p> <p>12 A. I am not aware.</p> <p>13 Q. (BY MR. ALLEN) Okay. Now, another thing they</p> <p>14 called for, the graduate students, is to dissolve the</p> <p>15 JSS, right?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And we've already established that the JSS has</p> <p>18 not published since the time of the publication of these</p> <p>19 statements, correct?</p> <p>20 A. Sure.</p> <p>21 Q. So that succeeded, correct?</p> <p>22 MS. QUIMBY: Objection; form.</p> <p>23 A. That's debatable. I mean, journals can stop</p> <p>24 publishing for all sorts of reasons other than</p> <p>25 dissolution.</p>
<p style="text-align: right;">126</p> <p>1 don't see why that's an objectionable thing to ask for.</p> <p>2 I certainly -- I endorse that.</p> <p>3 Q. (BY MR. ALLEN) Would a full public account of</p> <p>4 the editorial and publication processes be objective,</p> <p>5 using the words of Jennifer Cowley here, if it excluded</p> <p>6 indications that Levi Walls was lying about his</p> <p>7 relationship with Professor Jackson?</p> <p>8 MS. QUIMBY: Objection; form.</p> <p>9 A. I'm not sure -- I'm not sure under -- can</p> <p>10 you -- I'm sorry, I think I lost my train of thought --</p> <p>11 Q. (BY MR. ALLEN) Sure.</p> <p>12 A. -- in the middle of your question.</p> <p>13 Q. That's fine.</p> <p>14 MR. ALLEN: Please restate the question to</p> <p>15 the witness, Madam Court Reporter.</p> <p>16 (Requested portion was read.)</p> <p>17 A. I mean, I'm -- I'm -- I was not privy to the --</p> <p>18 privy to the -- the conversations of -- having to do with</p> <p>19 the editorial board. I am not privy to understanding or</p> <p>20 whether Levi was speaking truthfully or mendaciously some</p> <p>21 point or another. I don't have any insight into that</p> <p>22 question.</p> <p>23 Q. (BY MR. ALLEN) And did know that this</p> <p>24 Exhibit 9, the ad hoc panel report, was published online</p> <p>25 and remains online by the University of North Texas,</p>	<p style="text-align: right;">128</p> <p>1 Q. (BY MR. ALLEN) But you do know that it hasn't</p> <p>2 published again, right?</p> <p>3 A. That doesn't imply being dissolved. I do know</p> <p>4 it has stopped publication, yes.</p> <p>5 Q. Are you aware of any editorial board</p> <p>6 constituted at the present time that is in the process of</p> <p>7 publishing the <i>Journal of Schenkerian Studies</i>?</p> <p>8 A. No such board exists to my knowledge. I could</p> <p>9 be wrong.</p> <p>10 Q. But you think it's still a matter of mystery as</p> <p>11 to whether the JSS has dissolved?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 A. I never said such a thing. I said the</p> <p>14 process --</p> <p>15 Q. (BY MR. ALLEN) Let's skip down -- I'm sorry.</p> <p>16 Go ahead.</p> <p>17 A. I said the JSS very clearly has stopped</p> <p>18 publishing. Whether it was dissolved, per se, I'm not</p> <p>19 privy to such information.</p> <p>20 Q. Number 3 here -- I don't know why I can't get</p> <p>21 it -- grab it. But do you see this in highlight?</p> <p>22 A. Yes.</p> <p>23 Q. It says, "Hold accountable every person</p> <p>24 responsible for the direction of the publication. This</p> <p>25 will involve recognizing both whistleblowers and those</p>



<p>129</p> <p>1 who failed to heed them in this process."</p> <p>2 Do you know who is being referred to there as</p> <p>3 a, quote, whistleblower?</p> <p>4 A. Specifically, no.</p> <p>5 Q. You didn't bother to find that out before you,</p> <p>6 quote, endorsed the call for action in this letter?</p> <p>7 MS. QUIMBY: Objection; form.</p> <p>8 A. I endorse students abilities to make these kind</p> <p>9 of calls. I endorse students, you know, abilities to ask</p> <p>10 for more transparency.</p> <p>11 Q. (BY MR. ALLEN) Did you make any effort to find</p> <p>12 out who the so-called whistleblowers were?</p> <p>13 A. I did not.</p> <p>14 Q. It also goes on to say, "This should also</p> <p>15 extend to investigating past bigoted behaviors by faculty</p> <p>16 and, by taking this into account, the discipline and</p> <p>17 potential removal of faculty who use the JSS platform to</p> <p>18 promote racism. Specifically, the actions of</p> <p>19 Dr. Jackson -- both past and present -- are particularly</p> <p>20 racist and unacceptable."</p> <p>21 Did I read that right?</p> <p>22 A. That is what the document says, correct.</p> <p>23 Q. Did you investigate the truth or falsehood of</p> <p>24 any of those statements before signing the faculty</p> <p>25 statement?</p>	<p>131</p> <p>1 faculty, meaning you the faculty, were formulating this</p> <p>2 statement of UNT faculty on the <i>Journal of Schenkerian</i></p> <p>3 <i>Studies</i> you discussed with your colleagues your</p> <p>4 limitations on what you were choosing to endorse and what</p> <p>5 not to endorse in the student statement?</p> <p>6 MS. QUIMBY: Objection.</p> <p>7 A. But limitations are always implicit. As a</p> <p>8 professor, you never endorse everything that students say</p> <p>9 because by -- by virtue of the fact that they are</p> <p>10 students. This is a general endorsement, not a</p> <p>11 line-by-line-type of endorsement.</p> <p>12 Q. (BY MR. ALLEN) So my question was different.</p> <p>13 My question is: Do you recall any discussions</p> <p>14 with your fellow faculty members about what you were</p> <p>15 endorsing and what you weren't endorsing?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you know of any documents that would</p> <p>18 help refresh your memory of any such conversations?</p> <p>19 A. At the moment I do not recall.</p> <p>20 Q. I just have one more line of questioning about</p> <p>21 what I'll just loosely call the diversity, equity, and</p> <p>22 inclusion policies at the University of North Texas</p> <p>23 back in -- back in this time frame.</p> <p>24 But before we start that, can you just explain</p> <p>25 for the record what you understand by diversity at the</p>
<p>130</p> <p>1 MS. QUIMBY: Objection; form.</p> <p>2 A. Here I defer to people with more institutional</p> <p>3 knowledge than -- than I have.</p> <p>4 Q. (BY MR. ALLEN) I'm asking you about what you</p> <p>5 did before you signed the statement. Did you look into</p> <p>6 whether Timothy Jackson had engaged in specific racist</p> <p>7 actions before endorsing the student statement with your</p> <p>8 signature?</p> <p>9 A. If such things -- if such things have been</p> <p>10 alleged, then they should be investigated.</p> <p>11 Q. No, that's not my question.</p> <p>12 My question is: Did you do anything to confirm</p> <p>13 that Timothy Jackson had committed some sort of racist</p> <p>14 action before you endorsed the faculty statement with</p> <p>15 your signature which incorporated by reference this call</p> <p>16 to action?</p> <p>17 MS. QUIMBY: Objection; form.</p> <p>18 A. I did not.</p> <p>19 Q. (BY MR. ALLEN) Okay. Do you recall there</p> <p>20 being any discussion amongst you as faculty [audio cut</p> <p>21 out] about -- you know, limitations about what you</p> <p>22 wished?</p> <p>23 (Reporter clarification.)</p> <p>24 Q. (BY MR. ALLEN) Do you recall in this July 2020</p> <p>25 time frame while you were formulating -- you -- the</p>	<p>132</p> <p>1 University of North Texas?</p> <p>2 A. Openness to a wide variety of viewpoints.</p> <p>3 Openness to, you know, recognizing the dignity of</p> <p>4 multiple aesthetic cultures. Openness to, for instance,</p> <p>5 being equally welcoming to students of all ethnic</p> <p>6 backgrounds and faculty as well.</p> <p>7 Q. And could we throw in gender as well, equally</p> <p>8 welcoming to all?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And, just similarly, can you describe</p> <p>11 for the record what you understand by inclusion as used</p> <p>12 at the University of North Texas?</p> <p>13 A. In University language, my understanding is</p> <p>14 that these -- these diversity and inclusion,</p> <p>15 particularly, have much of the same denotation.</p> <p>16 Inclusion refers to, you know, allowing equal access for</p> <p>17 voices from different sorts of perspectives to -- to take</p> <p>18 part in classroom and, you know, administrative and</p> <p>19 pedagogical conversations.</p> <p>20 Q. So I'm not trying to put words in your mouth,</p> <p>21 but does that mean sort of everything you described as</p> <p>22 diversity plus making sure those groups or individuals</p> <p>23 that were encompassed within the diverse umbrella were</p> <p>24 also included in the educational programs of the</p> <p>25 University?</p>

<p style="text-align: right;">133</p> <p>1       <b>A. Yes.</b></p> <p>2       Q. And do you recall a faculty retreat in January</p> <p>3 of 2022 which was focused on diversity and inclusion?</p> <p>4       <b>A. I can't recall if I attended that -- that</b></p> <p>5 <b>retreat.</b></p> <p>6       Q. That was going to be my next question. So let</p> <p>7 me see if I can pull this up, and maybe we can settle</p> <p>8 that question once and for all.</p> <p>9       <b>A. Okay.</b></p> <p>10      Q. I'm going to mark for the record -- let's see.</p> <p>11 I'm going to have to pull it down first.</p> <p>12           MR. ALLEN: Madam Court Reporter, are we up</p> <p>13 to 10, Exhibit 10?</p> <p>14           THE REPORTER: Yes, sir.</p> <p>15           MR. ALLEN: I'm going to mark for the</p> <p>16 record as Exhibit 10, and I will publish to the chat as</p> <p>17 well to the record.</p> <p>18           (Exhibit No. 10 marked.)</p> <p>19      Q. (BY MR. ALLEN) This is a -- a string of emails</p> <p>20 plus an attachment dated November 23, 2021.</p> <p>21       <b>A. Okay.</b></p> <p>22      Q. Where did it go? Why am I not -- sorry. I</p> <p>23 recognize I am -- there we go.</p> <p>24           MR. ALLEN: I misspoke. This is -- this is</p> <p>25 Exhibit 10. It is an email dated January 5, 2022. So I</p>	<p style="text-align: right;">135</p> <p>1       <b>do as an organization.</b></p> <p>2       Q. That's fine. And it might be that this will be</p> <p>3 the end of our conversation about this because if you</p> <p>4 don't know, you don't know.</p> <p>5           But let me just really quickly -- I'll mark as</p> <p>6 final exhibit here. Well, it may be the final exhibit.</p> <p>7 Exhibit 11.</p> <p>8       <b>A. Okay.</b></p> <p>9           (Exhibit No. 11 marked.)</p> <p>10           MR. ALLEN: That's there published to the</p> <p>11 list. So, then, I apologize. This is what I had got</p> <p>12 confused about before. I looked at this one first.</p> <p>13 There, I published it to the chat.</p> <p>14      Q. (BY MR. ALLEN) Now, we've got -- Exhibit 11 is</p> <p>15 the email of November 23, 2021. It has an attach --</p> <p>16 well, the Bates number is UNT 5523, and it had this</p> <p>17 attachment, again, announcing a faculty and staff retreat</p> <p>18 for January 11, 2022. Did I characterize that correctly?</p> <p>19       <b>A. Correct.</b></p> <p>20      Q. Now, I'm just going to ask if this helps</p> <p>21 refresh your memory about whether you did participate in</p> <p>22 this faculty retreat, Professor Chung?</p> <p>23       <b>A. I cannot recall from --</b></p> <p>24      Q. Okay.</p> <p>25       <b>A. I can't recall whether I participated in this.</b></p>
<p style="text-align: right;">134</p> <p>1 would like to strike that previous designation of</p> <p>2 Exhibit 10.</p> <p>3      Q. (BY MR. ALLEN) It's a -- Exhibit 10 is, in</p> <p>4 fact, an email dated January 5, 2022, with UNT Bates</p> <p>5 No. 5521 and it announces a College of Music retreat for</p> <p>6 Tuesday, January 11. Did I characterize that correctly,</p> <p>7 Professor Chung?</p> <p>8       <b>A. Yes. I believe so.</b></p> <p>9      Q. And do you recall participating in this</p> <p>10 retreat?</p> <p>11       <b>A. I can't recall whether I participated or not.</b></p> <p>12 <b>I -- I -- I have not participated in all of these faculty</b></p> <p>13 <b>retreats as they come.</b></p> <p>14      Q. Okay. Do you remember or do you -- let me put</p> <p>15 it differently and strike that question.</p> <p>16           Can you tell me if you know who Afa S. Dworkin</p> <p>17 is?</p> <p>18       <b>A. I -- I do not know who Afa Dworkin is, no.</b></p> <p>19      Q. Apparently she is the president and artistic</p> <p>20 director of Sphinx. Do you see that?</p> <p>21       <b>A. Yes. Uh-huh.</b></p> <p>22      Q. Are you familiar with an organization called</p> <p>23 Sphinx?</p> <p>24       <b>A. I've heard of the organization before. I</b></p> <p>25 <b>don't -- I'm not privy to what -- what they -- what they</b></p>	<p style="text-align: right;">136</p> <p>1      Q. Okay. I just want to ask one quick question</p> <p>2 about Professor Bakulina. Do you know when Professor</p> <p>3 Bakulina left the University of North Texas faculty?</p> <p>4       <b>A. I believe this was at the end of the academic</b></p> <p>5 <b>year in 2000- -- May 2022.</b></p> <p>6      Q. So to the best of your knowledge, she would</p> <p>7 have been around -- I'm not saying she participated or</p> <p>8 that you know, but she would have been around in January</p> <p>9 of 2022 at the time of this retreat?</p> <p>10       <b>A. Yes.</b></p> <p>11      Q. Okay.</p> <p>12           MR. ALLEN: Let's go off the record,</p> <p>13 please.</p> <p>14           THE VIDEOGRAPHER: The time is 12:24 p.m.</p> <p>15 We are off the record.</p> <p>16           (Recess from 12:24 p.m. to 12:32 p.m.)</p> <p>17           THE VIDEOGRAPHER: The time is 12:32 p.m.</p> <p>18 We are on the record.</p> <p>19      Q. (BY MR. ALLEN) Professor Chung, thank you for</p> <p>20 your time today. I just have a few more questions.</p> <p>21 Depending on your answers, I think we can probably wrap</p> <p>22 it up pretty quickly.</p> <p>23           Do you recall your eventual advisee, the</p> <p>24 graduate student Levi Walls, publishing a -- sort of an</p> <p>25 apology on Facebook on July 27, a relatively lengthy</p>

<p style="text-align: right;">137</p> <p>1 apology about his role on the <i>Journal of Schenkerian</i></p> <p>2 <i>Studies</i>?</p> <p>3 <b>A. I do remember that this was circulated. I saw</b></p> <p>4 <b>it secondhand.</b></p> <p>5 Q. Did you read it?</p> <p>6 <b>A. Yes.</b></p> <p>7 <b>(Exhibit No. 12 marked.)</b></p> <p>8 Q. (BY MR. ALLEN) One second. We'll publish this</p> <p>9 as Exhibit 12. Which I believe you'll find is that</p> <p>10 Facebook post by your now graduate student.</p> <p>11 <b>A. Okay.</b></p> <p>12 MR. ALLEN: I will also put it online for</p> <p>13 the record.</p> <p>14 Q. (BY MR. ALLEN) Do you recognize this Facebook</p> <p>15 post by Levi Walls, July 27, 2020?</p> <p>16 <b>A. I do recognize this post, yes.</b></p> <p>17 Q. Is this the one you were referring to that you</p> <p>18 read or was circulated to you secondhand?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Did you ever confirm with Mr. Walls that he was</p> <p>21 the person who published this post?</p> <p>22 <b>A. I did not confirm with him. I have not</b></p> <p>23 <b>discussed this -- the contents of this writing with Levi.</b></p> <p>24 Q. And he did say here that "I had no control of</p> <p>25 the journal or over the decisions regarding review</p>	<p style="text-align: right;">139</p> <p>1 <b>A. Correct.</b></p> <p>2 Q. And that assistantship was the assistant editor</p> <p>3 of the <i>Journal of Schenkerian Studies</i>, right?</p> <p>4 <b>A. Correct.</b></p> <p>5 Q. And my -- my question is a simple one. We can</p> <p>6 agree that that's what he's referring to in the final</p> <p>7 says when he says, "As I will explain, what appeared to</p> <p>8 be a positive opportunity for a young graduate student,</p> <p>9 quickly turned into an extremely shameful position that I</p> <p>10 feared I could not leave without significant damage to my</p> <p>11 career."</p> <p>12 Did I read that right?</p> <p>13 <b>A. Correct.</b></p> <p>14 Q. And he's referring to his position -- the</p> <p>15 context of the paragraph clearly indicates that he's</p> <p>16 talking about his position on the journal, right?</p> <p>17 <b>A. Yes. I think that's a solid inference, yeah.</b></p> <p>18 Q. And so my -- then my question was going, to be</p> <p>19 to you as his advisor now, his dissertation advisor, you</p> <p>20 do know that he left the <i>Journal of Schenkerian Studies</i>,</p> <p>21 he actually did do that, which he said he feared he could</p> <p>22 not do here, right?</p> <p>23 <b>A. You know, I -- I haven't talked to him about</b></p> <p>24 <b>his dealings with the <i>Journal of Schenkerian Studies</i>. He</b></p> <p>25 <b>seemed to want to avoid the topic.</b></p>
<p style="text-align: right;">138</p> <p>1 processes," right?</p> <p>2 <b>A. Correct.</b></p> <p>3 Q. And to your knowledge was that true?</p> <p>4 MS. QUIMBY: Objection; form.</p> <p>5 <b>A. I don't know enough about the -- the sort of</b></p> <p>6 <b>the editorial structure of the journal to be able to</b></p> <p>7 <b>answer that question with -- with any clarity.</b></p> <p>8 Q. (BY MR. ALLEN) And you never talked about that</p> <p>9 topic with Mr. Walls?</p> <p>10 <b>A. No.</b></p> <p>11 Q. He also says here at the end that he feared</p> <p>12 that he could not leave without significant damage to my</p> <p>13 career. Did I read that right?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And you understood, when you read this, that he</p> <p>16 meant he could not leave the <i>Journal of Schenkerian</i></p> <p>17 <i>Studies</i> without significant damage to his career?</p> <p>18 MS. QUIMBY: Objection; form.</p> <p>19 <b>A. I don't -- I don't know what Levi did or didn't</b></p> <p>20 <b>think about his -- his career at the time. I think it's</b></p> <p>21 <b>reasonable to infer what you've indicated from what's</b></p> <p>22 <b>written.</b></p> <p>23 Q. (BY MR. ALLEN) He talks in the beginning of</p> <p>24 that paragraph that in the summer of 2019 he was asked if</p> <p>25 he would take on a research assistantship, right?</p>	<p style="text-align: right;">140</p> <p>1 Q. Does he have funding now, Mr. Walls?</p> <p>2 MS. QUIMBY: Objection; form.</p> <p>3 <b>A. My understanding is that he doesn't any longer</b></p> <p>4 <b>have funding that's coming in from the University. He's</b></p> <p>5 <b>not teaching for the University at the moment.</b></p> <p>6 Q. (BY MR. ALLEN) When he first came to you,</p> <p>7 which I think you said was already before the end of</p> <p>8 2020, did he have funding?</p> <p>9 <b>A. He had funding then, yes.</b></p> <p>10 Q. He didn't lose his funding after July 2020</p> <p>11 then, did he?</p> <p>12 MS. QUIMBY: Objection; form.</p> <p>13 <b>A. That's correct. That's not the only form in</b></p> <p>14 <b>which career damage can take however.</b></p> <p>15 Q. (BY MR. ALLEN) And he -- can you identify any</p> <p>16 career opportunity that he has lost because he left the</p> <p>17 <i>Journal of Schenkerian Studies</i>?</p> <p>18 <b>A. Well, it's very hard to identify opportunities</b></p> <p>19 <b>that were loss that, you know, never materialized in the</b></p> <p>20 <b>first place. If such a thing happened, I'm not directly</b></p> <p>21 <b>aware of any such thing.</b></p> <p>22 Q. And that's what I was going to ask. In your</p> <p>23 direct experience, though, you don't know of any</p> <p>24 opportunity that Mr. Walls has forgone because he no</p> <p>25 longer works on the journal?</p>

<p style="text-align: right;">141</p> <p>1       <b>A. I know of no such thing, but I can't preclude</b>  2       <b>its possibility.</b>  3       Q. Do you write letters of recommendation for  4       Mr. Walls?  5       <b>A. I expect to in the future.</b>  6       Q. Have you helped him apply to any fellowships or  7       grants?  8       <b>A. As -- as of yet, no.</b>  9       Q. Do you intend to write letters of  10       recommendation with any negative comments about his role  11       on the <i>Journal of Schenkerian Studies</i>?  12       <b>A. Certainly not.</b>  13       Q. So you don't intend to penalize him for his  14       role on the <i>Journal of Schenkerian Studies</i> as his  15       dissertation advisor, do you?  16       MS. QUIMBY: Objection; form.  17       <b>A. I certainly do not. That would be a</b>  18       <b>contradiction or dereliction of my -- my responsibilities</b>  19       <b>to him as his advisor.</b>  20       Q. (BY MR. ALLEN) Just one more -- we were sort  21       of talking about this. This is why I wanted to bring it  22       up actually. But if you look down, I think it's here --  23       again, I'm just highlighting one sentence that -- sorry.  24       We'll try to get it in a form where it highlights it and  25       you can read it.</p>	<p style="text-align: right;">143</p> <p>1       of those diverse voices?  2       <b>A. Everyone's voice is.</b>  3       Q. So your answer is yes?  4       <b>A. Yes.</b>  5       Q. Just one more. This really will be the last  6       one. Then we'll have you out I believe. One sec. This  7       will be very quick I promise, too. We're at Exhibit 13.  8       Sorry, Professor Chung, we're going to end on an unlucky  9       number.  10       <b>A. I believe in so much thing.</b>  11       Q. Good.  12       MR. ALLEN: I'm going to publish for the  13       record Exhibit 13, which is an email from Ellen Bakulina  14       dated July 29, 2020. Again, I'm going to put this in the  15       group chat here. That will take me just one second.  16       (Exhibit No. 13 marked.)  17       Q. (BY MR. ALLEN) I recognize that you're not on  18       this email. The reason I ask you about it is Ellen  19       Bakulina writes this email to various individuals who are  20       your colleagues and also your department chair Benjamin  21       Brand or division head, I guess, they're called.  22       And she says, "I have reviewed those emails one  23       more time and" -- well, let's just read to the whole  24       thing into the record.  25       <b>A. Uh-huh.</b></p>
<p style="text-align: right;">142</p> <p>1       He says at the end of, it looks like, this  2       second paragraph on Bates page Jackson 235, "Furthermore,  3       after my warning that Dr. Jackson was woefully ignorant  4       about politically correct discourse and race relations,  5       he rebutted that Dr. Jackson did very well in the recent  6       diversity and inclusion workshops." He's referring there  7       to your former division head Benjamin Brand.  8       But my question for you is: Do you know what  9       Levi Walls is referring to when he refers to, quote,  10       politically correct discourse and race relations at the  11       University of North Texas?  12       MS. QUIMBY: Objection; form.  13       Q. (BY MR. ALLEN) If you have an understanding of  14       that. That's all I'm asking.  15       <b>A. I -- I -- I mean, beyond understanding the</b>  16       <b>denotation of this sentence, no, I have no understanding</b>  17       <b>of -- of this.</b>  18       Q. Do you know of any policy at the University of  19       North Texas that promotes, quote, politically correct  20       discourse?  21       MS. QUIMBY: Objection; form.  22       <b>A. Policy? I mean, I think that it's, you know,</b>  23       <b>an expectation that professors, you know, will welcome</b>  24       <b>and include diverse voices in their classrooms.</b>  25       Q. (BY MR. ALLEN) Is Timothy Jackson's voice one</p>	<p style="text-align: right;">144</p> <p>1       Q. "When we had our, quote, emergency meeting on  2       Sunday" -- and you recall us identify that emergency  3       meeting called by Benjamin Brand, right?  4       <b>A. Yes.</b>  5       Q. And this is in that time frame. "I" -- meaning  6       Ellen Bakulina -- "said that my contribution to the,  7       quote, call for responses to Ewell, closed quote  8       formulation, was to suggest that the call should be  9       inclusive, that we must welcome different kinds of  10       perspectives.  11       "I have just reviewed those emails one more  12       time, and this is actually untrue. The idea of  13       inclusivity was already there in Levi's original draft  14       and it was further mentioned by Andrew Chung. So it  15       wasn't my suggestion at all."  16       Did I read that correctly?  17       <b>A. Correct.</b>  18       Q. So since this refers to you, my question for  19       you is: Do you remember this conversation where  20       inclusivity was being discussed in relationship to the  21       call for proposals for Volume 12 of the <i>Journal of</i>  22       <i>Schenkerian Studies</i>?  23       <b>A. Yes.</b>  24       Q. And what was the nature of that discussion?  25       <b>A. The nature of that discussion was that, I</b></p>

<div>145</div> <div><div>1</div><div>believe, Levi Walls circulated a draft for the call for</div><div>2</div><div>papers that solicited material for Volume 12 of the</div><div>3</div><div><i>Journal of Schenkerian Studies</i>. He circulated a draft of</div><div>4</div><div>the calls for papers to a number of -- a handful of</div><div>5</div><div>faculty members, including myself. And this would have</div><div>6</div><div>been in the early months of 2020 before -- you know,</div><div>7</div><div>before we were shuttered in due to the pathogen.</div><div>8</div><div>And at that time, you know, I -- I said, you</div><div>9</div><div>know, I think because the <i>Journal of Schenkerian Studies</i></div><div>10</div><div>is about a topic that was, you know, heavily mentioned</div><div>11</div><div>during Professor Ewell's address, it's an appropriate --</div><div>12</div><div>it's a good venue for a continuing discourse to take</div><div>13</div><div>place in -- in -- you know, in that correspondence to</div><div>14</div><div>which I'm referring.</div><div>15</div><div>Now I remember saying that, you know, I think</div><div>16</div><div>it's important to have a variety, a balance of different</div><div>17</div><div>kinds of reactions to Professor Ewell. Not all responses</div><div>18</div><div>that simply give him a blanket endorsement, not all</div><div>19</div><div>responses that give a proper blanket condemnation of</div><div>20</div><div>Professor Ewell.</div><div>21</div><div>Q. And that would -- is it fair to say that would</div><div>22</div><div>be your understanding of a healthy, scholarly discourse</div><div>23</div><div>then?</div><div>24</div><div>A. In general, yes.</div><div>25</div><div>Q. And what role did Mr. Walls play in that</div></div>	<div>147</div> <div><div>1</div><div>trial. Thank you.</div><div>2</div><div>THE VIDEOGRAPHER: The time is 12:46 p.m.</div><div>3</div><div>We are off the record.</div><div>4</div><div>(Proceedings adjourned at 12:46 p.m.)</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div></div>
<div>146</div> <div><div>1</div><div>discussion?</div><div>2</div><div>A. My only understanding of Levi Walls' role in</div><div>3</div><div>that discussion was that I believe he wrote the email to</div><div>4</div><div>myself and two or three other faculty members asking</div><div>5</div><div>whether, you know, it would be a good idea to, you know,</div><div>6</div><div>do the call for papers and if we had any suggestions.</div><div>7</div><div>Q. Uh-huh. And -- and that eventual -- you</div><div>8</div><div>reviewed the <i>Journal of Schenkerian Studies</i> Volume 12</div><div>9</div><div>enough to know that there were viewpoints that were</div><div>10</div><div>diverse, correct? Some were pro-Ewell, some were</div><div>11</div><div>anti-Ewell?</div><div>12</div><div>A. Some were -- some were, indeed, pro-Ewell and</div><div>13</div><div>some were anti-Ewell. I think the -- you know, the</div><div>14</div><div>sentiment was that the majority of pieces were anti or,</div><div>15</div><div>you know, expressed disapprobation towards Professor</div><div>16</div><div>Ewell and his remarks.</div><div>17</div><div>Q. Do you have any direct knowledge of any</div><div>18</div><div>contributions that were in favor of Ewell's viewpoint</div><div>19</div><div>that were excluded from the journal?</div><div>20</div><div>A. I am -- I am not aware of any submissions that</div><div>21</div><div>were turned away.</div><div>22</div><div>Q. Okay.</div><div>23</div><div>MR. ALLEN: I'm going to pass the witness,</div><div>24</div><div>Mary.</div><div>25</div><div>MS. QUIMBY: I'll reserve my questions for</div></div>	<div>148</div> <div><div>1</div><div>CHANGES AND SIGNATURE</div><div>2</div><div>WITNESS NAME: ANDREW JAY CHUNG</div><div>3</div><div>DATE OF DEPOSITION: October 15, 2024</div><div>4</div><div>PAGE</div><div>5</div><div>LINE</div><div>6</div><div>CHANGE</div><div>7</div><div>REASON</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div></div>

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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 I, ANDREW JAY CHUNG, have read the foregoing  
7 deposition and hereby affix my signature that same is  
8 true and correct, except as noted above.  
9 \_\_\_\_\_  
10 ANDREW JAY CHUNG  
11 \_\_\_\_\_  
12 STATE OF \_\_\_\_\_  
13 COUNTY OF \_\_\_\_\_  
14 Before me, \_\_\_\_\_, on this day  
15 personally appeared ANDREW JAY CHUNG, known to me (or  
16 proved to me under oath or through \_\_\_\_\_)  
17 (description of identity card or other document)) to be the person whose name is  
18 subscribed to the foregoing instrument and acknowledged  
19 to me that they executed the same for the purposes and  
20 consideration therein expressed.  
21 Given under my hand and seal of office this  
22 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
23 \_\_\_\_\_  
24 NOTARY PUBLIC IN AND FOR  
25 THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 SHERMAN DIVISION  
4 TIMOTHY JACKSON, X  
5 Plaintiff, X  
6 VS. X  
7 X CASE ACTION  
8 X NO.: 4:21-cv-00033-ALM  
9 LAURA WRIGHT, ET AL., X  
10 Defendants. X  
11 \_\_\_\_\_  
12 REPORTER'S CERTIFICATION  
13 DEPOSITION OF ANDREW JAY CHUNG  
14 October 15, 2024  
15 (Reported Remotely)  
16 \_\_\_\_\_  
17 I, Jennifer L. Sanders, Certified Shorthand  
18 Reporter in and for the State of Texas, hereby certify to  
19 the following:  
20 That the witness, ANDREW JAY CHUNG, was duly  
21 sworn by the officer and that the transcript of the oral  
22 deposition is a true record of the testimony given by the  
23 witness;  
24 That the deposition transcript was submitted on  
25 \_\_\_\_\_ to Ms. Mary Quimby, attorney for  
ANDREW JAY CHUNG, for examination, signature and return  
to me by \_\_\_\_\_;

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1 That the amount of time used by each party at  
2 the deposition is as follows:  
3 MR. MICHAEL THAD ALLEN: 3 Hour(s), 10 Minute(s)  
4 \_\_\_\_\_  
5 That pursuant to information given to the  
6 Deposition officer at the time said testimony was taken,  
7 the following includes counsel for all parties of record:  
8 FOR THE PLAINTIFF:  
9 MR. MICHAEL THAD ALLEN  
10 Allen Harris, PLLC  
11 PO Box 404  
12 Quaker Hill, Connecticut 06375  
13 Office: 860-499-3399  
14 Fax: 860-481-7899  
15 Email: mallen@allenharrisllaw.com  
16 \_\_\_\_\_  
17 FOR THE DEFENDANT:  
18 MS. MARY QUIMBY  
19 Assistant Attorney General  
20 General Litigation Division  
21 P.O. Box 12548  
22 Austin, Texas 78711-2548  
23 Office: 512-463-2100  
24 Email: mary.quimby@oag.texas.gov  
25 \_\_\_\_\_  
That \$ \_\_\_\_\_ is the deposition officer's  
charges to Mr. Michael Thad Allen, Attorney for  
Plaintiff, for preparing the original deposition  
transcript and any copies of exhibits;  
I further certify that I am neither counsel  
for, related to, nor employed by any of the parties or  
attorneys in the action in which this proceeding was

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1 taken, and further that I am not financially or otherwise  
2 interested in the outcome of the action.  
3 Certified to by me this \_\_\_\_\_ day of  
4 \_\_\_\_\_, \_\_\_\_\_.  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 JENNIFER L. SANDERS, CSR No. 5091  
8 Expiration Date: 10/31/26  
9 JULIA WHALEY & ASSOCIATES  
10 2012 Vista Crest Drive  
11 Carrollton, Texas 75007  
12 Firm Registration No. 436  
13 214-668-5578 (Office)  
14 214-236-6666 (Fax)  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
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25 \_\_\_\_\_

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