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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

| | | |
|----------------------|---|-------------------|
| TIMOTHY JACKSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. |
| |) | 4:21-cv-00033-ALM |
| LAURA WRIGHT, et al, |) | |
| |) | |
| Defendants. |) | |

ORAL DEPOSITION OF

LEVI NIGEM XENON WALLS

MAY 18, 2021

ORAL DEPOSITION OF LEVI NIGEM XENON WALLS, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on May 18, 2021, from 12:57 p.m. to 4:52 p.m., before Nita G. Cullen, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of Cutler Smith, 12750 Merit Drive, Suite 1450, in the City of Dallas, County of Dallas, State of Texas, pursuant to the Federal Rules of Civil Procedure.

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P R O C E E D I N G S

LEVI NIGEM XENON WALLS,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. ALLEN:

Q. Mr. Walls, my name is Michael Allen, I'm an attorney for Timothy Jackson. I just wanted to talk about some things preliminarily. This will be a very formal conversation, but it's a conversation nonetheless. The deposition is an extension of the Court, and the purpose of the deposition is to find out what evidence you have and what you would say at trial.

So, a couple ground rules. If I -- if I say anything that's unclear to you, please feel free to interrupt me and ask for clarification. It's more than possible that it's my unclarity, my incompetence at forming a good question. So, I wouldn't want you to answer a question you didn't understand, is that clear?

A. Yes.

Q. So, as a corollary to that, if you don't ask for a clarification, I'll assume you understand my question; is that also clear?

A. Yes.

MR. ALLEN: Matt, in the last deposition, we agreed that all objections except those that go to

1 form will be reserved till the time of trial. Are we
2 going to stipulate to that again in this deposition?

3 MR. BOHUSLAV: Yeah, we're going to do
4 this by the rules.

5 MR. ALLEN: And what do you mean by
6 "rules"? Are we reserving, or are we not reserving?

7 MR. BOHUSLAV: Well, objections that are
8 to relevance, yes, can be made at the time of trial, but
9 all other objections to the form of the question will be
10 made now.

11 MR. ALLEN: To the form. Any other
12 objections that you want to not reserve to the time of
13 trial, other than those as to form? I just want to be
14 clear.

15 MR. BOHUSLAV: Yeah. I will -- well, I
16 will state the basis for my objections when I make them.

17 MR. ALLEN: That's fine.

18 Q. (By Mr. Allen) Mr. Bohuslav will object from
19 time to time, that's a normal part of a deposition. You
20 may even hear me object from time to time. It doesn't
21 relieve you of the obligation to answer questions.
22 You're still under the obligation to answer, and most of
23 that has to do with what may be argued later should this
24 evidence become admissible or inadmissible, for that
25 matter, at trial.

1 Just a preliminary question, Mr. Walls.
2 Are you aware of any circumstance that would prevent you
3 from testifying truthfully today?

4 A. No.

5 Q. Are you on any medication?

6 MR. BOHUSLAV: One second. Can we go off
7 the record for a second?

8 MR. ALLEN: Please.

9 (OFF THE RECORD FROM 1:01 TO 1:02 P.M.)

10 Q. (By Mr. Allen) Are you on any medication that
11 would affect your testimony today?

12 A. No.

13 Q. Do you suffer from any medical condition of any
14 kind, mental or physical, that would affect your
15 testimony today?

16 A. No.

17 (MR. STOWERS ENTERS ROOM.)

18 (DEPOSITION EXHIBIT 4 MARKED.)

19 Q. (By Mr. Allen) I'm going to start with the
20 first exhibit here, have this marked as Exhibit No. 4,
21 please, for the record. I'm going to provide a copy to
22 you, Mr. Walls, and also to your attorney. And have you
23 had a chance to examine this exhibit?

24 A. Yes.

25 Q. Do you recognize this document?

1 A. Yes.

2 Q. Have you appeared today to testify in response
3 to this document?

4 A. Yes.

5 Q. And is it fair for me to characterize this as a
6 subpoena calling you to this deposition?

7 A. Yes.

8 Q. I'm going to ask you to turn to -- I guess it's
9 the third page of the Exhibit "A" attached to the
10 subpoena. You see where it says, "Documents Requested"?

11 A. Uh-huh.

12 Q. Your attorney provided me with a folder, which
13 I'm holding up now, the record can show, full of
14 documents. Were these documents produced in response to
15 this subpoena and these document requests?

16 A. Yes.

17 Q. And besides your attorneys, and I understand
18 you have also -- there's a possibility you may have
19 consulted with the general Counsel's office at the
20 University, and I don't want to ask you about anything
21 that may be privileged communication between you and
22 attorneys who represent you. Who have you discussed
23 collecting these documents with?

24 A. I mentioned it to my wife.

25 Q. Does your wife have relevant documents in

1 response to the subpoena?

2 A. No.

3 Q. Thank you. How did you go about collecting the
4 documents that you produced today?

5 A. I went through the messaging venues that I use;
6 Messenger, e-mail. And I did keyword searches for
7 Jackson, JSS, Journal, Ewell, Society, SMT. I think
8 those were all the keywords that I used to find
9 documents.

10 Q. And you mentioned Messenger. Is that Facebook
11 Messenger?

12 A. Yes.

13 Q. And e-mail, is that your UNT e-mail account?

14 A. Yes.

15 Q. Are there other e-mail accounts you would have
16 used to discuss matters in the journal or other matters
17 responsive to the subpoena?

18 A. There was the Schenker Journal, but I'm not on
19 that anymore.

20 Q. You don't have access to the Schenker Journal
21 e-mail?

22 A. I mean, I don't know if any of the logins have
23 been changed. Last time I'm aware that I had access was
24 some -- I think near the beginning or -- sorry -- the
25 end of 2020 or the beginning of 2021. I don't remember

1 precisely.

2 Q. And did you use the Schenker -- first of all,
3 strike that, please.

4 But can you identify the e-mail you're
5 discussing?

6 A. The Schenker@UNT.edu.

7 Q. And did you have access to that e-mail, you
8 said, before something like January 2021 or
9 December 2020?

10 A. Yes.

11 Q. And why did you have access to that e-mail?

12 A. Because the login info was just the same.

13 Q. What did you use that e-mail for?

14 A. I was interested in, you know, what the
15 journal -- how the journal was going, and so I just
16 checked in once or twice out of interest.

17 Q. What's that e-mail typically used for?

18 A. It's used to write to -- people writing in to
19 the journal with articles giving feedback, and I believe
20 it stopped being used after I left.

21 Q. I think we'll get into that, but when did you
22 leave?

23 A. I left, I think officially by July, I want to
24 say 26 or 27, 2020.

25 Q. And are there documents that are preserved in

1 this e-mail account, I guess which we'll call the
2 Schenker@UNT.edu, that are relevant to these requests
3 that you no longer have access to?

4 A. Yeah, there should be, because I used it for
5 most journal related business, so talking to
6 contributors.

7 Q. Who else had access to the Schenker@UNT.edu
8 e-mail?

9 A. As far as I know, all the people who had access
10 was me, Ben Graf, Dr. Jackson and Collin, although I
11 don't see any reason why they would have used it.

12 Q. Who's Collin?

13 A. Sorry. Collin Davis, an old editor of the
14 journal.

15 Q. Just so we know, when was Collin Davis an
16 editor of the journal?

17 A. I don't know precisely. A few years before I
18 was here.

19 Q. Did he predate Benjamin Graf?

20 A. Yes.

21 Q. And would Timothy Jackson have had access to
22 this e-mail?

23 A. I assume so. And -- and Stephen Slottow
24 because he asked me for the login info after I left.

25 Q. So, is it safe to say that the editorial staff

1 of the journal had access to this e-mail?

2 A. Yes.

3 Q. Anyone else besides the editorial staff, that
4 you know of?

5 A. I don't think so, unless there was an old RA
6 that -- if the e-mail like information stayed the same,
7 when like an old RA was on, I mean, he might have
8 theoretically still had access, but, I mean, I don't
9 imagine they would have tried.

10 Q. So, is it safe to say like Collin Davis,
11 someone who had been a past member of the editorial
12 staff might have retained some access, but you're not a
13 aware of them using it while you were working as the
14 editor of the Journal of Schenkerian Studies?

15 A. Yes.

16 Q. And I should say, when you said you stopped,
17 you're referring to stopping working as the editor of
18 the Journal for Schenkerian Studies in July of 2020, is
19 that correct?

20 A. Yes.

21 MR. ALLEN: I'd like to have that marked
22 as Exhibit 5, please.

23 (DEPOSITION EXHIBIT 5 MARKED.)

24 Q. (By Mr. Allen) Mr. Walls, do you recognize
25 this document?

1 A. Yes.

2 Q. And can you describe this document for the
3 Court, please?

4 A. This was a conversation between me and Chris
5 Segall. Oh, and Ben Graf.

6 Q. And how do you spell Chris Segall's name, if
7 you know?

8 A. S-E-G-A-L-L, I believe.

9 Q. Who is Chris Segall?

10 A. He was one of the contributors on the Volume
11 12.

12 Q. Do you know where he works?

13 A. I probably knew that at one point, but
14 honestly, I have trouble keeping track of who works
15 where sometimes, so I don't remember what university
16 he's at.

17 Q. Do you know what he does as an occupation?

18 A. He's a music theorist.

19 Q. And so, to the best of your knowledge, he's a
20 music theorist who works at a university.

21 A. Yes.

22 Q. But not at UNT.

23 A. Not at UNT.

24 Q. Do you recall what state he works in and what
25 state that would be?

1 A. I don't recall what state. I would assume east
2 coast, just because music theory.

3 Q. So, before we get going with this document, I
4 want to ask you a little bit about your own background.
5 What is your relationship to the University of North
6 Texas?

7 A. I'm a graduate student, Ph.D.

8 Q. In what department are you pursuing a Ph.D. at
9 the University of North Texas?

10 A. The musicology -- sorry, music history,
11 ethnomusicology theory department, MHTE.

12 Q. I was going to say, is that the famous MHTE
13 acronym?

14 A. Yes, I reversed it.

15 Q. I try to keep the alphabet soup under control
16 myself and not always successfully. So -- and is that
17 organized as a division within the College of Music?

18 A. I believe so. I believe it's called a
19 division.

20 Q. And could you explain and describe the course
21 of your educational career, say, from college onwards,
22 when you graduated, what certifications you've acquired,
23 and anything relevant to your education up to this
24 point?

25 A. Including before UNT?

1 Q. Correct.

2 A. I did community college in California, doing
3 piano performance or -- well, general music. They
4 didn't have a specific piano performance track, but it
5 was just an associate's in music, and I was there for
6 three years. And then I went to an undergrad, also in
7 California, for three years, Humboldt State University.
8 There I did piano performance and music ed.

9 And then I took a gap year, where I did
10 some teaching at that university. And after that gap
11 year, in 2016, I came to Texas to do the master's in
12 music theory at UNT, which I did for two years. And so,
13 in 2018, I started the Ph.D., and I'm at the end of the
14 third year, now.

15 Q. Do you have a master's degree from UNT?

16 A. Yes.

17 Q. And what did you teach in this what you
18 described as a gap year?

19 A. I taught Ear Training 4, what would be called
20 Oral Skills 4 here at UNT.

21 Q. And the community college, could you state the
22 name of the community college?

23 A. It was San Joaquin Delta College in Stockton,
24 California.

25 Q. And did you go to the same Joaquin Delta

1 College directly after high school?

2 A. Yes.

3 Q. And what positions have you had as a graduate
4 student at the University of North Texas?

5 A. I have been a teaching fellow. I was a
6 teaching fellow for two years, second year of my
7 master's, first year of my Ph.D., then I was an RA with
8 the journal, research assistant, and then I was, this
9 last year, a teaching assistant.

10 Q. After July 2020, when you say you quit as the
11 editor of the Journal for Schenkerian Studies, you
12 became a teaching assistant?

13 A. Yes.

14 Q. Did that involve any adjustment in your
15 funding?

16 A. No.

17 Q. To your knowledge, is there anyone assigned as
18 a graduate student to the Journal for Schenkerian
19 Studies at this time?

20 A. Not that I know of.

21 Q. Do you have any knowledge of anyone being
22 assigned as a research assistant to the Center for
23 Schenkerian Studies?

24 A. Not that I know of.

25 Q. And as you worked and understood the

1 relationship between the center, the journal, and the
2 faculty, what is -- can you describe the relationship
3 between the Center for Schenkerian Studies and the
4 Journal for Schenkerian Studies?

5 A. I mean, the Center for Schenkerian Studies
6 always seems somewhat vague. There was the lost
7 composers project, which was going at one time or
8 another. But it seemed while I was there that the
9 journal kind of just operated as its own entity, with
10 the Center for Schenkerian Studies mostly existing in a
11 website online.

12 And there were links to, you know,
13 different resources, like archives. So, I think that in
14 terms of the center, it was mostly those Schenker
15 archives.

16 Q. Uh-huh. Did you participate in any of the
17 activities of the center?

18 A. Not really, with the exception of near the end
19 of me being on the journal, I had looked at the website,
20 which needed updating, and I had Steven Hahn help me
21 with the programming, since it's not really something
22 I'm very good at.

23 Q. When you say programming, do you mean literally
24 computer programming?

25 A. The web design.

1 Q. Okay. So, is it safe to say that's coding or
2 something similar?

3 A. I wouldn't really know, but I suppose you could
4 call it coding.

5 Q. Well, let me see what -- I want to ask -- what
6 I'm getting at is programming could also mean putting on
7 programs of the center. But you mean revamping of the
8 website, not scheduling concerts.

9 A. Yes. Not programming in that sense.

10 Q. Okay. Sometimes it will -- these questions
11 will just be because I'm trying to figure out, not
12 having been there myself, what's going on. I forgot to
13 ask, are there any other degrees or credentials that
14 you've acquired in your educational career, other than
15 those you've already mentioned?

16 A. No.

17 Q. Now, I want to call your attention, again, to
18 Exhibit 5. Who is the blue bubble on the right side?

19 A. That's me.

20 Q. So, it seemed to me on the left side, it says,
21 "Hi Chris and Ben, I'm glad we can talk." Is that you
22 speaking?

23 A. Oh, woops, I'm sorry. Sorry. Yes, that is me
24 on the left. The blue bubble then is Ben.

25 Q. And Benjamin Graf you mean, right?

1 A. Yes, I'm sorry. Benjamin Graf. Sorry. I got
2 thrown off because normally when I'm looking at my
3 Facebook Messenger, I am the blue bubble.

4 Q. I understand. Could you explain for the Court
5 Benjamin Graf's relationship to the center and journal?

6 A. Benjamin Graf was the editor for Volume 12, and
7 he was training me for the editorship for the next year.
8 I think for Volume 11, he was the editor without an
9 assistant editor. Volume 10 -- the farther back I go,
10 the hazier it is, but Volume 10, I think he was also the
11 editor. But before that, I think Collin was the editor.

12 Q. Okay.

13 (MS. HARRIS LEAVES ROOM.)

14 Q. (By Mr. Allen) What is his relationship to the
15 MHTE division, now? Mr. Graf?

16 A. I believe he's a senior lecturer.

17 Q. What kind of position is that in the division?

18 A. It's above associate. Well, no, I think
19 he's -- he's senior lecturer, but I'm not sure if he's
20 an associate professor or an assistant professor. He's
21 probably an assistant professor, since I think he's
22 still tenure track.

23 Q. He is tenure track, is that it?

24 A. I don't know for sure. I don't keep very good
25 track of where all the faculty are at in a given time,

1 but I think he's tenure track.

2 Q. And given your experience as a graduate
3 student, is the position that Mr. Graf was able to
4 occupy in the faculty, is that a sought after position
5 among graduate students, such as yourself?

6 A. I mean, it's good just to have a position at a
7 university, whether it's as an adjunct or all the way to
8 an associate professor. But I would say an associate
9 professor would be more sought after than an assistant
10 professor, which would be more sought after than an
11 adjunct.

12 Q. And you don't know at this time whether
13 Benjamin Graf is an adjunct or an assistant professor.
14 Is that what you mean to say?

15 A. I don't believe he's an adjunct. I think he's
16 at least an assistant professor.

17 Q. And is it a distinction between assistant and
18 associate professor at UNT that an associate professor
19 would have tenure?

20 A. I don't know for sure that's how it works, but
21 I believe that's how it works, that when you get tenure,
22 you become an associate professor.

23 Q. Do you -- are you aware of anyone who starts
24 out in a position like Benjamin Graf has done at UNT who
25 is hired to tenure immediately?

1 A. Not that I know of. That would seem like it
2 would be unusual.

3 (MS. HARRIS RE-ENTERS ROOM.)

4 Q. (By Mr. Allen) Looking at the second bubble
5 here on page 1 of Exhibit 5, Benjamin Graf appears to
6 say to both you and Professor Segall, "this was not our
7 idea in that it came from the advisory board." Do you
8 know what he's referring to?

9 A. He's referring to the content of the symposium
10 and just the idea that the symposium should exist.

11 Q. And could you describe what the symposium was,
12 as opposed to other matter that was published in Volume
13 12?

14 A. The symposium as aside from the three academic
15 articles, it was originally going to compose the Volume
16 12. And so, the symposium was a last minute response to
17 a paper that Ewell gave at the most recent SMT.

18 Q. Could you describe what you mean by SMT?

19 A. Society of Music Theory.

20 Q. And was the most recent meeting of the SMT
21 November 2019?

22 A. Yes. Sorry.

23 Q. I don't suppose you know the day of his plenary
24 talk, do you?

25 A. I think it was in early November, but I don't

1 recall the exact day.

2 Q. And are we referring to Philip Ewell of Hunter
3 College in the CUNY in New York?

4 A. Yes.

5 Q. Have you ever heard any criticism at UNT or
6 elsewhere voiced about the other articles that appeared
7 in Volume 12, other than the symposium?

8 A. The -- you mean like the Parkhurst, the three
9 larger academic articles?

10 Q. Correct.

11 A. I don't think so.

12 Q. Has anyone ever voiced criticism of the
13 editorial process by which those three articles were
14 ushered to publication?

15 A. No.

16 Q. And you would have been in a position to know
17 that, wouldn't you, as editor of the journal?

18 A. I mean, if somebody talked to me specifically
19 about it, I would have known about it. Otherwise, I
20 might have heard it through whoever did hear that there
21 was criticism.

22 Q. But no such criticism came to you even
23 secondhand, is that correct?

24 A. Yeah. I don't think I heard any criticism of
25 the three large articles that were unconnected to the

1 Ewell talk.

2 Q. I'm just skipping to the second page of
3 Exhibit 5. I think this is a bubble -- the big bubble
4 at the top where you're speaking.

5 A. Uh-huh.

6 Q. Starts "all right". Can you describe what
7 you're talking about in that bubble?

8 A. So, I was telling Chris that I was seeing all
9 of the comments on Twitter, and that I agreed with a lot
10 of it. I said, I don't have a Twitter, but I saw the
11 criticism anyway because people were sending me screen
12 shots.

13 And I thought the criticism was justified.
14 I expressed the belief that I always had that people on
15 the advisory board should not be allowed to publish in
16 the journal because it seems like not a very good
17 academic ethics quality for that type of check and
18 balance not to be there.

19 And then, I end the message by admitting
20 that I am new to journal editorial matters and that I
21 assumed that after the first round of responses there
22 would be another one in which Ewell would probably have
23 something to say.

24 Q. Was there ever any discussion about inviting
25 Ewell to participate in a second round of responses?

1 A. There was after the Twitter backlash, or
2 Twitter storm, or whatever you want to call it.

3 Q. I understand. Was anyone opposed to having
4 Philip Ewell respond in any form in the journal?

5 A. I mean, I'm sure some people were, like -- I
6 don't recall anybody specifically telling me that they
7 were opposed to Ewell responding. I think Ewell himself
8 was opposed to responding afterwards, just because, as
9 it turned out, he should have been invited originally to
10 respond, which was just something that I didn't
11 understand was standard practice myself. So, I think
12 that Ewell didn't really want to respond in the
13 subsequent issue.

14 Q. And you just mentioned academic ethics.

15 A. Uh-huh.

16 Q. What's the source of the ethics you are
17 referring to?

18 A. I suppose it's personal belief, but it's backed
19 by the fact that when you have people on an editorial
20 board of a journal and those people are okaying what
21 articles go into the journal and don't go into the
22 journal, if those people themselves are the ones
23 submitting articles, then really there's no check and
24 balance.

25 Q. Do you think it's unusual for members of an

1 editorial board to publish in the journals on which they
2 sit as editorial staff members?

3 A. I believe it's unusual. I could be wrong, but
4 my understanding is that's an unusual practice for a
5 journal.

6 Q. And you've said it was personal belief, but
7 also things you apparently heard from others, is that
8 correct? Am I mischaracterizing what you said?

9 A. It's mostly personal belief. A few have
10 expressed to me that they agree with that belief, but
11 primarily, that's based on my own idea of how checks and
12 balances should work in a journal.

13 Q. I'm glad you mentioned that, because I was
14 going to ask you, what you mean by checks and balances?

15 A. So, the process through which articles are
16 accepted or denied. And so, in this case, the fact that
17 articles written by people on the editorial board are
18 accepted for publication by the editorial board.

19 Q. Do you think that there were articles that
20 should have been rejected in the symposium?

21 A. Yes.

22 Q. Which ones?

23 A. I think that a few of the articles that should
24 not have been put in the journal would be Jackson's,
25 Slottow's, Beach's and Wiener's (Phonetic).

1 Q. And why do you think those should not have been
2 accepted?

3 A. I think that in all of them the tone was very
4 confrontational. Some of them just made incorrect or
5 very ignorant statements that were not becoming of
6 academic discourse.

7 Q. Can you describe in detail what statement you
8 found incorrect and not becoming of academic discourse?

9 A. Well, thinking of Jackson's article, the
10 statement that the reason that blacks are not
11 represented in music theory has to do with a lack of
12 proper role models at home, which many will agree is
13 quite racist.

14 Q. What's racist about that statement? If you
15 could just explain.

16 A. Well, if we define racism as the belief that
17 social hegemony -- in this case that -- the fact that
18 white people have inherent advantages in society over
19 people of color, if we believe that that is an inherent
20 facet of human life that's justified, and that there's a
21 form of meritocracy that goes along with that, in which
22 the people who have the power and have the good
23 positions are there specifically because they deserve
24 them and not because of issues of race or gender or
25 sexuality or economics. And I would also add, the

1 positioning of white culture and art on a pedestal as
2 more deserving of praise than arts and culture by or for
3 people of color.

4 Q. And those are things you believe that these
5 four articles, I think you described Jackson, Slottow,
6 Wiener -- and who was the fourth?

7 A. The fourth was Beach.

8 Q. Beach. Those were arguments you believe they
9 advanced.

10 A. I believe Jackson advanced those articles or
11 those arguments. I think, to a lesser extent, they were
12 advanced by Wiener and Beach. Slottow's article I
13 mainly listed because, being on the editorial board, I,
14 again, don't believe it was proper for them to even
15 submit an article, and actually that would go the same
16 for Beach and actually Wiener, if I recall.

17 Q. Were there any prominent, knowledgeable
18 Schenkerian scholars in the United States who weren't on
19 the editorial board of the Journal for Schenkerian
20 Studies?

21 A. I'm sure there were. I'm trying to think of if
22 I can recall any prominent Schenkerians that weren't on
23 the board. It was quite full. I want to say that
24 Poundie Burstein was not on the board, but that could be
25 wrong.

1 Q. So, it sounds like you would have reduced the
2 number of people who were eligible to contribute to the
3 symposium to those who were not on the editorial board,
4 is that correct?

5 A. Yes.

6 Q. But you have trouble naming anyone from the
7 United States besides this one individual, Poundie --

8 A. Burstein.

9 Q. -- Burstein, who would have been -- not been
10 excluded, correct?

11 A. Yes. I mean, I'm sure if I thought about it
12 more, I could come up with more names, but William
13 Rothstein I know wasn't on the board.

14 Q. Did he contribute?

15 A. No.

16 Q. Is it safe to say that there would have been
17 only a handful of people who were knowledgeable about
18 Schenkerian analysis in the United States who were not
19 on the board?

20 A. There are plenty of people in the United States
21 who are knowledgeable on Schenkerian analysis, but
22 there's a big difference between being knowledgeable on
23 Schenkerian analysis and being a Schenkerian.

24 And so many of the people on the board are
25 Schenkerians, in that their primary research agenda is

1 devoted to Schenkerianism. Whereas there are many, many
2 people in the United States who are knowledgeable in
3 Schenkerian analysis, which would be difficult to avoid
4 considering the popularity of Schenkerian analysis in
5 grad schools.

6 Q. Can you just describe -- you have to
7 understand, Mr. Walls, that I'm probably not alone in
8 being a complete musical ignoramus, and I need you to
9 explain to me what Schenkerianism is, I'm just not sure
10 what that is. So, if you could just explain it in terms
11 that maybe even a layperson like me would understand, I
12 would appreciate it.

13 A. By Schenkerianism, I just mean if somebody
14 is -- if I say that somebody's research agenda is
15 devoted to Schenkerianism, I merely mean that they're
16 primary research interest is in voice leading, in
17 relation to issues of background, middle ground and
18 foreground, the type of structure discussed in
19 Schenkerian analysis.

20 And so, if somebody every once in a while
21 did a paper that was -- could be described as
22 Schenkerian or was quasi-Schenkerian, I wouldn't
23 necessarily call them a Schenkerian, but rather someone
24 who is interested in Schenkerian analysis.

25 Q. Are you making a distinction between a specific

1 technique of analyzing music and scholars who try to
2 advance or think of the theory behind the technique, or
3 am I misunderstanding that?

4 A. I don't think I'm making that distinction. I
5 just think that there is a spectrum -- as with any
6 research interest, there's a spectrum of, you know,
7 where people are, in terms of their relationship to
8 Schenkerian analysis.

9 Some people are interested in it, but don't
10 rely on it very often or very much for their analyses,
11 whereas some people do Schenkerian analysis and only
12 Schenkerian analysis.

13 Q. And of those people, the latter category, who
14 do primarily or only Schenkerian analysis, can you name
15 any in the United States that are not on the board of
16 the Journal of Schenkerian Studies?

17 A. I don't think so. Granted, I don't know every
18 music theorist in the country.

19 Q. Of course. Let me ask a follow-up question.
20 You know, how large of a community would you estimate
21 that community of scholars is, within general terms?
22 I'm not asking for an exact number, but can you estimate
23 for me about how many of those, I guess you might have
24 described them as hard core Schenkerians, if you will.

25 A. Really, I have no idea in terms of a number. I

1 think that the number has gotten smaller over the years,
2 whereas Schenkerian analysis was incredibly popular in
3 the '80s and '90s, including at institutions like CUNY
4 and Mann's. I think that the number has dwindled over
5 the last few decades. But in terms of a current number,
6 I really have no idea how to quantify it.

7 Q. Well, let me put it this way. Is it over 100?

8 A. I think it's safe to say that it would be over
9 100.

10 Q. And, I mean, in your rough estimation, how many
11 music theorists are there employed at academic
12 institutions throughout the United States?

13 MR. BOHUSLAV: Objection, calls for
14 speculation.

15 A. I honestly have no idea how many academics
16 there are in music employed in the United States.

17 Q. (By Mr. Allen) What's the primary academic
18 organization for or professional society for music
19 theorists in the United States?

20 A. The Society for Music Theory.

21 Q. Is there any other?

22 A. I mean, there are obvious organizations that
23 would rank below that, in terms of importance. Well, I
24 suppose I'm mainly thinking of conferences, because I
25 was about to say -- name a few conferences, like EuroMAC

1 or International Conference on Musical Forum, but those
2 aren't really a society in the way that SMT is a
3 society.

4 Q. How large is the Society for Music Theory?

5 A. I don't know how large it is, in terms of
6 number of members. I recall at some point seeing the
7 statistics, probably at an SMT meeting, but I have -- I
8 could not even make a guess, in terms of how many
9 members there are. Maybe two or 3,000, but that seems
10 like an overestimate.

11 Q. And do you have knowledge -- do you know
12 whether Schenkerians are a minority of those members?
13 And by that I mean the hard core Schenkerians whom you
14 described earlier.

15 A. Yeah. I would say that they would be a
16 minority, if we're talking about hard core Schenkerians.

17 Q. A small minority or a sizeable minority?

18 MR. BOHUSLAV: Objection, vague.

19 A. I would really go in between those two. I
20 wouldn't say it's a small minority, but I think it would
21 be too far to say it was sizeable minority.

22 Q. (By Mr. Allen) I want to call your attention
23 to Exhibit 5, again. There's a blue bubble underneath
24 that much larger bubble of yours. It seems to be
25 Benjamin Graf speaking again. And he says, "I agree,

1 and I am in a similar position. I was editor when Tim
2 Jackson and Stephen Slottow were my dissertation
3 advisors. Now, they are my colleagues and on promotions
4 committees, et cetera, that have a significant stake in
5 my employment. Volume 12 was largely ready before the
6 SMT and I was passing the baton to Levi when these ideas
7 came up."

8 I'm curious about what he means, if you
9 know, where he says, "they are my colleagues and on
10 promotions committees, et cetera, that have a
11 significant stake in my employment."

12 What is he discussing there with you and
13 Chris Segall?

14 MR. BOHUSLAV: Objection, calls for
15 speculation.

16 Q. (By Mr. Allen) You were a party to this
17 conversation, were you not?

18 A. Yes.

19 Q. So, how did you interpret what Benjamin Graf
20 was saying?

21 A. I assume, since he is tenure track, I believe,
22 that he would rely on colleagues like Tim Jackson and
23 Stephen Slottow, rely on their good impressions in order
24 to advance his career.

25 Q. Do you know of any instance in which Timothy

1 Jackson retaliated against Benjamin Graf, for any reason
2 whatsoever?

3 A. As far as I remember, there's not a specific
4 case that Benjamin Graf has told me about. The only
5 thing I can think of is sometime in maybe late June or
6 early July, there was some conflict between them about a
7 Beach article, not having to do with the Ewell plenary,
8 but rather a Beach article for the volume -- what would
9 have been Volume 13.

10 Q. Do you mean June-July 2020?

11 A. Yes, 2020.

12 Q. Would you characterize that as a discussion
13 among colleagues or as a disagreement in which Timothy
14 Jackson retaliated against Benjamin Graf in some way?

15 A. I don't know if I would characterize it as
16 retaliation. I just know that after that disagreement,
17 Benjamin Graf was more or less taken out of the e-mails,
18 whereas before, he was included on them. So, there was
19 a certain sense in which he was not welcome anymore.

20 Q. What e-mails are you referring to?

21 A. So, the e-mails, mostly using the Schenker
22 e-mail, just generally discussing the journal, including
23 upcoming articles and reviews.

24 Q. And is it true as it seems to describe in
25 thread that he was transitioning out of the role of

1 editor at that time, in any case?

2 A. Yes.

3 Q. How about yourself, Mr. Walls, do you know of
4 any time in which you were retaliated against by Timothy
5 Jackson?

6 A. Not prior to July of 20 -- well, not prior to
7 July of 2020, or really prior to even the beginning of
8 the fall 2020 semester. I tried very hard to make sure
9 that there was no reason for me to be retaliated
10 against.

11 Q. Did Timothy Jackson promote your career within
12 the division in which you're a graduate student?

13 A. Yes.

14 MR. ALLEN: And I want to mark this as
15 Exhibit 6, if you could, please.

16 (DEPOSITION EXHIBIT 6 MARKED.)

17 Q. (By Mr. Allen) This seems to be a statement by
18 you, Levi, at the top, is that correct?

19 A. Yes.

20 Q. Do you recognize this statement?

21 A. Yap.

22 Q. Do you remember writing it?

23 A. Yes.

24 Q. If you know, do you know the exact date on
25 which you wrote it?

1 A. I don't know the exact date, but I would guess
2 sometime around July 26 or 27, 2020.

3 Q. And I'm going to represent to you that this
4 thread with Nate, Brian, Jessica, and someone with an
5 initial "E" seems to be dated July 26, 2020. To the
6 best of your knowledge, would that be correct?

7 A. That sounds correct.

8 Q. And you say, "sorry, I was spending time with
9 Ophelia." I imagine that's your daughter?

10 A. Yes.

11 Q. "Sorry, I was spending time with Ophelia and
12 wasn't checking my phone. I'll sign on to Bryan's
13 denouncement of Dr. Jackson's. I would be lying if I
14 said he wasn't help to my theoretical/literary
15 development, but his political views need to be
16 condemned and UNT shouldn't have a place for them/him."
17 Did I read that correctly?

18 A. Yes.

19 Q. So, this affirmatively states that he has been
20 a help to your theoretical/literary development, is that
21 correct?

22 A. Yes.

23 Q. And you stand by that statement still.

24 A. Yes. He encouraged me to get my related field
25 in English lit.

1 Q. Would you describe Timothy Jackson, up to the
2 time before this exchange, as a mentor?

3 A. Sure. Yes.

4 Q. And if you know, past educators of the Journal
5 for Schenkerian Studies, did they go on to get good jobs
6 in your field?

7 A. The only editors I know are Ben Graf and Collin
8 Davis. They both seem to be doing okay. I know more
9 about Ben Graf's career, obviously, because he's at UNT,
10 than I do about Collin Davis, who I've rarely ever
11 spoken to, but I know that he works at a university,
12 so --

13 Q. And what university does he work at?

14 A. I don't recall.

15 Q. Would you characterize his job, so much as you
16 know of it, as a good job?

17 A. I mean, just having a position in a university
18 could be said to be a good job, whether you're -- well,
19 I'm not sure I'd say an adjunct would be a good job,
20 because that can be rough. But if you're at least an
21 assistant professor, I would say that qualifies as a
22 good job.

23 Q. Skipping down -- back to Exhibit 5, and sorry
24 to bounce around, Mr. Walls, but I'm back on Exhibit 5,
25 and I'm on the fourth page, there's another set of blue

1 bubbles.

2 A. Uh-huh.

3 Q. I believe Benjamin Graf is saying, "it's
4 blowing up and honestly we never even wanted to do it,
5 but it's my dissertation advisor and higher ranking
6 colleague, plus we wanted to publish supporting essays."
7 Did I read that correctly?

8 A. Yes.

9 Q. And you recognize that as Benjamin Graf
10 speaking to you and Chris Segall, right?

11 A. Yes.

12 Q. What's he referring to, "we never even wanted
13 to do it, and we wanted to publish supporting essays?"

14 MR. BOHUSLAV: Objection, calls for
15 speculation.

16 A. I believe he's talking about the -- not
17 plenary -- the -- sorry -- the responses to Ewell --
18 symposium, sorry, the word just flew out of my head.

19 Q. (By Mr. Allen) And just to be clear, that's
20 the symposium, which was the given in November of 2019,
21 published in Volume 12 of the Journal of Schenkerian
22 Studies?

23 A. Yes.

24 Q. Is it fair if we just refer to that by
25 shorthand as just "the symposium", for the rest of the

1 deposition?

2 A. Sure.

3 Q. Okay. Thanks. Again, you understood Benjamin
4 Graf to be saying we never even wanted to do the
5 symposium, correct?

6 A. I believe so.

7 Q. And "we wanted to publish supporting essays."
8 What does he mean -- how did you understand that to
9 mean, "we wanted to publish supporting essays"?

10 A. I believe what he meant was that if the
11 symposium was going to go ahead, that our preference
12 would have been for there to be plenty of essays in
13 support of Ewell, rather than it just being Schenkerian
14 after Schenkerian.

15 Q. Is it possible to be a Schenkerian and be pro
16 Ewell?

17 A. Sure. I think so.

18 Q. And is it possible to be pro Ewell and be, you
19 know, pro Schenkerian analysis?

20 A. I think that as Ewell has done, you can admit
21 that Schenkerian analysis has analytical uses, but also
22 that it has a history with a race that's very
23 questionable and deserves to be questioned.

24 And so, I don't think that there is this
25 necessity to be black and white, in which you're either

1 a Ewell supporter or you're a person who does
2 Schenkerian analysis.

3 Q. Skipping to the next page here, if you could.
4 I'm on page 5, now. You contribute to the conversation.
5 "I can see that -- referring to what was coming before
6 it -- "definitely not something I or Ben considered. We
7 were about to finish the journal, which was supposed to
8 be published in November or early December, when the
9 advisory board got really gungho about a response to
10 Ewell. And so, we made the deadline very short."

11 Can you describe what you're referring to
12 in that statement?

13 A. So, I think Chris had expressed the relief that
14 the very short deadline at a busy time of the year,
15 around Christmas, was strategically done in order to
16 limit the number of responses. So, in other words, in
17 order to limit the number of pro Ewell responses. And I
18 said that I could see that reasoning, but it wasn't
19 something that Graf or I had considered.

20 The reasoning at the time had just been
21 that the journal was basically done at the end of the
22 year, and then the SMT in November happened. And
23 suddenly, there was this new section of the journal that
24 we had to do, and so in order to salvage somewhat of a
25 deadline, since it was supposed to be a 2020 journal,

1 the call was just made very short.

2 Q. Did other people at the journal discuss
3 manipulating the deadline to exclude pro Ewell points of
4 view?

5 A. No.

6 Q. And you also say, if you skip down one bubble
7 after Benjamin Graf's blue bubble there, it says,
8 "Volume 13 would have been preferable," correct?

9 A. Yes.

10 Q. Is that something you argued for at the time?

11 A. I don't think I argued for putting the
12 symposium in Volume 13. I think the view at the time
13 was that it was timely for it to go in Volume 12.

14 Q. And what would make it timely? Can you
15 describe the thought process of you, as an editor, of
16 are what you were fielding as questions by anyone on the
17 editorial board? What was making it timely?

18 A. Well, if there was going to be a symposium
19 based on Ewell's talk, it would make sense for it to
20 occur a month or two after Ewell's talk, rather than a
21 year and month after Ewell's talk.

22 On the other hand, putting it in Volume 13,
23 even though it would have been delayed, would have been
24 preferable from the standpoint that there would have
25 been more time to, you know, allow people to write

1 responses.

2 Q. It was certainly a lot of work for you, right?

3 A. Sure.

4 Q. It would seem that you worked very hard on this
5 project, correct?

6 A. Well, it was my job.

7 Q. Were you -- did anyone comment about your hard
8 work on the project at the time, that it was deficient
9 in any way or that you weren't holding up your end?

10 A. No. I think I did well in typesetting the
11 articles and getting rid of typos and, you know, looking
12 at structure.

13 Q. And Levi Walls, reading your name "Levi" on the
14 next page, page 6. I'm sorry to call you by your first
15 name, but it's just that's the name on the thread, no
16 disrespect intended. You know, about two sentences
17 down, it says, "I like the job in general, because I
18 love editing and being involved in research, but I'm not
19 in a position to go against the people who control the
20 journal." You see that?

21 A. Yes.

22 Q. Describe your position on the journal and how
23 you felt you were able to discuss the initiatives of the
24 journal with other people on the editorial board for me.

25 A. Well, when it came to discussions of what

1 should and shouldn't go into the journal, even if I had
2 reservations, I generally kept them to myself.

3 Q. Describe your interactions with authors in the
4 editorial process. How did you interact with the
5 authors?

6 A. Mostly, I gave comments on readability and if
7 there was something that they wrote that I thought was,
8 you know, clumsy or awkward, well, I wouldn't have said
9 "clumsy" to them, that would have come off as rude. But
10 if the wording was somehow unclear, I would have
11 suggested an alternate wording. And, obviously, if they
12 were clear typos, I would have suggested changing those.

13 Generally, closest I got to content, at
14 least in the -- you know, well, I suppose in both the
15 large scale articles and the symposium would be comments
16 about, like, argumentative structure. Like, if I saw an
17 argument that just rhetorically wasn't clear, but that
18 really doesn't have much to do with like the content of
19 it.

20 The closest I got to talking about content
21 was with one of the contributors, Barry Wiener. And I
22 expressed some concern over the tone. But after that, I
23 stopped doing that.

24 Q. And this was an author you now characterize as
25 having published a racist article, correct?

1 A. Yes.

2 Q. And did you recognize his article as racist at
3 the time?

4 A. Yes.

5 Q. And did you leave any writing indicating that
6 you felt his article was racist?

7 A. I did not tell him that his article was racist.
8 I said that the tone was -- I don't recall exactly what
9 I said, but I think I said something along the lines
10 that the tone was confrontational and that his arguments
11 would come out better if it was not as confrontational
12 or if he was less, I don't know, confrontational towards
13 left politics?

14 Q. Is it racist to be confrontational, is that
15 what you mean?

16 A. I don't believe it's racist to be
17 confrontational in itself. I believe it's racist to say
18 something along the lines of, left politics being part
19 of reeducation camps.

20 Q. Did his article say that?

21 A. I believe that was in that article. I could be
22 mistaken, it could have been in another article.

23 Q. And you write here, in fact, you have the
24 exhibit, "I also don't want to lose my job." Do you see
25 where you said that?

1 A. Yes.

2 Q. Did anyone ever threaten you with losing your
3 job at the journal?

4 A. No.

5 Q. In fact, you quit you said, I think, July 29th,
6 2020, if I'm not mistaken, or thereabouts?

7 A. Yes. And I was encouraged to leave by Benjamin
8 Brand.

9 Q. Benjamin Brand being the department chair or
10 division chair MHE.

11 A. Yes.

12 Q. I'm always afraid I'm transposing the letters.
13 So, he essentially told you to leave the job, is that
14 it?

15 A. He didn't tell me to leave the job, but he knew
16 I was unhappy in the job, especially in the recent
17 months leading up to July. Really, from November to
18 July. Pre-November, pre-SMT, I was actually rather
19 happy with the job, just working on those three academic
20 articles.

21 And up to that point, the input from the
22 editorial board was a lot less. It was after the SMT
23 that it became very micromanaged, and that's about the
24 point where I started to dislike the job.

25 So, Brand knowing that I was already

1 unhappy in the job and had already been concerned about
2 my name being attached to something that was racist,
3 encouraged me to leave the position. And, mainly, did
4 that by saying that my funding would be okay if I did,
5 that I would have a position as a TA, which was my main
6 concern.

7 Q. Which is what you've done now, correct? You've
8 continued as a TA, correct?

9 A. Yes.

10 Q. And no one was issuing statements for you to be
11 fired, correct?

12 A. No.

13 Q. And it was -- you were becoming dissatisfied
14 with the job, you said from November up through July, so
15 sounds like from the Philip Ewell talk through the
16 publication of the journal and the resulting fallout,
17 because of the racist content of the journal.

18 A. Yes.

19 (DEPOSITION EXHIBIT 7 MARKED.)

20 Q. (By Mr. Allen) I think you're on this e-mail,
21 Mr. Walls. Is this your e-mail, LeviWalls@my.unt.edu?

22 A. Yes.

23 Q. Do you recall this e-mail?

24 A. Yes, I do.

25 Q. And isn't it true that this e-mail discusses

1 having a response from Ewell and others who might want
2 to respond to the symposium in a Volume 13?

3 A. I have to remind myself everything that was
4 said in this e-mail. Could I just have a moment to
5 review it?

6 Q. Of course. Of course. I should have said that
7 at the beginning, and I'm sure your attorney would have
8 objected if I forced you to comment on a document that
9 you couldn't read. If at any time you need time to
10 examine a document, please just say so.

11 A. All right. What was your question?

12 Q. So, this e-mail discusses having a response
13 from Ewell, as well as others, to the symposium in
14 Volume 13, which would have appeared in the next
15 subsequent volume of the Journal for Schenkerian
16 Studies, correct?

17 A. Yes.

18 Q. Do you know if a call for papers ever went out?

19 A. For Volume 13?

20 Q. Correct.

21 A. Not that I know of.

22 Q. Why not?

23 A. I mean, I assume if it went out, it would have
24 went to SMT list, but I actually don't keep track of
25 it -- SMT list, that is.

1 Q. But you know for a fact no call for papers for
2 a Volume 13, as a kind of follow-up to the symposium
3 ever went out.

4 A. I don't know that for a fact. I just haven't
5 seen one. As far as I know, no call ever went out for
6 Volume 13.

7 Q. Did you prepare any such call for papers?

8 A. No.

9 Q. You participated directly in the call for
10 papers that went out for the symposium, correct?

11 A. Yes.

12 Q. Isn't this a normal part of editorial practice,
13 to call for responses to controversial articles that
14 have been published?

15 A. To the best of my knowledge, I think that's
16 normal, although I got a sense from other people that
17 what would have been more standard would have been to
18 specifically invite Ewell from the beginning.

19 Q. Do you know that Ewell was not invited to
20 participate in the symposium?

21 A. He wasn't directly or explicitly invited.

22 Q. Was he invited in some way?

23 A. It is true that the call went out general or
24 generally through the SMT list, I think, and so,
25 theoretically, he might have had access to the call, if

1 he keeps track of the SMT list, which I mean, I imagine
2 he does, but he wouldn't have been invited specifically.

3 Q. Do you know if Ewell participated in any of the
4 authors' publications that were pro-Ewell that appeared
5 in the symposium, by either consulting with them or
6 reading their papers in advance or in any form like
7 that? Did you have any knowledge of that, as an editor?

8 A. I think one of the articles mentioned in --
9 sorry -- acknowledgments that they consulted with Ewell,
10 just asking his opinion on what they wrote, but I
11 don't -- I want to say Lett's, that could be wrong.
12 Stephen Lett.

13 Q. Stephen Lett's publication, is that what you're
14 referring to?

15 A. Yes. I believe that was the one with the
16 acknowledgment mentioning that they ran it by Ewell for
17 comments.

18 Q. So if someone said Ewell had no notice that the
19 symposium was going to be published, that would be
20 false, correct?

21 MR. BOHUSLAV: Objection, calls for
22 speculation.

23 A. I think he had notice, but it seemed to me --
24 and, again, I don't really know Ewell's frame of mind --
25 it seems as if he wanted a direct invitation, that if

1 that wasn't granted, he wasn't, you know, welcome to
2 submit a response.

3 Q. (By Mr. Allen) But the call for papers did go
4 out over the SMT list, which he would have received,
5 correct?

6 MR. BOHUSLAV: Objection, calls for
7 speculation.

8 A. If he keeps track of the SMT list, then he
9 would have seen it, I'm sure.

10 Q. (By Mr. Allen) Do you have any reason to
11 believe he would not receive the SMT list e-mailings?

12 A. I mean, I'm sure he would have received it,
13 but, I mean --

14 Q. That's okay. That's all I want to know.

15 A. Okay.

16 Q. And he also had knowledge that papers were
17 being published in the symposium, which he knew from
18 other authors, in particular, the author Lett, correct?

19 MR. BOHUSLAV: Objection, calls for
20 speculation.

21 A. Yes. But for all I know, he found out that
22 after the deadline had already passed. So, it's
23 possible that in that scenario, the deadline passed, and
24 at that point Lett was already writing his article or --
25 oh, no, I'm sorry. No. If Lett contributed before the

1 deadline, then I suppose Ewell would have known before
2 the deadline.

3 MR. ALLEN: I'm going to mark Exhibit 8,
4 please.

5 (DEPOSITION EXHIBIT 8 MARKED.)

6 MR. ALLEN: Now, it's about 2:05, I know
7 that some people wanted a break after about an hour the
8 first deposition. Should we have a brief intermission?

9 MR. BOHUSLAV: Yes. This is a good
10 stopping point?

11 MR. ALLEN: Can we go off the record?

12 (OFF THE RECORD FROM 2:07 TO 2:22 P.M.)

13 Q. (By Mr. Allen) So, Mr. Walls, I've given you a
14 document marked Exhibit 8.

15 A. Uh-huh.

16 Q. Do you recognize this document?

17 A. Yes.

18 Q. And could you describe the contents of this
19 document for the Court, please?

20 A. So, this is my e-mail to Dr. Brand near the
21 beginning of 2020, expressing my concerns over the
22 upcoming issue, specifically the symposium, and we sat
23 up a meeting.

24 Q. And were the concerns in this -- expressed in
25 this document, were those the same that you had just

1 expressed, your growing dissatisfaction with what you
2 perceived as racism in the contents of the journal?

3 A. In what was going to be the content in the
4 journal, and my discomfort was over some of the
5 responses I was seeing informally over e-mail to the
6 plenary talk. Not just Ewell's, but the plenary talk,
7 in general, and just my understanding of where people on
8 the editorial board were, in terms of their knowledge of
9 race issues.

10 Q. So, you said something there, "not only Ewell,
11 but the plenary talk, in general." Can you explain what
12 you mean by that?

13 A. I remember somebody said something about the
14 plenary being demoralizing, suggesting that just --
15 since the plenary itself was focused on social issues,
16 expressing dissatisfaction with the plenary, at large,
17 which I saw as very problematic.

18 Q. And by problematic, do you mean racist, among
19 other things?

20 A. Yes, racist, among other things.

21 Q. What other things, perhaps? Could you describe
22 other things that were disquieting to you about the
23 substance of the responses to the plenary?

24 A. Well, in that one comment about the plenary
25 being demoralizing, I wasn't at the plenary because I

1 wasn't at that SMT, and I only watched Ewell's paper
2 from the plenary, but I know that there were papers in
3 the plenary, not just about race, but I think about
4 gender, as well, and so just the belief that the plenary
5 itself was demoralizing, I saw as racist or sexist
6 because it fails to understand the fact that an entire
7 session on racism and sexism should, to a certain
8 extent, be an uncomfortable experience.

9 Q. Why should it be an uncomfortable experience?

10 A. Because people don't like being confronted with
11 the ills of the past, in terms of their nationality or
12 race or gender or whatever identity. People are very
13 resistant to it.

14 Q. Did you feel that it was illegitimate to defend
15 Schenkerian analysis in the face of this plenary
16 session?

17 A. For who to defend Schenkerian analysis?

18 Q. Good question. So, let me back up. The
19 correspondence you were seeing was that correspondence
20 among the editorial board, which you've already
21 described as made up primarily of people we've described
22 as hard core Schenkerians. So, did you feel it was
23 illegitimate for these hard core Schenkerians to object
24 to the plenary session?

25 A. Yes. I felt that they were okay to object to

1 specific theoretical issues, but they chose to
2 specifically focus on just the direction that the
3 plenary took, in terms of like being on social issues or
4 being left of center.

5 Q. Do you consider, for instance, Philip Ewell's
6 views to be left of center?

7 A. Yes.

8 Q. Do you consider them to be moderate views?

9 A. Yeah. I would say that they're moderate.

10 Q. How would you characterize his paper in its
11 substance? If you could summarize his paper in three
12 sentences, how would you summarize it?

13 A. I mean, that's quite a task. But I would say
14 that primarily his paper focused on the -- really,
15 the -- what's the word I'm looking for? I suppose the
16 debt that music theory has, and to a somewhat lesser
17 extent musicology, the debt that it has to white
18 supremacist narratives, mainly seen through issues of
19 canon, what works are and aren't focused on in academia.
20 And as a part of that, he focused on Schenker as a case
21 study, since Schenker is a widely practiced methodology
22 in North America.

23 Q. And is the objection to those opinions what
24 you're referring to here? I'm looking at the second
25 sentence, which is quite long, but I'm going to -- look

1 where it refers to Burkhart, Eric Wen and Damschroder,
2 and you say, "who I know to have particularly vitriolic
3 opinions about Ewell and his paper." Is it the
4 objection to those ideas which you summarized what you
5 meant when you wrote that to your chair, Benjamin Brand?

6 MR. BOHUSLAV: Objection, vague, compound.

7 A. Could you re -- or could you be a little bit
8 more clear?

9 Q. (By Mr. Allen) Sure. I'll just withdraw the
10 question, please.

11 Let me read the sentence. "Even though we
12 put out a CFP that I specifically framed in a way that
13 emphasizes that responses should be thoughtful and
14 neutral in tone, Dr. Jackson has been privately
15 soliciting responses from people (Burkhart, Eric Wen,
16 Damschroder) who I know to have particularly vitriolic
17 opinions about Ewell and his paper." Did I read that
18 correctly?

19 A. Yes.

20 Q. And you wrote that, right?

21 A. Yes.

22 Q. And the particularly vitriolic opinions about
23 Ewell and his paper, those you were identifying as the
24 opinions of the hard core Schenkerians, among whom many
25 were on the board of the Journal for Schenkerian

1 Studies, correct?

2 A. Yes.

3 Q. And they were reacting to what you
4 characterized as the content of Ewell's paper, as you
5 just summarized, correct?

6 A. Yes.

7 Q. Did this meeting take place between you and Dr.
8 Brand?

9 A. Yes.

10 Q. And what did you discuss in that meeting?

11 A. I told him that I was worried about what the
12 journal was going to print, because it seemed as if
13 people were really angry about Ewell's paper, and I
14 didn't want the journal to print anything explicitly
15 racist or implicitly racist, and I was afraid that they
16 were going to, and so I just told him that I was worried
17 about that.

18 Q. Were you worried about the effect this would
19 have on your career, too?

20 A. Yeah. I was worried. I was a little bit more
21 worried about the reputation of the school and the
22 departments, but I was also worried about my own
23 reputation as being someone who -- whose name would be
24 on the journal.

25 Q. What else did you talk about with Dr. Brand?

1 A. I mean, it wasn't a really long meeting. I
2 don't recall exactly how long it was, maybe 20 minutes,
3 and so that's mainly what we stuck to. He did express
4 the idea that there wasn't much to worry about and that
5 I shouldn't be very worried, that if -- you know, if the
6 journal did express racist -- people who contributed to
7 the journal expressed racist beliefs, then those were
8 their beliefs and not necessarily my own.

9 Q. Did he express any desire or need to eliminate
10 the journal at that time?

11 A. No.

12 Q. Did he express any belief or desire to remove
13 Timothy Jackson from the editorial board?

14 A. No.

15 Q. To remove Stephen Slottow from the editorial
16 board?

17 A. No.

18 Q. To replace you with a tenured faculty member in
19 any way?

20 A. No.

21 Q. And was there anything else you discussed with
22 Benjamin Brand in that 20-minute meeting?

23 A. Let me think. We did briefly discuss the -- as
24 I understood it, the history of Dr. Jackson's
25 understanding of race, and that I didn't have a lot of

1 faith in it, and that would be why I was especially
2 worried about what was going to appear in the journal.

3 Q. Is that the reference in Exhibit 8 to
4 diversity, equity and inclusion issues?

5 A. What part of Exhibit 8?

6 Q. If you look on the second page, that's -- if
7 you look at the bottom, there's UNT 646, that's what's
8 called Bates numbers, because lawyers always have to
9 invent such names for things. "The journal will be
10 publishing responses to a controversial SMT paper soon,
11 and it poses a possible issue for the atmosphere of
12 diversity and inclusion that I know you -- meaning
13 Benjamin Brand -- have been conscious about fostering
14 lately, which is a great thing." Did I read that
15 correctly?

16 A. Yes.

17 Q. So, that's what I'm referring to when I asked
18 you, did you discuss the relationship of Timothy
19 Jackson's approach to, I guess, issues of racism or what
20 you previously described as bias or implicit bias, did
21 you discuss that, in terms of Benjamin Brand's diversity
22 and equity and inclusion initiatives?

23 A. Briefly.

24 Q. And what did you say to Benjamin Brand about
25 that?

1 A. Well, when I aired my concerns, Benjamin Brand
2 said that Dr. Jackson did very well in the diversity and
3 equity training, and I reminded him that Dr. Jackson
4 left the faculty -- the joint faculty/student session
5 early, which I thought was disrespectful.

6 Q. When did that take place?

7 A. I don't recall exactly when that training was.
8 If I had to guess, I would say during the fall semester
9 of 2020.

10 Q. What were you required to take, as a graduate
11 student, in terms of equity, diversity and inclusion
12 training?

13 A. I think it was just one session that was just
14 grad students, and then a joint student/faculty session.

15 Q. Were there materials distributed in these
16 sessions?

17 A. Yes.

18 Q. What was distributed in these sessions, please?

19 A. I don't recall exactly, just because it was a
20 long time ago, but I think that there was just general
21 things provided about micro-aggressions, I definitely
22 remember that, and I think there was also resources
23 about the -- I forget the acronym, but the Harvard
24 implicit bias study, where you're asked to look at a
25 series of words and tap left or right depending on, you

1 know, negative or positive connotation.

2 Q. Was that presented as more or less social
3 scientific truth?

4 MR. BOHUSLAV: Objection, vague.

5 A. Yeah.

6 Q. (By Mr. Allen) You directly experienced this,
7 did you not?

8 A. I did.

9 Q. And the implicit bias training, I'll just
10 repeat because for some reason your counsel seems to
11 think this was a vague question, was that presented in
12 the presentation as social scientific truth?

13 A. I don't really know what you mean by social
14 scientific truth.

15 Q. Was it presented as something that was
16 unimpeachably established by science?

17 A. It was -- the Harvard study, you mean?

18 Q. Correct.

19 A. It was established as something that was done
20 at a well-respected university with people who know
21 better than any of us do signing off on its legitimacy.

22 Q. Was that -- was there any criticism of the
23 social scientific studies of Harvard University
24 presented in the presentation?

25 A. No.

1 Q. Was any voiced by the audience?

2 A. I think a few people said that it was just a
3 confusing test, and so there was like room for a margin
4 of error.

5 Q. So, I wanted to follow up and ask you if you
6 had kept any of the materials that were distributed at
7 these diversity, equity and inclusion trainings?

8 A. I think I might have kept them, but I have no
9 clue where they would be. Probably in a stack of papers
10 somewhere.

11 Q. Well, we'll follow up on that. So, back to Mr.
12 Benjamin Brand. So, you discussed, specifically, these
13 trainings in your discussion of Timothy Jackson's
14 failure to have, I suppose, the correct viewpoints. Am
15 I summarizing that correctly?

16 A. I don't know if it's about viewpoints. But to
17 be informed, for instance, to know what a person of
18 color is.

19 Q. What is a person of color to you, Mr. Walls?

20 A. A person of color is anybody who identifies as
21 non-white, so that includes black people, indigenous
22 people, Hispanic people, Asian people.

23 Q. Is someone's subjective identification as white
24 or non-white important, to become a person of color?

25 A. I suppose identification wouldn't be the right

1 word, because then you could be a white person and say,
2 I identify as Asian, which wouldn't make you a person of
3 color. So, I suppose it comes down to -- I mean, it's
4 difficult to define, because race is just such a
5 difficult issuing, but I suppose it comes down to
6 phenotype, physical look, and also just heritage, but
7 I'm not an expert on race theory.

8 Q. It seems like what you're saying is it's very
9 difficult to define what race is, is that fair?

10 A. Yeah.

11 Q. How did Timothy Jackson fail to engage this
12 topic, in your view?

13 A. He thought that a person of color meant,
14 specifically, a black person.

15 Q. What did he say that led you to believe that he
16 thought a person of color meant specifically a black
17 person?

18 A. Because I mentioned that my wife and
19 forthcoming child were people of color, and he said that
20 he didn't know my wife was black.

21 Q. Did he mention to you that his wife was Korean?

22 A. I know his wife is Korean.

23 Q. You knew that independently, right?

24 A. Yes.

25 Q. Do you think that Professor Jackson considers

1 his wife a person of color?

2 MR. BOHUSLAV: Objection, calls for
3 speculation.

4 A. I remember at the time him remarking, oh, well,
5 then my children are people of color. It seemed like a
6 new revelation to him.

7 Q. (By Mr. Allen) So, he discussed this directly
8 with you, that his wife was a person of color and his
9 children were mixed race.

10 A. Yes.

11 Q. Going back to our friend Benjamin Brand, the
12 department chair or division chair, I just wanted to
13 ask, is there anything else you can remember discussing
14 with Benjamin Brand in this January time frame in which
15 you sent Benjamin Brand the e-mails in Exhibit 8?

16 A. To the best of my memory, that was everything
17 we talked about in that 20 or so minutes.

18 MR. ALLEN: I'm going to mark this as
19 Exhibit 9, please.

20 (DEPOSITION EXHIBIT 9 MARKED.)

21 Q. (By Mr. Allen) Do you recognize the second
22 e-mail in this page? It starts, "From: Walls, Levi,"
23 which is the way e-mail always does these things. Do
24 you recognize this e-mail?

25 A. Yes.

1 Q. It's July 25th, 2020, correct?

2 A. Yes.

3 Q. Rather late in the evening, 8:56 p.m.

4 A. Uh-huh.

5 Q. You say, "I just heard about this." What are
6 you referring to?

7 A. I think I'm referring to the Twitter backlash.

8 Q. Twitter backlash to what?

9 A. To Volume 12.

10 Q. And you say, "it's very worrying, especially as
11 I don't want my career to be ruined before it properly
12 began." Can I ask you why would you be worried that
13 your career might be ruined before it properly began?

14 A. Because my name was attached to a journal that
15 printed explicitly racist comments.

16 Q. And it sounds like you were concerned for your
17 family, and you were also, you say, confused about
18 exactly what people want. "The responses were to
19 Ewell's paper. Did Ewell want to respond to his own
20 paper?" You see where you said that? Those were your
21 words, right?

22 A. Yes.

23 Q. So, at the time you wrote this, you clearly did
24 not have the impression that there was anything wrong to
25 staging responses in the way the journal had gone about

1 it, correct?

2 MR. BOHUSLAV: Objection, form.

3 A. The only thing that I failed to understand at
4 that time was that there was something wrong with not
5 like specifically inviting Ewell to issue a response.

6 Q. (By Mr. Allen) So, what kind of invitation do
7 you think would have been required?

8 A. A direct one.

9 Q. What kind of direct one? Could you describe it
10 in its form? If you could do everything over again,
11 what would you have presented to Professor Ewell at
12 Hunter College?

13 A. Well, I can't do everything over again, but I
14 think what a direct invitation would have looked like is
15 from somebody at the journal saying, we are
16 publishing -- or no, not eliciting. We are seeking
17 responses to your paper and would like to know if you
18 would also like to be involved.

19 Q. And you write, "I don't think anyone would have
20 a problem with that," correct?

21 A. Yes.

22 Q. So, there was no one at the journal who had
23 voiced any objection to Ewell responding to any of the
24 responses or material that was published in the
25 symposium, correct?

1 MR. BOHUSLAV: Objection, leading.

2 A. I mean, not really directly, no. I think that
3 if Ewell had written in saying, I'd like to respond, I
4 mean, I'd like to believe that that would have been
5 allowed to happen.

6 Q. (By Mr. Allen) Well, let me put it more
7 directly. Did anyone ever tell you, who is associated
8 with the editorial staff, that they would not permit
9 Ewell to publish in the journal?

10 A. No. But the possibility of it didn't really
11 come up.

12 Q. You say in the second to last sentence in that
13 paragraph, since the journal printed every response we
14 got, it would go without saying that we weren't
15 interested in presenting a one-sided picture. Do you
16 still believe that that's a true statement?

17 A. I think that the split of articles was mostly
18 fine. It was -- there were a few more Schenkerian
19 articles than there were, you know, articles pushing
20 back against -- or not pushing back against, but really
21 like supporting the content in Ewell's talk.

22 But -- sorry. Could you rephrase or could
23 you say the question, again?

24 Q. Sure. I read the sentence -- it's your
25 sentence, right? These are your words. "Since the

1 journal printed every response that we got, it should go
2 without saying that we weren't interested in presenting
3 a one-sided picture." And I asked you, do you still
4 stand by that statement as a true statement? It's just
5 a simple "yes" or "no" question.

6 A. Yeah. I think that the journal, because they
7 published everything that was sent in, they didn't try
8 and direct the discourse in one way or the other. I
9 just was extremely displeased with the hard core
10 Schenkerian content.

11 Q. You would have removed those articles that were
12 characterized later as racist, is that it?

13 A. If it were up to me, yes.

14 Q. Incidentally -- I'm going back to Exhibit 8 for
15 a brief moment. You mentioned Burkhart, Eric Wen and
16 Damschroder. Can you give the full name of each of
17 those individuals, if you know it?

18 A. William Burkhart, Eric Wen, and David
19 Damschroder.

20 Q. Did any of those individual actually publish
21 responses in the symposium?

22 A. Burkhart did, Eric Wen did not, and Damschroder
23 did not.

24 Q. So, these individuals who you were concerned
25 about when you went to talk to Dr. Brand, two of them

1 were not even going to respond in the symposium,
2 correct?

3 A. I thought they would. They had a lot of
4 opinions. They just decided not to, in the end.

5 Q. Were they eliminated because of any kind of
6 editorial process?

7 A. No. I assume that Damschroder and Eric Wen
8 just didn't want to get involved or didn't have the time
9 to write a response.

10 Q. Now, back to Exhibit No. 9. It's true that you
11 published every pro-Ewell response you received in
12 response to the CFP, right?

13 A. Yes.

14 Q. And by CFP, you understand that I mean call for
15 papers that you crafted in September of 2019, I believe,
16 correct?

17 A. Yes.

18 Q. Are there any criteria you would have used to
19 eliminate a pro-Ewell response?

20 A. If it had racist content in it, I would have
21 eliminated that, racist or sexist or classist.

22 Q. Would you have eliminated a pro-Ewell response,
23 if it was anti-Semitic?

24 A. Yes. That counts as racism in my book.

25 Q. And the last two sentences before you closed

1 the e-mail here, it says, "at the moment, people seem to
2 be speculating about the journal without actually
3 reading it." You still believe that was true, as you
4 state it at that time? I mean, in other words, in the
5 January 25th time frame, do you believe the criticism of
6 the journal was being mounted by many people who had not
7 read the journal?

8 A. I think there were a lot of people mounting
9 criticism of it who hadn't read it but had talked to
10 people who had read it. So, the people who hadn't read
11 it, they got a picture of it, I think, but just not a
12 full picture.

13 I assume that a lot of them later went on
14 to read more of the articles for themselves. But I
15 think it's fair to say that some of the people that had
16 criticisms didn't go through the trouble of reading it
17 in full.

18 Q. And, again, do you believe at this time, if
19 there was a need to respond with a Volume 13, like
20 responses to the responses, in other words, say a
21 symposium that responded to the original symposium, that
22 people would have backed that within the journal?

23 MR. BOHUSLAV: Objection, calls for
24 speculation.

25 A. I mean, I think probably, because that idea was

1 certainly floated among the editorial board or people
2 who were more involved in the editorial board like --

3 Q. And it made sense to wait to bring Ewell into
4 the process until we actually knew -- you -- or we
5 meaning you, the people on the editorial staff, and the
6 population at large would read the journal, what had
7 actually been said in the symposium, correct?

8 A. I mean, I thought at the time, but having
9 talked to people who are more knowledgeable than myself
10 in how journals should be run, I understand now that it
11 would have been more proper and ethical to invite him
12 immediately to take part.

13 Q. And who told you that that would be the most
14 proper approach?

15 A. I talked to a few people who expressed that. I
16 know Stephen Lett said that. And I think it might have
17 come up when I talked to the ad hoc committee, all of
18 them being people who are knowledgeable in how journals
19 should be run.

20 Q. So, they told that to you in the ad hoc
21 committee, rather than you telling them things? Is that
22 what I'm to understand, at least about that specific
23 topic?

24 A. Well, I mean, they weren't feeding me words, if
25 that's what you mean. They were just saying, because

1 that topic came up, and I think they said something
2 along the lines of that that was an unusual practice.

3 MR. ALLEN: Can I have this marked,
4 please?

5 (DEPOSITION EXHIBIT 10 MARKED.)

6 Q. (By Mr. Allen) And, Mr. Walls, do you
7 recognize this exhibit?

8 A. Yes.

9 Q. Can you describe this exhibit?

10 A. This was my public response after the backlash
11 on July 27th.

12 Q. And it looks like this is two days after
13 Exhibit 9, correct?

14 A. Yes.

15 Q. And in Exhibit 9, you had openly expressed
16 concern for your career due to the backlash. And two
17 days later at about 10 o'clock p.m., you posted this to
18 Facebook.

19 A. Yes.

20 Q. Were there any other venues that you published
21 this document?

22 A. No, just Facebook. That's the only social
23 media I have.

24 Q. And you say -- I'm looking down three, four
25 sentences. "I had no control over the content of the

1 journal."

2 A. Yes.

3 Q. And you also say, "I am guilty of complicity
4 because I remained in the position after I realized that
5 my whistleblowing efforts were for naught," right?

6 A. Yes.

7 Q. And what whistleblowing efforts are you
8 referring to there?

9 A. Going to talk to Brand.

10 Q. Were there any other whistleblowing efforts you
11 engaged in?

12 A. No, I just talked to Brand.

13 Q. And with Brand, you discussed what we've
14 already gone over with regard to those e-mails, correct?

15 A. Yes.

16 Q. And you also say at the bottom of that first
17 page, "I feared I could not leave without significant
18 damage to my career."

19 A. Yes.

20 Q. Yet now you have left the journal, correct?

21 A. Yes.

22 Q. But instead of damage to your career, you just
23 transitioned into a TA-ship, correct?

24 MR. BOHUSLAV: Objection, leading.

25 A. I did go into a TA-ship, but the state of my

1 career is yet to be seen, because my career arguably has
2 not started.

3 Q. (By Mr. Allen) And did you ever approach
4 Timothy Jackson with these concerns?

5 A. No.

6 Q. Now, you say here, if I skip down to the next
7 page, about six lines down, it says, "although after
8 serious thought, I essentially agreed with Ewell's
9 talk." Do you still stand by that statement as true?

10 A. Yes.

11 Q. And I'm skipping forward. "I gave comments to
12 one author, including that they seemed to devalue other
13 fields of study, that they cherrypicked information to
14 make Schenker appear in a better light, and that they
15 confused cultural appropriation with egalitarianism."

16 And then, shortly thereafter, you were told
17 by Timothy Jackson that it was not your job to censor
18 people. Can you describe those interactions and who the
19 author is you are discussing there, and just the general
20 substance of that conversation or series of
21 conversations?

22 A. The author I'm discussing is Wiener, Barry
23 Wiener, and they were the one that I gave comments to,
24 specifically about the contents, and they were very
25 displeased with it and forwarded it to Jackson saying

1 that, basically, we can't let the other side win. And
2 the next day, I was told that it wasn't our job to
3 censor people's beliefs in the journal.

4 Q. And who were you told it wasn't your job to
5 censor beliefs in the journal?

6 A. Dr. Jackson.

7 Q. And did you agree with that statement?

8 A. I did.

9 Q. You agreed that it was not the job to censor
10 authors of the journal, is that it?

11 A. I agreed, even though I didn't believe it, but
12 I said, all right, that sounds fine.

13 Q. And were you ever told that that was a wrong
14 decision?

15 A. By who?

16 Q. That's what I'm wondering. I don't know. Were
17 you ever told that that was the wrong position to take,
18 that there should have been censorship of people who
19 were expressing views which you've described in this
20 deposition as racist?

21 A. I mean, I think that there should have been
22 censorship.

23 Q. Has anyone shared that view with you?

24 A. I mean, I'm sure a few people have. People
25 generally believe that the things written in the journal

1 shouldn't have been able to be published, the racist
2 comments.

3 Q. So, there was a decision made in the journal
4 not to censor people, correct?

5 A. Yes.

6 Q. And was this decision applied both to the pro-
7 Ewell and anti-Ewell papers?

8 A. Yes.

9 Q. Was there any impulse within the community of
10 the editorial board to censor the pro-Ewell responses?

11 A. No.

12 Q. And, in fact, each one of those that was
13 submitted was published, correct?

14 A. Yes.

15 Q. So, do you disagree with Professor Jackson,
16 that it was not your job to censor people?

17 A. I disagree with Dr. Jackson that it wasn't the
18 job of an editor to censor explicitly racist comments.

19 Q. And did any faculty members of UNT express that
20 similar view to you?

21 A. I think Ben Graf agreed with me, when we talked
22 about it, but I didn't really -- except for a few
23 e-mails around this time, I didn't really discuss it
24 very much with other faculty at UNT.

25 Q. Was there ever any discussion with Andrew

1 Chung?

2 A. Only in this e-mail, and it was one of the more
3 recent exhibits, there was Chung and Bakulina and
4 Heidlberger, I think, on the -- attached to the e-mail.

5 Q. And did you discuss it with Ellen Bakulina?

6 A. Again, only in the context of this e-mail that
7 everyone was attached to.

8 Q. And how about Diego Cubero?

9 A. Only in that group e-mail.

10 Q. You also say, skipping down to the next
11 paragraph, "I was worried about the potential dangers
12 that the journal posed for the College of Music and for
13 rational discourse in music theory."

14 Can you explain what you meant by that?
15 What are the potential dangers that the journal posed
16 for the College of Music and for rational discourse in
17 music theory?

18 A. Well, the journal's representative of the
19 college, being a journal that's printed out of the
20 College of Music. And so, really, any -- anything that
21 the journal does wrong will reflect badly on the
22 college, but will also reflect badly on just the field
23 of music theory, in general, which is certainly what
24 happened, considering that Volume 12 of the JSS
25 basically ruins the credibility that -- any credibility

1 that Schenkerian analysis could ever have.

2 Q. So, it's your view that the symposium ruined
3 the credibility of Schenkerian analysis throughout the
4 United States?

5 A. Absolutely.

6 Q. And, therefore, you believe that what the
7 graduate students eventually called for at UNT, that the
8 journal be eliminated, that is a worthy goal.

9 A. Yes.

10 Q. And you also say here, "Dr. Jackson was
11 woefully ignorant about politically correct discourse
12 and race relations," right? Do you see that?

13 A. Yes.

14 Q. What do you mean, "politically correct
15 discourse"? Can you describe what you mean by that?

16 A. I was thinking specifically of just knowing the
17 very basic terminology around race, like what a person
18 of color is.

19 Q. And you hold by your previous statement that
20 Timothy Jackson does not know, or at least until this
21 conversation you referred to, did not know what a person
22 of color is.

23 A. It appeared that way.

24 Q. Anything else that you consider Timothy
25 Jackson's woeful ignorance of politically correct

1 discourse?

2 A. Well, there were a few instances. At one
3 point, when discussing Meyerbeer Opera, he used the term
4 negro, not necessarily in a case that would have been
5 warranted historically. And in another case, he
6 expressed worry about when he was in school being mugged
7 by black people when he was carrying around his scores.
8 That he carried scores around New York a lot, and he
9 would see black people look at him a certain way and
10 would be worried that he was going to be mugged, which
11 seemed incredibly ignorant.

12 Q. When was this, like in the 1970s, 1980s, do you
13 know?

14 A. I don't recall exactly when he went to school,
15 but I would guess 1980s.

16 Q. Do you know what the crime rates were at that
17 time?

18 A. Nope.

19 Q. Do you think there's any objective basis to
20 fear that he might be mugged on the streets of New York
21 in the 1980s?

22 A. I think that there is a basis to fear mugging
23 anywhere in the U.S., in any state at any time, but not
24 specifically by one group over another.

25 Q. So, you would believe that it is racist to

1 believe that statistics showing that certain groups of
2 people are more likely, on average, to commit crimes
3 than other groups would not be a rational basis for
4 opinions.

5 A. Yes.

6 Q. Whether or not those statistics have any basis
7 in reality.

8 A. Yes.

9 Q. And that was part of Jackson's woeful ignorance
10 about politically correct discourse, correct?

11 A. Yes.

12 Q. And you would believe that any professor, not
13 just Professor Jackson, should hue and observe
14 politically correct discourse, is that your basic
15 belief?

16 A. Yes.

17 Q. And is there anything in the category race
18 relations that you believe is included in politically
19 correct discourse that we haven't discussed as part of
20 politically correct discourse?

21 MR. BOHUSLAV: Objection, vague.

22 A. Yeah, I'm a little turned around by that
23 question. Could you rephrase it?

24 Q. (By Mr. Allen) Yeah. Let me strike that
25 question. What I'm trying to get at, Mr. Walls, is

1 we've discussed politically correct discourse, and you
2 say in your sentence, politically correct discourse and
3 race relations. What I'm trying to ask you is, what are
4 you referring to in the phrase "race relations" that we
5 have not discussed in terms of politically correct
6 discourse?

7 A. I suppose just defining race relations would be
8 the really relating to societal structure, including
9 things like hegemony, like which classes of people tend
10 to get resources and which don't. That's, I think, what
11 I meant by race relations.

12 Q. So, differences in the distribution of wealth,
13 is that what you mean?

14 A. Yes, among other things.

15 Q. What other factors do you mean by hegemony?
16 I'm really unsure what hegemony means.

17 A. Just basically the status quo. In this case,
18 the -- really the uneven distribution of wealth
19 following as -- what's the word -- as a consequence of
20 an entire group of people having been enslaved 200 years
21 ago.

22 Q. And by that, you mean black Americans.

23 A. Yes.

24 Q. And anything else you mean by hegemony in race
25 relations?

1 A. I suppose not.

2 Q. You also say -- I'm skipping down yet again to
3 the bottom of that page -- "I feared retaliation from
4 Timothy Jackson because" -- let me start that again. "I
5 feared retaliation from Timothy Jackson: He is an
6 incredibly well-connected and influential figure in
7 Schenkerian circles."

8 So, I think you had expressed in that first
9 text message thread with Christopher Segall that you
10 feared retaliation, correct?

11 A. Yes.

12 Q. And you're repeating that fear here.

13 A. Yes.

14 Q. And I believe that this being July 27th is
15 approximately the same time frame, is that correct?

16 A. Yes.

17 Q. And we established already that you can't
18 really identify any specific incident in which you were
19 retaliated against, correct?

20 A. No. Because I was very careful not to give him
21 reason to retaliate against me up until that point.

22 Q. So, your position is that you might have been
23 retaliated against, but for not saying things or
24 something of that nature.

25 A. I was sure I would have been.

1 Q. What made you sure?

2 A. Talking to people who have been retaliated
3 against, and just knowing -- just how he is, in terms of
4 getting his own way about things.

5 Q. Who had Timothy Jackson retaliated against in
6 the past?

7 A. Yiyi Gao.

8 Q. Anyone else you can think of?

9 A. I don't remember her last name, but a previous
10 Schenker RA, Rachel something.

11 Q. Would it be Rachel Gain?

12 A. It was not Rachel Gain.

13 Q. So, you can't remember the name of this other
14 Schenker RA?

15 A. I don't recall her last name. We never really
16 spoke in person. I was just told about their problems
17 from another person, David Falterman, who also
18 expressed -- expressed grievances about retaliation.

19 Q. David Falterman?

20 A. David.

21 Q. David.

22 A. Yeah.

23 Q. Can you spell his last name, if you know it?

24 A. F-A-L-T-E-R-M-A-N.

25 Q. And would the Rachel be Rachel Anderson, by any

1 chance?

2 A. I'm really not sure.

3 Q. So, you can't identify the second person,
4 correct?

5 A. I just simply don't remember their last name.

6 Q. And you knew about it only through other people
7 telling you things.

8 A. I knew about it through David, who talked to
9 them.

10 Q. And do you know if David Falterman -- if David
11 Falterman experienced any retaliation?

12 A. He said that he did, although he didn't go into
13 detail.

14 Q. And do you know any of the details about the
15 supposed retaliation against the Schenker RA?

16 A. I don't know the specific details.

17 Q. How about Yiyi Gao, what do you know about
18 supposed retaliation against this individual?

19 A. That one, I know more about. I know that there
20 was a point where they were asked to keep typesetting
21 materials after an independent study had ended, and they
22 couldn't because they were going home to see family.
23 And when they said that, Dr. Jackson retroactively
24 changed their passing grade to a failing grade.

25 Q. And do you know if this is documented anywhere?

1 A. I'm sure it is because the issue was, as I
2 understand, taken up with administration.

3 Q. So, this was vetted with the administration, as
4 far as you know?

5 A. As far as I know.

6 Q. Do you agree that a student should not get a
7 passing grade for work that's not passing?

8 A. But the work was passing. That's why I got a
9 passing grade.

10 Q. How do you know that?

11 A. Because I got a passing grade.

12 Q. I thought you said it was changed from a
13 passing to failing grade.

14 A. It was changed from a passing to failing grade,
15 when the student didn't do what they wanted -- what Dr.
16 Jackson wanted.

17 Q. What was that?

18 A. To keep typesetting materials after the
19 independent study had ended.

20 Q. So, your view is or your understanding of this
21 so-called retaliation was requiring a student to keep
22 typesetting work after a semester had ended for which
23 they got a passing grade.

24 A. Yes. A student should not be ordered to
25 continue work that they are no longer getting school

1 credits for.

2 Q. So, she should have got a non-passing grade and
3 not have been afforded the opportunity to finish that
4 work. Is that what you understand?

5 A. They got a passing grade because I assume they
6 finished the work or else they wouldn't have gotten a
7 passing grade. It's only when they refused to keep
8 doing work that they were given a failing grade.

9 Q. Do you have any knowledge of whether the work
10 up to that point was unsatisfactory or not?

11 A. No. I assume it was just by virtue of the fact
12 that it was given a passing grade.

13 Q. So, the basic point is, you don't really
14 understand the circumstances that led to this passing
15 grade supposedly being given, correct?

16 A. I don't know all the circumstances, I just know
17 that it was wrong.

18 Q. And did you hear this from Yiyi Gao directly?

19 A. I don't remember who I heard it from. It might
20 have been from Yiyi, or it might have been from a mutual
21 friend.

22 Q. So, you can't identify now where you heard
23 this.

24 A. I think it was Yiyi, I'm just not 100 percent
25 certain.

1 Q. Do you remember when you talked to her?

2 A. I remember it was around Christmas sometime.

3 Q. Christmas 2019?

4 A. I think it was before that.

5 Q. Of the previous year, Christmas 2018?

6 A. I want to say it was Christmas 2018, but I'm
7 very uncertain.

8 Q. And what did Yiyi Gao say or do that caused
9 Timothy Jackson to retaliate against her?

10 A. She refused to keep doing work after her
11 independent study had ended.

12 Q. Was there any indication that she disagreed
13 with Timothy Jackson, and that caused him to retaliate
14 against her?

15 A. Disagreed with him about what?

16 Q. I don't know. How do you define retaliation,
17 Mr. Walls?

18 MR. BOHUSLAV: Asked and answered.

19 MR. STOWERS: Let's take a break.

20 MR. ALLEN: You want a break?

21 MR. STOWERS: Yeah, let's take a break.

22 MR. ALLEN: Yeah, we can take a break.

23 (OFF THE RECORD FROM 3:10 TO 3:14 P.M.)

24 (DEPOSITION EXHIBIT 11 MARKED.)

25 Q. (By Mr. Allen) Mr. Walls, I've had an exhibit

1 pre-marked as Exhibit No. 11, and I'm handing you a copy
2 of that right now. And I'm going to -- before you
3 examine this, I'm going to ask you a question. Do
4 you -- are you aware that Philip Ewell of Hunter College
5 has characterized Beethoven as a mediocre classical
6 musician?

7 A. Yes, I think I heard that.

8 Q. And are you aware of his argument that
9 Beethoven's prominence in the canon of classical music
10 is another example of the white racial frame which he
11 identifies as racist?

12 A. Yes.

13 Q. And could you examine this document, please,
14 and tell me if you recognize it?

15 A. Yes, I recognize it.

16 Q. And what are you saying to Professor Jackson in
17 this document?

18 A. He was talking about some Beethoven work, and I
19 said I'd be interested in seeing it, although at the
20 time, I wasn't because I had a lot going on, but I
21 wanted to be nice. And near the end of that paragraph,
22 I say that it's important to continue studying
23 Beethoven, and that something valuable might come out of
24 it. And I said it would be a shame if Beethoven
25 research stopped entirely, which is true.

1 I don't think that we should stop studying
2 any one person entirely, but I've long had grievances
3 over the just absolute inundation of music theory and
4 musicology with work on Beethoven or, really, any single
5 figure.

6 Q. Do you think studying Beethoven makes someone
7 racist?

8 A. I don't think studying Beethoven makes someone
9 racist.

10 MR. ALLEN: And I'll mark another exhibit,
11 please, as Exhibit 12.

12 (DEPOSITION EXHIBIT 12 MARKED.)

13 Q. (By Mr. Allen) Do you recognize this document,
14 Mr. Walls?

15 A. I recognize it. I don't recall it as much as
16 the previous one, but I can tell that it's my writing.

17 Q. And, again, you're discussing, for lack of a
18 better term, some of the classics in your field, right,
19 things like Rilke, Ophelia, and so forth, correct?

20 A. Yes.

21 Q. And I want to call your attention to the last
22 paragraph, and it says, "This talk of English literature
23 reminds me. Would you mind signing my degree plan?
24 Just the "major professor" line near the bottom of the
25 front page. You'll have to do it electronically, which

1 should be straightforward," and so forth. Do you
2 remember writing that to Professor Jackson?

3 A. Yes.

4 Q. Can you describe what you're asking him to do
5 in this last sentence -- the last few sentences? Excuse
6 me.

7 A. I'm asking him to sign my degree plan.

8 Q. Why do you need Professor Jackson to sign your
9 degree plan?

10 A. Because he was still my major professor.

11 Q. So you were asking him to sign your degree plan
12 as your major professor?

13 A. Yes.

14 Q. What's a major professor?

15 A. The major professor is just the primary
16 professor that you do work under, and would serve as the
17 head of the committee when you do your dissertation.

18 Q. Is that synonymous with dissertation advisor?

19 A. I don't know if it is. I assume it is. I
20 would imagine it's synonymous.

21 Q. It's sort of the -- is it the single professor
22 who is your chief mentor among the faculty for the
23 purpose of your dissertation?

24 A. Yes.

25 Q. And what's the date of this e-mail?

1 A. May 19th, 2020.

2 Q. So this is well after you were concerned,
3 apparently, according to your Facebook post, that
4 Professor Jackson had produced disgusting viewpoints in
5 the symposium, correct?

6 A. Yes.

7 Q. And yet you still asked him to be the major
8 professor for your degree plan, correct?

9 A. Yes.

10 (DEPOSITION EXHIBIT 13 MARKED.)

11 Q. (By Mr. Allen) I'm going to ask you if you are
12 aware of this document, or if you recognize it, Mr.
13 Walls?

14 A. I'm aware of it. I remember when it was sent
15 to me, and I read through it briefly.

16 Q. So, you did receive Exhibit 13, correct?

17 A. That's this one?

18 Q. It is.

19 A. Yes.

20 Q. And I only ask because I don't see your e-mail
21 or name on the "To" line or the "cc" line, but you do --
22 you do acknowledge that you received this and examined
23 it at some point, correct?

24 A. I think so. I think I remember somebody
25 sending it to me. Maybe it was Graf.

1 Q. And how would you describe this document, Mr.
2 Walls?

3 A. So, the document is just laying out the duties
4 of the center or the Center for Schenkerian Studies RA.

5 Q. And it says, in fact, "Center for Schenkerian
6 Studies - Research Assistant Position Description,"
7 correct?

8 A. Yes.

9 Q. And so, is it fair to characterize it as a job
10 description?

11 A. Sure.

12 Q. And do you see where it says, "Editor, Journal
13 of Schenkerian Studies"?

14 A. Where?

15 Q. There's a Roman Numeral I, and it says,
16 "Editor, Journal of Schenkerian Studies."

17 A. Yes.

18 Q. And this was a fair description of your job as
19 the graduate student editor of the Journal of
20 Schenkerian Studies, correct?

21 A. I don't remember what it says. Could I read
22 it?

23 Q. Please.

24 A. Yeah. That first paragraph, it talks about
25 communicating with reviewers and, you know, doing the

1 administrative tasks, like talking to authors about like
2 formatting and like copy editing, and then following the
3 style guide.

4 Q. And do you see the first sentence, "solicit
5 articles, reviews and other special contributions for
6 each issue of the journal." You see that?

7 A. Yes.

8 Q. And that was also understood to be a part of
9 your position, to solicit articles, reviews and other
10 special contributions, correct?

11 A. Yes. Although some articles, especially when
12 it came to the plenary, were sent not to me but directly
13 to Dr. Jackson, so I didn't necessarily solicit those.

14 Q. And it's -- but it's part of the editorial
15 duties to solicit journal articles, correct?

16 A. Yes.

17 Q. And I understand maybe you didn't solicit every
18 article in any particular volume, but soliciting
19 articles is nothing unusual for the Journal of
20 Schenkerian Studies, correct?

21 A. Yeah, correct.

22 Q. And you see that this was apparently circulated
23 by Benjamin Brand around December 19th, 2019, right?

24 A. Yes.

25 Q. Did you receive this, incidentally, from

1 Benjamin Brand?

2 A. I don't recall who I received it from. If it
3 wasn't from Benjamin Brand, it was from Benjamin Graf.

4 Q. Do you have any knowledge that anyone objected
5 to this job description?

6 A. Not to my knowledge.

7 Q. Did anyone suggest that it wasn't legitimate to
8 solicit articles for the JSS?

9 A. No.

10 Q. And you never heard Benjamin Brand voice any
11 criticism of the way the editorial position was
12 organized, in terms of your position there when you
13 transitioned into that role after Benjamin Graf
14 departed, did you?

15 A. Around what time?

16 Q. I think we'll get to that. I'm not aware of
17 the specific date. I think there's a document that
18 shows it. But let me ask you, when do you remember
19 taking up the role of student editor, and Benjamin Graf
20 essentially stepping down?

21 A. I mean, Benjamin Graf didn't step down until
22 after Volume 12 was done. We did it together, although
23 I did a lot of the typesetting and administrative
24 duties. But I know I started the position during the
25 summer before that academic year, so that would have

1 been -- that would have been my second year in a Ph.D.,
2 so summer of 20 -- no, summer of 2019?

3 Q. Was it before this job description was
4 circulated or after?

5 A. I mean, must have been before. I know it was
6 in the summer, and summer of 2020 seems like it would be
7 too late.

8 Q. And just to repeat my question, though, you
9 don't remember any discussion about illegitimacy of
10 soliciting articles for the JSS as an editorial duty, do
11 you?

12 A. No.

13 Q. Do you remember any discussion or criticism of
14 soliciting special contributions?

15 A. No. There just wasn't much discussion about
16 this document. It was just sent to me, and I was told
17 to read it.

18 Q. Were you aware that Benjamin Brand had been
19 directly involved in working out this job description?

20 A. I didn't know who put it together.

21 Q. Did you raise any objections to the job
22 description, incidentally?

23 A. No.

24 (DEPOSITION EXHIBIT 14 MARKED.)

25 Q. (By Mr. Allen) So, I've had this marked as

1 Exhibit 14, Mr. Walls. Can I ask you to read this
2 document, and ask you whether you're familiar with it?

3 A. I'm not familiar with it. I know that Dr. Graf
4 did the -- like the stuff with the bios and the
5 contributor agreements, but I never saw this e-mail.

6 Q. And this is sent from the Schenker@UNT.edu
7 e-mail account, correct?

8 A. Oh, yes.

9 Q. Do you see that in the March 14, 2020 line,
10 10:00 p.m., Schenker@UNT.edu?

11 A. Yes.

12 Q. And it's signed by Ben at the end, and you
13 believe that's Benjamin Graf, correct?

14 A. I assume.

15 Q. Now, looking at a sentence that's on the top of
16 the second page, it says, "the additional content that
17 we collected this winter following Ewell's SMT plenary
18 makes a great addition to an already remarkable
19 publication." Do you see that?

20 A. Yes.

21 Q. Do you remember Benjamin Graf expressing to you
22 those viewpoints?

23 A. No.

24 Q. Do you have any reason to believe he would lie
25 about that?

1 MR. BOHUSLAV: Objection, calls for
2 speculation.

3 A. I don't think that he would -- it's not really
4 lying, per se, in this e-mail. It's just that this is
5 how he conducts himself in -- or how he seemed to
6 conduct himself in journal-related correspondences.
7 He's just a very positive person.

8 Q. Did you ever -- let me -- strike that.

9 Did you view Benjamin Graf as a mentor to
10 you, in the position as student editor of the JSS?

11 A. Yeah. I mean, if I had questions, I asked him.

12 Q. Did you have a fear of retaliation from
13 Benjamin Graf, for any reason?

14 A. No.

15 Q. Do you see at the bottom, it says, Ben Graf
16 wrote to Barry Wiener. "Thank you, Barry! I should
17 note that I enjoyed reading your response to Ewell." Do
18 you see that?

19 A. Yes.

20 Q. Do you know if Benjamin Graf expressed any
21 criticism of Barry Wiener for being racist concerning
22 his contribution to the journal?

23 A. Yes.

24 Q. And what -- in what communication did he
25 communicate that to Barry Wiener?

1 A. I don't know if he communicated it to Barry
2 Wiener. It was just in a conversation between us, we
3 talked about how we didn't care for Wiener's response.

4 Q. But yet here he said, "Thank you, Barry! I
5 should note that I enjoyed reading your response to
6 Ewell," correct?

7 A. Yes.

8 Q. Do you remember when this conversation was that
9 you discussed Barry Wiener's supposed racism amongst
10 ourselves, as you said?

11 A. I don't recall exactly when it was. It was
12 probably around February 2020.

13 Q. Was that in a timeframe that you went to talk
14 to Benjamin Brand?

15 A. I think it would have been after that.

16 Q. Incidentally, there is a -- there was an
17 incident discussed by the ad hoc panel in which you
18 apparently sat in Timothy Jackson's car and discussed
19 censorship on the journal. Do you remember that
20 discussion?

21 A. Yes.

22 Q. All right. Can you describe that meeting in
23 its entirety?

24 A. I was on my way to my office, which was in
25 Bain, so I was crossing the parking lot, and we ran into

1 each other. And I don't remember what struck up the
2 conversation, I'm sure it was either about analysis or
3 the journal, and -- but it began to lightly snow, and he
4 suggested we go in his car. I, of course, didn't
5 object. And in the car, we talked about -- I know we
6 talked about Suzanne Clark's contribution, and I think
7 that's how we got onto the topic of just general
8 contributions that we didn't agree with.

9 And he said that we shouldn't censor
10 people's -- the contents of people's writing. And
11 considering that this was the day after my exchange with
12 Wiener, I assumed that it was in relation to that, as I
13 was expecting to be approached about that communication.

14 Q. Were you ever approached about your
15 communications with Barry Wiener?

16 A. Not explicitly, but I took this communication
17 in the car to be directly related to that.

18 Q. And we discussed censorship before, and you
19 said to me -- you, at least at that time, agreed that it
20 wasn't the job of the editor to censor the authors,
21 correct?

22 A. I told him I agreed. I didn't actually agree.
23 I just said that I agreed because that was what he
24 wanted.

25 Q. So, you lied, in other words.

1 A. Yes.

2 Q. And Suzanne Clark, was that the name of the
3 author you remember discussing directly?

4 A. Yes.

5 Q. Was she pro or anti-Ewell?

6 A. She was pro-Ewell.

7 Q. So, this discussion about censorship you had in
8 the car was actually about Suzanne Clark, not about
9 Barry Wiener. Am I understanding that correctly?

10 A. It started out about Suzanne Clark, and the way
11 I remember the conversation, it tilted more about the
12 responses, in general.

13 Q. Was the clear message that you shouldn't censor
14 Suzanne Clark, as well?

15 A. Yes.

16 Q. And now you believe that was wrong, that you
17 should have censored people like Wiener, but not
18 censored people like Clark.

19 A. I don't think there's anything in Clark's
20 response that merited censorship.

21 Q. But my question was, now you believe
22 differently, that you should have censored people like
23 Barry Wiener and not censored people like Clark,
24 correct?

25 A. I always believed that Barry Wiener should have

1 been censored.

2 Q. So that vitriolic opinions that were anti-
3 Ewell should have been censored, correct?

4 A. If they were racist, then I believed that they
5 should be censored, because that's not something that
6 should have a place in a respected academic journal.

7 MR. ALLEN: Can I have that marked as an
8 exhibit? That will be Exhibit 15.

9 (DEPOSITION EXHIBIT 15 MARKED.)

10 Q. (By Mr. Allen) Do you recognize this e-mail,
11 Mr. Walls?

12 A. Yes.

13 Q. Can you identify who this e-mail is to?

14 A. This e-mail is to Jack Boss.

15 Q. I have to admit that's an awesome name to have,
16 don't you agree? He is definitely the boss. He seems
17 to be at the University of Oregon, is that correct,
18 given his e-mail?

19 A. Yes.

20 Q. What position does he have at the University of
21 Oregon?

22 A. Well, it says here, Professor of Music Theory
23 and Composition.

24 Q. Was he a contributor to the symposium?

25 A. Yes.

1 Q. And I see that he is the Chair of SMT
2 Publications Committee. Do you see that?

3 A. Yes.

4 Q. Do you know what he does in that position?

5 A. I don't really, no.

6 Q. And was his contribution published?

7 A. Yes.

8 Q. Was his contribution censored in any way?

9 A. No.

10 Q. Were there substantive critiques of his
11 position by Timothy Jackson that he was forced to
12 incorporate into his contribution?

13 A. Could you -- sorry. Could you ask that again?

14 Q. Were there any substantive critiques of Jack
15 Boss' pro-Ewell contribution that he was forced to
16 incorporate from Timothy Jackson?

17 A. Not that I know of.

18 Q. Do you recall at any time getting any
19 communication from Jack Boss objecting to the way in
20 which the symposium was put together?

21 A. No. The few times we spoke, it was just about
22 the typesetting of this example and probably some like
23 general copy editing stuff.

24 Q. And before July 2020, did he object to the call
25 for papers?

1 A. Not that I know of.

2 Q. Did he object to Philip Ewell not being
3 directly invited?

4 A. Not that I know of.

5 (DEPOSITION EXHIBIT 16 MARKED.)

6 Q. (By Mr. Allen) Do you recognize this e-mail
7 string, Mr. Walls?

8 A. Yes. But I need to re-read it to remember
9 exactly what was in it.

10 Q. Please. Take as much time as it requires to
11 get familiar with the document.

12 A. All right.

13 Q. Do you recall this e-mail exchange?

14 A. Yeah.

15 Q. Who was Pelligrin? Am I pronouncing that
16 correctly?

17 A. I assumed it was Pelligrin, but it could be
18 either.

19 Q. I'm sure you're correct. Pelligrin? What's
20 the first name of this individual?

21 A. Rich. I'm sure it's Richard, but he goes by
22 Rich.

23 Q. Do you know what Rich Pelligrin's position is?

24 A. I don't. I assume he's at a university.

25 Q. And you don't know where he works or what he

1 does, then?

2 A. I mean, I think he's a music theorist, but I
3 don't know where he worked.

4 Q. And was he a contributor to the symposium?

5 A. Yes.

6 Q. Was he a pro or anti-Ewell contributor?

7 A. From what I recall, he was kind of in the
8 middle, so I'm not sure it would be correct to call him
9 a pro-Ewell or an anti-Ewell.

10 Q. And do you see the e-mail that's March 13th,
11 2020, from you?

12 A. Yap.

13 Q. That's your UNT e-mail account, right?

14 A. Yeah.

15 Q. And you discuss, "Rich and I discussed his
16 response when I sent notes." Was this discussion with
17 Rich Pelligrin about something substantive in his
18 article?

19 A. It was mainly about just like clarity related
20 things, you know, copy editing. I don't recall
21 everything that we talked about, but generally, when I
22 talk to contributors, it was not focused on content, but
23 rather on just like arguments, structure and like
24 rhetoric.

25 Q. And, in fact, you say, "minor rhetorical

1 additions," but also, you add, "that better connects the
2 defense of hierarchy to Ewell's ideas." Could you
3 describe what ideas you were referring to there in
4 Philip Ewell's work?

5 A. I assume -- I assume I meant the idea in
6 Ewell's lecture that the white racial frame translates,
7 in some cases, into a concern for hierarchy in analysis.

8 Q. What kind of analysis?

9 A. Musical analysis.

10 Q. And what's wrong with that?

11 A. I mean, at one point, I thought that there was
12 nothing wrong with that, that, you know, hierarchy was
13 just a standard part of music, but having taken other
14 classes since then, including a class on music and
15 gender and an ethnomusicology course, it seems as though
16 the implicit inherent connection of music with hierarchy
17 is incredibly western.

18 And you could argue for hierarchy in
19 non-western music, but you could also argue that in some
20 non-western music that there isn't a sense of hierarchy,
21 and yet the fact that we immediately look for hierarchy
22 in all music just could be problematic.

23 Q. And what do you mean by "problematic"? Do you
24 mean racist?

25 A. Yes.

1 Q. So, problematic is kind of a synonym among the
2 graduate students for racist, correct?

3 MR. BOHUSLAV: Objection.

4 Q. (By Mr. Allen) You're a graduate student, are
5 you not, Levi Walls?

6 A. Levi.

7 Q. I apologize. You're a graduate student, Levi
8 Walls, correct?

9 A. Yes.

10 Q. And so you understand the politically correct
11 discourse as you put it in your Facebook post amongst
12 the graduate students, do you not?

13 A. I have a good understanding of it. It's
14 difficult to have a complete understanding of
15 politically correct discourse as it's an ever shifting
16 thing.

17 Q. And you're a direct participant in that
18 discourse as a graduate student, are you not, Mr. Walls?

19 A. Sure, yeah.

20 Q. So, it doesn't call for speculation to ask you
21 whether problematic in this discourse means racist, does
22 it?

23 A. I did mean racist. Problematic, I think for a
24 lot of people, is just a synonym for racist.

25 Q. Thank you. Wouldn't you agree these are

1 substantive conversations about Professor Ewell's
2 plenary discussion in the SMT paper in 2019?

3 A. I mean, they're somewhat substantive. From
4 what I recall, just this bringing up the, you know,
5 connection of like hierarchy to Ewell's ideas, I think
6 it was just something that he was already talking about
7 that I thought he could flesh out in some way.

8 Q. And yet, it says here, at least in your words,
9 he expressed discomfort towards pushing back too much
10 against Ewell, specifically because he didn't want his
11 response to be misconstrued as racist, correct?

12 A. Yes.

13 Q. And that goes to the heart of the substance of
14 his piece, does it not, Mr. Walls?

15 A. What do you mean?

16 Q. Well, it seems to me you're discussing the
17 substantive issue of hierarchy in Ewell's ideas, and he
18 doesn't want to go too far towards pushing back against
19 Ewell because he will be misconstrued as a racist,
20 correct?

21 A. Yeah, that's what he told me.

22 Q. And that seems to be a substantive point, not a
23 purely rhetorical point, is it not?

24 A. I wasn't telling him one way or the other to --
25 you know, he just told me that he liked to do it a

1 certain way, and I said I understood.

2 Q. And, of course, you didn't want to exercise
3 censorship, correct?

4 A. I found no reason to censor his work, so I
5 wouldn't have wanted to, if I could.

6 Q. Did you push him toward rhetorical changes that
7 might lead him to, as you put it here, push back more
8 against Ewell than he actually did?

9 A. If I did, I didn't mean to. I didn't really
10 want him to push back more against Ewell than he already
11 did. I knew that he pushed back a little bit, so I
12 think what I suggested was just, you know, in support of
13 what his argument already was.

14 Q. And did you consider this a normal part of your
15 editorial work?

16 A. Mostly. I mean, it was a little bit more than
17 I would normally do, because most of the time, I was
18 just concerned with copy editing and argumentative
19 structure, but this one got a little bit closer to
20 content.

21 Q. And at the end of that e-mail, you say, "yes,
22 the idea that Schenkerian analysis inherently ignores
23 parts of an analysis that don't fit into the fundamental
24 structure is a severe misunderstanding." Do you see
25 that?

1 A. Yes.

2 Q. And I confess, I'm going to ask you to explain
3 it to me. I just don't understand enough about
4 Schenkerian analysis to understand what you're
5 discussing there. So, can you try to put that in terms
6 a layperson can understand?

7 A. Let me just re-read that part to remind myself
8 of the context. Okay. Yeah, so, there's a common
9 argument expressed or criticism expressed towards
10 Schenkerian analyses that say they ignore parts of an
11 analysis that don't fit the fundamental structure, the
12 ersatz that you find in the backgrounds, the things that
13 theoretically exists at the background of most tone
14 music, according to the Schenkerian perspective.

15 And I expressed the view that it was a
16 slight misunderstanding, because a lot of good analyses
17 talk about how pieces don't adhere to that structure.

18 Q. Are those kinds of judgments used to make
19 distinctions between music and some sort of hierarchical
20 system that refers to inferior as opposed to superior
21 music?

22 A. It could be. Because, generally, music that
23 kind of, you know, stands out from the crowd by doing
24 something novel, is -- has historically been interpreted
25 as more deserving of value. And so a piece that's --

1 purposefully doesn't adhere to a structure could be seen
2 in that light.

3 (DEPOSITION EXHIBIT 17 MARKED.)

4 Q. (By Mr. Allen) This is an e-mail from
5 February 13th, Mr. Walls. Do you recognize this?

6 A. Yes.

7 Q. And you were a recipient of it, is that
8 correct, or did you send it? It's not clear to me.

9 A. I mean, this was something I sent because it's
10 my writing, but I don't remember who started the thread.

11 Q. And who was the target of censorship discussed
12 in this e-mail?

13 A. And there wasn't targeted censorship, we were
14 just talking about the Clark, Beaudoin and Lett, which
15 weren't -- were anti-Schenkerian.

16 Q. So, they were pro-Ewell pieces, correct?

17 A. Yeah.

18 Q. And you thought it was important to publish
19 them without censorship, correct?

20 A. Yes.

21 Q. We wouldn't want the JSS account of the debate
22 to appear one-sided. That was your goal, correct?

23 A. Yes.

24 Q. And what was Timothy Jackson's response to this
25 impulse amongst the editorial staff not to censor the

1 pro-Ewell viewpoints?

2 A. Not to censor -- I don't recall, specifically,
3 but I know that he wasn't in favor of censoring any of
4 the contributions.

5 Q. And isn't this about the time that you had that
6 meeting in the car with Professor Jackson?

7 A. Yes.

8 Q. And, in fact, some of the same authors are
9 being discussed, correct? In particular, Clark?

10 A. Yes.

11 Q. And I'm going to say Beaudoin is the
12 pronunciation of that name. Am I wrong?

13 A. Oh, I have no idea. I've never had to say it
14 out loud really. Beaudoin maybe.

15 Q. And do you know that individual's first name?

16 A. I think it was Richard.

17 Q. And Lett, the first name of that individual?

18 A. Stephen.

19 Q. And these, as you said, were all pro-Ewell
20 papers, correct?

21 A. Yes.

22 Q. The other papers that you have received,
23 Wiener, Pomeroy, Wen, Cadwallader, et cetera, those were
24 anti-Ewell pieces?

25 A. Yes.

1 Q. And are those pieces you now consider to be
2 racist?

3 A. I consider Wiener's to be, but Pomeroy's I
4 thought was pretty objective and rational. Wen and
5 Cadwallader I think ended up not submitting responses.

6 Q. So, was that because they were censored, or
7 because they just simply pulled out?

8 A. I think they just pulled out for whatever
9 reason. I don't really know exactly.

10 (DEPOSITION EXHIBIT 18 MARKED.)

11 Q. (By Mr. Allen) This is a document I think
12 you'll be familiar with. Do you recognize this
13 document, Mr. Walls?

14 A. Yes.

15 Q. Can you describe this document?

16 A. So, this is the call for the symposium, and
17 above that, we were having trouble with the SMT list. I
18 think because neither of us were subscribed to it, we
19 couldn't post to it.

20 Q. So the paper wasn't immediately -- excuse me --
21 the call for papers wasn't immediately circulated to the
22 SMT list, is that it?

23 A. It took a few days, from what I remember.

24 Q. And that delay was caused by the SMT, is that
25 correct?

1 A. I mean, I wouldn't say it was caused by SMT.
2 It's just we had some like tech difficulties with
3 accessing SMT lists.

4 Q. Was the delay -- was the delay motivated in any
5 way to give pro-Ewell respondents less time to write
6 contributions to the symposium?

7 A. No.

8 Q. And can you describe for me the process by
9 which you worked out the call for papers, which I
10 believe is the third e-mail or statement on this
11 document that begins, Journal of Schenkerian Studies,
12 Volume 12, 2019, Call for Papers, starting on what's
13 Jackson 0083? Do you see that?

14 A. Yeah.

15 Q. Is this the final form of the CFP that was sent
16 out?

17 A. I think this was the final form.

18 Q. Can you describe, then, the process by which
19 this call for papers was generated?

20 A. I know that Dr. Graf and I talked about it, and
21 there was some discussion in an e-mail thread with
22 Jackson and Slottow and, also, I think we sent it to
23 Chung, Bakulina and Cubero to get some like -- just like
24 second opinion, and I think it went like a draft or two,
25 and this is just the final draft.

1 Q. You mentioned Andrew Chung.

2 A. Uh-huh.

3 Q. You mentioned Ellen Bakulina, and you mentioned
4 Diego Cubero, right?

5 A. Yes.

6 Q. And they were all direct participants in
7 generating this call for papers, correct?

8 A. I wouldn't say they were direct participants.
9 We just sent them a version of the call and asked if
10 they had any comments, and all of them might not have
11 even commented. I remember that Bakulina said
12 something, although I don't remember what it was, and
13 I'm not sure if Chung or Cubero had input.

14 Q. Do you remember any of them objecting that the
15 symposium was racist before -- let me put it this way:
16 Do you remember any of them objecting that the symposium
17 was racist, before July 2020?

18 A. Not based on this call.

19 Q. Do you remember that any of them objecting that
20 the call for papers wasn't being sent, individually, to
21 Philip Ewell?

22 A. No. It didn't come up.

23 Q. Do you remember any of them objecting that the
24 call for papers was sent too late?

25 A. No.

1 Q. Do you remember any of them objecting to power
2 structures within the journal that was related to your
3 editorial role?

4 A. Nope.

5 (DEPOSITION EXHIBIT 19 MARKED.)

6 Q. (By Mr. Allen) So, I've marked this as Exhibit
7 No. 19, Mr. Walls.

8 A. Sorry. It's lengthy, so I just need a few
9 minutes.

10 Q. I understand. Please take the time you need.
11 I don't want you to answer questions about a document
12 you're not familiar with.

13 MR. ALLEN: Gentlemen, by my watch, it's
14 almost 4 o'clock. Should we take a break? And I'll
15 leave the witness with this document, and he can take it
16 and read it, and I can maybe get some water and go to
17 the bathroom. Any objection?

18 MR. BOHUSLAV: That's fine.

19 MR. ALLEN: Shall we go off the record?

20 (OFF THE RECORD FROM 3:58 TO 4:04 P.M.)

21 Q. (By Mr. Allen) So, Mr. Walls, I want to start
22 at the beginning, which in this case for Exhibit 19 is
23 at the end of the document, but the beginning in time of
24 the messages. I want to call your attention to, on page
25 Jackson 0076, there's a message that starts "From:

1 Benjamin Graf. Dear Diego and all." Do you see that?

2 A. Yes.

3 Q. And you were a recipient of this e-mail,
4 correct?

5 A. Yes.

6 Q. Do you recall this e-mail?

7 A. Yeah.

8 Q. And what is the point of this e-mail in the
9 discussion leading up to the publication of the
10 symposium?

11 A. So, Graf is saying that he agrees with point 2
12 about changing Schenkerian community to theory
13 community. And then, he's talking about the deadline.
14 Hold on. I'm just finding the next page. That would be
15 777?

16 Q. Correct.

17 A. Oh, okay, it doesn't have the 77 on it.

18 Q. Did it get cut off?

19 A. It's fine. I got it.

20 Q. It starts with February 1st, February 15th?

21 A. Right. So, he goes on to talk about the
22 deadlines, kind of breaking it up into when the journal
23 should be done. Yeah. And it looks like the way he
24 sent it out, it would print in April or May.

25 Q. And he also says, "from an editor's

1 perspective, we really cannot delay the submission
2 further," right?

3 A. Oh, yes.

4 Q. And he also below this sort of what in
5 retrospect, given the Corona Virus seems like an
6 incredibly optimistic schedule, correct? After that
7 schedule he says, again, from the editor's perspective,
8 it would be best not to delay further. The responses
9 should not be very long, so I hope we can stick to
10 January 13th. Do you see where he says that?

11 A. Yes.

12 Q. So, the initiative to kind of get the call for
13 papers out and get responses back was personally
14 promoted by Benjamin Graf.

15 A. Yes. He was anxious about the timeline.

16 Q. And did this have anything to do with
17 discouraging pro-Ewell responses?

18 A. No.

19 Q. Was it the intent to issue the call to papers
20 to solicit pro-Ewell responses?

21 A. No.

22 Q. By that, do you mean it was supposed to be, at
23 least with regard to Ewell, value neutral?

24 A. Yes.

25 Q. And was that something you also advocated for?

1 A. Yeah. I wanted there to be a mix, as long as
2 people wrote their responses in a reasonable manner.

3 Q. There's one thing I'm curious about in this
4 document. It looks like Stephen Slottow, at the end of
5 the document, he says, will backdate submissions to say
6 November 1st, 2019. Do you know what he's talking about
7 there?

8 A. No. Actually, I think I just don't recall this
9 last part of the e-mail, because if it was the end of
10 the chain, I might have kind of just moved on at that
11 point.

12 Q. I believe this is actually kind of the
13 beginning --

14 A. Oh, is it?

15 Q. -- if I'm not mistaken. Well, it goes from
16 earliest in time at the back of the --

17 A. Oh, okay.

18 Q. Am I wrong?

19 MS. HARRIS: Yeah, it's reversed. Well,
20 if you go to 72 --

21 MR. STOWERS: Only one person should be
22 talking during the deposition. You can talk to your
23 attorney.

24 MR. ALLEN: Renaldo's correct. Can we go
25 off the record for a sec?

1 (OFF THE RECORD FROM 4:08 TO 4:09 P.M.)

2 Q. (By Mr. Allen) Mr. Walls, I apologize for the
3 interruption, but I think you'll see that on -- if you
4 look at the top, with the blue lettering, or on yours,
5 it's light gray, at the very top of the pages.

6 A. Uh-huh.

7 Q. You'll see those are Court stamps from this
8 document being submitted as an exhibit. And on page 5,
9 you'll see that there's a November 25th, 2019 date, and
10 then those e-mails proceed forward in time to the end of
11 the line. And there seem to be another string above
12 that which proceeds from November 29th, and so forth.
13 Do you see that?

14 A. I don't see the November 29th. Oh, wait.

15 Q. At the very top of the string, at the very
16 first page of the document.

17 A. Oh, the 71?

18 Q. Correct.

19 A. Yeah, I see it.

20 Q. And I apologize for the -- we don't always get
21 the documents in pristine order. I apologize for the
22 confusing nature of the document. However, if you look
23 to the last e-mail, this is the question I wanted to get
24 to is this backdating submissions to November 1st, 2019,
25 I was just wondering if you knew what that meant, what

1 it would mean to backdate a submission to November?

2 A. I'm actually not sure I know what that means,
3 to backdate a submission. Since it's -- I mean, I
4 assume it has something to do with when SMT was, since
5 the backdating is to the beginning of November, but I'm
6 not sure exactly what he means in here.

7 Q. And to the best of your knowledge, was this
8 idea of backdating submissions followed in any way by
9 Professor Slottow?

10 A. I mean, it would help if I knew what it means
11 to backdate a submission.

12 Q. And we're as much in the dark as you. But is
13 it safe to say, since you don't know what he meant, that
14 this idea was not executed?

15 A. Yeah.

16 Q. Just skipping up to Bates No. Jackson 73.

17 A. Uh-huh.

18 Q. Do you see Andrew Chung has written an e-mail
19 and contributed to this discussion?

20 A. Yes.

21 Q. And you see he says, "I think it's great that
22 JSS is looking to engage Ewell's SMT talk. What do you
23 think about mentioning very briefly some of the content
24 and context of Ewell's remarks vis-a-vis Schenker?"
25 What do you think he's referring to there?

1 A. I assume he's just referring to the portion of
2 Ewell's talk where he talks about Schenker.

3 Q. And is this still about incorporating this or
4 that or editing the call for papers?

5 A. Yeah. This is for -- this is when we asked
6 them if they had any like input for the CFP.

7 Q. And he also says in the closing, "the thing to
8 be careful about, of course, is not to implicitly
9 encourage response of one kind and discourage response
10 of another kind," correct?

11 A. Yes.

12 Q. And was that the general sentiment of the
13 editorial staff?

14 A. For the most part, we accepted all the
15 responses we got. But on the other hand, there were
16 pro-Schenker responses being specifically solicited.

17 Q. I understand that. What I'm asking is a
18 different question. In constructing the CFP, was it the
19 general sentiment of the editorial staff that you wanted
20 to craft the CFP in order to not -- excuse me -- in
21 order not to implicitly encourage responses of one kind
22 and discourage responses of another kind, as Andrew
23 Chung said in this e-mail?

24 A. Yes.

25 Q. Thank you. And there's an e-mail at the top

1 from February 29th, 2019, and that appears to be from
2 Timothy Jackson, correct?

3 A. The top of 73?

4 Q. This is at the first page of the entire
5 document, Jackson 71. It says, "From: Timothy Jackson,
6 November 29th, 2019." Do you see that e-mail?

7 A. Yes.

8 Q. And you are the direct recipient of this
9 e-mail, correct?

10 A. Yes. With the other people cc'd.

11 Q. And Professor Jackson says he hates to be a fly
12 in the ointment, correct?

13 A. Uh-huh, yes.

14 Q. And isn't it your understanding that usually
15 when people say that, they are being a fly in the
16 ointment?

17 A. Yeah. That would generally be the case.

18 Q. And he suggests revising the CFP. If you skip
19 down a couple of paragraphs, it says, "therefore, we
20 need to make the call draw attention to Ewell's
21 conclusions in the paper he actually delivered and not
22 in his abstract. Here is some language derived from
23 Ewell's talk." And he goes on to quote things. Did
24 this language find its way into the CFP?

25 A. I think only in the form of Ewell's original

1 abstract.

2 Q. So, Ewell's original abstract was used, in
3 other words, his own words, but this what I would
4 consider an interpretation provided by Timothy Jackson
5 of some of Ewell's argument was not included in the CFP,
6 correct?

7 A. No.

8 Q. So the editorial staff was perfectly capable of
9 rejecting Timothy Jackson's ideas when he was, in his
10 own words, not being a fly in the ointment, correct?

11 A. I don't know if we specifically rejected them.
12 They ended up just not making their way into the CFP.

13 Q. Do you remember any discussion about Timothy
14 Jackson's suggestions about how to craft the CFP with
15 regard to these what I would consider rather overtly --
16 let me strike that.

17 Would you agree with me, Mr. Walls, that
18 statements like diversity as a cynical strategy to
19 reinforce inequality, that Ewell reduces the study of
20 western music theory to two -- that it wants to reduce
21 the study of music theory to two semesters, and so
22 forth, that this takes a rather more polemical view of
23 Ewell's paper than was presented in the final version of
24 the CFP?

25 A. Yeah.

1 Q. And yet, this rather more polemical version was
2 not accepted by the members of the editorial staff and
3 the faculty, such as Andrew Chung, Ellen Bakulina, and
4 Diego Cubero who participated in finalizing the call for
5 papers, correct?

6 A. Uh-huh.

7 (DEPOSITION EXHIBIT 20 MARKED.)

8 Q. (By Mr. Allen) And do you recognize the
9 document marked as Exhibit 20, Mr. Walls?

10 A. Yes.

11 Q. And is this message in red on an e-mail from
12 you to Dr. Jackson?

13 A. Yes.

14 Q. And you say you agree that a response in the
15 JSS would be very appropriate. What are you responding
16 to there?

17 A. So, in his e-mail, he suggests having the
18 symposium, and I said I agree.

19 Q. Did you agree at that time, or were you lying?

20 A. At that time, I thought it was an okay idea. I
21 wasn't lying when I said that I thought it would be
22 appropriate.

23 Q. And did it change your mind that the viewpoints
24 expressed by some of the anti-Ewell papers were racist?
25 Is that the thing that changed your mind?

1 A. Yeah.

2 Q. And you say, "did you have any particular
3 Schenkerians in mind?" Correct? Do you see that?

4 A. Yes.

5 Q. So, it seems to me that you were acknowledging
6 that there would be solicitation of papers, correct?

7 A. Yes.

8 Q. And, in fact, Dr. Graf and you could discuss
9 some candidates tomorrow at a weekly meeting and get
10 requests out as early as tomorrow evening. Do you see
11 that, the next sentence?

12 A. Yeah.

13 Q. Did you discuss candidates with Dr. Graf?

14 A. We briefly discussed a few. We were trying to
15 talk about Schenkerians that were, you know, like people
16 of color or women. We couldn't come up with very many,
17 unfortunately, although I'm sure there's more out there
18 that we just, you know, aren't familiar with. But, I
19 mean, that didn't really go anywhere.

20 Q. So you couldn't come up with any candidates
21 that you wanted to solicit as contributors to the
22 journal, correct?

23 A. I mean, we really just went with the people who
24 wrote in, but also just the people that Jackson and
25 Slottow thought should be involved.

1 Q. And how about -- is his name Chris Wen?

2 A. Eric Wen?

3 Q. Eric Wen. Who is Eric Wen?

4 A. I mean, I know he is a Schenkerian and has a
5 recent textbook on Schenkerian analysis. I don't know
6 what university he's at, though.

7 Q. Do you consider Eric Wen a person of color?

8 A. Yeah.

9 Q. Did you and Benjamin Graf reach out to him?

10 A. No.

11 Q. Did Professor Jackson or Stephen Slottow?

12 A. I know that Wen was thinking of writing one. I
13 think Dr. Jackson reached out to him.

14 Q. So that would have been an admirable thing to
15 do, to reach out to a person of color, as Mr. Jackson
16 did in that case, correct?

17 A. I mean, reaching out to one person of color is
18 a very small thing, but I suppose you could say that
19 it's admirable in itself.

20 Q. But you and Dr. Graf couldn't come up with any
21 ideas, you just described to me, of who to reach out to
22 to increase the representation of people of color in the
23 journal, at least in the symposium.

24 A. I mean, we floated --

25 MR. BOHUSLAV: Objection. Is there a

1 question?

2 A. We floated two names, and now -- I know that
3 one was a -- one was an Asian woman. I was like vaguely
4 familiar with her work from like a previous, previous
5 journal, JSS journal, but right now, I just don't recall
6 the name.

7 And I think we also brought up Hedi Siegel,
8 not as a person of color, but as just a female
9 perspective. Because along with being overwhelmingly
10 white, the Schenker community tends to be overwhelmingly
11 male, so we just wanted to get some like other voices in
12 there. But we didn't really follow-up.

13 Q. Neither you nor Benjamin Graf followed up?

14 A. No. Because we just started getting responses
15 from people, and then we had a lot of responses that
16 were solicited.

17 Q. Did you discuss recruiting these two
18 individuals you must mentioned with Professor Jackson or
19 Professor Slottow?

20 A. I don't recall. I might have mentioned in
21 e-mail, but I might not have.

22 Q. So, you don't recall.

23 A. I don't recall.

24 Q. Incidentally, this November 19th timeframe, how
25 long was this after the -- do you recall how long after

1 the actual plenary papers at the SMT meeting in 2019
2 this e-mail took place?

3 A. Probably a little more than two weeks, since
4 it's a Tuesday, and I think that SMT happened in the
5 first week of November. I would assume it was two weeks
6 and a few days, since the conference happened over the
7 weekend.

8 Q. And is this the origins of the ideas of the
9 symposium -- the idea for a symposium? Excuse me.

10 A. Probably. I think this was one of the first
11 places that the idea of doing the symposium came up.

12 (DEPOSITION EXHIBIT 21 MARKED.)

13 Q. (By Mr. Allen) Incidentally, do you have any
14 knowledge that Timothy Jackson asked Hedi --

15 A. Hedi Siegel.

16 Q. Hedi Siegel. Do you have any knowledge of
17 whether Timothy Jackson reached out to solicit a
18 response from Hedi Siegel?

19 A. Not that I know of. I know that they were in
20 communication about another project, and so he might
21 have. I just -- I don't know.

22 Q. So back to Exhibit 21, if you could direct your
23 attention to this document. Do you recognize these
24 communications?

25 A. This one?

1 Q. Correct.

2 A. Okay. Yap.

3 Q. Could you describe these communications for me,
4 please?

5 A. So, I know that Jackson had been really
6 interested in the Bach passion at that time. And so,
7 knowing that he wanted to talk about it, I asked if he
8 wanted to get together to talk about the Bach. Even
9 though it's kind of outside of my area of interest,
10 being very early, and I just -- I'm not that interested
11 in Baroque.

12 And I also mentioned that I hadn't had time
13 to look at the Berlioz lately, because I think he asked
14 about it in whatever e-mail this is responding to.

15 Q. And do you see the bottom page? That's an
16 e-mail from you on November 15th, 2019. Could you read
17 that e-mail into the record for me, please?

18 A. Read it or -- read it myself?

19 Q. Could you read it to --

20 A. Oh, out loud?

21 Q. Please.

22 A. Oh, okay. "I would be very interested in
23 discussing a particular Schenker paper from SMT. You've
24 likely heard about it, as it caused quite a stir. I was
25 very ambivalent about it because it suggested that

1 analysis that utilizes levels of hierarchy is inherently
2 racist, which strikes me as naive. Reinhold Brinkmann
3 made a very similar claim about Lorenz, saying that his
4 desire to have every part of a piece serve some
5 structural whole was totalitarian (and obviously linking
6 that idea to his political beliefs)."

7 Q. What paper are you referring to from SMT?

8 A. Ewell's.

9 Q. That's Ewell's plenary address?

10 A. Yes.

11 Q. Did you attend that conference, by the way?

12 A. No. I was going to, but I came down with a
13 staph infection like the day before the flight, and I
14 stayed home.

15 Q. Oh, I'm sorry. So, what did you -- did you
16 discuss -- incidentally, did you discuss this paper with
17 Timothy Jackson following this e-mail?

18 A. Yeah. I think in e-mail. I think we briefly
19 discussed it in the hall, at some point, but from what I
20 recall, neither of us had seen it -- either neither of
21 us had seen it at that point, or I had seen it and he
22 hadn't yet.

23 Q. So, is it fair to say he learned about it from
24 you?

25 A. I assumed he knew about it before I e-mailed

1 about it.

2 Q. And this is November 15th, so that's before
3 Exhibit 20, correct? Which was November 19th. It's
4 about four days before. And how long after the SMT
5 conference would this e-mail exchange have been?

6 A. About two weeks.

7 Q. So that you believe the SMT took place on
8 November 1st, around there?

9 A. Yeah. I think that sounds right. Yeah.
10 Probably. Because I think SMT usually starts on a
11 Thursday.

12 Q. And here you also said that an argument
13 advanced saying that levels of hierarchy -- utilizing
14 levels of hierarchy is inherently racist strikes you as
15 naive, correct?

16 A. Yeah, at the time.

17 Q. And that is in reference to Ewell's paper,
18 right?

19 A. Yes.

20 Q. Were you lying about that, or was this more
21 your view at the time?

22 A. This was more of my view at the time.

23 Q. So you didn't fear retaliation if you didn't
24 express this kind of opinion at this time, did you?

25 A. I mean, not at this time. I was at first

1 actually concerned about the hierarchy thing, although I
2 kind of thought differently over the next few weeks and
3 months.

4 Q. Do you now believe that any reference hierarchy
5 or that hierarchy can be legitimate is racist?

6 A. No, I think it's perfectly fine to discuss
7 hierarchy, but you have to address the fact that
8 hierarchy, especially when it's focused on to such a
9 great extent, is a very western thing. And so,
10 especially when you're looking at non-western music and
11 you go straight towards looking at hierarchy, there is
12 an issue.

13 And, also, if you're taking like a
14 perspective of pieces where you're connecting certain
15 phrases or musical ideas to a certain social aspect,
16 then hierarchy can be problematic.

17 (DEPOSITION EXHIBIT 22 MARKED.)

18 Q. (By Mr. Allen) Again, this is an e-mail from
19 you. It's in that same time frame, November 18th.

20 A. Uh-huh.

21 Q. You're writing to Dr. Jackson, is that correct?

22 A. Yes.

23 Q. Can you describe what you're talking about in
24 this e-mail?

25 A. So, Dr. Jackson had written about a criticism

1 in Ewell's paper of not acknowledging that Schenker was
2 Jewish. And I said it was troubling, although honestly
3 I didn't really think it was a big deal, but I knew that
4 it was a big thing for him, so I kind of just, you know,
5 went along with it.

6 And I said it is marked as implicitly
7 anti-Semitic, which I thought was a good middle ground,
8 in terms of not like coming out directly and saying it
9 is anti-Semitic, but also saying, maybe you're right.

10 Q. Do you think Philip Ewell could be implicitly
11 biased against Jews?

12 A. I mean, anybody can be implicitly biased
13 against anybody. I can't really say whether or not
14 Ewell is implicitly bias towards any specific group.

15 Q. And you say at the end, "Ewell's talk certainly
16 failed in that regard." What do you mean by that?

17 A. So, that's in reference to -- sorry. Let me
18 just get the -- I need to go back a sentence to get the
19 wider context. Oh, okay. So, I said that it is
20 possible to criticize Schenker studies without
21 demonizing the methodology.

22 And I said that Ewell's talk failed in that
23 regard, although I think that all the criticisms it
24 brings up are very justified. And really Ewell, as
25 opposed to a lot of the criticism, he's not advocating

1 for a throwing out of Schenker. I mean, he's done
2 Schenker work in the past and has admitted that it's a
3 useful methodology. So, any statement that he's
4 demonizing the entire methodology, like I said here, is
5 not really correct.

6 Q. Do you think calling for the elimination of a
7 journal dedicated to Schenkerian studies goes a good
8 step towards eliminating Schenkerian studies?

9 A. No. The Journal of Schenkerian Studies isn't
10 that influential. Schenkerian studies will exist
11 without the Journal of Schenkerian Studies.

12 Q. What other journals are dedicated to the
13 promotion of Schenkerian studies?

14 A. Well, none, but it's very unusual for there to
15 be entire journals dedicated to a single methodology.

16 Q. Do you know of any others that are dedicated to
17 a single methodology, any other journals?

18 A. There are some that are dedicated to a specific
19 time period, like 19th century music, but as far as I
20 know -- granted, I don't have knowledge of all the
21 journals out there -- there are hardly any that are
22 dedicated, specifically, to a single methodology.

23 Q. Incidentally, do you know if the Schenkerian
24 analysis has any application to practical performance of
25 music?

1 A. Yeah. I think it could.

2 Q. And in the same way, music history informs many
3 actual performers' practice, correct?

4 A. Sure. Yeah.

5 Q. Do you know of any practicing musicians that
6 have relied upon the Journal of Schenkerian Studies?

7 A. I mean, I don't -- I don't really know
8 anything. I'm sure that there are practicing musicians
9 who have read an article in the Journal of Schenkerian
10 Studies and found interest or some form of -- what's the
11 word -- nutrients is not the right word -- but some form
12 of like helpful dialogue.

13 Q. Sustenance?

14 A. Oh, sustenance. That is the word I was looking
15 for.

16 (DEPOSITION EXHIBIT 23 MARKED.)

17 Q. (By Mr. Allen) I don't want to spend too much
18 time on this, but this appears to be an e-mail from
19 Benjamin Graf to you. If I'm not mistaken, "me" stands
20 for you, Levi Walls, does it not?

21 A. Yes.

22 Q. And so, you received this on April 22nd, 2019.

23 A. Yap.

24 Q. And this designates the time that you accepted
25 the position of the editor of the Journal of Schenkerian

1 Studies?

2 A. Yes.

3 Q. And Benjamin Graf says, I'm sure he, meaning
4 you, will thrive in his new role, and I look forward to
5 mentoring him starting in August, September, right?

6 A. Yes.

7 Q. Did you and Benjamin Graf discuss this
8 appointment in this timeframe?

9 A. The August-September appointment?

10 Q. You accepting the position of -- the
11 April 22nd, 2019.

12 A. I think we talked briefly about the
13 appointment. Just, you know, generally like what the
14 process would be like, that he would kind of guide me
15 through the process for the first issue, then I would be
16 more on my own for the following issue.

17 Q. And was 13 the issue where you would sort of
18 co-editor under his mentorship, and then --

19 A. Volume 12 was where I was under his mentorship.

20 Q. Thank you. I'm going to show you an exhibit
21 that was used in an earlier deposition as Exhibit 3, so
22 it's going to be out of order.

23 A. Uh-huh.

24 Q. But it's already been introduced into the
25 record.

1 Matt, this is the -- it's actually
2 Exhibit 3 from the ad hoc panel report. I hope that
3 doesn't add confusion, but it's all Exhibit 3.

4 MR. BOHUSLAV: Gotcha. Recognize it.

5 Q. (By Mr. Allen) Do you recognize this, Mr.
6 Walls?

7 A. Yap.

8 Q. Did you sign this document as a petition?

9 A. I did.

10 Q. Do you consider it a petition or an open
11 letter? How would you describe the document?

12 A. Probably more of an open letter.

13 Q. Do you know who drafted this open letter?

14 A. I don't recall exactly. I think Bryan Stevens
15 was one of the people who drafted it.

16 Q. Is that "Bryan" with a Y-A-N?

17 A. Yes.

18 Q. What other individuals helped contribute to
19 this letter?

20 A. I mean, really, I'm not sure. I just recall
21 Bryan, you know, accepting the responsibility of putting
22 it together. So, I can't really say for sure who else
23 would have been involved in it.

24 Q. Do you know how it was circulated?

25 A. Through e-mail, I think.

1 Q. Was it circulated by any other social media, to
2 your knowledge?

3 A. It might have been, but to my knowledge, I
4 don't recall if this was -- I mean, it probably was
5 through like Facebook or something.

6 Q. When was it composed, this document?

7 A. I mean, I can't say exactly when, but I would
8 imagine the last few days of July.

9 Q. Do you remember being on a Zoom call while
10 people were composing this document?

11 A. Yeah. There was a Zoom call where we were just
12 generally talking about, you know, what the document
13 should say.

14 Q. Who was participating in those Zoom calls?

15 A. There was no way I can remember. It was most
16 of the grad students in MHTE.

17 Q. And how many grad students are there, total, in
18 MHTE?

19 A. That, I don't know.

20 Q. Do you know within a range?

21 A. I feel like I could guess, but I feel like it
22 would also be wrong. A lot of people I don't know,
23 because they're in like the dissertation stage, so I
24 don't see them around campus. So, I mean, I honestly
25 wouldn't even like be able to guess the number of grad

1 students in MHTE.

2 Q. Do you know how many are in your cohort?

3 A. In the theory, like Ph.D.?

4 Q. Ph.D. students in your cohort? By that I would
5 include all graduate students who entered MHTE in the
6 same year you did as Ph.D. students.

7 A. Oh, in the same year, so not necessarily like
8 after I came?

9 Q. Correct. So, in your year, when you entered
10 the Ph.D. program, do you know how many people are in
11 your cohort as graduate students in MHTE?

12 A. I believe there's only one other theorist who
13 entered the same year as me.

14 Q. Were there graduate students in other
15 departments or divisions or specialties within the MHTE,
16 in addition to the theorists?

17 A. In the Zoom call?

18 Q. No, I'm asking -- I'm trying to get a sense of
19 how many students -- graduate students are involved in
20 graduate work at the MHTE. And so, I'm asking for your
21 cohort. You said you joined in 2018? You started your
22 Ph.D. in 2018?

23 A. Yeah.

24 Q. Do you know how many students began a Ph.D. at
25 University of North Texas in the MHTE division in 2018

1 in your cohort?

2 A. I really have no idea. I only know that there
3 was one other theorist who started the Ph.D. the same
4 year as I did. I would assume a few others, if we
5 combined musicology and ethnomusicology.

6 Q. So, if you would skip down in this document to
7 No. 3, on the last page, it says, "hold accountable
8 every person responsible for the direction of the
9 publication."

10 Is it accurate to say in Zoom calls or in
11 other discussions with graduate students at this time,
12 leading to the formulation of this document, that you
13 denied that you were accountable for the direction of
14 the JSS?

15 A. Yeah. There was a lot of stuff in it that I
16 just didn't agree with.

17 Q. And what are the "past bigoted behaviors of
18 faculty" referred to in this paragraph?

19 A. So, here, I assume they're referring to the
20 general reputation of Dr. Jackson, in terms of
21 retaliation, race and gender issues, and sexism.

22 Q. And are there any other incidents, other than
23 those you've already testified about, that you would
24 identify as past bigoted behaviors by Professor Jackson?

25 A. I mean, I feel like I don't have a lot of my

1 own stories, so --

2 Q. And the incidents you have referred to earlier
3 were from other sources, and sometimes twice removed,
4 correct?

5 A. I mean, some of them. Some of them were
6 directly from me.

7 Q. And which ones do you include as those which
8 were directly from you?

9 A. The conversation about people of color. The
10 use of the word negro. The discussion of muggings
11 perpetrated by black people.

12 Q. Incidentally, do you deny that muggings are
13 perpetrated by black people?

14 A. I don't deny that at all. Muggings are
15 perpetrated by all races and classes and genders.

16 Q. Do you have any personal knowledge of the
17 statistical distribution of crime rates in the United
18 States?

19 A. You asked me that before, and I said no.

20 Q. It's just your position that it's inherently
21 racist to discuss those crime rates, if they have a
22 disproportionate -- if there's disproportionate evidence
23 that some racial groups commit crimes rather than
24 others, is that so?

25 MR. BOHUSLAV: Objection, leading;

1 objection, vague; objection, argumentative.

2 MR. ALLEN: It's an adverse witness. I
3 can lead the witness, if I want to.

4 Q. (By Mr. Allen) Can you answer the question,
5 please?

6 MR. BOHUSLAV: Objection, argumentative.

7 MR. ALLEN: You have an objection as
8 opposed to argumentative FOR the entire deposition, if
9 you would like, Matt.

10 A. Could you repeat the question?

11 Q. (By Mr. Allen) I'll strike the question. Can
12 you identify any other specific actions of Dr. Jackson,
13 both past and present, that are particularly racist and
14 unacceptable?

15 A. No. Not any specific instances, other than the
16 article that he wrote.

17 Q. So, in your view, is that the main motivating
18 factor for this open letter, was the article that he
19 wrote in JSS?

20 A. Yes. If the article hadn't been written, then
21 I don't think this letter would have come about.

22 MR. ALLEN: Let's see. We've got about
23 fifteen minutes before 5 o'clock, and I ask that we go
24 off the record. I'm going to consult, and then we'll
25 come back, and I think we can wrap that up, unless

1 there's something I'm forgetting, okay?

2 MR. BOHUSLAV: Okay.

3 (OFF THE RECORD FROM 4:46 TO 4:51 P.M.)

4 Q. (By Mr. Allen) Mr. Walls, I just had one last
5 question, and it goes back to the meeting in the car you
6 had with Professor Jackson, which you described in the
7 middle of a snowstorm in February at some point. Did I
8 characterize that correctly?

9 A. I wouldn't call it a snowstorm. It was just
10 lightly snowing.

11 Q. And did you go into the car to escape the
12 weather?

13 A. That was how he suggested it.

14 Q. Did he use force in any way?

15 A. No.

16 Q. Did he use coercion in any way?

17 A. No. I could have said "no".

18 Q. Thank you. And so, he didn't threaten you, if
19 you did not go into his car.

20 A. No. But he suggested that we go into the car,
21 and I just have trouble saying no to people who are my
22 advisor. And so, even though I was uncomfortable, I
23 went into the car.

24 Q. But you said you could have said no, correct?

25 A. Yes.

1 MR. ALLEN: Okay. That's all. I pass the
2 witness to you, Mr. Bohuslav.

3 MR. BOHUSLAV: We'll reserve till time of
4 trial.

5 MR. ALLEN: Thank you so much. Thank you
6 for your time. Good luck with your graduate studies.

7 (DEPOSITION ADJOURNED AT 4:52 P.M.)
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

| | | |
|----------------------|---|-------------------|
| TIMOTHY JACKSON, |) | |
| |) | |
| Plaintiff, |) | Case No. |
| |) | |
| v. |) | 4:21-cv-00033-ALM |
| |) | |
| LAURA WRIGHT, et al, |) | |
| |) | |
| Defendants. |) | |

DEPOSITION CERTIFICATE
LEVI NIGEM XENON WALLS
MAY 18, 2021

I, Nita G. Cullen, Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, LEVI NIGEM XENON WALLS, was
duly sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony given
by the witness;

I further certify that pursuant to FRCP Rule
30(f)(1) that the signature of the deponent:

____ was requested by the deponent or a
party before the completion of the deposition and is to

1 be returned within 30 days from date of receipt of the
2 transcript. If returned, the attached Changes and
3 Signature Page contains any changes and the reasons
4 therefor;

5 X was not requested by the deponent or a
6 party before the completion of the deposition.

7 I further certify that I am neither attorney
8 or counsel for, nor related to or employed by, any of the
9 parties or attorneys to the action in which this
10 deposition was taken.

11 Further, I am not a relative or employee of
12 any attorney of record in this case, nor am I financially
13 interested in the outcome of the action.

14 Subscribed and sworn to on this 14th day of
15 June, 2021.

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NITA G. CULLEN, Texas CSR #1563
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