

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

**Timothy Jackson,**

Plaintiff,

v.

**Laura Wright, et al.,**  
Defendants.

Case No. 4:21-cv-00033-ALM

**RE-NOTICE OF TAKING DEPOSITION**

**TO:**

**JENNIFER COWLEY**

**C/O Benjamin Walton  
Assistant Attorney General  
General Litigation Division  
Attorney General of Texas  
P.O. Box 12548, Capitol Station Austin,  
Texas 78711  
Benjamin.Walton@oag.texas.gov**

**PLEASE TAKE NOTICE:** undersigned counsel will take the following deposition:

Name: Jennifer Cowley

Time: September 26, 2024, 9:00 a.m.

Place: **To be conducted virtually by Zoom**

upon oral examination before a Notary Public and videographer or other Officer authorized by law to take depositions in the State of Texas. The oral examination will continue from day-to-day until completed and is being taken for the purposes of discovery, for use at trial, or for such other purposes as are permitted under the federal Rules of Civil Procedure. The deposition will continue from day-to-day until completed.



DATE: September 5, 2024

Respectfully submitted,

/s/Michael Thad Allen

Michael Thad Allen, Esq.  
D. Conn. Bar No. CT29813  
admitted *pro hac vice*  
Lead Attorney  
ALLEN LAW, LLC  
PO Box 404  
Quaker Hill, CT 06375  
(860) 772-4738 (phone)  
(860) 469-2783 (fax)  
[m.allen@allen-lawfirm.com](mailto:m.allen@allen-lawfirm.com)

Jonathan Mitchell  
Texas Bar No. 24075463  
MITCHELL LAW PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
[jonathan@mitchell.law](mailto:jonathan@mitchell.law)

for PLAINTIFF

### **CERTIFICATE OF SERVICE**

I hereby certify that on the date specified in the caption of this document, I electronically filed the foregoing with the Clerk of Court, to be served on all parties of record via the CM/ECF system.

/s/Michael Thad Allen

Michael Thad Allen

## Regarding the Journal of Schenkerian Studies

Richmond, John <John.Richmond@unt.edu>

Fri 7/31/2020 9:35 AM

To: music faculty <musicfaculty@unt.edu>; music staff <musicstaff@unt.edu>; Music Adjunct <MusicAdjunct@unt.edu>

Cc: Cowley, Jennifer <Jennifer.Cowley@unt.edu>

The University of North Texas College of Music has begun a formal investigation into the conception and production of the twelfth volume of the *Journal of Schenkerian Studies*, which is published by the Center for Schenkerian Studies and UNT Press. The University, the College of Music, and the Division of Music History, Theory, and Ethnomusicology reaffirm our dedication to combatting racism on campus and across all academic disciplines. We likewise remain deeply committed to the highest standards of music scholarship, professional ethics, academic freedom, and academic responsibility.

John W. Richmond, Ph.D.

Professor and Dean of the UNT College of Music

Benjamin Brand, Ph.D.

Professor and Chair of the UNT Division of Music History, Theory, and Ethnomusicology



**UNT\_000568**

University of North Texas (<http://unt.edu>)

## College of Music (/)

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## College of Music

[\(/\)](#)

# Schenkerian Journal Statement

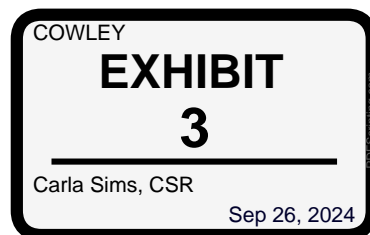
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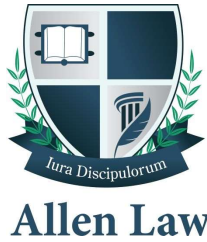
### John W. Richmond, Ph.D.

Professor and Dean of the UNT College of Music

### Benjamin Brand, Ph.D.

Professor and Chair of the UNT Division of Music History, Theory, and Ethnomusicology

<http://social.unt.edu>**UNT\_000106**



**Michael Thad Allen, JD, PhD**  
**Allen Law, LLC**

PO Box 404  
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(860) 772-4738  
[m.allen@allen-lawfirm.com](mailto:m.allen@allen-lawfirm.com)

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**July 31, 2020**

**Laura Wright**  
Chair  
Board of Regents  
University of North Texas  
1901 Main Street  
Dallas, TX 75201  
[Rosemary.Haggett@untsystem.edu](mailto:Rosemary.Haggett@untsystem.edu)

**Lesa Roe**  
Chancellor  
University of North Texas  
UNT System Building  
1901 Main Street  
Dallas, Texas 75201  
[OfficeoftheChancellor@untsystem.edu](mailto:OfficeoftheChancellor@untsystem.edu)

**Jennifer Cowley**  
Provost  
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Denton, Texas 76203-5017  
[Provost@unt.edu](mailto:Provost@unt.edu)

**John W. Richmond**  
Professor and Dean  
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University of North Texas  
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**Benjamin Brand**  
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and Ethnomusicology  
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Denton, Texas 76203-5017  
[Benjamin.Brand@unt.edu](mailto:Benjamin.Brand@unt.edu)



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**RE: Timothy Jackson, Distinguished University Research Professor of Music Theory, the Journal for Schenkerian Studies, and the Center for Schenkerian Studies**

Dear Chair of the Board of Regents, Chancellor Roe, Provost Cowley, Dean Richmond, and Professor Brand,

I am writing on behalf of my client, Distinguished University Research Professor of Music Theory Timothy Jackson.

**UNT\_000157**

In response to Professor Jackson's wholly protected expression of his academic freedom and freedom of speech in the Journal of Schenkerian Studies ("JSS"), certain faculty and graduate students of the University of North Texas have launched a pretextual petition and defamatory campaign to remove him from his tenured position, eliminate the Journal of JSS, which he has contributed to editing for almost 20 years, and eliminate the Center for Schenkerian Studies (the "Center") as "racist" or insufficiently "anti-racist." This morning, Dean Jon Richmond announced that the school will conduct a full "investigation." Ironically, the JSS has always been student edited, to give graduate students valuable academic experience, subject to the supervision of Professor Jackson and Professor Stephen Slottow (also a tenured professor). Unfortunately, this "investigation" sends the message that UNT will act to suppress free and open academic debate.

On or around July 30, 2020, faculty under the apparent leadership of Rebecca Dowd Geoffrey-Schwinden, Assistant Professor of Music History, have circulated a petition, which I attach as **Exhibit A** ("Petition"). In addition to carrying the name of Professor Geoffrey-Schwinden, the petition carries the signatures of 16 other professors of UNT. It also incorporates by reference a self-styled "call for action outlined in our students' letter," a concurrent graduate student petition circulating is a public document at the following website: <https://drive.google.com/.../1PekRT8tr5RXWRTW6Bqdaq57svq.../view>. The graduate student petition has apparently been spearheaded by musicology student Rachel Gain.

The graduate students, who may perhaps be excused for reacting under the tutelage of obviously misguided mentors and teachers, demand that UNT:

Hold accountable every person responsible for the direction of the publication. This will involve recognizing both whistleblowers and those who failed to heed them in this process. This should also extend to investigating past bigoted behaviors by faculty and, by taking this into account, the discipline and potential removal of faculty who used the JSS platform to promote racism. Specifically, the actions of Dr. Jackson—both past and present—are particularly racist and unacceptable.

I attach this document here as **Exhibit B**.

The faculty parrots their students' rhetoric, in what can only be described as a witchhunt, condemning my client and the JSS in the following terms:

The forthcoming issue [of JSS]—a set of responses to Dr. Philip Ewell's plenary lecture at the 2019 Society for Music Theory annual meeting—is replete with racial stereotyping and tropes, and includes personal attacks directed at Dr. Ewell. ... the epistemic center of the journal issue lies in a racist discourse that has no place in any publication, especially an academic journal. The fact that he [Ewell] was not afforded the opportunity to respond in print is unacceptable, as is the lack of a clearly defined peer-review process. We endorse the call for action outlined in

our students' letter (<https://drive.google.com/.../1PekRT8tr5RXWRTW6Bqdaq57svq.../view>), which asks that the College of Music “publicly condemn the issue and release it freely online to the public” and “provide a full public account of the editorial and publication process, and its failures.” Responsible parties must be held appropriately accountable.

This directly violates UNT's Policy 06.035 Academic Freedom and Academic Responsibility, which states that UNT will “assure and protect academic freedom within the governing framework of the institution, and it is the responsibility of faculty members to ensure that their actions fall under appropriate academic responsibility...” Policy 06.035 also ensures “[t]he right to academic freedom and the demands of academic responsibility apply equally to all faculty members at UNT.” And it defines, “Academic Freedom” as “the right of members of the academy to study, discuss, investigate, teach, conduct research and/or creative activity, and publish, perform, and/or display their scholarship freely as appropriate to their respective UNT-assigned roles and responsibilities.” Among other things, Policy 06.035 requires “respect for diverse personalities, perspectives, styles and demographic characteristics, and maintenance of an atmosphere of civility.”

The faculty and graduate student witchhunt against Professor Jackson, his Center, and the JSS is in clear violation of this policy. Therefore, please consider this letter a formal submission of a grievance on behalf of Professor Jackson as provided under UNT's Policy 02.1400 Reporting Suspected Wrongdoing and 03.1001 Employee Grievances. Professor Jackson met with his immediate supervisor, Department Chair Benjamin Brand on July 26, 2020. Despite clear evidence that faculty and graduate students were organizing to violate Professor Jackson's constitutional and contractual protections to academic freedom and free speech, Department Chair Brand responded only that the “issue is larger than the department” and has taken no action to defend Professor Jackson. A copy of this request is also being sent to the Human Resources Department through the Provost, as provided under Policy zero 3.1001(2)(b).

Please remember as well that Professor Jackson has the right, under UNT's Policies to be free of retaliation. (See e.g. Policy 02.1000 Compliance and Integrity Policy, § 8.) The current investigation of him and the JSS is clearly retaliation under UNT's policies.

The gravamen of the dispute falls firmly within the boundaries of normal academic discord and the disputation of ideas; which is to say, there should be no dispute over supposed “ethics” violations at all. The dispute revolves around a plenary address to the Society for Music Theory delivered by Professor Philip Ewell during its annual conference November 7-10, 2019. That address is available here: <https://vimeo.com/372726003>. The protests by faculty and students that publishing scholarly debate in the JSS is somehow “unethical” threatens to undermine the integrity of academic discourse itself.

Professor Ewell 2019 address made what Professor Jackson and many other scholars in music theory considered to be willful misinterpretations of the work of Heinrich

Schenker (1868-1935), an Austrian Jew born in what is now the Ukraine part of the then slowly failing state of the Austrian Empire.

Professor Ewell's argument is that not only was Schenker a "virulent racist" but that his music theory (known as Schenkerian Analysis) is systemically and irredeemably racist. By extension, those who have studied it and promoted it within the discipline of music theory are, by implication, complicit in an irredeemably racist project. The only appropriate response, in the eyes of those who have now embarked upon a mission to purge this alleged systemic racism, is categorical acquiescence to Professor Ewell's argument and some sort of self-abnegation before the charge of "whiteness."

Therefore, according to faculty and graduate students who would condemn him, Professor Jackson is guilty of some kind of original sin because he dissents from this view. But nothing is "racist" about objecting to Professor Ewell's argument that it is racist "among ... white persons [that] the music and music theories of whites from German-speaking lands of the eighteenth, nineteenth, and early-twentieth centuries represent the pinnacle of music-theoretical thought." Nor did the JSS violate any norms of academic publication in inviting debate on this topic. Professor Ewell was to be given an opportunity to respond in the 2020 volume—just as normal scholarly discourse and debate would dictate. Instead, students and faculty now call upon the university to cancel Professor Jackson, the Center, and JSS.

In crafting the JSS's thoughtful call for papers, distributed by email list to the entire Society for Music Theory, which includes Professor Ewell (who could have *but did not* submit any contribution to Volume 12 of the JSS); Professor Jackson took pains to point out, "Most of us would agree that there are too few blacks and women in the field of music theory, and that it is desirable to try to recruit more." Professor Jackson's contribution to Volume 12 even calls for more resources to be dedicated to educating minority and disadvantaged students in music and music theory from the earliest possible age.

Ironically, none of these issues now raised with such faux righteous indignation against Professor Jackson were ever raised amongst the editorial staff of JSS, not by its student editor Benjamin Graff, not by Professor Ellen Bakulina (a student of Professor Ewell's on friendly terms with him), nor by Diego Cubero. The latter is himself a person of color and immigrant from central America to the United States who is devoted to the very German romanticism and music theory that Professor Ewell now condemns for "systemic" racism and "white framing."

As explained in Professor Jackson's short article, Professor Ewell has willfully ignored the transformation of Schenker's thought throughout the politically and culturally tumultuous time in which he lived as well as Schenker's own confrontation with systemic racism both in Europe and by his students in the United States.

Schenker died in Vienna before Austria was annexed to Nazi Germany; but he glimpsed the ugliness of Nazi Germany's persecution of the Jews, which would soon claim many of his own students and family members in the Holocaust. His own confrontation with



truly “virulent” racism altered his views on race—which were thoroughly conventional at the time—so that at the end of his life he wrote that “music is accessible to all races and creeds alike. He who masters such progressions in a creative sense, or learns to master them, produces art which is genuine and great.” In the abstruse logic of Professor Jackson’s academic critics, however, claims to the universal appeal of music and universal accessibility of music theory are themselves manifestations of a so-called “white frame” of racism.

The work done by the Center and Professor Jackson in combating racism is unimpeachable. Assassinating Professor Jackson’s character as “racist” willfully ignores his work in rescuing all but lost compositions and the work of composers persecuted by Nazi Germany. At the time, the work of these composers such as Paul Kletzki was condemned as racially inferior, but it has now been resurrected and performed thanks to the work of the Center. In 2011, the performance of Kletzki’s music was recognized with a Grammy nomination (of Piano Professor Joseph Banowetz), bringing recognition to the Center and UNT.

The current attempts to destroy Professor Jackson, abolish the Center, and strip Professor Jackson of his position and the JSS not only directly violates University of North Texas (“UNT”) policies. The university’s investigation of these preposterous allegations clearly violates Professor Jackson’s constitutional rights under the United States Constitution and Texas Constitution's Bill of Rights as well as his contractual rights vis-à-vis UNT.

As numerous courts have held, even an investigation undertaken in retaliation for a public employee’s exercise of his or her First Amendment rights has an impermissible chilling effect on speech that violates the First Amendment. See *White v. Lee*, 227 F.3d 1214 (9th Cir. 2000); *Levin v. Harleston*, 966 F.2d 85 (2d Cir. 1992); *Baumann v. District of Columbia*, 744 F. Supp. 2d 216 (D.D.C. 2010).

This kind of retaliation is actionable in Texas under state and federal law. *Hudson v. Board of Regents of Tex. S. Univ.*, No. 4:05-CV-03297, 2009 U.S. Dist. LEXIS 126630, at \*11 (S.D. Tex. Apr. 14, 2009) (denying motion for new trial where “verdict meant that Plaintiffs would not have had their rights violated but for their protected constitutional activity” and where “evidence also demonstrated considerable animus toward Plaintiffs by Defendants, because they were outspoken and, quite possibly, because of their political sympathies”); *Ward v. Lamar Univ.*, 484 S.W.3d 440, 454 (Tex. Ct. App. 2016) (reversing lower court for dismissing free-speech retaliation claim against university); *DePree v. Saunders*, 588 F.3d 282, 289 (5th Cir. 2009) (reversing summary judgment in favor of university on free-speech retaliation claim of professor targeted by fellow faculty for making them “not feel safe”).

Finally, please be advised that you are hereby given notice not to destroy, conceal or alter anything related to this matter. This includes but is not limited to notes, memoranda, emails and electronic messaging, voice mails, text messages, or any other private messages exchanged with any individual, organization or party regarding Professor Jackson, including faculty and graduate students who are currently organizing the current witchhunt against him.

This includes all data created with the use of smart phones or tablet devices, and all internet and web-browser-generated history files, caches and “cookies” generated. If relevant documents are presently in a garbage can, shredding bin, a “Deleted Items” email folder, or their functional equivalents, you are directed to retrieve and preserve such documents.

Although Professor Jackson is confident that UNT must have a current policy not to delete or destroy any record of such matters, be advised that this notice is effective immediately upon receipt. If this matter were to evolve into a complaint against you in a court of law, your failure to comply with this notice could result in severe sanctions being imposed by the court for spoliation of evidence or potential evidence.

To avoid spoliation, UNT will need to provide the data requested in its original form on the original media. Please do not reuse any media to preserve this data.

To assure that UNT’s obligations to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter, including the faculty and graduate students identified in the attached Petitions.

Thank you for your cooperation in this matter. Should you have any questions, or want to discuss this matter further, please contact me directly. Professor Jackson wishes above all to be able to pursue his scholarship and serve UNT as he has done for the last two decades, with distinction and by providing scholarship of the highest caliber. He has no wish to tarnish the reputation or position of fellow faculty or graduate students, but only to see them respect the most fundamental standards of professional decency and civility. It is frankly outrageous that a respected and established scholar should become the victim of a crusade in the name of a vague and specious charge of “racism” over what should be easily recognized as an ordinary dispute over scholarship.

Sincerely,



Michael Thad Allen

# Request to Serve on an Ad Hoc Review Panel

---

**From:** "Cowley, Jennifer" <jennifer.cowley@unt.edu>  
**To:** "Ishiyama, John" <john.ishiyama@unt.edu>  
**Cc:** "Hussey, Joanna" <joanna.hussey@unt.edu>  
**Date:** Mon, 03 Aug 2020 12:51:41 -0500

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Dear Professor Ishiyama,

I am writing to request your service on a panel that will be reviewing the process by which a specific issue of a journal was developed.

You along with several other faculty members would be responsible for reviewing this matter and providing a report to myself and to the dean of the college.

This panel would be expected to convene and develop a report over the next approximately 6-8 weeks.

Would you be available to participate in this panel? At the first meeting of the panel I'll be providing the full charge and the details of the journal volume that the panel will be reviewing.

Sincerely,

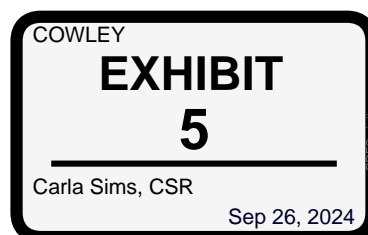
Jennifer Cowley, PhD

Provost and Vice President for Academic Affairs

University of North Texas

[jennifer.cowley@unt.edu](mailto:jennifer.cowley@unt.edu)

940-565-2550



**UNT\_002453**

## Re: Request to Serve on an Ad Hoc Review Panel

---

**From:** "Ishiyama, John" <john.ishiyama@unt.edu>  
**To:** "Cowley, Jennifer" <jennifer.cowley@unt.edu>  
**Cc:** "Hussey, Joanna" <joanna.hussey@unt.edu>  
**Date:** Mon, 03 Aug 2020 13:20:25 -0500

---

Dear Provost Cowley

I would be happy to help-- If I have any hesitance its because I have a number of deadlines coming up, but I am willing to help as much as I can.

Thanks for considering me

best

John

John Ishiyama, Ph.D.  
University Distinguished Research Professor of Political Science  
Director of Graduate Studies/ Graduate Advisor  
Piper Professor of Texas  
Former Editor in Chief *American Political Science Review*

Department of Political Science,  
University of North Texas,  
Denton TX, 76203-5340  
[John.Ishiyama@unt.edu](mailto:John.Ishiyama@unt.edu)  
url: <https://politicalscience.unt.edu/people/john-ishiyama>

---

**From:** Cowley, Jennifer <Jennifer.Cowley@unt.edu>  
**Sent:** Monday, August 3, 2020 12:51 PM  
**To:** Ishiyama, John <John.Ishiyama@unt.edu>  
**Cc:** Hussey, Joanna <Joanna.Hussey@unt.edu>  
**Subject:** Request to Serve on an Ad Hoc Review Panel

Dear Professor Ishiyama,

I am writing to request your service on a panel that will be reviewing the process by which a specific issue of a journal was developed.

You along with several other faculty members would be responsible for reviewing this matter and providing a report to myself and to the dean of the college.

This panel would be expected to convene and develop a report over the next approximately 6-8 weeks.

Would you be available to participate in this panel? At the first meeting of the panel I'll be providing the full charge and the details of the journal volume that the panel will be reviewing.

Sincerely,

Jennifer Cowley, PhD  
Provost and Vice President for Academic Affairs  
University of North Texas  
[Jennifer.cowley@unt.edu](mailto:Jennifer.cowley@unt.edu)  
940-565-2550



# Ad Hoc Panel Communication

**From:** "Cowley, Jennifer" <jennifer.cowley@unt.edu>  
**To:** "Wallach, Jennifer" <jennifer.wallach@unt.edu>, "Ishiyama, John" <john.ishiyama@unt.edu>, "Du, Jincheng" <jincheng.du@unt.edu>, "Lemberger-Truelove, Matthew" <matthew.lemberger-truelove@unt.edu>, "Dubrow, Jehanne" <jehanne.dubrow@unt.edu>  
**Date:** Thu, 06 Aug 2020 16:55:09 -0500

Dear Panel Members,

First a thank you for agreeing to serve on the Ad Hoc Panel that will be convening next week. I will be sharing your charge when we meet on the 12<sup>th</sup>.

I am sharing with you the following statement that UNT has issued regarding the formation of this panel.

*The University of North Texas is committed to academic freedom and the responsibility that goes along with this freedom. This dedication is consistent with, and not in opposition to, our commitment to diversity and inclusion and to the highest standards of scholarship and professional ethics.*

*The university has appointed a five-member multidisciplinary panel of University of North Texas faculty experienced in the editing and production of scholarly journals. The panel members, who are outside the College of Music, will examine objectively the processes followed in the conception and production of volume 12 of the Journal of Schenkerian Studies. The panel will seek to understand whether the standards of best practice in scholarly publication were observed, and will recommend strategies to improve editorial processes where warranted. Upon completion of its investigation, the panel will issue a report to UNT Provost Jennifer Cowley. The report will be made public.*

*The Journal of Schenkerian Studies has made many contributions to the understanding of music theory. We will continue to offer music theorists the opportunity to share and defend diverse viewpoints under the most rigorous academic standards and ethics.*

I wanted to alert you that the publication of this journal volume has generated significant media interest. While you have not specifically been named, should you be contacted by a member of the media, you can refer any inquiry to [Jim.Berscheidt@unt.edu](mailto:Jim.Berscheidt@unt.edu) in University Communications.

Sincerely,

Jennifer Cowley, PhD

Provost and Vice President for Academic Affairs

University of North Texas

[Jennifer.cowley@unt.edu](mailto:Jennifer.cowley@unt.edu)

940-565-2550



COWLEY

**EXHIBIT**

**6**

Carla Sims, CSR

Sep 26, 2024

**UNT\_002460**

# EXHIBIT P





September 7, 2020

Dr. Timothy Jackson  
Department of Music History, Theory and Ethnomusicology  
University of North Texas  
Denton, TX 76302

Dear Dr. Jackson,

Your attorney has authorized me to respond directly to you concerning your emails of August 18 and 28 regarding the Journal of Schenkerian Studies. Thank you for your patience while we worked out the communication protocol with your attorney. I also wanted to ensure I reviewed all of the correspondence you and your counsel have sent to various UNT and UNT System officials since your first letter in late July, including your email to your department chair.

The correspondence from you and your attorney ask a number of questions and threaten litigation against the university. For this reason, I will leave it up to the university's legal counsel to respond to the claims and threats your attorney has made on your behalf, and to answer your lawyer's questions as he deems appropriate. However, I would like to reply to you directly to clarify the mistaken belief that the university is investigating you and the Journal of Schenkerian Studies and the steps you will need to take if you wish to file a grievance.

The university is investigating neither you nor the Journal of Schenkerian Studies. I think it is fair to presume that we agree the journal is a UNT publication, since it is housed in the Center for Schenkerian Studies and is funded by the university. As such, the university has an interest in the complaints about the circumstances surrounding Volume 12 that have come from all corners, and ensuring the journal meets the standards of a peer reviewed, academic publication. The university has the discretion, if not the obligation, to look into these circumstances. A panel of faculty with experience editing peer-reviewed journals has been appointed to do just that; not to investigate you or the journal, or to look into whether a particular policy has been violated. Hopefully, this clarification puts an end to the misinformation and mischaracterization about this matter.

In regards to a grievance, the university's legal counsel informed your attorney that his letter of July 31, 2020 did not claim that anyone had taken action, which I presume meant the letter did not identify a personnel action related to reappointment, tenure, promotion, or a term or condition of employment against you. In fact, your attorney's letter stated (1) that there was an ongoing investigation against you and the journal, which was not correct; and (2) that your supervisor had "taken no actions to defend [you] against "faculty and graduate students...organizing to violate [your] constitutional and contractual protections." In addition, counsel pointed out that he could not identify the policy under which he was filing a grievance. I presume he did so because the letter referenced various policies that do not provide for a

grievance and the complaints he made on our behalf did not fit within the faculty grievance policy, which your attorney did not mention.

The university's legal counsel asked your attorney to clarify the policy and basis for a grievance.

In response to that invitation, in letter dated August 8, 2020, your attorney appears to claim your dean and chair "genuflect[ed] to mob-like accusations of 'institutional racism' and clamor for censoring an academic journal" as grounds for a grievance without stating what action you believe they took. The letter also accuses your dean and chair of having "taken disciplinary action against [you] and [your] Journal" without identifying any action they supposedly took. Subsequently, I learned that in an August 28 email to your chair (with a copy to our dean) you asked him why you had been "removed from *all* committees" for the first time in your 22 years on the faculty. I understand your chair intends to respond to your inquiry.

If you are in disagreement or dissatisfied with an employment-related concern, including working conditions, environment, relationships with your supervisors or other employees, or a negative personnel decision, you may pursue a grievance under UNT policy 06.051 (Faculty Grievance). You can find the policy on the UNT policy webpage at <https://policy.unt.edu/policy-manual>. Concerns about equal opportunity, harassment, retaliation and compliance violations are not addressed under the faculty grievance policy.

On that note, your attorney asked the university to consider whether anti-Semitism may have motivated some unidentified action toward you. The letter did not expressly allege discrimination or mention any action that had been taken against you. Nevertheless, if you believed you have been subjected to discrimination because of your race, ethnicity, national origin or any other reason that violates the university's non-discrimination policy, I encourage you to contact the UNT Office of Equal Opportunity at [oeo@unt.edu](mailto:oeo@unt.edu) or (940) 565-2759. I will forward your attorney's letter to OEO. You can find the UNT nondiscrimination policy (UNT Policy 16.005) on the policy webpage as well.

I hope this letter clarifies any misunderstanding regarding how and why the university has appointed a panel to review Volume 12 and provides you the guidance you need to pursue a grievance if you wish to do so.

Sincerely,

A handwritten signature in dark ink, appearing to read "J Cowley". The signature is fluid and cursive, with the first name "Jennifer" and last name "Cowley" written in a single continuous stroke.

Jennifer Cowley

cc: John Richmond, Dean, College of Music

Benjamin Brand, Chair, Division of Music History, Theory and Ethnomusicology



Michael Allen, Attorney for Dr. Timothy Jackson (via UNT legal counsel)

## Center Review

Reporting Period: FY2013 – FY2016

General Information	
Center/Institute name	Center for Schenkerian Studies
Directors names	Timothy L. Jackson, Distinguished Research Professor of Music Theory and Professor of Music Theory Stephen Slottow, Associate Professor of Music Theory
Director email	<a href="mailto:Timothy.jackson@unt.edu">Timothy.jackson@unt.edu</a> ; <a href="mailto:Stephen.slottow@unt.edu">Stephen.slottow@unt.edu</a>
Director telephone	(940) 565-3748
Center/Institute website URL	<a href="http://music.unt.edu/mhte/node/52">http://music.unt.edu/mhte/node/52</a>
Year established	2001
Classification	<input checked="" type="checkbox"/> Center <input type="checkbox"/> Institute
Center's designation (see policy for Information about these designations)	<input checked="" type="checkbox"/> Academic, reports to Provost & VPAA <input type="checkbox"/> Non-Academic, reports to Vice President (specify): _____
Reports to (add additional lines as necessary)	<input type="checkbox"/> Dean(s), specify college/school _____ <input type="checkbox"/> Administrator(s), specify _____ <input checked="" type="checkbox"/> Chair(s), specify college/school/department _Division of Music History, Theory, and Ethnomusicology_____
Focus	<input type="checkbox"/> Disciplinary, specify _____ <input checked="" type="checkbox"/> Interdisciplinary



### Additional General Information

**Location(s) of Center/Institute facilities (give specifics in table below; add more rows as needed):**

Building(s)	Room(s)	Physical Space (Square Feet)
Bain	208	Approximately 20
Main Music Building	352	Approximately 10

Item	Yes/No	URL
Mission Statement	Yes, see below	<a href="https://mhte.music.unt.edu/schenker">https://mhte.music.unt.edu/schenker</a> <a href="https://mhte.music.unt.edu/schenker/journal-issues">https://mhte.music.unt.edu/schenker/journal-issues</a> <a href="https://facultysuccess.unt.edu/music-professor-tim-jacksons-legacy-drives-passion-lost-composers-project">https://facultysuccess.unt.edu/music-professor-tim-jacksons-legacy-drives-passion-lost-composers-project</a> <a href="https://mhte.music.unt.edu/schenker/lost-composers">https://mhte.music.unt.edu/schenker/lost-composers</a>

**Names of Center/Institute administrators and staff (give specifics in table below; add more rows if needed):**

Name	Title	Role	If faculty member, home department
Timothy L. Jackson	Director,	Same as title	Division of Music

	Distinguished University Research Professor of Music Theory		Theory, History, and Ethnomusicology
Stephen Slottow	Co-Director, Associate Professor of Music Theory	Same as title	Division of Music Theory, History, and Ethnomusicology
Diego Cubero	Faculty Member, Assistant Professor of Music Theory	Same as title (newly appointed February 2016)	Division of Music Theory, History, and Ethnomusicology
Ellen Bakulina	Faculty Member, Assistant Professor of Music Theory	Same as title (newly appointed February 2016)	Division of Music Theory, History, and Ethnomusicology

**Names of people (faculty, students, staff, others) affiliated with Center/Institute (give specifics in table below; add more rows if needed):**

Name	Department/College		
Colin Davis	Former editor assisting with Vol. 9		Ph.D. University of North Texas 2014
Ben Graf	Current editor		Ph.D. University of North Texas 2016
Yiyi Gao	Assistant to the Center		Doctoral student

### **Background Information on Heinrich Schenker, Reinhard Oppel, and the Establishment of the Center for Schenkerian Studies at UNT for Non-Musicians**

In July 1999, the College of Music at the University of North Texas received a major gift, a substantial and significant collection of manuscripts, rare books, papers, and letters belonging to Reinhard Oppel (1878-1941), colleague and close friend of the world-famous music theorist Heinrich

Schenker (1868-1935). In response to this gift, in 2001, the University established the Center for Schenkerian Studies as a teaching and research center within the Division of Music History, Theory, and Ethnomusicology at UNT.

### Schenker

Heinrich Schenker is now widely regarded as the most important and influential music theorist of the twentieth century. Schenker's development of a unified theory of musical structure is, in the field of music, on a par with Einstein's achievement of the theory of relativity, or Freud's theory of the unconscious. The documents preserved in the Oppel Collection at UNT reveal that Oppel was also evolving a related theory of musical structure from a different perspective at approximately the same time as Schenker. Oppel's work – a considerable body of it still unpublished but preserved in the Collection - is of great importance both in itself, and also as a "key" to the evolution of Schenkerian theory. The documents held in the Oppel Collection provide invaluable clues to the sources in New York and Riverside because Schenker became engaged with problems in response to issues raised by Oppel in the course of his own research.



Oppel

Reinhard Oppel was recognized in Germany as an expert in the fields of Baroque and (to a lesser extent) Renaissance music, and also as a composer. He studied with Arnold Mendelssohn, the same composition teacher as Paul Hindemith and Hans Pfitzner. His music, which is of high quality, includes solo piano pieces, four string quartets, approximately forty songs, an a capella mass, a violin concerto, oboe quartet, various chamber pieces for other combinations of instruments, two unfinished symphonies, and other works. Before the war, Oppel's music enjoyed performances – including radio broadcasts – and favorable reviews. The Center is recording and publishing his music.

Oppel taught first at the University of Kiel 1924-30 and, from 1927-40, held a teaching position at the world-renowned Leipzig Conservatory. He wrote his doctoral dissertation at the University of Munich (1911), and his Habilitation at the University of Kiel on the more theoretical topic of *Beiträge zur Melodielehre* [*Contribution to the Theory of Melody*] (1924). While he published a considerable number of articles in the most distinguished musicological journals of the period, mostly on Bach and Handel, composition and analysis became his primary interests during the latter part of his career.

Not only interested in music theory, Oppel possessed the kind of broad and thorough Humanistic-Classical education and great erudition (*Bildung*) typical of the best German university professors of that period. For this reason, his interests encompassed the whole realm of history, philosophy, and cultural history. Schenker was extremely fond of Oppel on a personal level, and was proud of the fact that, as of his 1927 appointment to Leipzig, the most famous conservatory in Germany, Oppel was representing his analytical approach there. In a letter of 7 June to his considerably younger pupil Eberhard von Cube, Schenker celebrated Oppel's recent appointment, "it will give you courage on your chosen path to know that Prof. Dr. R. Oppel, whom I have probably already mentioned to you, has been appointed to the Leipzig Conservatory as Professor of Music Theory, in which capacity, he tells me, he will officially teach my theory."

Oppel's public disdain for the Nazis - and especially for their anti-Semitic program - compelled him to withdraw into a kind of "inner immigration;" he died, broken-hearted, in relative obscurity in 1941. His family hid the manuscripts of his music along with the papers relating to his work with the (Jewish) music theorist Schenker. These papers were donated to the University of North Texas by the Oppel family, and form the nucleus of collections of the unpublished papers of famous early Schenkerians.

#### List colleges/schools/departments formally or informally affiliated with the Center/Institute (list all and any additional information about their affiliation)

Through the Editorial Board of *The Journal for Schenkerian Studies*, the Center is informally linked with other institutions of higher learning around the globe. Currently, the Editorial Board comprises the following music theorists and their institutional affiliations:

- [Mark Anson-Cartwright](#) Associate Professor of Music Theory, Queens College of the City University of New York and Graduate Center
- [David Beach](#), Dean (emeritus) University of Toronto, Faculty of Music
- [Charles Burkhart](#) Professor of Music Theory (emeritus), Queens College of the City University of New York and Graduate Center
- [L. Poundie Burstein](#) Associate Professor, Baruch College of the City University of New York and Graduate Center

- [Allen Cadwallader](#) Professor of Music Theory, Oberlin College-Conservatory of Music
- [William Drabkin](#) University of Southampton (England), Professor of Music and editor of the journal *Music Analysis*
- [David Gagné](#) Professor of Music Theory (emeritus), Queens College of the City University of New York and the Graduate Center
- [Yosef Goldenberg](#) Head Librarian, Jerusalem Academy of Music and Dance, Giv'at Ram Campus
- [Roger Kamien](#) Zubin Mehta Professor of Musicology, emeritus, Hebrew University of Jerusalem
- [Wayne Petty](#) Associate Professor of Music Theory, University of Michigan
- [William Renwick](#) Professor of Music, McMaster University (Canada) [Frank Samarotto](#) Associate Professor of Music Theory, Indiana University
  
- [Carl Schachter](#) Professor of Music Theory, Mannes College of Music and the Juilliard School
- [Hedi Siegel](#) Techniques of Music Faculty, Mannes College of Music
- [Peter Smith](#) Professor of Music, University of Notre Dame
- [Lauri Suurpää](#) Associate Professor of Music Theory, Sibelius Academy, Helsinki
- [Stephen Slottow](#) Associate Professor of Music Theory, College of Music, University of North Texas

### Mission of Center/Institute (include the mission statement; if none, indicate that)

#### Mission Statement

The Center for Schenkerian Studies supports and advances research, concerts, lectures & symposia, conferences, recordings, a journal, *The Journal of Schenkerian Studies*, music editions, and the acquisition of archival documents. These activities are focused on Schenkerian analysis but extend to its music-theoretical, cultural, historical, and compositional contexts, including the larger worlds of music theory and its history, the history of musical culture in pre-World War II Austria and Germany, the writings and sketches of specific music theorists, and the music of specific composers.

The Center for Schenkerian Studies at the University of North Texas serves as the catalyst for new teaching and research initiatives in music theory and history within the Division of Music History, Theory, and Ethnomusicology in the College of Music at the University of North Texas. Specifically, its teaching

component sponsors guest lectures, visiting professorships, seminars, symposia, and concerts. While Schenkerian theory provides a focus for its activities, the Center sponsors research, teaching activities, and events in a wide range of other areas of music theory, the history of music theory, and the history of musical culture in pre-World War II Austria and Germany. The Center supports courses in basic and advanced Schenkerian analysis, the relationship of analysis to performance, and the music of specific composers. The Center sponsors guest lectures, bringing to campus renowned theorists and musicologists whose specialties fall under the umbrella of the Center's interests. Through Fulbright Exchanges and other venues, the Center sponsors visiting scholars for longer residences.

The Center's research component fosters cutting-edge research in the field of music theory in general, and specifically in Schenkerian analysis, with a special focus on documents preserved in the Reinhard Oppel, Allen Forte, Josef Knettel, Saul Novack, Hans Weisse, Charles Burkhart, and Hubert Kessler Memorial Collections and their connection with Schenker's legacy. The Center supports a journal, books, exhibitions, public performances, recordings, and editions of music. The *Journal of Schenkerian Studies*, published under the aegis of the Center, disseminates articles and reports related to the Center's activities.

Our vision for the Center is to create an internationally recognized area of expertise in Schenkerian theory at UNT associated with the collections of Schenkerian documents in the Collections. The Center enriches the UNT undergraduate and graduate Theory Program with special course offerings and contributes to the core Theory Program, enhancing the teaching and research profile of the College of Music and the university as a whole.

With the proliferation of Schenkerian theory in the US, Great Britain, Israel, Finland, and – increasingly – mainland Europe in the past quarter century, the pedagogy of Schenkerian analysis has become an important issue. Schenker himself was suspicious of textbooks because of their tendency to artificial codification and over-simplification; rather, he recognized that his “*New Teaching*” (“*Die neue Lehre*”) - as he and his students referred to it – would require a different, more “organic” pedagogical approach that was both personal and yet accessible to a wide audience. New digital technologies and the internet now have made it possible to disseminate Schenker's pedagogical approach, not only through textbooks, but through websites such as “electronic archives.” The Center currently supports the following digital archives,

- [Reinhard Oppel Memorial Collection](#)
- [Saul Novack Electronic Archive](#)
- [Hans Weisse Electronic Archive](#)
- [Allen Forte Electronic Archive](#)



- [Edward Laufer Electronic Archive](#)

Additionally, Center's the "Lost Composers and Theorists Project" has been working to revive the music of composers and theorists whom the Nazis either silenced, or tried to silence. In a front page article in the *Dallas Morning News* (March 9, 2004), Olin Chism described the effort as follows:

In the 1920s and '30s, a small group of composers in Germany – some Jewish, some not – formed a band of artistic brothers. All were gifted, and some were seen as budding geniuses. Then came the Nazi juggernaut that smashed all of their careers. More than half a century later, the Lost Composers project is crusading to rescue their work from oblivion....It has retrieved vanished music and given it new life long after its creators' deaths."

It is noteworthy that the Nazis did not literally kill all the "Lost Composers and Theorists:" rather, some simply could not "speak" after the Holocaust. Paul Kletzki (1900-1973), for example, was one of those who "lost his compositional voice." As a composer who, during the 1930s in Germany had been encouraged and praised by great musical figures such as Wilhelm Furtwängler, Arturo Toscanini and Alfred Einstein, Kletzki was silenced by the Holocaust: during the war, he ceased composing. His last works, his Third Symphony ("In Memoriam," 1939, dedicated to the memory of victims of Nazism) and his Fourth String Quartet, were created as a refugee in Switzerland. In a newspaper interview published in Australia in 1948, Kletzki observed bitterly "that even the copperplates from which my music was lithographed in Germany were melted down." He explained that his post-war compositional silence emanated from "The shock of all that Hitlerism meant [which] destroyed also in me the spirit and will to compose." The "Lost Composers" Project seeks also to resurrect the music of the Viennese-Jewish music theorist Heinrich Schenker (1868-1935) and his students.

### Contribution to college(s) and/or department(s) mission.

**Accomplishments and goals of Center/Institute:****List major accomplishments for each of the past three fiscal years (add rows as necessary):**

<b>Fiscal Year</b>	<b>Major Accomplishments</b>
2010	<p>"Schenker's Comments on Oppel's a cappella Mass (1926), <i>Gunst des Augenblicks</i> (1925), <i>Mein Herz</i> (1926), and <i>Benedictus</i> (1908)" read by Jackson at The Sixth International Conference on Music Theory in Tallinn, Estonia, October 15–17, 2010.</p> <p>Published the <i>Journal of Schenkerian Studies</i>, Vol. 4, with articles by Ian Bent, Marko Deisinger, William Drabkin, Christoph Hust, Timothy Jackson, and John Koslovsky.</p>
2011	<p>Published Naxos CD of Kletzki's Piano Concerto and Piano Music, Joseph Banowetz (piano, Professor of Piano at UNT), Thomas Sanderling (conductor), Russian Philharmonic Orchestra, prepared by the "Lost Composers" Project and nominated for a Grammy Award.</p> <p>Published recording of <i>Reinhard Oppel, Piano Music, Volume 1</i>, Toccata Records Ltd., UK. Heejung Kang, UNT Senior Lecturer in Piano. <a href="http://www.discogs.com/Reinhard-Oppel-Heejung-Kang-Piano-Music-Volume-One/release/2934536">http://www.discogs.com/Reinhard-Oppel-Heejung-Kang-Piano-Music-Volume-One/release/2934536</a></p> <p>Published the <i>Journal of Schenkerian Studies</i>, Vol. 5.</p>
2012	<p>Jackson published "Heinrich Schenker's Comments on Some Compositions by Reinhard Oppel," <i>A Composition as A Problem VI</i> (2012), pp. 5-95 (90 published pages).</p> <p>Published the <i>Journal of Schenkerian Studies</i>, Vol. 6.</p>
2013	<p>"The Lost Composers" Project worked with Prof. Robert Davidovici to record the Kletzki Violin Concerto with the Royal Philharmonic Orchestra in London on Jan 10 and 11, 2013. The CD distributed by the Royal Philharmonic Label was released in London on October 8, 2013.</p> <p>Jackson organized and presented a paper at a special session at the Fifth International</p>

	Schenker Symposium at the Mannes College of Music in New York City “Toward a <i>Free Composition</i> for Post-Tonal Music” on March 15, 2013.
2014	Published the <i>Journal of Schenkerian Studies</i> , Vol. 7.
2015	Published the <i>Journal of Schenkerian Studies</i> , Vol. 8.  Currently preparing a special memorial issue of the <i>Journal of Schenkerian Studies</i> for Professor Edward C. Laufer, Vol. 9.

## Acquisition of major collections for the University of North Texas

### The Allen and Madeleine Forte Memorial Collection

- May 28-30, 2014, the Center arranged the donation of papers of the early Schenkerian and inventor of pitch class set analysis of post-tonal music Prof. Allen Forte, Battell Professor of Music Theory at Yale University. Even though some of Prof. Forte’s material was donated to Yale Library, the twenty boxes of papers that came to UNT are one of the most significant collections for Music Theory in the country. This material includes original photographs and documents reaching back into the 19th century. Additionally, files containing the genesis of some of Forte’s seminal articles are present, his computer programming projects from the 60s and 70s, a file of letters from Ernst Oster, files detailing Forte’s various trips to China, Hong Kong, Korea, and colleges and universities where he was a guest professor throughout the English-speaking world, including the UK. Other files contain materials for Forte’s various courses, at Yale, and on the Second Viennese School at Mödling in Austria, and also his NEH seminar. Any serious student of Allen’s biography and work, and by implication, the development of Schenkerian analysis and set theory, will find here a priceless research resource. Additionally included are videotapes of Madeleine Forte’s concerts and master classes that she organized that were broadcast on PBS from Boise, Idaho, where she was a professor of piano for many years. There are materials related to some of Allen’s many outstanding graduate students, including photographs of his seminars, etc. In the summer of 2015, the Center arranged the transfer of

additional papers of Allen Forte and Madeleine Forte, Professor of Piano at the University of Idaho (emeritus), to the Madeleine and Allen Forte Archives at UNT. See:

<http://findingaids.library.unt.edu/index.php?p=collections/controlcard&id=454>

<http://forte.music.unt.edu/archive/madeleineforte/teaching.html> and

<http://forte.music.unt.edu/archive/madeleineforte/bio.html>

**[ADD HERE INFO ABOUT BURKHART.]**

**Describe Center/Institute's involvement in creation, integration, application, and dissemination of knowledge. Provide some specific examples.**

(1) The Journal of Schenkerian Studies is the only journal exclusively devoted to Schenkerian analysis and theory, methods that have in large part become the default methodology for analyzing tonal music.

(2) The Center's archives contain unique repository of the original work and papers of key scholars connected with Heinrich Schenker and his analytical method. These archives are open to the public, and include the Reinhard Oppel, Saul Novack, Hans Weisse, Allen Forte, Edward Laufer, Hubert Kessler, and Hans Knettel archives. All of these are accessible to scholars at the UNT Willis Library of UNT. In addition, the following archives are accessible electronically via the internet. See:

- [Reinhard Oppel Memorial Collection](#)
- [Saul Novack Electronic Archive](#)
- [Hans Weisse Electronic Archive](#)
- [Allen Forte Electronic Archive](#)
- [Edward Laufer Electronic Archive](#)

- 
- (3) The Center has organized performances and commercial recordings of rarely (or never) performed music through its Lost Composers Project. Examples of commercial recordings are provided below.
- (4) The Center, in collaboration with the MHTE Lecture Series, has helped to sponsor lectures and residencies by major Schenkerian scholars such as: Allen Forte, Charles Burkhart, Carl Schachter, Poundie Burstein, Tim Cutler, Frank Samarotto, and Lee Rothfarb.

## Recent Completed Dissertations and Theses by UNT Students related to the Center's Research Activities

2016 Benjamin Graf. Doctoral dissertation: "An Analytical Study of Paradox and Structural Dualism in the Music of Ludwig van Beethoven."

2015 Bryan Stevens, MM thesis: "Formal Organization in Ground-Bass Compositions."

2015 Yiyi Gao, MM thesis (two-paper option): "Auf einer Burg and In der Fremde from Schumann's Liederkreis, op. 39."

2014 Rachel Paul, MM thesis (two-paper option): "'Toward eternity': A spatio-perceptual reading of Aaron Copland's *Twelve Poems of Emily Dickinson*."

2014 Alexander Amato. Doctoral dissertation: "Thematic and Formal Narrative in Respighi's *Sinfonia Drammatica*."

2014 René Perez Torres. Doctoral dissertation: "The 34 Canciones Hispanoamericanas para canto y piano by Gualterio Armando: A Schenkerian view of the Hispano-American Soul."

2014 Colin Davis. Doctoral dissertation: "Facets of Polyphonic Harmony in Ferruccio Busoni's Orchestral Elegies."

2012 William Waldroup, MM thesis: "Jacques Ibert: An Analytical Study of Three Movements from *Histoires*."

2010 Carlos Gaviria, MM thesis: "Alberto Ginastera and the Guitar Chord: An Analytical Study."

2010 David Huff, MM thesis: "Methods of Atonal Voice-Leading Analysis: A Critical Evaluation Based on Analyses of Alban Berg's Four Songs Op. 2."

**Describe Center/Institute's activities for and engagement with training for students. Provide some specific examples.**

The *Journal of Schenkerian Studies* is a peer-reviewed journal published annually by the Center for Schenkerian Studies and the University of North Texas Press. However, **the journal is edited and run by graduate students** under the guidance of Dr. Timothy Jackson, Dr. Stephen Slottow, and an expert editorial board comprised of leading Schenkerian theorists across the globe. It has published eight volumes to date, and the ninth is in preparation. Articles from the journal have been widely cited in the literature in the field of music theory. Thus, the journal gives graduate students the opportunity to manage a professional journal, thereby gaining valuable experience in research and publication, and enabling them to network with leading scholars in the field of music theory. The journal features articles on all facets of Schenkerian thought, including theory, analysis, pedagogy, and historical aspects.

Over the past few years, *The Journal of Schenkerian Studies* has continued to publish important articles by international authors. The Center for Schenkerian Studies will continue its annual publication schedule with *JSS* Volume 9 (to be released in July 2016). Students are assisting the editor, Dr. Ben Graf (Ph.D., UNT 2016), by taking on various responsibilities this year. These include corresponding with authors, editing, and preparing the articles for publication.

**Describe Center/Institute's involvement in research, scholarly activities and/or creative activities. Provide some specific examples.**

See answer to "DESCRIBE CENTER/INSTITUTE'S INVOLVEMENT IN CREATION, INTEGRATION, APPLICATION, AND DISSEMINATION OF KNOWLEDGE" above.

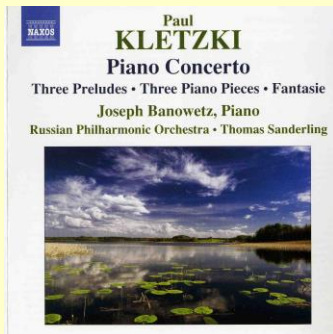
**Describe how Center/Institute exhibits diversity, opportunities, and/or inclusivity. Provide some specific examples.**

The Center recently supported hiring the first female full-time tenure-track Assistant Professor in the Theory Area, Dr. Ellen Bakulina. For a long time, the field of Schenkerian Analysis has been male dominated. It is hoped that Dr. Bakulina, who will come on board in Fall 2016, will participate in the Center and serve as a role model to attract more female talent to the field.

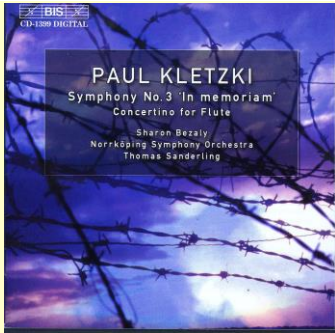
**Describe Center/Institute's partnerships and outreach between academia and industry, government agencies, and/or non-profits. Provide some specific examples.**

The Center, through its “Lost Composers” project, has partnered with the “real music world” through its collaborations with major commercial record labels. These include: Naxos (widely regarded as the largest label in the world, especially if the “Naxos On-line” resource is included), BIS, and Toccata Records. The London Symphony Orchestra will issue its recording of the Kletzki Violin Concerto on its label in 2013.

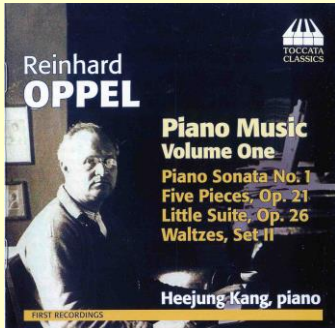
Three of the recordings in which the Center collaborated with these labels are now available through Naxos On-line, to which our university music library subscribes, and also at Amazon and all other venues:



<http://libproxy.library.unt.edu:2072/catalogue/item.asp?cid=BIS-CD-1399>



<http://libproxy.library.unt.edu:2072/catalogue/item.asp?cid=8.572190>



<http://libproxy.library.unt.edu:2072/catalogue/item.asp?cid=TOCC0003>





<http://www.amazon.co.uk/Violin-Concertos-Robert-Davidovici/dp/B00I53030G>

**Describe Center/Institute's global partnerships and how it exhibits internationalism. Provide some specific examples.**

The Center is currently (Spring 2016) partnering with the Tansmann Foundation in Poland to produce concerts and record the music of the "Lost Composers and Theorists" for the next three years.

The Center has partnered with numerous news organizations around the world to revive and promote the music of "The Lost Composers." These include major newspapers, television and radio stations (US and foreign). When the Naxos recording of Kletzki's piano music received a Grammy Nomination, the story of "The Lost Composers" Project was picked up by Reuters and published in numerous newspapers and magazines across the country, and also internationally. Here, as one example among many international collaborations, the Center worked with "Deutsche Welle," the German National Radio Station that broadcasts in Germany and around the world, to inform the public in Germany and internationally about "The Lost Composers" Project. This particular story from March 2011 was posted in its website in English and German, along with a sound clip from the recording of Oppel's Piano Music.

Noten aus der Vergangenheit

[Read More...](#)

**Geschichte | 15.03.2011**

## Noten aus der Vergangenheit



[Großansicht des Bildes mit der Bildunterschrift: Kurt Oppel und Timothy Jackson](#)

*Durch die Naziherrschaft gingen viele musikalische Kunstwerke verloren, weil Komponisten verfolgt oder umgebracht wurden. In Texas spürt der Musikwissenschaftler Timothy Jackson diese "verlorenen Komponisten" auf.*

Paul Kletzki ist einer der zehn "verlorenen Komponisten", mit denen sich das Projekt in Texas beschäftigt. Er wurde 1900 im polnischen Lodz geboren und entwickelte sich schnell zum Star der deutschen Musikszene. In Weimar feierte er Erfolge, schrieb Symphonien und Klavierkonzerte. Der Komponist und Dirigent Wilhelm Furtwängler, sagt der Musikwissenschaftler Timothy Jackson, habe viel von Kletzki gehalten. Doch Paul Kletzki war Jude. Und jüdische Komponisten wurden von den Nazis geächtet, ganz gleich, welcher Musikrichtung sie angehörten.

### Verstummt angesichts des Holocaust



Bildunterschrift: [Großansicht des Bildes mit der Bildunterschrift: Paul Kletzki](#)

[Klavierkonzert in D-Moll, Opus 22"](#)

Als Paul Kletzki gerade seinen großen Durchbruch erlebte", sagt Jackson, "kam Hitler an die Macht und Kletzki wurde klar, dass seine Zukunft zerstört war." Kletzki flüchtete zunächst nach Italien, dann nach Russland und schließlich in die Schweiz. Angesichts der Gräueltaten, die die Nazis an den Juden verübten, und denen auch seine Eltern und seine Schwester schließlich zum Opfer fielen, hörte er 1942 auf zu komponieren." Aus dem Komponisten wurde ein Dirigent, der seine Notenblätter in einer Kiste vergrub. Als diese Kiste 1964 wieder entdeckt wurde, brachte er es nicht über sich, sie zu öffnen. Erst nach Kletzki's Tod 1973 stellte seine Witwe Yvonne fest, dass seine Werk darin alle erhalten geblieben waren. Yvonne Kletzki hat die Unterlagen Timothy Jackson gegeben. Inzwischen gibt es einige von Kletzki's Werken als CD zu kaufen. Die letzte Aufnahme mit seinen Klavierkonzerten war sogar in diesem Jahr für einen Grammy nominiert.

**Den Vergessenen eine zweite Chance geben**



Bildunterschrift: [Großansicht des Bildes mit der Bildunterschrift: Paul Kletzki am](#)

[Klavier](#)

Projekte wie das von Timothy Jackson gibt es weltweit viele, erklärt Bret Werb, der für Musik zuständige Kurator des Holocaust-Museums in Washington. Durch das Internet ist der Informationsaustausch reger und einfacher geworden, es gelangen noch immer unbekannte Informationen über Komponisten ans Tageslicht. "Ein Großteil dieser Musik wäre vermutlich so oder so in Vergessenheit geraten," so Werb, "aber es ist unsere Aufgabe, jenen eine zweite Chance zu verschaffen, die vielleicht unfair behandelt worden sind." Timothy Jackson hat Anfang der 90er Jahre mit seinem Projekt begonnen. Damals forschte er nach Zeitgenossen des berühmten Wiener Musiktheoretikers Heinrich Schenker

und stieß so auf Reinhard Oppel, einen Kollegen Schenkers, der an der Universität von Kiel unterrichtete.

### Die Noten im Garten vergraben



Bildunterschrift: [Großansicht des Bildes mit der Bildunterschrift: Reinhard Oppel an seinem Klavier](#)

Der Pfarrer Kurt Oppel, Reinhard Oppels Sohn, lebt heute in der Nähe von Heidelberg. Der rüstige 80jährige erinnert sich: "Mein Vater war ein ungewöhnlich imposanter, interessanter Mann, er konnte sehr charmant sein, er konnte aber auch sehr jähzornig sein." Ein Vollblutmusiker sei er gewesen, der schon mit sechs Jahren, vor der Schule, Orgel gespielt habe und mit 60 Jahren noch Posaune lernte. Von den Nazis und von Hitler habe sein Vater nicht viel gehalten, sagt Kurt Oppel, und daraus auch keinen Hehl gemacht. Die Schikane ließ nicht auf sich warten. Noch im Alter von 62 Jahren, schwer herzkrank, musste Reinhard Oppel eine Musterung zur Wehrmacht über sich ergehen lassen. Er starb 1941. Sein Sohn Kurt ging nach dem Krieg in den Westen. Die Werke seines Vaters blieben bei Freunden in einem Gartenhaus, wo "ein Teil in Margarinekartons aufgestapelt und zum Teil vergraben wurde", erzählt Kurt Oppel.

### Motiviert von der eigenen Familiengeschichte

Dem Musikwissenschaftler Jackson geht es in dem Projekt auch um seine eigene Familiengeschichte. Jacksons Mutter war Künstlerin, die im Schatten des Holocaust aufgewachsen ist. Timothy Jackson hofft, dass er vielleicht noch auf weitere "verlorene Komponisten" stößt. Viel hängt vom Zufall ab" und von Familienmitgliedern, die das Vermächtnis ihrer Vorfahren wieder ans Licht bringen wollen. Jackson hofft, dass er noch die Musik vieler anderer Komponisten ausgraben kann. Kurator Bret Werb erklärt: "Und wir hoffen, dass ihre Musik nicht im Zusammenhang von verbotener Kunst, Komponisten im Exil oder Holocaust-Musik aufgeführt wird, sondern einfach als Musik."

Autorin: Christina Bergmann

Redaktion: Gudrun Stegen

(English translation)

## Texas project uncovers works by composers persecuted by the Nazis



Großansicht des Bildes mit der Bildunterschrift: Paul Kletzki stopped composing after being traumatized by Nazi atrocities

*The Nazis were responsible for the persecution or murder of numerous composers, resulting in the loss of many of their musical works. Now, a project in Texas is unearthing some of those compositions.*

Musicologist Timothy Jackson, who teaches at the University of North Texas in Denton, is a man with a mission. Currently, he's devoting himself to the works of Paul Kletzki, one of the 10 "lost composers" his project is aiming to unveil.

Kletzki was born in Lodz in 1900 and soon became one of the stars of the German music scene, reaping particular success in Weimar with his symphonies and piano concertos. He was respected by composers and conductors alike. But there was just one problem: He was a Jew, and when the Nazis gained power in the early 1930s, Jewish composers were outlawed.

"Just as Paul Kletzki was making his breakthrough, Hitler rose to power [in 1933] and the composer realized he didn't have a future," Jackson said.

### Nazi atrocities



Bildunterschrift: [Großansicht des Bildes mit der Bildunterschrift: Joseph Banowetz' recording of Kletzki's piano concerto was nominated for a 2011 Grammy](#)

Kletzki first fled to Italy, then Russia, and finally to Switzerland. Traumatized by Nazi atrocities, including the loss of his parents and sister, Kletzki stopped composing in 1942. Turning instead to conducting, he buried his sheet music in a box.

When the box was unearthed in 1964, Kletzki could not bring himself to open it. It wasn't until after his death in 1973 that the composer's wife, Yvonne, discovered that all the compositions remained intact inside. She then passed the compositions on to Timothy Jackson. Several of Kletzki's works have meanwhile been recorded on CD, with the last recording of his piano concerto nominated for a Grammy this year.

### **Buried in a garden shed**

Timothy Jackson is not the only researcher with such a mission, said Bret Werb, music curator at the United States Holocaust Memorial Museum in Washington. A number of composers persecuted by the Nazi regime have been rediscovered and their works rescued over the years, but, as Werb points out, the Internet has eased and invigorated the exchange of information, and more and more is being discovered about this lost period.

"A large part of the music would otherwise be lost," Werb said. "It's our job to give those who were previously unjustly treated a second chance."

When Jackson began his project at the beginning of the 1990s, he was researching information about contemporaries of the famous Viennese music theorist Heinrich Schenker and came across one of his colleagues, Reinhard Oppel, who had taught at the University of Kiel.



*Bildunterschrift:* [Großansicht des Bildes mit der Bildunterschrift: Reinhard Oppel, pictured here in 1924, was later persecuted by the Nazis](#)

Kurt Oppel, Reinhard Oppel's son, currently lives near Heidelberg. The 80-year-old pastor recalls that his father was "an imposing, interesting man who could be both charming and hot-tempered." He was a musician through and through; he learned to play the organ before he even attended school and taught himself to play the trombone at age 60.

Oppel Senior was made no secret of his distaste for the Nazis. It wasn't long before they forced him - at age 62, with a severe heart condition - to join the military. He died in 1941.

Following the war, his son Kurt settled in West Germany, leaving his father's work "stacked up in margarine boxes and partially buried" in the garden shed of family friends, he noted.

### Personal stories



*Bildunterschrift:* [Großansicht des Bildes mit der Bildunterschrift: Musicologist Timothy Jackson \(foreground\) with Kurt Oppel](#)

Musicologist Jackson is also interested in his own family's history, his own mother having been an artist who grew up in the shadows of the Holocaust. Through his music research, he hopes to discover more "lost composers" and said a lot of what he learns is coincidence. It's also dependent on how much families want to reveal about their relatives.

"And we hope that when their music is discovered, it's not considered 'forbidden art' or connected with exiled

composers or deemed 'Holocaust music', but is just looked at as 'music,'" curator Werb said.

Author: Christina Bergmann / als

Editor: Kate Bowen

### **Indicate and describe visibility of Center/Institute. Provide some specific examples.**

☐ **Intramural (within UNT)**

☐ **Regional**

☒ **National**

☒ **International**

**Discussion.**

### **Describe Center/Institute's activities in securing external grants, contracts, and support. Provide some specific examples.**

To date, the Center's activities have secured approximately \$150,000 to date in outside funding, and \$212,750 in publicity value for the University of North Texas (as determined by UNT's publicity department in 2012 after the Grammy Nomination). The Center has secured priceless collections of historical documents for the Willis Music Library Special Collections, most notably the Reinhard Oppel, Hans Weisse, Allen Forte, Saul Novack, Hubert Kessler, Josef Knettel, and Charles Burkhart Collections.

These gifts were initiated by the Oppel Collection gift from the Reverend Kurt Oppel in 1999.

### **Describe Center/Institute's activities, services, and accomplishments that could not be carried out by an academic department.**

An academic department has broad responsibility over many varied pedagogical and administrative activities. The Center's activities, on the other hand, are focused on two interrelated projects: Schenkerian Analysis and



theory (including the *Journal for Schenkerian Studies*, lectures, archives of unique original documents, etc.) and the “Lost Composers and Theorists’ Project” (including concerts, music publications, concerts, and commercial recordings). An academic music department would have neither the interest nor the mission to sustain such a specialized and intense focus, which has been necessary to bring to fruition such a large range of projects.

### Major contingencies affecting Center/Institute for this reporting period.

In past years, the Center has provided financial support for some students from grants. For example, in 2009, a \$15,000 gift from a private donor employed a graduate student to scan documents from the Forte Collection for the Forte website.

The Center is seeking funding from the same donor who requested that it approach her again in the second half of 2017.

Currently, the Center is developing an “ask” from major German car manufacturers.

**Center/Institute Revenues and Expenses**

Please provide the sources and amounts of funding and support received by your center/institute.

Source and amount of Center/Institute funds (add more lines as needed).

Source	FY2010 Amount	FY2011 Amount	FY2012 Amount	Notes or Comments
Journal sales	1472.55\$	0\$	0\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
<b>TOTAL</b>	\$	\$	\$	

Potential sources to indicate and add more if applicable:

- University accounts
- College accounts
- Department accounts
- Release time
- Course buyout
- Conferences and events
- External gifts
- External grants specifically supporting the Center/Institute
- Contracts
- Recovered indirect costs (F&A)
- Other – please specify

Please provide total expenditures of your center/institute for each of the years.

Center/Institute expenditures.

	FY2010 Amount	FY2011 Amount	FY2012 Amount	Notes or Comments
<b>Total Expenditures</b>	279.04\$	701.47\$	0\$	postage&mailing supplies

# EXHIBIT D



## AD HOC REVIEW PANEL



## REPORT OF REVIEW OF CONCEPTION AND PRODUCTION OF VOL. 12 OF THE JOURNAL OF SCHENKERIAN STUDIES

NOVEMBER 25, 2020

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## **Executive Summary**

This is a report by the five-member Ad Hoc Journal Review Panel, comprised of UNT faculty members outside of the College of Music, who are current or former editors of scholarly journals. The panel was charged with examining the processes followed in the conception and production of Volume 12 of the *Journal of Schenkerian Studies* (JSS), especially whether the standards of best scholarly practice were followed. Further, the panel was to make recommendation to improve editorial processes, where warranted.

After an extensive review of documents and interviews of eleven (11) individuals, including the principals involved in the conception and publication of Volume 12, the panel identifies significant problems with the editorial management structure of JSS as well as with the review processes employed by the journal for the special section in Volume 12.

In sum, we do not find that the standards of best practice in scholarly publication were observed in the production of Volume 12 of the JSS. The panel recommends

1. Changing the editorial structure of JSS
2. Making clear and transparent all editorial and review processes
3. Defining clearly the relationships between the journal editorial team and the editorial board, MHTE, and the UNT Press.

## Report of the Journal of Schenkerian Studies Ad Hoc Review Panel

### The Panel's Charge

The Ad Hoc Journal Review Panel is comprised of five faculty members who either currently serve, or have served, as scholarly journal editors. Members are: Jincheng Du, Professor of Materials Science and Engineering and Editor of *the Journal of American Ceramic Society*; Francisco Guzman, Professor of Marketing and current Coeditor-in-Chief of the *Journal of Product & Brand Management*; John Ishiyama, University Distinguished Research Professor of Political Science and former Editor-in-Chief of the *American Political Science Review* and the *Journal of Political Science Education*; Matthew Lemberger-Truelove, Professor of Counseling and current Editor of the *Journal of Counseling & Development*; and Jennifer Wallach, Professor of History, Chair of the Department of History and former Editor of *History Compass*.

On August 6, 2020, we received an email from Provost Jennifer Cowley that invited the members of the panel (all of who are faculty members from outside of the University of North Texas College of Music) to serve. In that email the Provost stated that the purpose of the panel was to examine “objectively the processes followed in the conception and production of Volume 12 of the *Journal of Schenkerian Studies* (JSS). The panel will seek to understand whether the standards of best practice in scholarly publication were observed and will recommend strategies to improve editorial processes where warranted.” (Exhibit 1).

Our panel met with Provost Jennifer Cowley on August 12, 2020. At that meeting we were formerly charged by the Provost. This report includes a review of the managerial, editorial, and review processes employed by the JSS, and an examination of how those practices related to the production of Volume 12.

### Background Information & Scope of Review

Given that the panel's charge was provided to the complete panel on August 14, 2020 (Dr. Francisco Guzman was added to the panel on that date) and that the Fall semester began on August 24, the panel members agreed to have our first organizational meetings after the semester began. Our first meeting was held on September 1, 2020. Between September 1 and October 15, we interviewed a total of eleven (11) individuals who had knowledge about the production of Volume 12, as well as of the general editorial and review processes employed by the journal. These included the journal's most recent editors (Dr. Benjamin Graf and Mr. Levi Walls), members of the editorial advisory team (Dr. Timothy Jackson and Dr. Stephen Slottow), representatives of the UNT Press (Mr. Ron Chrisman and Ms. Karen DeVinney)<sup>1</sup>, the Division Head of Music History, Theory, and Ethnomusicology (hereafter referred to as MHTE) (Dr. Benjamin Brand), and the Dean of the UNT College of Music (Dr. John Richmond). Further,

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<sup>1</sup> The UNT Press publishes the *Journal of Schenkerian Studies*.

we interviewed three former members of the JSS editorial board (Dr. Ellen Bakulina and Dr. Diego Cubero) both faculty members of the UNT College of Music, and Dr. Graham Hunt, Professor and Associate Chair of Department of Music at the University of Texas at Arlington. All interviews were conducted virtually, via ZOOM. The panel also reviewed documents that were shared by the interviewees.

### *Our Review*

To begin, we first reviewed the concerns expressed about the journal's editorial and review processes raised in public statements issued by three different groups:

- 1) the statement issued by the Executive Board of the Society of Music Theory (SMT) <https://societymusictheory.org/announcement/executive-board-response-journal-schenkerian-studies-vol-12-2020-07>; (Exhibit 2)
- 2) the statement of a group of graduate students from the Division of MHTE [https://drive.google.com/file/d/1PekRT8tr5RXWRTW6Bqdaq57svqBRRcQK/view?show\\_popup=false](https://drive.google.com/file/d/1PekRT8tr5RXWRTW6Bqdaq57svqBRRcQK/view?show_popup=false); (Exhibit 3)
- 3) a statement in support of the graduate student statement made by faculty members of the Division of MHTE <https://www.ethnomusicology.org/news/519784/Statement-of-UNT-Faculty-on-Journal-of-Schenkerian-Studies.htm>. (Exhibit 4).

We examined these statements because they appeared to be representative of the broader public concerns expressed about the JSS Volume 12 and were the first to be publicly issued since its publication. These statements were authored by the major professional society of Music Theory (the executive board of SMT), and graduate students and faculty members from the Division of MHTE. The SMT statement reflects the reaction of the leadership of the profession, and the statements by the UNT MHTE faculty and graduate students represents the concerns of members of the UNT community familiar with music theory and the JSS.

All three statements raised serious concerns about the editorial and review practices employed by JSS. Given that our panel's charge was to focus on the concerns expressed about the editorial and review processes employed by the journal, we structured our review around three issues: 1) whether the journal's editorial team subjected submissions to Volume 12 to a process of peer review consistent with the standards of best practice in scholarly publication; 2) the circumstances surrounding the journal's publication of an anonymously authored contribution; and 3) the circumstances surrounding the JSS's decision not to invite the individual whose presentation at the SMT conference was the subject of Volume 12, Dr. Phillip Ewell, to respond in the symposium to the essays that discussed his work.

### *Report Structure*

We report the results of our review in four sections:

- the general editorial and review processes employed by JSS;
- the editorial and review processes used for Volume 12;



- the process that led to the publication of an anonymously authored contribution; and
- the decision not to invite the scholar whose presentation was the topic of part of Volume 12 to respond to the essays that discussed his work

### *The Current Editorial Structure and General Review Processes*

To assess whether the editorial and peer review processes employed by JSS meet “standards of best practice in scholarly publication” (as stated in the panel’s charge) it is important to outline the current editorial managerial and review processes used by JSS.

#### *JSS Managerial Structure*

Based upon our review of the journal’s website (<https://mhete.music.unt.edu/journal-schenkerian-studies>), which only describes the submission process, and our interviews with the editors and the editorial advisory board, the journal’s managerial structure includes an editor, [previously Dr. Benjamin Graf, who was to be succeeded by Levi Walls], an “editorial advisory board” comprised of Dr. Jackson and Dr. Slottow, who provide “guidance” for the journal, and an editorial board made up of scholars in the field who are often asked to review manuscripts. The editorial board has no supervisory role and is not provided with annual journal status reports. It appears that its function is to provide a pool of potential reviewers for submitted manuscripts.

The editor of the journal has always been a graduate student, except Benjamin Graf, who was a graduate student when he started the editor of JSS in 2014 and earned his PhD from UNT MHTE in May 2016 and is currently employed as a Lecturer by the Division. Although the justification as provided by the editorial advisors was that JSS is a “student run journal” (although Dr. Ben Graf was appointed as a UNT Senior Lecturer in Fall 2017 and was therefore not a student for volume 12) which is designed to provide editorial experience for graduate students, Dr. Slottow and Dr Jackson stated that the journal actually publishes mostly works from established scholars rather than students. The panel was told that the student-editors largely made all decisions regarding publication of manuscripts.

It appears that historically all the editors of JSS have been students of Dr. Jackson. The editors who were interviewed by the panel reported that they were uncomfortable in making decisions and recommendations that ran counter to the preferences of Dr. Jackson, their major faculty advisor. In part, Dr. Graf and Mr. Walls said to us that this situation made it difficult to raise objections relating to concerns about the submissions to the symposium section of Volume 12.<sup>2</sup> According to the editors, as well as to Dr. Slottow, Dr. Jackson “took the lead” on this section

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<sup>2</sup> Dr. Jackson said that this portion of Vol 12 is “like a commentary” section in his meeting with our panel. However, this was not called a commentary section when the volume was published. Rather, in the table of contents the section containing the pieces about Dr. Ewell’s talk are labeled “symposium” (Exhibit 5). The panel notes there is no special marker in Volume 12, including in the symposium section, that designates any piece as a “commentary.”

in Volume 12.<sup>3</sup> Drs. Slottow and Jackson said that this was the first time the journal had published such a special section.<sup>4</sup>

### *JSS General Review Process*

In terms of the general review processes used by JSS, no written processes for review were provided to the panel and after questioning the editors, no such document exists. However, the editors and editorial advisors described the general review process as involving recruiting two reviewers (sometimes from the editorial board but at times recruited from outside the editorial board) who would provide a report to the editors and then a decision was made whether to accept, reject, or invite a revise and resubmission of the piece. Dr. Graf told the committee that rejection was a very rare occurrence.

No documents were provided that described the normal review process, although Dr. Jackson provided us with a collection of emails that he said outlined the review process for what he referred to as the “commentary” section of Volume 12. These emails however only generally discussed the special section in Volume 12 and did not lay out specifically the review procedures to be employed for these essays.

### *The Editorial and Review Processes Employed for Volume 12*

As to the review process employed for Volume 12, Dr. Jackson told us that this type of special section had never been done by JSS before.<sup>5</sup> Volume 12 also included three “regular” articles (a term used by Dr. Graf), which had been peer reviewed and were scheduled to be published in Volume 12. The processing of these articles had been completed by November 2019. For these three articles, Dr. Graf was designated as the editor. For the special section (referred to as a symposium in the table of contents for Volume 12), Levi Walls was designated as the editor.

### *The “Special Section” of Volume 12*

In our discussion with Drs. Jackson and Slottow, both said they felt the need to include articles responding to “attacks” on Schenkerian scholars by Dr. Ewell in his plenary talk at the SMT conference, and that JSS was the appropriate venue for such responses. In explaining this decision, both Dr. Jackson and Dr. Slottow noted that unlike prior plenaries at SMT where a

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<sup>3</sup> In his interview with the panel, Dr. Jackson repeatedly referred to the section as a “commentary” section suggesting that this meant that the essays did not require peer review. Yet in the email correspondence sent by him to others discussing this section, prior to our interview with him, the term “symposium” or “symposia” is mentioned 22 times, but the term “commentary” is not mentioned at all.

<sup>4</sup> There had been previous volumes where the entire volume was dedicated to a special topic, but not a section of a regular volume. For purpose of this report, the term “special section” will be used to refer to the section of Volume 12 containing the essays that respond to Dr. Ewell’s presentation. Where pertinent, the report will use the words “symposium” and “commentary.”

<sup>5</sup> Commentary sections vary from journal to journal, but they generally involve commentaries provided about articles that are published by the journal. A symposium on the other hand refers to a section of a journal that includes several short articles built around a particular topic.

question and answer session was held after the talk was completed, no such session occurred after Dr. Ewell's talk. Thus, they said they believed that it was necessary that a response be made to Dr. Ewell's talk as soon as possible, and that those responses should appear in JSS. According to Benjamin Graf, who was then editor of JSS, three (3) "normal" articles had already been completed or nearly completed by December, which would have been the normal number of articles published in a journal volume.<sup>6</sup>

However, Dr. Jackson said that after Dr. Ewell's talk, he believed it necessary to include responses to the talk in Volume 12. Thus, a special call for submissions that would respond to Dr. Ewell's talk was distributed at the end of December 2019, and an expedited process was initiated to process the submissions quickly. The deadline set in the call for submissions was January 20, 2020. (Exhibit 6). In short, a call for contributions was made at the end of December, with the intention of completing the entire process by March 2020, (i.e., within roughly three months).

#### *The Editorial and Review Processes*

Mr. Levi Walls, who was slotted to succeed Dr. Graf as editor, was charged with editing the special section of Volume 12. Mr. Walls reported that the pieces that were published as part of this section were not subject to peer review, and this was confirmed by Drs. Graf, Slottow, and Jackson. Dr. Jackson stated that since the pieces were meant to be "commentaries" and not "normal articles," they did not require peer review. He explained that peer review was unnecessary because: 1) the contributors were all very notable scholars in the field and their reputations were sufficient to guarantee the quality of the contributions;<sup>7</sup> and 2) all of the editors (which we understand to mean Drs. Jackson, Slottow, Walls, and Graf) read every piece suggesting that these contributions were "editor reviewed."

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<sup>6</sup> According to the representatives of the UNT Press, Ron Chrisman and Karen DeVinney the deadline for the UNT Press to receive articles for publication in Volume 12 was March 2020.

<sup>7</sup> According to Levi Walls, the standard used to assess the quality of the contributions in the special section of Volume 12 was the reputation of the author of the contribution. In other words, other normally used criteria for evaluation of contributions to JSS were not used for the special section. Mr. Walls shared with us an excerpt from an email where Dr. Jackson responded to questions about the review process for the contributions to the special section:

"The majority of the authors are well-known, highly seasoned scholars, ranging from the Chair of the Harvard Music Department to the authors of books on Schenker and Schenkerian analysis. If you want to use the word "vetting" in this context of allowing distinguished scholars to communicate their views, then you can say that the respondents were "vetted" on the basis of their academic qualifications. The distinguished pedigrees of the contributors is supported by their short biographies at the end of the issue."

However, Dr. Graf and Dr. Slottow said that they did not read every contribution. Both said they only read a few, in contrast to the claim made by Dr. Jackson that all the editors read every contribution.

Levi Walls informed the panel that he read each piece but had multiple concerns, as the editor, about proceeding with several of the contributions. He said he shared these concerns with Dr. Benjamin Brand (the Division Head of MHTE) and Dr. Graf, and then directly with Dr. Jackson. However, he said these concerns were dismissed by Dr. Jackson.<sup>8</sup>

Mr. Walls reported to the panel that he raised concerns to Dr. Jackson about the content of the pieces as well as the quality of writing in February 2020. He stated that after raising concerns, he was taken into Dr. Jackson's car, where Dr. Jackson told him that it was not his "job to censor people" and was told not to do it again. He said Dr. Jackson told him that since these were senior scholars, their reputations were enough to vet them. Dr. Graf confirmed that Levi Walls shared information about his encounter with Dr. Jackson around the time of its occurrence. This was followed by the final decision, made by Dr. Jackson (according to both Dr. Graf and Mr. Walls) to proceed with the publication of several of the pieces without substantial modifications.

*Publication of Submissions by Dr. Jackson and Dr. Slottow*

Both Dr. Jackson and Dr. Slottow contributed pieces to the special section of Volume 12. When asked about precautions taken to prevent a potential conflict of interest that arose with the publication of papers by Dr. Jackson and Dr. Slottow in Volume 12 (since Dr. Jackson made the final decision on publication), none of the editors, nor the editorial advisors, could identify any special precautions employed to address these potential conflicts of interest.

*The Publication of an Anonymously Authored Contribution*

Our panel also reviewed the process that led to the publication of an anonymously authored contribution. The panel noted, first, anonymous contributions, although uncommon, are not unprecedented in academic journal publishing. Several notable examples exist historically. For instance, an article in an International Relations journal, *Foreign Affairs*, was authored by a person who was assigned the pseudonym "X" in 1947.<sup>9</sup> In 2000, in the field of Political Science, there was a contribution critical of the *American Political Science Review* authored by an individual using the pseudonym "Mr. Perestroika." Although not an academic journal, an editorial in the *New York Times* last year, which was highly critical of the President Donald Trump administration, was purportedly written by an "insider" and was authored anonymously. Thus, there are some limited precedents where editors allow anonymously authored contributions.

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<sup>8</sup> Dr. Brand confirmed this meeting with Levi Walls when we interviewed him. Dr. Graf confirmed the existence of email communications between him and Mr. Walls about Mr. Walls' concerns.

<sup>9</sup> The author later was identified as George Kennan, a United States diplomat.

The editorial advisory team of Drs. Jackson and Slottow apparently made the decision to proceed with publication of the anonymous piece. Levi Walls informed the panel that he raised concerns about this contribution with Dr. Jackson. The panel asked the editorial advisors the reason for allowing the publication of an anonymously authored contribution. Dr Jackson informed the panel that anonymity was granted because the author of that piece feared retaliation that would jeopardize the author's career. He reported that the author was a junior scholar.<sup>10</sup>

### **Absence of Contributions from Dr. Ewell to the “commentary” section**

The panel asked the editors (Dr. Graf and Mr. Walls) and the editorial advisors (Drs. Jackson and Slottow) why Dr. Ewell was not invited to respond to the contributions in Volume 12, and whether that had been considered. All of them replied that inviting Dr. Ewell had not been considered until controversy arose concerning the volume in the summer of 2020. Only then did the idea emerge that perhaps Dr. Ewell could be invited to respond in Volume 13. However, that was not part of the original plan and was only considered as an option once the controversy over the contents of Volume 12 escalated.

Further, both Dr. Jackson and Dr. Slottow said that they believed that since Dr. Ewell had been given an uninterrupted opportunity to express his viewpoints at the SMT conference, commentators on Dr. Ewell's talk should also have the opportunity to express their views freely. Thus, Dr. Ewell was not invited for that reason. In retrospect, Dr. Slottow expressed regret about that decision.

### **Findings**

After completing our review regarding the four concerns listed above, we find the following:

- 1) In general terms, there are several structural problems with the editorial and review processes employed by the journal generally and Volume 12 specifically.
  - a. There is a structural flaw in the power disparity between the JSS editor (a graduate student or former graduate student) and the editorial advisor, Dr. Jackson. In many ways this created a fundamental power asymmetry in the management of the journal. This was acknowledged in an interview by Dr. Slottow when he acknowledged that this “power imbalance” was a major problem with the journal. This was also observed by the current journal editors and other members of the editorial board

Indeed, since the editors were invariably students of Dr. Jackson, this made it very difficult for the editors to contradict his wishes. Both the editors, Dr. Graf and Mr. Walls, reported to us they felt unable to voice their concerns about the

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<sup>10</sup> The committee did not ask the name of the author and the committee was not provided any documents about the identity of the author.

editorial process in general and that this was especially true for the “commentary” section of Volume 12.

This arrangement also exposed the graduate student editors to potential negative consequences, particularly if controversy arose over what was published (e.g. Volume 12). The editor should not have been a graduate student, especially for a potentially very controversial issue.

- b. There are no clear procedures that ensure that potential conflicts of interest in the review process are avoided with regard to editor (or editorial advisor) self-publication. As one widely known and authoritative organization that provides guidance for journal editors and publishers, the Committee on Publication Ethics (COPE 2019, 7), states, a “journal must have a procedure for handling submissions from editors or members of the editorial board that will ensure that the peer review is handled independently of the author/editor.”<sup>11</sup> Moreover, COPE recommends that if an editor publishes in their own journal that the process is clearly described in a note in the volume once the paper is published. Given the structure of editorial management of the journal, the panel does not believe that procedures to ensure the avoidance of conflicts of interest have been adopted or followed in the publication of any volume of the JSS, including Volume 12.
- c. There are no written procedures employed by JSS to ensure that transparent review processes are conducted. This practice is not consistent with standards for editorial management. COPE recommends that “all peer review processes must be transparently described and well managed. Journals should provide training for editors and reviewers and have policies on diverse aspects of peer review, especially with respect to adoption of appropriate models of review and processes for handling conflicts of interest, appeals and disputes that may arise in peer review” (<https://publicationethics.org/peerreview>). There is no evidence that this was the general practice employed at JSS, or the practice employed for Volume 12.

## 2) The editorial and review processes used for Volume 12.

- a. The special section for Volume 12 was conceived between late December 2019, when a call for contributions was issued, and March (the planned date for

---

<sup>11</sup> The Committee on Publication Ethics (COPE) is a nonprofit organization whose mission is to define best practices in the ethics of scholarly publishing and to assist editors, publishers, etc. to achieve this. COPE also has links with the *Council of Science Editors*, the *European Association of Science Editors*, the *International Society of Managing and Technical Editors*, the *World Association of Medical Editors*, *Open Access Scholarly Publishers Association*, *Directory of Open Access Journals*, and the *Association of Learned and Professional Society Publishers*. It is also used as guidelines for major university publishers such as Cambridge University Press and Oxford University Press.



completion). No defined procedures for the special section were established. This is unusual given that this was the first time such a section had been included in JSS, and the editorial team knew, or reasonably should have anticipated, that it would be controversial. There is no evidence that the editorial team engaged in a careful deliberative process in laying out how such a special section would be put together. Although in the experiences of members of the panel there is no universal standard that governs procedures for journal special sections, the fact that the editorial team had not carefully laid out a plan as to how to process contributions, at the very least, indicates a lapse in judgment and decision making.

- b. In the panel's meeting with Dr. Jackson, he indicated that the symposium in Volume 12 more closely reflects what is customarily understood as a "commentary" section in academic journals. Although Dr Jackson contended that the contributions in response to Dr. Ewell's presentation are consistent with commentary pieces, as noted in footnote 5 above, these pieces really were much more like a symposium. Commentaries are generally seen as referring to papers already published in the journal, not on topics such as that addressed in volume 12.<sup>12</sup> In any case, there is nothing to indicate that these contributions were part of an *a priori* planned "commentary" section, but rather was a symposium. Symposia in journals, at least the ones with which the expert panel are familiar, are subject to peer review. This clearly did not happen in Volume 12.

There is a precedence in academic journal publishing for "editorial reviews," which is generally limited to Book Reviews. However, these require multiple

---

<sup>12</sup> This finding is based on the panel's experience as well as our review of "commentary" sections of numerous journals in a variety of academic fields. Although not a collectively exhaustive list, the following exemplify what is generally meant by the term. A commentary is defined by the journal *Music Theory Online* (an SMT publication) as "focused on a particular article or other published item" in the journal (<https://mtosmt.org/docs/authors.html#Submit>). This conceptualization of commentaries is shared across disciplines. A journal in health studies defines a commentary as "generally short, and usually blends scholarship and opinion that comment on a newly published article" by the journal (*International Journal of Qualitative Studies on Health and Well-being* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4789530/>). Similarly a journal in the social sciences, the *Journal of Inequalities and Applications*, defines a commentary as a response to articles published in that journal or "short (2-3 pages maximum), narrowly focused articles that are responses of recently published articles that are interesting enough to warrant further comment or explanation." <https://journalofinequalitiesandapplications.springeropen.com/submission-guidelines/preparing-your-manuscript/commentary> ). In many journals the commentaries are peer reviewed. In others, such as the latter, the commentaries are editor reviewed. What appeared in Volume 12 of JSS do not generally qualify as commentaries, at least in the sense of the way "commentary" is used in many scholarly journals with which the panel is familiar (including the *American Political Science Review*).

members of the editorial team to agree to publication to ensure that conflicts of interest do not jeopardize the integrity of the publication process.

However, in the case of the essays that commented on Dr. Ewell's talk, there appears to have been no peer or complete editorial review of the pieces published. Although Dr. Jackson stated several times that all of the essays were reviewed by all of the editors and editorial advisors, at least two of them said they had not read all of the essays, and Levi Walls said he raised significant concerns about several essays (including concerns about the content of the essays and the quality of the writing) but those concerns were later dismissed by Dr. Jackson. Only Dr. Jackson states that he reviewed all the pieces, but he also said that his editorial criteria were the academic status and reputation of the contributors.<sup>13</sup> This may be the criteria for inclusion in a newsletter or a generally unreviewed electronic posting, but this is not an established or accepted criterion for judging publishable merit in a reputable academic journal.

3) The publication of an anonymously authored contribution.

- a. As noted above, Dr Jackson justified publication of an anonymously authored piece because the author was fearful of retaliation. Regarding this situation, COPE acknowledges that there are no clear guidelines as a journal publishing standard regarding publishing anonymously. However, COPE observes that publishing anonymously is typically not permitted by publishers because of concerns about author transparency and because publishers believe that they should publish in the highest ethical regard. This is also the panel members' experience-- publishers do not favor publishing anonymously because of concerns about author transparency. COPE acknowledges that in rare cases papers can be published anonymously where an author is at risk of physical danger or is in fear for his/her life if his/her name were to be published or associated with specific criticism. COPE, however, acknowledges that a decision to publish anonymously solely because of possible damage to the author's career is ultimately up to the editor, but cautions: "Is the editor confident that he/she is knowledgeable in this specific discipline that he can make such an editorial judgment?" (<https://publicationethics.org/case/anonymity-versus-author-transparency>).
- b. In the view of the panel the reasoning for this decision could have been communicated to readers of JSS via an editorial note that explained the decision to publish a contribution anonymously (without details that would compromise

---

<sup>13</sup> The members of the panel are not aware of this criterion being used in determining whether submissions should be published in a journal, particularly one that represents itself as peer reviewed, unless Volume 12 contained a disclaimer stating that this volume was not peer reviewed (which it did not).



the identity of the author). No such explanatory note was provided in Volume 12.

- 4) Absence of invitation for Dr. Ewell to respond to the contributions to the “commentary” section.
  - a. Although generally it is a practice among the academic journals with which the panel is familiar, that when there are specific sections of a journal that are devoted to discussing a particular author’s works, the author whose work is being discussed/critiqued is generally invited to provide a rejoinder. This does not necessarily have to be in the issue in which the critique appears (although that is a good editorial practice), the critiqued author should at least be afforded the opportunity in the issue immediately following and should be informed of that opportunity.
  - b. However, there is no indication that the journal editorial team intended on inviting Dr. Ewell to provide such a rejoinder in the initial planning for the “commentary” section of Volume 12. This was only discussed after the volume was released in the Summer of 2020.

In sum, based on the above, we do not find that the standards of best practice in scholarly publication were observed in the production of Volume 12 of the JSS.

In addition to our findings above, the panel also notes that there appears to be no oversight mechanisms concerning the operations of JSS. The members of the JSS editorial board we interviewed reported that they have received no updates nor reports on the operations of the journal. These reports typically include the number of manuscripts received, the number processed, the average time for completion of reviews (including invitations to revise and resubmit pieces), the number of manuscripts accepted, average time for processing of accepted manuscripts and demographic characteristics of authors, as well as other information as required by the publisher or supervising professional society (or the university in this case). This is what is contained in a typical report, but such reports do not appear to exist. It is a common practice for many journals to provide such periodic reports.

## **Recommendations**

The panel was also asked to make recommendations, where warranted.<sup>14</sup> Several individuals we interviewed stated that the JSS plays an important role in the field of Music Theory and is one of the only outlets for the publication of works employing Schenkerian analysis. The panel thus recommends continuation of the journal.

However, we recommend that fundamental structural changes be made to the journal

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<sup>14</sup> The panel is aware there have been calls for the dissolution of JSS.

1. The journal implement the necessary reforms before another volume is published. These include:
  - a. Changing the editorial structure
  - b. Making clear and transparent all editorial and review processes
  - c. Defining clearly the relationships between the editors of the journal and the editorial board, MHTE, and the UNT Press.
2. We do not believe that the current editorial management structure is viable or sufficient for a healthy academic journal. There should be an editor who is (or who are) a full-time faculty member, preferably a tenured faculty member. It is possible that a graduate student could act as “associate editor” or “editorial assistant”, thus continuing the functions of the previous “editor” position at JSS (to provide the student with professional experiences), but decisions regarding manuscripts should only be made by the faculty editor.

We recommend that this editor be provided with a term in office of three years, with the possibility of renewal. This will help institutionalize editorial accountability.

It may be worth considering selecting an editor (or perhaps co-editors) who is/are not a faculty member(s) in MHTE at UNT. We recommend that consideration be given for the possibility of an editor recruited from outside of MHTE and/or UNT. These measures will help reassure public audiences of UNT’s commitment to the reform of the journal.

3. All procedures regarding peer review processes, and special sections, should be written down and made publicly available. Further procedures to avoid potential conflicts of interest should be clearly laid out (including precautions regarding editor self-publication).
4. The editorial board should have oversight over the journal, and regular annual reports on the activities of the journal should be provided to the editorial board and the UNT Press. In addition, the term of office for editor should be fixed, after which time the UNT Press should review what has been accomplished during the term. Further, if a student editorial assistant is to be appointed at UNT, there should be frequent consultations regarding the graduate assistantship provided to the journal by MHTE, and related financial issues with the Division Head of MHTE.

## References

Committee on Publications Ethics (COPE) 2019. *GUIDELINES: A Short guide to ethical editing for new editors*. At [https://publicationethics.org/files/COPE\\_G\\_A4\\_SG\\_Ethical\\_Editing\\_May19\\_SCREEN\\_AW-website.pdf](https://publicationethics.org/files/COPE_G_A4_SG_Ethical_Editing_May19_SCREEN_AW-website.pdf), accessed October 1, 2020.

# **Exhibits**

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EXHIBIT 1

## Ad Hoc Panel Communication

Cowley, Jennifer <Jennifer.Cowley@unt.edu>

Thu 8/6/2020 4:55 PM

To: Wallach, Jennifer <Jennifer.Wallach@unt.edu>; Ishiyama, John <John.Ishiyama@unt.edu>; Du, Jincheng <Jincheng.Du@unt.edu>; Lemberger-Truelove, Matthew <Matthew.Lemberger-truelove@unt.edu>; Dubrow, Jehanne <Jehanne.Dubrow@unt.edu>

Dear Panel Members,

First a thank you for agreeing to serve on the Ad Hoc Panel that will be convening next week. I will be sharing your charge when we meet on the 12<sup>th</sup>.

I am sharing with you the following statement that UNT has issued regarding the formation of this panel.

*The University of North Texas is committed to academic freedom and the responsibility that goes along with this freedom. This dedication is consistent with, and not in opposition to, our commitment to diversity and inclusion and to the highest standards of scholarship and professional ethics.*

*The university has appointed a five-member multidisciplinary panel of University of North Texas faculty experienced in the editing and production of scholarly journals. The panel members, who are outside the College of Music, will examine objectively the processes followed in the conception and production of volume 12 of the Journal of Schenkerian Studies. The panel will seek to understand whether the standards of best practice in scholarly publication were observed, and will recommend strategies to improve editorial processes where warranted. Upon completion of its investigation, the panel will issue a report to UNT Provost Jennifer Cowley. The report will be made public.*

*The Journal of Schenkerian Studies has made many contributions to the understanding of music theory. We will continue to offer music theorists the opportunity to share and defend diverse viewpoints under the most rigorous academic standards and ethics.*

I wanted to alert you that the publication of this journal volume has generated significant media interest. While you have not specifically been named, should you be contacted by a member of the media, you can refer any inquiry to [Jim.Berscheidt@unt.edu](mailto:Jim.Berscheidt@unt.edu) in University Communications.

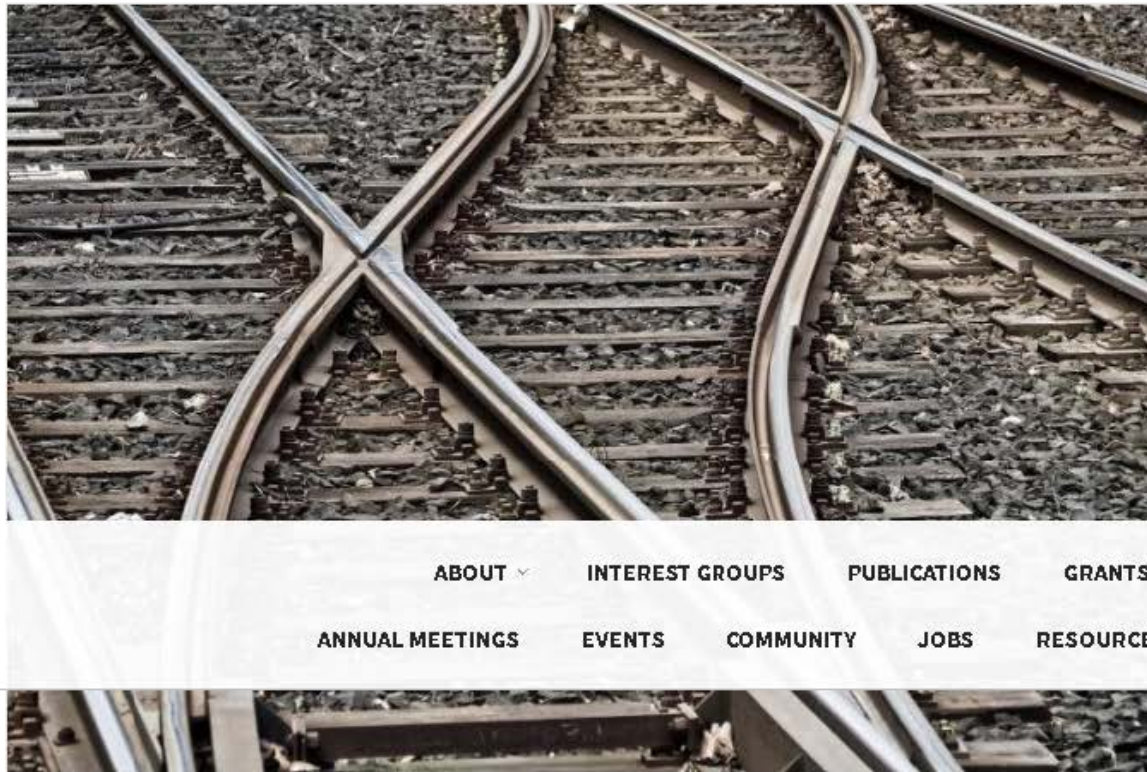
Sincerely,  
Jennifer Cowley, PhD  
Provost and Vice President for Academic Affairs  
University of North Texas

[Jennifer.cowley@unt.edu](mailto:Jennifer.cowley@unt.edu)

940-565-2550



The Executive Board of the Society for Music Theory condemns the anti-Black statements and personal ad hominem attacks on Philip Ewell perpetuated in several essays included in the “Symposium on Philip Ewell’s 2019 SMT Plenary Paper” published by the *Journal of Schenkerian Studies*.



The Executive Board of the Society for Music Theory condemns the anti-Black statements and personal ad hominem attacks on Philip Ewell perpetuated in several essays included in the “Symposium on Philip Ewell’s 2019 SMT Plenary Paper” published by the *Journal of Schenkerian Studies*.

The conception and execution of this symposium failed to meet the ethical, professional, and scholarly standards of our discipline. Some contributions violate our Society’s policies on harassment and ethics.

As reported by participants, the journal’s advisory board did not subject submissions to the normal processes of peer review, published an anonymously authored contribution, and did not invite Ewell to respond in a symposium of essays that discussed his own work. Such behaviors are silencing, designed to exclude and to replicate a culture of whiteness. These are examples of professional misconduct, which in this case enables overtly racist behavior. We humbly acknowledge that we have much work to do to dismantle the whiteness and systemic racism that deeply shape our discipline. The Executive Board is committed to making material interventions to foster anti-racism and support BIPOC scholars in our field, and is meeting without delay to determine further actions.

- Patricia Hall, President
- Robert Hatten, Past-President
- Gretchen Horlacher, Vice President
- Philip Stoecker, Secretary
- Jocelyn Neal, Treasurer
- Inessa Bazayev
- Anna Gawboy
- Julia H. ...



## EXHIBIT 3

I am sharing this statement on behalf of a cross-section of graduate students in the Division of Music History, Theory, and Ethnomusicology (MHTE) at the University of North Texas, the department which is responsible for publishing the Journal of Schenkerian Studies (JSS).

We are appalled by the journal's platforming of racist sentiments in response to Dr. Philip Ewell's plenary address at the Society of Music Theory annual meeting in 2019. Furthermore, we condemn the egregious statements written by UNT faculty members within this publication. We stand in solidarity with Dr. Philip Ewell and his goals to address systemic racism in and beyond the field of music theory.

As graduate students at UNT, we are compelled to provide further context and to demand action to effect meaningful change. We would like to make it clear that the JSS is not a graduate student journal; since 2010 (Vol. 4), it has been run primarily by Drs. Timothy Jackson and Stephen Slottow. Many of us recently discovered that the journal is presented as graduate-student run in some contexts; in fact, there is little student involvement beyond copy-editing, and students have absolutely no say in the content of the JSS. In fact, outside of the advisory board (and in particular Dr. Jackson), we have no clear understanding of who oversaw the publication of the responses to the plenary session. As we join the search for answers to these issues, we will be working both publicly and privately to change every part of the MHTE Division and College of Music (CoM) at UNT that allowed faculty to platform racism in our name.

To this end, we as UNT graduate students demand the Journal of Schenkerian Studies should immediately take the following steps, and we call on the UNT College of Music and university at large to ensure these steps are taken.

1. **Publicly condemn the issue and release it freely online to the public.** Given the horrendous lack of peer review, publication of an anonymous response, and clear lack of academic rigor, this issue of the JSS should release an apology for its content and promote transparency by granting the public access to it. We believe that all contributors should be held fully accountable for their comments, which must not be hidden for the sake of the self-preservation of any involved parties. Furthermore, we must learn from these mistakes rather than attempt to erase them. By making this volume accessible to the public with a disclaimer from the CoM, we hope to enable all scholars to address this problematic "discourse."
2. **Provide a full public account of the editorial and publication process, and its failures.** Throughout the publication of this issue, significant irregularities occurred in the acceptance and solicitation processes, whether individuals with the title of editor were permitted to edit content, and how the contents of Issue 12 were approved by any responsible oversight process. JSS must make a public account of the process so individuals who intentionally subverted academic discourse can be held accountable by their respective institutions.

We also call on the University of North Texas and the UNT College of Music to take the following actions.

1. **Dissolve the JSS.** The JSS has demonstrated that it does not meet the standards of a peer-reviewed publication. The publication of this issue demonstrates that the JSS, through its subversion of academic processes, is not in fact peer reviewed and lacks rigor. The basis of academic discourse is trust and authenticity, and the JSS has violated that trust. Without accountability and responsible scholarship, there is no reason for it to exist.


2. **Critically examine the culture in UNT, the CoM, and the MHTE Division, and act to change our culture.** UNT has gained a reputation as an institution with a toxic culture when it comes to issues of race, gender, and other aspects of diversity. Although we would like to imagine that these problems are behind us, the JSS has proven that our department's culture remains toxic, and it needs to change. While we as graduate students are working to change the culture, the university must be a part of the solution. If institutional inertia impedes this change, UNT and the College of Music are a part of the problem, not the solution.

3. **Hold accountable every person responsible for the direction of the publication.** This will involve recognizing both whistleblowers and those who failed to heed them in this process. This should also extend to investigating past bigoted behaviors by faculty and, by taking this into account, the discipline and potential removal of faculty who used the JSS platform to promote racism. Specifically, the actions of Dr. Jackson—both past and present—are particularly racist and unacceptable.

We sincerely apologize to Dr. Philip Ewell for these racist attacks on his scholarship and character. We firmly support Dr. Ewell, and his call to critically examine the racial frameworks in which Schenkerian analysis and other theories were developed. We gratefully acknowledge the push for inclusion and diversity in academia, and his continued work for diversity and anti-racism in the field of music theory, which he advocated for in his 2019 SMT plenary address. In the weeks, months, and years ahead, we will strive to change the toxic culture at UNT. We recognize that this will be difficult work, and we are prepared to fight for inclusivity now and in the future.

## EXHIBIT 4

## News from SEM: General News

 Email to a Friend

### Statement of UNT Faculty on Journal of Schenkerian Studies

Friday, July 31, 2020 (0 Comments)

Posted by: Stephen Stuempfle

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We, the undersigned faculty members of the University of North Texas Division of Music History, Theory, and Ethnomusicology, stand in solidarity with our graduate students in their letter of condemnation of the *Journal of Schenkerian Studies*. We wish to stress that we are speaking for ourselves individually and not on behalf of the university. The forthcoming issue—a set of responses to Dr. Philip Ewell's plenary lecture at the 2019 Society for Music Theory annual meeting (<https://vimeo.com/372726003>)—is replete with racial stereotyping and tropes, and includes personal attacks directed at Dr. Ewell. To be clear, not all responses contain such egregious material; some were thoughtful, and meaningfully addressed and amplified Dr. Ewell's remarks about systemic racism in the discipline. But the epistemic center of the journal issue lies in a racist discourse that has no place in any publication, especially an academic journal. The fact that he was not afforded the opportunity to respond in print is unacceptable, as is the lack of a clearly defined peer-review process.

We endorse the call for action outlined in our students' letter (<https://drive.google.com/file/d/1PekRT8tr5RXWRTW6Bqdaq57svqBRRcQK/view>), which asks that the College of Music “publicly condemn the issue and release it freely online to the public” and “provide a full public account of the editorial and publication process, and its failures.” Responsible parties must be held appropriately accountable.

The treatment of Prof. Ewell's work provides an example of the broader system of oppression built into the academic and legal institutions in which our disciplines exist. As faculty at the College of Music we must all take responsibility for not only publicly opposing racism in any form, but to address and eliminate systematic racism within our specific disciplines.

Dr. Ellen Bakulina, Assistant Professor, Music Theory

Andrew Chung, Ph.D., Assistant Professor, Music Theory

Dr. Diego Cubero, Assistant Professor, Music Theory

Steven Friedson, University Distinguished Research Professor, Ethnomusicology/Ethnomusicology Area Coordinator

Rebecca Dowd Geoffroy-Schwinden, Ph.D., Assistant Professor, Music History

Benjamin Graf, Ph.D., Senior Lecturer, Music Theory

Dr. Frank Heidelberg, Professor, Music Theory/Music Theory Area Coordinator

Bernardo Illari, Associate Professor, Music History

Dr. Justin Lavacek, Assistant Professor, Music Theory

Dr. Peter Mondelli, Associate Professor, Music History

Dr. Margaret Notley, Professor of Music/Coordinator of Music History Area

Dr. April L. Prince, Principal Lecturer, Music History

Cathy Ragland, Ph.D., Associate Professor, Ethnomusicology

Dr. Gillian Robertson, Senior Lecturer, Music Theory

Dr. Hendrik Schulze, Associate Professor, Music History

JACKSON000228



Vivek Virani, Ph.D. Assistant Professor, Ethnomusicology and Music Theory

Dr. Brian F. Wright Assistant Professor, Music History

Add Comment

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EXHIBIT 5

*Journal of Schenkerian Studies*

VOLUME 12

2019

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## EXHIBIT 6

*Journal of Schenkerian Studies* vol. 12 (2019) Call for Papers

The SMT plenary presentation given by Philip Ewell, "Music Theory's White Racial Frame," has inspired a good deal of debate within the theory community, especially regarding the possible relationship between Schenkerian methodology and the white racial frame<sup>1</sup> (as suggested in the following quote from Ewell):

"The best example through which to examine our white frame is through Heinrich Schenker, a fervent racist, whose racism undoubtedly influenced his music theory, yet it gets whitewashed for general consumption.....In his voluminous writings, Schenker often mentions white and black as modifiers for human races.....As with the inequality of races, Schenker believed in the inequality of tones. Here we begin to see how Schenker's racism pervaded his music theories. In short, neither racial classes, nor pitch classes, were equal in Schenker's theories. He uses the same language to express these beliefs.....his sentiment is clear: blacks must be controlled by whites. Similarly, Schenker believed notes from the fundamental structure must control other notes."

As a journal dedicated to Schenkerian studies, we find it important to foster discussion on these issues. As part of volume 12, we invite interested parties to submit essay responses to Ewell's paper. The *Journal of Schenkerian Studies* takes no official stance on the issues addressed by Ewell, and we hope to publish a variety of thoughts and perspectives. Submissions must adhere to the following guidelines:

1. Essays should be 1,000 to 3,000 words in length.
2. In order to leave sufficient time for editorial work, submissions must observe a strict deadline of January 20, 2020.

Any questions or concerns regarding submissions may be directed at the editors ([Schenker@unt.edu](mailto:Schenker@unt.edu)).

Please refer to Ewell's abstract, as well as links to the presentation slides and video recording (listed below):

### **Music Theory's White Racial Frame**

Philip Ewell (Hunter College and The Graduate Center, CUNY)

For over twenty years music theory has tried to diversify with respect to race, yet the field today remains remarkably white. SMT's most recent report on demographics shows that 90.4 percent of full-time employees in music theory are white, while 93.9 percent of associate/full professors are. Aside from this literal whiteness, there exists a figurative and even more deep-seated whiteness in music theory. This is the whiteness—which manifests itself in the composers we choose to represent our field inside and outside of the classroom, and in the theorists that we elevate to the top of our discipline—that one must practice, regardless of one's own personal racial identity, in order to call oneself a music theorist. Thus, for example, I am a black person,

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<sup>1</sup> Coined by sociologist Joe Feagin in 2006, the term "white racial frame" refers to the "broad worldview [that is] essential to the routine legitimation, scripting, and maintenance of systemic racism in the United States."

but I am also a practitioner of “white music theory.” In this presentation, a critical-race examination of the field of music theory, I try to come to terms with music theory’s whiteness, both literal and figurative. By drawing on the writings of sociologists Joe Feagin and Eduardo Bonilla-Silva, among others, I posit that there exists a “white racial frame” (Feagin) in music theory that is structural and institutionalized. Further, I highlight certain racialized structures which “exist because they benefit members of the dominant white race” (Bonilla-Silva). Ultimately, I argue that only through a deframing and reframing of this white racial frame will we begin to see positive racial changes in music theory.

PowerPoint slides: <http://philipewell.com/wp-content/uploads/2019/11/SMT-Plenary-Slides.pdf>

Video recording: <https://vimeo.com/372726003>

I am sharing this statement on behalf of a cross-section of graduate students in the Division of Music History, Theory, and Ethnomusicology (MHTE) at the University of North Texas, the department which is responsible for publishing the Journal of Schenkerian Studies (JSS).

We are appalled by the journal's platforming of racist sentiments in response to Dr. Philip Ewell's plenary address at the Society of Music Theory annual meeting in 2019. Furthermore, we condemn the egregious statements written by UNT faculty members within this publication. We stand in solidarity with Dr. Philip Ewell and his goals to address systemic racism in and beyond the field of music theory.

As graduate students at UNT, we are compelled to provide further context and to demand action to effect meaningful change. We would like to make it clear that the JSS is not a graduate student journal; since 2010 (Vol. 4), it has been run primarily by Drs. Timothy Jackson and Stephen Slottow. Many of us recently discovered that the journal is presented as graduate-student run in some contexts; in fact, there is little student involvement beyond copy-editing, and students have absolutely no say in the content of the JSS. In fact, outside of the advisory board (and in particular Dr. Jackson), we have no clear understanding of who oversaw the publication of the responses to the plenary session. As we join the search for answers to these issues, we will be working both publicly and privately to change every part of the MHTE Division and College of Music (CoM) at UNT that allowed faculty to platform racism in our name.

To this end, we as UNT graduate students demand the Journal of Schenkerian Studies should immediately take the following steps, and we call on the UNT College of Music and university at large to ensure these steps are taken.

1. **Publicly condemn the issue and release it freely online to the public.** Given the horrendous lack of peer review, publication of an anonymous response, and clear lack of academic rigor, this issue of the JSS should release an apology for its content and promote transparency by granting the public access to it. We believe that all contributors should be held fully accountable for their comments, which must not be hidden for the sake of the self-preservation of any involved parties. Furthermore, we must learn from these mistakes rather than attempt to erase them. By making this volume accessible to the public with a disclaimer from the CoM, we hope to enable all scholars to address this problematic "discourse."
2. **Provide a full public account of the editorial and publication process, and its failures.** Throughout the publication of this issue, significant irregularities occurred in the acceptance and solicitation processes, whether individuals with the title of editor were permitted to edit content, and how the contents of Issue 12 were approved by any responsible oversight process. JSS must make a public account of the process so individuals who intentionally subverted academic discourse can be held accountable by their respective institutions.

We also call on the University of North Texas and the UNT College of Music to take the following actions.

1. **Dissolve the JSS.** The JSS has demonstrated that it does not meet the standards of a peer-reviewed publication. The publication of this issue demonstrates that the JSS, through its subversion of academic processes, is not in fact peer reviewed and lacks rigor. The basis of academic discourse is trust and authenticity, and the JSS has violated that trust. Without accountability and responsible scholarship, there is no reason for it to exist.



2. **Critically examine the culture in UNT, the CoM, and the MHTE Division, and act to change our culture.** UNT has gained a reputation as an institution with a toxic culture when it comes to issues of race, gender, and other aspects of diversity. Although we would like to imagine that these problems are behind us, the JSS has proven that our department's culture remains toxic, and it needs to change. While we as graduate students are working to change the culture, the university must be a part of the solution. If institutional inertia impedes this change, UNT and the College of Music are a part of the problem, not the solution.

3. **Hold accountable every person responsible for the direction of the publication.** This will involve recognizing both whistleblowers and those who failed to heed them in this process. This should also extend to investigating past bigoted behaviors by faculty and, by taking this into account, the discipline and potential removal of faculty who used the JSS platform to promote racism. Specifically, the actions of Dr. Jackson—both past and present—are particularly racist and unacceptable.

We sincerely apologize to Dr. Philip Ewell for these racist attacks on his scholarship and character. We firmly support Dr. Ewell, and his call to critically examine the racial frameworks in which Schenkerian analysis and other theories were developed. We gratefully acknowledge the push for inclusion and diversity in academia, and his continued work for diversity and anti-racism in the field of music theory, which he advocated for in his 2019 SMT plenary address. In the weeks, months, and years ahead, we will strive to change the toxic culture at UNT. We recognize that this will be difficult work, and we are prepared to fight for inclusivity now and in the future.

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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.	)	

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ORAL DEPOSITION OF

LEVI NIGEM XENON WALLS

MAY 18, 2021

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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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1 P R O C E E D I N G S

2 LEVI NIGEM XENON WALLS,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. ALLEN:

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

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

19 A. Yes.

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

23 A. Yes.

24 MR. ALLEN: Matt, in the last deposition,  
25 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.	)	

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DEPOSITION CERTIFICATE  
LEVI NIGEM XENON WALLS  
MAY 18, 2021

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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  
Expiration Date: 08-31-2022  
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Firm Registration No. 436  
2012 Vista Crest Drive  
Carrollton, Texas 75007-1640  
214.668.5578

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# EXHIBIT T





November 30, 2020

Dear Dr. Jackson,

I am writing to share with you the recommendations of the panel charged with reviewing the 12<sup>th</sup> volume of the *Journal of Schenkerian Studies*.

Specifically, the panel was charged with the following: (1) identify the *Journal of Schenkerian Studies* standard conception and production criteria and practices; (2) identify the criteria and practices the journal used in past volumes; (3) determine the criteria that were applied and practices used in the production of volume 12; (4) determine whether the criteria and practices for volume 12 were consistent or inconsistent with those for past volumes; and (5) determine whether the standards of best practice in scholarly publication were observed in the conception and production of volume 12.

The panel has produced a report with findings, see attached report, that there are opportunities to improve the journal's production processes. I am requesting you, as the Director of the Center for Schenkerian Studies, to develop a plan to address the recommendations by December 18<sup>th</sup> and submit the plan to Chair Benjamin Brand and Dean John Richmond for review and approval.

Thank you for participating in this review process. I look forward to seeing the Journal continuing its role in providing an important forum for the discussion of scholarly ideas related to Schenkerian studies. I believe by improving the processes of production, as outlined by the panel, the Journal will be strengthened.

Sincerely,

Jennifer Cowley, PhD

Provost and Vice President for Academic Affairs

cc:

Benjamin Brand, Chair, Division of Music History, Theory, and Ethnomusicology

John Richmond, Dean, College of Music

# EXHIBIT U



Brand, Benjamin <Benjamin.Brand@unt.edu>  
Friday, December 11, 2020 4:35 PM  
Jackson, Timothy <Timothy.Jackson@unt.edu>  
Follow-Up

Dear Tim,

Thanks for meeting with me this afternoon. I want to clarify and confirm a couple of points that I made over Zoom:

1. I believe the JSS would be best served by having a single editor-in-chief who oversees all aspects of the journal and who is a faculty member at another institution. There might be other positions as well, e.g. that of associate or assistant editor, but they would report to the editor-in-chief. This would provide clarity in the administrative and reporting structure.
2. Whoever serves as the first editor-in-chief should have input in reformulating the administrative structure of the journal and, in particular, recruiting new members of the editorial board.
3. I cannot support a plan according to which you would remain involved in the day-to-day operations of the journal, and its editorial process in particular, given the panel's findings of editorial mismanagement at JSS.

You expressed your desire that I read your response to the panel's report before I make any definitive judgements and, of course, I will read your report carefully when I receive it. You also informed me of your desire to discontinue the Center of Schenkerian Studies due to Stephen Slottow's recent severing of ties with the Center. I would support you in that decision and will assist you in that process if that is indeed what you decide. Finally, you mentioned the possibility of relocating the JSS and thus severing ties between the journal, UNT, and UNT Press. Again, I would support you in that decision if that proves to be the best way forward. Upon further reflection, I would add that you might consider starting an entirely new journal dedicated to Schenkerian studies, one with a different name, different publisher, and different institutional home. That would provide you and others involved in the project with a cleaner break with the controversy that has surrounded the most recent volume of the JSS.

As we agreed, we will meet again on Wednesday, Dec. 16 at 10:00am to discuss these matters further. The Zoom link is: <https://unt.zoom.us/j/81337554564>. Thanks again for your time this afternoon.

Sincerely,  
Benjamin

Benjamin Brand, Ph.D.  
Pronouns: he, him, his | Professor of Music History  
Chair, Division of Music History, Theory, and Ethnomusicology  
College of Music | University of North Texas | (940) 536-3561

