

1 person that I would talk about an argument that says it's  
 2 an unacceptable way to treat a person even if you find the  
 3 conduct wrong or regardless of what you think of the  
 4 conduct. Is that poorly put? I'm sorry. But I want to  
 5 clarify that I often regularly in the course of my teaching  
 6 and communication engage in this activity that one might  
 7 call sympathetic engagement, which is the attempt to embody  
 8 for my students the views of others with whom we might  
 9 disagree so that we can think about how to reach those  
 10 people.

11 Q Okay.

12 A My own view --

13 Q All right.

14 MR. SERYAK: Well, let's wait for the question.

15 WITNESS: All right.

16 Q What is your own view?

17 A My own view is that we should not discriminate against gays  
 18 and lesbians because the conduct is not wrong.

19 Q Is not which?

20 A Not wrong, not harmful, not to be condemned in any way.

21 Q Okay. Not sinful?

22 A Not sinful.

23 Q Not immoral in any way?

24 A Not immoral in any way.

25 Q And to the extent you may have said something that could be

1 A I remember the weeks leading up to that discussion, and my  
 2 not talking to anyone of my colleagues about it, whether by  
 3 e-mail or in person.

4 Q And were you purposely trying not to speak with your  
 5 colleagues about it or communicate with them about it?

6 A I don't think I was purposely trying to do that. I was  
 7 just trying to read the work and think about it and wait  
 8 for the meeting.

9 Q All right. Subsequent to the vote in which Peter Hammer  
 10 was denied tenure, did you correspond by e-mail with any of  
 11 your colleagues of the topic of Peter Hammer's being denied  
 12 tenure?

13 A No.

14 Q Have you at any time learned the nature of the allegations  
 15 in Peter Hammer's lawsuit?

16 A I have a general sense of what they are.

17 Q How do you have that other than through discussions with  
 18 counsel?

19 A That would be my only way.

20 Q All right. Were you aware that he attempted to file a  
 21 grievance regarding the denial of his tenure?

22 A I think so.

23 Q Did anyone share with you what the substance of that  
 24 grievance was about?

25 A No.

1 interpreted in that way, would it be your position that you  
 2 would have been explaining how to pose an argument to a set  
 3 group of people?

4 A That's exactly right.

5 Q And have you ever argued against abortion in the same  
 6 sense?

7 A Yes.

8 Q Have you written articles arguing against abortion in the  
 9 same sense?

10 A No. But I may have used the example of how to make an  
 11 argument in the abortion context in an argument -- in an  
 12 article about persuasive legal argument. I don't recall  
 13 right now if I used that particular example, but it would  
 14 have been in the context of an article about how to make  
 15 persuasive legal arguments by reaching and respecting the  
 16 views of the people you're trying to reach.

17 (cell phone rings)

18 Q Do you use your e-mail with any regularity at the  
 19 University?

20 A Constantly.

21 Q And can you tell me whether prior to the vote on Peter  
 22 Hammer's tenure you e-mailed colleagues concerning the  
 23 discussion of his tenure issue?

24 A I know that I did not.

25 Q How do you know that?

1 MR. GREEN: No further questions.  
 2 MR. SERYAK: I don't have any questions.  
 3 MR. GREEN: Thank you.  
 4 WITNESS: Thank you.  
 5 (Deposition concluded at approximately 2:52 p.m.)

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