

1 Q Was it the one he co-authored with Bill Sage?
 2 A No.
 3 Q And when you say it was the "big tenure piece" --
 4 A **That's the big piece in the first file in 2000.**
 5 Q Do you recall whether any of the subsequent papers that
 6 were written by Peter Hammer were more clear to your mind?
 7 A **The one with Sage was -- yes, was somewhat clearer.**
 8 Q In addition to having a discussion with Kyle Logue, did you
 9 exchange any e-mails with him on that topic?
 10 A **Not that I can recall, and I couldn't find any on my hard**
 11 **drive. Kyle is right down the hall from me.**
 12 Q Now, if I understand correctly, despite this conversation
 13 with Kyle Logue, you still wanted to see what your -- or
 14 hear, I should say, what your colleagues had to say on the
 15 tenure issue before you made up your mind firmly which way
 16 you were going to vote?
 17 A **Yeah. I listened very carefully to the discussion in**
 18 **tenure meetings.**
 19 Q Okay. And other than Kyle Logue, you recall no discussion
 20 with any of your colleagues outside of the parameters of
 21 those meetings?
 22 A **None that I can recall. That doesn't mean there weren't**
 23 **any, but I literally can't -- I cannot recall any.**
 24 Q At what point during either of the meetings in 2002 did you
 25 arrive at your opinion that Peter Hammer was not worthy of

1 Q But you do not recall the detail of it as we sit here
 2 today?
 3 A **No, I do not recall the detail of it. I do recall the**
 4 **sense of how cogent it was.**
 5 Q Did you rely to any extent on any of the written reviews,
 6 either internal or external, in reaching your decision?
 7 A **Well, prior to -- it's your responsibility to read through**
 8 **the file, and, of course, I did. And you read the file and**
 9 **it does start to help form your opinion.**
 10 MR. SERYAK: So is that a "yes"?
 11 WITNESS: Yes. Thank you. Yes, I read the file -- I
 12 mean the report -- and attached documents.
 13 Q Did any of the attached reviews stand out in your mind?
 14 A **Yes.**
 15 Q Which?
 16 A **The concurrence of Deborah Malamud.**
 17 Q And what about that concurrence struck you as significant?
 18 A **Its forcefulness and its -- a certain kind of rightness**
 19 **about the claims it was making because they appeared well**
 20 **argued and better than some of the more loose and general**
 21 **claims made throughout the -- by other people.**
 22 Q Did that move you closer to voting no or closer to voting
 23 yes?
 24 A **You know, to recover my internal states about when**
 25 **precisely my mind was made up, I think actually my mind was**

1 tenure?
 2 A **You know, they're like a piece of one meeting in a sense,**
 3 **with certain spikes of very -- of very memorable things,**
 4 **but I -- the thing that was most important for fixing my**
 5 **mind on the quality of the work was a fairly long speech by**
 6 **Richard Friedman, a colleague of mine.**
 7 Q Irrespective of which meeting that took place at, what was
 8 the nature of what Professor Friedman had to say?
 9 A **Friedman is -- knows the field, the antitrust field, and he**
 10 **explained to us what the real kind of stakes were in the**
 11 **positions that Peter was taking relative to the rest of the**
 12 **literature and laid out what Peter's argument was, and then**
 13 **critiqued it very forcefully, very powerfully.**
 14 Q Do you remember any of the details of what he said?
 15 A **No, I can't remember the details, but I do remember telling**
 16 **my colleagues who were talking at the time to listen with**
 17 **some care to Rich, because he was actually bringing a lot**
 18 **of clarity to the issues on the table.**
 19 Q So there were side discussions going on during
 20 presentations?
 21 A **This might have been at another meeting when I -- he stated**
 22 **his views more than once, because he was asked I think -- I**
 23 **think -- you'd think I'd remember this. I think it was me**
 24 **who asked him to please repeat it at the second meeting so**
 25 **I could hear again exactly the critique.**

1 **not made up until Rich Friedman spoke, so whatever the file**
 2 **did, it did not make up my mind to vote no at that point.**
 3 Q In terms of the process, were each of the faculty members
 4 called upon -- each in attendance at these meetings called
 5 upon to see if they had any remarks they wished to make?
 6 A **Well, yes, that's the nature of one of these meetings.**
 7 **It's a discussion of the merits of the case.**
 8 Q But is it a roundtable where they go around and select
 9 everybody who's in attendance for remarks?
 10 A **No, people volunteer to speak.**
 11 Q Did you make any remarks at either of the meetings, other
 12 than what you've already identified as telling people to
 13 listen to Rich Friedman?
 14 A **You know, again, I just can't keep straight what happened**
 15 **in 2000 and what happened in 2002. I know I said something**
 16 **in 2000, because I spoke to trying to keep Peter on the**
 17 **faculty. I offered maybe we can keep him on as a -- in a**
 18 **clinical capacity when I could see it was not going well**
 19 **for him. But I don't think I spoke at all in the 2002**
 20 **meetings, except that might have been when I told people to**
 21 **make sure they understood Rich's critique. But that might**
 22 **have been back in 2000, so I just can't -- I don't know.**
 23 Q Fair enough. You've mentioned that you spoke with Kyle
 24 Logue at some point about the tenure issue; correct? Is
 25 Kyle Logue someone who you consider close to you at the law

school?

A Yes.

Q Is he a social friend as well?

A Neither of us are big socializers, but to the extent I am, yeah.

Q Do you visit him at his home?

A Haven't for several years now, but we have had visits at each other's homes. We both have a lot of kids and it makes it hard to coordinate.

Q And has he assisted you in any way in your writings?

A I've had him read parts of certain drafts on things that run across his expertise to just see if I got it right, yeah.

Q What would be his area of expertise?

A More economic -- formal economic matters.

Q I guess I didn't pick up on that. The titles to the books that you've written don't seem to suggest an economic undercurrent.

A There's a lot of undercurrents in my stuff. And a book I have coming out in -- I think it should be out in three weeks -- on the law of the tallon, lex tallonis, an eye for an eye, it's basically deeply kind of economic argument of how to value things, so I would run stuff by him when I --

Q Okay. In some of your writings there seems to be a bit of a religious undercurrent. Would that be fair?

1 A Well, certain aspects of the ritual part are highly significant to me, yeah, like let's say the brit milah, circumcision or something, and blowing the shofar. Those are very powerful experiences for me.

5 Q I guess I was trying to separate the cultural aspect from the purely religious aspect. With respect to your own beliefs, do you believe that Judaism considers homosexuality an abomination?

9 A I mean the Bible does, and Leviticus, I guess. And as far as I know, the conservative movement to which I am affiliated explicitly rejects that.

12 Q You say the conservative movement to which you're affiliated?

14 A The shul I go to is kind of conservative.

15 Q Do you mind my asking which schul it is?

16 A You know what? I'm going to blank on the name. Beth Israel.

18 Q Is that here in Ann Arbor?

19 A Ann Arbor.

20 Q Okay. And that's a conservative shul?

21 A Yeah. But you know conservative means conservative Judaism; right? Conservative Jewish belief.

23 Q Right, as opposed to reform or Orthodox?

24 A That's right.

25 Q It's the middle of the road.

1 A My research interests are, let's say, devoted to medieval and pre-medieval cultures and to the extent that religion occupies those cultures, they must needs occupy me, too.

4 Q "Faking It" was not about medieval cultures, was it?

5 A No, and it did have several chapters on religion, actually, on being Jewish and on Judaism.

7 Q I notice that was a theme that you came back to a number of times in the book, irrespective of what topic you were discussing.

10 A Right.

11 Q Is religion a very important part of your own personal life?

13 A Now, see, those are big questions; right? Being Jewish is a big part of my life. To the extent that also involves various states of belief, I have a hard time coming to grips as to just what that means. Let's put it this way. I'm a bad Jew. I don't go to services as much as I should.

18 MR. GREEN: Off the record.

19 (Off the record)

20 MR. GREEN: We're back on the record.

21 Q Would it be fair to say that you're not an Orthodox Jew?

22 A I'm not an Orthodox Jew.

23 Q And that to the extent you've studied religion, Judaism, that the ritualistic part of it does not play an important part in your life?

1 A Middle of the road.

2 Q Okay. Not to embarrass you, but I was struck in the book "Faking It," which I read this weekend, by your opening concessions concerning how we find ourselves at times in situations, sometimes even in the classroom, where we are perhaps over our heads -- my words, not yours -- and so we assume postures to cover that.

8 A That's right.

9 Q In dealing with the topic of homosexuality, do you personally have any discomfort with your dealings with people who are gay or lesbian?

12 A No, absolutely.

13 Q So there's no discomfort at all?

14 A No.

15 Q Do you recall an incident in which Peter Hammer asked to borrow a videotape you had made of a Super Bowl game because of one of the ads contained in that broadcast?

18 A Gee, no. I have no recollection of that at all; none.

19 Q Do you recall ever having Peter Hammer offer a gift to you of a Cambodian scarf?

21 A No, I do not.

22 Q Do you watch the Super Bowl games?

23 A Yes, I do.

24 Q Do you record them on a VCR or did you in the past?

25 A Only when the Green Bay Packers are in them.

1 Q And the last time they were in the Super Bowl?
 2 A I guess was 1998.
 3 Q And you have no recollection of loaning the video of that
 4 particular game to Peter Hammer?
 5 A No, I don't.
 6 Q And him returning it to you with a scarf from Cambodia as a
 7 token of thanks?
 8 A Gee whiz. No, I don't. Should I? Maybe I --
 9 MR. SERYAK: No; no, just --
 10 Q Well, let me suggest some facts to you and see if it helps
 11 jog your memory, if at all.
 12 A Yeah.
 13 Q Do you recall indicating to Peter that the gift of the
 14 scarf was unnecessary and trying to return it to him, and
 15 having him insist that you keep it?
 16 A No, I don't; no.
 17 Q Okay. Are any of the courses you teach courses that delve
 18 into perhaps some of the undercurrent of some of your
 19 books, namely physical or -- "physical" is not the right
 20 word -- aspects of our humanity that may cause disgust in
 21 others?
 22 A When I was preparing for the -- doing the research for the
 23 "Disgust" book, I teach a seminar until I write the book,
 24 and then I stop teaching that. And, yes, I taught a
 25 seminar for two, maybe perhaps three years on disgust and

1 WITNESS: Okay. Sorry.
 2 Q What were the circumstances though, as best you recall,
 3 under which you indicated that two men kissing was a vision
 4 that you found disgusting?
 5 A You know, I would not deny having said that, but if I
 6 said -- when I said it, it would have been part of a
 7 context in which --
 8 WITNESS: Can I answer this?
 9 Q Yeah.
 10 MR. SERYAK: Yeah, he's asking for the context.
 11 A Well, the context was in a discussion of if you're talking
 12 about disgust, sexuality gets right on the money; hetero,
 13 homo, whatever, it just all is there; right? So I was just
 14 saying that for -- that public displays of sexuality I find
 15 hard to take, and hetero, homo, kissing, whatever,
 16 whereas -- so I said, and in that context, that if -- for
 17 some reason I found it more distressing to see two men
 18 kissing than to -- contemplating them having sexual
 19 intercourse, which did not distress me in the least.
 20 Q One done in private, one done in public?
 21 A Yeah, in public. And then I said, on the other side, on
 22 the heterosexual side, I mean I find that my horror doesn't
 23 cease once it goes behind closed doors. I find it hard to
 24 contemplate sexuality. I just don't want to think about
 25 it. So it was set out in a grid of what my own -- battles

1 contempt.
 2 Q And during the course of teaching that did you have
 3 occasion to identify things that you found disgusting?
 4 A Yeah, it would have been hard not to, as various members of
 5 the seminar also would do.
 6 Q Do you recall if during the time that you taught that
 7 seminar you identified two men kissing as one of the things
 8 that you found disgusting?
 9 A Not during the seminar, no.
 10 Q Did you ever say that?
 11 A I might have, yes.
 12 Q Do you recall what type of setting you may have said that
 13 in?
 14 A It would have been in discussion of the disgusting and how
 15 I kind of try and articulate it, which is hard to keep sex
 16 out of the picture; heterosexual sex, which is mostly what
 17 I was -- would deal with in the book that I wrote on
 18 disgust.
 19 Q Well, if you were dealing with heterosexual sex --
 20 A Well, then people -- then I became the expert on disgust so
 21 people always asked me questions like, "What do you think
 22 of this?" and then I give an answer; right? I had to stop
 23 giving interviews because of --
 24 MR. SERYAK: Well, try to answer his question now.
 25 I'm not sure any of this is responsive to the question.

1 with my own prudishness, let's say.
 2 Q All right. Let me ask you -- I'm curious. The visage of
 3 two men kissing in public is something you are apparently
 4 repulsed by to some extent?
 5 A Well, no less than -- I can relate it -- this just happened
 6 two days ago. I was walking to the law school and one of
 7 the students is making out with his girlfriend, and I was
 8 revolt- -- I mean I hate to say it. I should -- maybe it's
 9 because I'm old.
 10 Q You shouldn't.
 11 A But I was -- I think this is just inappropriate behavior in
 12 public.
 13 Q I'm curious. You've identified two men kissing in public
 14 as being disgusting, and a man and a woman kissing in
 15 public as being disgusting, but you haven't said anything
 16 about two women.
 17 A It never occurred to me. I don't know. I don't know.
 18 I'm --
 19 MR. SERYAK: You've answered the question.
 20 WITNESS: Okay. Thank you.
 21 Q Have you ever considered yourself to be homophobic at all?
 22 A No.
 23 Q Now, you joined the faculty in the mid 80's; correct?
 24 A Uh-huh (affirmative).
 25 Q And that would have been around the time that Jack Martin

1 passed away; do you recall?
 2 **A Jim Martin.**
 3 **Q Or Jim Martin; I'm sorry.**
 4 **A Yes.**
 5 **Q All right. Did you know him?**
 6 **A Only to say hello. He was dying -- he was very ill when I**
 7 **just came on the faculty; I mean very ill.**
 8 **Q Did you, in your early years on the faculty, have**
 9 **considerable concerns about contracting AIDS from**
 10 **doorknobs, toilet seats, whatever?**
 11 **A No. You'd have a minor worry, but you -- it just -- you**
 12 **didn't alter your behavior because of it.**
 13 **Q All right. I think we've covered the fact that your**
 14 **religious beliefs are not at odds with the practice of**
 15 **homosexuality; right?**
 16 **A (Nodding head in affirmative)**
 17 **MR. SERYAK: I'm sorry. I didn't hear an answer to**
 18 **that. Is that right?**
 19 **WITNESS: Oh, I was shaking my head. Yeah. My**
 20 **religious beliefs have nothing to do with my -- you know,**
 21 **my views of homosexuality. The biblical injunction simply**
 22 **doesn't affect my views.**
 23 **Q How about your personal views? Do you believe that that**
 24 **type of behavior is immoral?**
 25 **A No; no. I just believe it's irrelevant to most of the --**

1 **Q I think it's on page 148, and it may be contained in**
 2 **footnote 10 to that page as well. I mean I could**
 3 **probably --**
 4 **A No, I have it.**
 5 **Q I've got another copy in the other room.**
 6 **MR. SERYAK: No, wait for the question.**
 7 **Q So you don't recall, as you sit here now, whether you**
 8 **referred to individuals in the groups that I've mentioned**
 9 **as being considered people of low status?**
 10 **A I just am objecting to the term "low status." I would have**
 11 **used another term maybe, perhaps. I might have used that**
 12 **term. I don't know, but I just can't recall specifically**
 13 **using that term. To speak to people who are -- a people**
 14 **who are generally, yes -- have an anxiety about being**
 15 **looked down upon, yes, I could easily have been discussing**
 16 **those three groups and lumped them together for this**
 17 **purpose.**
 18 **Q So you were not expressing your own view, obviously, that**
 19 **these were individuals of low status; right?**
 20 **A Since I'm one of the third -- one of the three, no.**
 21 **Q What you were doing by using that term is communicating how**
 22 **society views people in those groups?**
 23 **A Yes, quite clearly; right.**
 24 **Q So you would agree with the general principle, would you**
 25 **not, that people who are homosexual are considered**

most concerns, but no more relevant than sexuality in
general is to morality.
Q Now, you say "irrelevant to most concerns." What concerns
would it be relevant to?
A Well, I can't think of any concerns that -- this is
elaborate with -- when homosexuality in a way? No, it's
irrelevant in any domain that -- as long as sexuality is
irrelevant, then homosexuality is irrelevant in that
domain.
Q Are you troubled by people who introduce their
homosexuality into a domain where one's sexuality is
irrelevant?
A No less than -- let's say, than displays of any overt kind
of sexuality in public settings that I don't think it's
appropriate for.
Q In your book you refer to being black, being Jewish, being
homosexual -- or homosexual -- and this is in "Faking
perceived to be someone of low status, members in
of groups.
Q I don't know if I used the term "low status." I
have used scholar --
MR. SERYAK: Well, wait for the question. If you
use the term then you can tell him.
Q I know that I used -- I wouldn't have used precisely
that, you know -- I don't know.

1 **generally low status individuals by society?**
 2 **A Yeah, they have more -- like other people who --**
 3 **MR. SERYAK: Let me just get a belated objection to**
 4 **the form of the question. If you're asking him to adopt**
 5 **what society thinks, I'm going to object for lack of**
 6 **foundation.**
 7 **MR. GREEN: That's fine.**
 8 **Q Do you have your book?**
 9 **A Yeah.**
 10 **Q Let me go get my copy, too.**
 11 **(Off the record)**
 12 **Q Second full paragraph, page 149. I'm sorry. I misspoke.**
 13 **"Assimilation can be viewed as quasi-passing as a**
 14 **willingness to adopt the styles and manner of the favored**
 15 **group without disclaiming the low status identity."**
 16 **A Yeah. Okay.**
 17 **Q So it was a term that you used to discuss --**
 18 **A Yeah.**
 19 **Q And I think the footnote to that sentence talks about**
 20 **another author's work where the author posits the theory**
 21 **that homosexuality -- I'm sorry -- certain behavior of**
 22 **homosexuals is acceptable, and I think you indicate that**
 23 **homosexuality by the individual -- traits of homosexuality**
 24 **should be disclosed, but only where relevant, I think. And**
 25 **I maybe improperly paraphrasing. Take a look at footnote**

10.

MR. SERYAK: Wait. What's the question?

Q Does footnote 10 accurately reflect what I've indicated is contained there?

A Well, I'd much rather that footnote 10 be read in then rather than summarized.

Q Okay. I was simply trying to paraphrase it. You can read it.

A You want me to read it?

Q Sure. Go ahead and read it in.

"See Yoshino," who is a professor at Yale, "who discusses the burden of, quote, 'covering' a stigma such as homosexuality, so that an individual, quote, 'modulates' her conduct to make her difference easy for those around her to disattend her known stigmatized trait."

End quote, and then I cite where it says that. Now it's me talking.

"Yoshino would prefer a world in which such accommodations are unnecessary. I am not sure I concur, if it means abandoning reticence with regard to aspects of one's identity that are not relevant to the moment. Surely the Jewish kid who sings 'Ha-Tikvah' in Hebrew or the Protestant who sings 'Onward Christian Soldiers' during their auditions for

1 population to bear your stigma is wrong and that you should
2 be able to just front your identity. Now, there's all
3 kinds of reasons where I think Yoshino's argument is just
4 overly simplistic. One, for the reasons I put in the
5 footnote. There's just all kinds of settings where your
6 identity is a shifting thing and where you don't want to
7 shove what -- your dominant view of your identity as a Jew,
8 as a black, as a gay, is irrelevant to that setting, and so
9 why make -- front that when that's just not what's called
10 for by the setting. He takes a radical position and says
11 you front it all the time. I say that maybe that would
12 lead to a lot of, let's say, problems with what we might
13 call civil decorous kind of interactions; easy interactions
14 between people.

Q I see a difference between fronting your traits, as it were, and concealing your traits. Are you suggesting that, for example, someone who is homosexual who has certain behavioral traits that are typical of homosexuality as many of us perceive it should cover those or fake it, as you suggest in your book?

MR. SERYAK: I'm going to object to the form of the question.

MR. GREEN: That's fine. You can answer.

MR. SERYAK: And for the lack of foundation.

A Again, these are such complicated questions. Yoshino's

the junior high play can be reasonably expected to do a better job of 'covering,' quote, aspects of their identity."

Q Okay. Now, with respect to the article you reference in footnote 10, and only as it applies to homosexuality, because I think that was what the quote was concerning, what was that individual suggesting was appropriate for a homosexual to do in normal discourse in society?

MR. SERYAK: You're asking about the Yale professor?

MR. GREEN: Yeah.

MR. SERYAK: Well, I don't care --

MR. GREEN: Asking about what he suggested in the article that he is citing in his book.

MR. SERYAK: Well, let me just object for the lack of foundation. I think you're asking him to try to describe what the Yale professor thinks.

MR. GREEN: It would take me on such a scholarly goose chase to go back to reading an article was, I thought, a kind of a... reading of the work of a great scholar... who wrote a book called "Stigma." He... of Sartre's terms to talk about stigma... stigmatized people carry themselves in... carry themselves in certain... the view that any kind of... it easier for the general

1 article just simply doesn't deal with these things in a
2 sufficient nuance as to what covering and what traits and
3 what kind of things. I mean I could carry on for pages
4 about this -- right? -- and which I did. I mean this is
5 what this is about, and how impression management is a
6 complex thing, very highly ritualized in many settings,
7 very highly contextualized, and, of course, there's so many
8 aspects of one's identity that one can do nothing about.
9 You cannot manage it in the least. A black person cannot
10 manage his skin color. I cannot manage my nose or hair.
11 But there's certain things I could do to manage it. I
12 would avoid, let's say, using Yiddishisms, talking with
13 somebody who wouldn't understand them but would just -- it
14 would just either confuse them or make them hostile, yet it
15 would be a very powerful assertion of my Jewish identity in
16 that situation. It would just be uncalled for.

Q What about gay traits, if we can use that expression?

A To the extent, I mean you can imagine --

MR. SERYAK: I mean what's the question though? What gay traits?

Q Effeminate behavior by the male of the species.

MR. SERYAK: I'm sorry. I'm still not following the question.

MR. GREEN: The witness has.

MR. SERYAK: I want to make sure I know what the

...ion is so I can -- if there is an objection on --

MR. GREEN: You've got an objection to the question.

MR. SERYAK: No. I want to know what the question is.

MR. GREEN: Well, we'll have to read it back. It was

a follow-up question to his answer.

WITNESS: What's the question?

Well, your answer really was a little off tack because you

were talking about Jewish traits, and the question had to

do with homosexual traits.

No. I thought we were talking about Yoshino's article.

We were. We were. The quote from Yoshino's article that's

contained in paragraph 10 -- or in footnote 10 deals only

with the phrase dealing with homosexuality though, and so

we were dealing with particular --

So I was trying to do was to say against homo- -- against

Yoshino's un-nuanced claim that we should get rid of all

covering, that he hasn't thought it through carefully

enough as about what context. You don't want to make what

seems to be a political statement when all you want to do

is be who you are in the setting in a way that makes the

setting run smoothly. We call it often politeness, you

know.

Q So if we can get to the example you gave, if you are a

person who is Jewish who typically uses Yiddish

expressions, you would avoid doing that unless it was

1 just -- to answer it in a way that would satisfy me
2 intellectually, I'd have to distinguish between what we, in
3 fact, do, which is we just simply do take an awareness of
4 who we're talking to and adjust our accent and our tones
5 accordingly, and we just do that. And I think Yoshino in
6 that article was simply ignoring that we do that; that any
7 kind of socially competent person just must do it and does
8 it without intending to; just does it in order to
9 communicate.

10 Q So you're not putting a value judgment on it in terms of --

11 A Not at all. I think he just as a matter misdescribed

12 exactly what goes on in social encounters.

13 Q You're not indicating that one should temper their

14 behavior, only that one does?

15 A Only that one does, and that he's ignoring how difficult it

16 is not to do that.

17 Q Have you ever referred to homosexuality as a stigma?

18 A No, unless I borrowed Goffman's usage in quoting him.

19 Q Have you ever referred to homosexuality or homosexuals as a

20 pariah group?

21 A In the same way that I did as Jews and blacks within that

22 book in discussion; yes.

23 Q Was there any discussion of Peter Hammer's homosexuality at

24 any of the tenure meetings you attended?

25 A No.

relevant to the meeting?

A I would pick and choose the audiences I would speak that

way in front of, yes, of course.

Q And to the same extent, if one were gay; a woman who

perhaps adopts masculine traits, a man who perhaps adopts

feminine traits; what you're saying is you would mask those

traits as well if it was not relevant to what the meeting

or the intercourse was?

A Do you know, again, it's complicated --

MR. SERYAK: Please -- Professor, please let me get my

objection onto the record as to the form and lack of

foundation, and the lack of relevance.

MR. GREEN: You've got your objection. That's fine.

WITNESS: So does that mean I should answer?

MR. GREEN: You can answer, yeah; sure. Go ahead and

answer.

A It's just, you know -- what's the question again?

MR. SERYAK: No; no. Do you know what the question

is? If you don't know what the question is, let's get the

question.

MR. GREEN: That's why he objected. Go ahead and play

back the objection, if you can -- or the question. I'm

sorry.

(Playback of previous question)

A It's would you mask those traits? Here the question is

1 Q Have you ever discussed his homosexuality with anyone?

2 A No. With him, but not with anybody else.

3 Q When was that?

4 A Well, it was during his job interview when we took him out

5 to dinner. He mentioned to us that he was gay and we had a

6 very interesting discussion about him and his various

7 commitments.

8 Q This was back in -- what? -- '93, '94?

9 A Whenever he was being hired, yeah. It was part -- at the

10 dinner, we took a -- a group of us took him out to dinner

11 and it came up then. So, in other words, you know, we --

12 when I voted yes to hire him, I knew he was gay. I talked

13 to him about it.

14 Q Do you recall any discussion during any of the tenure

15 meetings in which Sallyanne Payton indicated why she was

16 either voting for or against Peter Hammer's tenure?

17 A I do recall Sally speaking very passionately --

18 impassioned against the quality. She claimed that

19 Peter's work was absolutely awful, pretty much. Those

20 might not be the exact words, but that was the message.

21 So, yes, I recall that.

22 Q Do you remember anything else about what she said?

23 A Well, then it ended rather strangely. It ended -- and I

24 won't be able to quote the exact words, but after giving a

25 diatribe against how weak the work was in health law and