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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**Exhibit B**

RICHARD LOWERY, )  
Plaintiff, )  
v. ) Case No. 1:23-cv-00129-DAE  
LILLIAN MILLS, et al., )  
Defendants. )

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ORAL and VIDEOTAPE DEPOSITION OF  
ETHAN BURRIS  
January 17, 2024  
Volume 1  
-----

ORAL DEPOSITION OF ETHAN BURRIS, Volume 1,  
produced as a witness at the instance of the Plaintiff,  
and duly sworn, was taken in the above-styled and  
numbered cause on January 17, 2024, from 9:05 a.m. to  
4:38 p.m., before Dana Shapiro, CSR, in and for the  
State of Illinois, reported by machine shorthand, at  
100 Congress Avenue, Suite 1200, Austin, Texas 78701,  
pursuant to the Federal Rules of Civil Procedure and  
any provisions stated on the record or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. ENDEL KOLDE  
MS. COURTNEY CORBELLO  
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ALSO PRESENT:

MR. JEFF CHAGRIN, the videographer

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1 Is that correct?

2 A. Yes.

3 Q. So what's going on there?

4 A. I had to stop watching.

10:42:34 5 Q. Had you been watching or did you start  
6 watching it after she sent you the ink?

7 A. After she sent me the link.

8 Q. How long did you watch?

9 A. Couple minutes.

10:42:44 10 Q. So did you get to minute 26?

11 A. I believe that I fast forwarded to minute  
12 26 to start.

13 Q. I think it's -- I would have to  
14 double-check. I think it's about an hour long podcast.

10:42:58 15 How much of it did you watch?

16 A. Couple minutes.

17 Q. Help me out. 5 percent, 10 percent, more?

18 A. Five, six minutes maybe.

19 Q. But included in that was around minute 26;

10:43:14 20 is that correct?

21 A. Yes.

22 Q. When you say, "I had to stop watching,"  
23 what did you mean by that?

24 A. I had to stop watching.

10:43:22 25 Q. Explain. Is it you had to stop watching

1 Q. All right. All right. I think to keep  
2 this moving for all our sakes I will start reading on  
3 the file stamp numbered page 26 of Exhibit 7, line 11.  
4 If you could just read along with me, "Now, all of this  
10:56:24 5 is the plan of a critical race theorist who's been  
6 trusted to bring dissenting non-leftist thoughts. So,  
7 you know, and it at this point, you know, obviously, we  
8 are not going to go along with that nonsense. We don't  
9 have -- you know, we have better things to do with our  
10:56:42 10 time than provide cover for the president to let  
11 critical race theorists run the University of Texas.

12 So Carlos tells the -- the supporters was  
13 No, this isn't what we agreed to, we are not going to  
14 do this. And that's when the do -- you know, with --  
10:57:00 15 with a single exception, the donors turned on, the  
16 president starts doing his like, you know -- people  
17 don't really -- like, the sole qualification for being  
18 a president of a university in a red state is that  
19 you're good at lying to Republicans."

10:57:20 20 Did I read the transcript correctly?

21 A. Yes.

22 Q. Is this the section of the video that you  
23 recall reviewing at or around minute 26 on August 5 of  
24 2022?

10:57:36 25 A. I don't recall. If you say this is minute

1 26 sure, but I don't recall this being this specific  
2 thing.

3 Q. Does this sound familiar?

4 A. Yes.

10:57:48 5 Q. Okay. Do you recall reviewing this  
6 content?

7 A. Not specifically, no.

8 Q. Do you have a problem with this content?

9 A. No.

10:58:0210 Q. Do you have a recollection of anything  
11 specific that Richard Lowery expressed in this podcast  
12 that you had a problem with, disagreed with, felt was  
13 inappropriate?

14 A. This particular podcast, no.

10:58:2015 Q. A different podcast?

16 A. I don't remember other podcasts he's been  
17 on. I --

18 (WHEREUPON, a certain document was  
19 marked Deposition Exhibit No. 17,  
10:59:0620 for identification, as of 1/17/24.)

21 BY MR. KOLDE:

22 Q. Showing you what's been marked as Exhibit  
23 17. I will represent to you this is an article from  
24 The College Fix. If you could take a moment and review  
10:59:1625 it and let me know when you are done.

1 no question is that disruptive to operations is about  
2 fundraising as we have just covered earlier in your  
3 line of questioning. So this comment yes, is the  
4 answer to your specific question. But the way to  
13:56:20 5 interpret that is that those comments about not  
6 donating impedes and is disruptive to the operations of  
7 fundraising.

8 Q. I think I understand you a little better.  
9 You are answering my next question. Okay. So this may  
13:56:40 10 work better if you don't try to anticipate my next  
11 question. Smart people try to do that.

12 My next question is, it's going to be, you  
13 know, two sets of questions. But when you are talking  
14 about the term factually inaccurate in this sentence,  
13:57:00 15 you wanted Carvalho to counsel Lowery about factually  
16 inaccurate, you are talking there about the opinions  
17 that the tax money was stolen by grifters, that the  
18 president is paid to be good at lying; is that correct?

19 A. Yes.

13:57:20 20 Q. Anything else that falls under the category  
21 of factually inaccurate that you recall being talked  
22 about that I didn't mention?

23 A. No.

24 Q. Okay. The next part is the phrase  
13:57:36 25 disruptive to operations. I think you have already

1 are talking about people coming to you for advice. But  
2 in this case, Carlos Carvalho was not coming to you for  
3 advice. You and Dean Mills were giving Dr. Carvalho  
4 unsolicited advice, isn't that true?

13:59:50 5 MR. DOW: Objection, form.

6 BY THE WITNESS:

7 A. No, that's incorrect. He initiated the  
8 meeting.

9 BY MR. KOLDE:

13:59:56 10 Q. But he didn't initiate the meeting about  
11 Richard Lowery?

12 A. He initiated the meeting about his -- about  
13 the center.

14 Q. But you and Dean Mills brought up Richard  
14:00:08 15 Lowery's comments, correct?

16 A. Yes.

17 Q. He didn't ask for advice from you or Dean  
18 Mills about how to deal with Lowery, did he?

19 A. No.

14:00:22 20 Q. No, he did not?

21 A. No, he did not.

22 Q. Your goal in asking Carvalho to counsel

23 Lowery regarding making comments that are factually

24 inaccurate and disruptive to operations was to get

14:00:48 25 Lowery to stop making comments that are factually



1 inaccurate and disruptive to operations, correct?

2 A. Yes.

3 Q. Stated another way, your goal in asking

4 Carvalho to counsel Lowery regarding making comments

14:01:14 5 that taxpayer money was stolen by grifters or the

6 president is to be paid to be good at lying to

7 conservative donors and politicians was to get Lowery

8 to stop making those kinds of comments, correct?

9 A. Yes.

14:01:40 10 Q. And similarly your goal in asking Carvalho

11 to counsel Lowery regarding making comments that were

12 disruptive to operations was to get him to stop asking

13 people to not donate to UT; is that correct?

14 A. Yes.

14:02:06 15 Q. And as far as you know, that's your

16 understanding of what Dean Mills's goal was as well,

17 correct?

18 A. My impression, but you will have to ask

19 Dean Mills about her goals.

14:02:18 20 Q. You were working together on this issue

21 though, right?

22 A. Yes.

23 Q. Reading the next sentence of the bullet

24 that we have been talking about here, and the last page

14:02:30 25 of Exhibit 20 it reads, "Carvalho thinks he has no

1                   You chose those words, correct?

2           A.       Yes.

3           Q.       And those words accurately describe what  
4 you said to Professor Carvalho, correct?

15:17:02 5           A.       No.

6           Q.       You chose them -- you are describing the  
7 conversation inaccurately?

8           A.       I'm describing a summary of that  
9 conversation, the themes that were discussed. What I  
15:17:1610 said to Carlos in a verbatim way was pertaining to the  
11 use of the terms shameless and awful in describing  
12 colleagues.

13           Q.       So is it -- I want to focus the discussion  
14 of what your notes -- focus the discussion on what your  
15:17:3615 notes actually say, and help me understand, are you  
16 saying today that you did not recommend to Carlos  
17 Carvalho that the tone of Richard Lowery's tweets could  
18 improve in their civility?

19           MR. DOW: Objection, form.

15:18:0020 BY MR. KOLDE:

21           Q.       You may answer.

22           A.       That's the summary of that conversation,  
23 yes.

24           Q.       Okay. So you did recommend to Carlos  
15:18:0825 Carvalhos in so many words that the tone of Richard

1 Lowery's comments could improve in their civility,  
2 correct?

3 A. In so many words. But the terms I used  
4 were related to calling colleagues shameless and awful.

15:18:26 5 Q. But the terminology you used in the notes  
6 that you wrote was that you were recommending that the  
7 tones could -- that the tone -- that Richard Lowery's  
8 tone could improve in its civility, correct?

9 A. That's the terms that I used in the summary  
15:18:4610 of that conversation, yes.

11 Q. Now, the next sentence is, "And especially  
12 when directed to staff and other faculty who are not  
13 tenured (lower in the organizational hierarchy)."

14 Does Richard Lowery have any administrative  
15:19:0215 responsibilities as a faculty member that you know of?

16 A. He's an associate director or whatever the  
17 official title is within Salem.

18 Q. But as an associate director for Salem and  
19 a faculty member of the Finance Department, does he  
15:19:1620 have any administrative control or influence over the  
21 operations of GSLI?

22 A. No.

23 Q. It's fair to say that he cannot influence  
24 who is tenured or not tenured or who gets a raise or  
15:19:3025 doesn't get a raise at GSLI, correct?

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

RICHARD LOWERY, )  
Plaintiff, )  
v. ) Case No. 1:23-cv-00129-DAE  
LILLIAN MILLS, et al., )  
Defendants. )

REPORTER'S CERTIFICATION  
ORAL DEPOSITION OF  
ETHAN BURRIS  
January 17, 2024

I, Dana Shapiro, a Certified Shorthand Reporter,  
hereby certify to the following:

That the witness, ETHAN BURRIS, 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(e)(1) that the signature of the deponent:  
was requested by the deponent or a party before the  
completion of the deposition and that the signature is  
to be before any notary public and returned within 30  
days from date of receipt of the transcript. If  
returned, the attached Changes and Signature Pages  
contain any changes and reasons therefore;

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties or  
attorneys in the action in which this proceeding was  
taken, and further that I am not financially or

1 otherwise interested in the outcome of the action.

2 Certified to by me this January 22, 2024.

3 *Dana Shapiro*

4  
5 DANA SHAPIRO, Illinois CSR 84-3597  
6 CSR Expiration: 5/31/25  
7 Illinois Certified Shorthand Reporter  
8 Registered Agent Solutions, Inc.,  
9 A Lexitas Company, Firm No. 17  
10 5301 Southwest Parkway  
11 Corporate Center One, Suite 400  
12 Austin, Texas 78735  
13 888-893-3767  
14 Expires: 1/31/2025  
15  
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1 COUNTY OF TRAVIS )

2 STATE OF TEXAS )

3 I hereby certify that the witness was notified on  
4 January 22, 2024 that the witness has 30 days  
5 after being notified by the officer that the transcript  
6 is available for review by the witness and if there are  
7 changes in the form or substance to be made, then the  
8 witness shall sign a statement reciting such changes  
9 and the reasons given by the witness for making them;

10 That the witness' signature was/was not returned  
11 as of \_\_\_\_\_.

12 Subscribed and sworn to on this \_\_\_\_\_ day of  
13 \_\_\_\_\_, 20\_\_\_\_.

14 *Dana Shapiro*

15 \_\_\_\_\_  
16 DANA SHAPIRO, Illinois CSR 84-3597  
17 CSR Expiration: 5/31/25  
18 Illinois Certified Shorthand Reporter  
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