1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY LEXINGTON DIVISION 2 CIVIL ACTION NO. 5:09-CV-00244-KSF 3 4 DEPOSITION OF ISAAC SHLOSMAN, Ph.D. 5 6 C. MARTIN GASKELL PLAINTIFF 7 v. 8 UNIVERSITY OF KENTUCKY DEFENDANT 9 10 The deposition of ISAAC SHLOSMAN, Ph.D., was 11 taken on behalf of the plaintiff before Ann Hutchison, 12 13 Registered Professional Reporter and Notary Public in 14 and for the Commonwealth of Kentucky at Large, at the 15 law office of Baker, Kriz, Jenkins, Prewitt & Jones, 16 PSC, 200 West Vine Street, Suite 710, Lexington, 17 Kentucky, on Wednesday, May 12, 2010, beginning at the 18 hour of 9:25 a.m. The deposition was taken by notice 19 and shall be used for any and all purposes allowed by 20 the Federal Rules of Civil Procedure, including use at 21 trial. 22 23 ACTION COURT REPORTERS 24 184 North Mill Street Lexington, Kentucky 40507 25 (859) 252-4004

1 **APPEARANCES** 2 3 COUNSEL FOR THE PLAINTIFF: 4 Geoffrey Surtees American Center for Law & Justice-Kentucky 5 6375 New Hope Road P.O. Box 60 New Hope, Kentucky 40052 6 7 COUNSEL FOR THE DEFENDANT: 8 Barbara A. Kriz 9 Baker Kriz Jenkins Prewitt & Jones, PSC 200 West Vine Street, Suite 710 10 Lexington, Kentucky 40507 11 Barbara W. Jones University of Kentucky 12 General Counsel 301 Main Building 13 Lexington, Kentucky 40506-0032 14 ALSO PRESENT: 15 Mike Cavagnero 16 17 18 19 20 21 22 23 24 25

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INDEX ISAAC SHLOSMAN, Ph.D. PAGE DEPONENT: EXAMINATION BY: Mr. Surtees REPORTER'S CERTIFICATE EXHIBITS NO. DESCRIPTION IDENTIFIED Dr. Gaskell's Curriculum Vitae Dr. Gaskell's homepage Dr. Gaskell's personal page Professor Profiles - Martin Gaskell Modern Astronomy, the Bible, and Creation Observatory Director Applicants 9/24/07 e-mail to the committee from Dr. Troland 10/23/07 e-mail to the committee from Dr. Troland 10/17/07 e-mail: The biologists weigh in Isaac Shlosman web page homepage of science fiction writers link from Dr. Shlosman's homepage to Stanislaw Lem's website (Above-referenced exhibits accompany original and copy transcript of plaintiff only.)

1 ISAAC SHLOSMAN, Ph.D. 2 having been first duly placed under oath, was examined 3 and testified as follows: 4 EXAMINATION 5 BY MR. SURTEES: 6 Q. Would you state and spell your name for 7 the record, please. 8 Isaac Shlosman, I-s-a-a-c S-h-l-o-s-m-a-n. Α. 9 Dr. Shlosman, my name is Jeffrey Surtees. Q. 10 We met before the deposition this morning. I am one of Dr. Martin Gaskell's attorneys representing him in his 11 12 lawsuit against the University of Kentucky, pending here 13 in the United States District Court for the Eastern 14 District of Kentucky. Have you ever had your deposition taken before? 15 16 Α. No. 17 Ο. Well, I'm sure you've been apprised of 18 what the procedure is about. It's not as complicated as 19 studying active galactic nuclei. 20 I see you did your homework. Α. 21 Q. It is far less complicated than that. Ιt 22 is simply my asking you questions and you answering them 23 with the truth, the whole truth, and nothing but the 24 truth, as you just swore or affirmed you would do. Do 25 you understand that?

1 Α. Sure. 2 Because a court reporter is here taking Q. 3 down everything anyone in the room may say when we are 4 on the record, it's important that we follow a couple of 5 First is that we not talk over one another. rules. 6 Please wait for me to finish a question before 7 responding to that question. I'll wait for you to 8 finish an answer to a question before I ask you another 9 question. 10 Α. Okay. 11 If you do not understand a question I ask, Q. 12 please ask me to rephrase it, restate it, and I'll be 13 happy to do so. If I ask a question -- which of course 14 I will do -- and you answer it, we will assume if you do 15 not ask me to rephrase or restate the question that you 16 understood my question and that your response was 17 responsive to my question. Is that understood? 18 Α. Yes. 19 Ο. And again, the court reporter is taking 20 down everything we say, but she cannot take down nods 21 and shakes of the head, so please verbalize all of your 22 responses. Please refrain, as well, from saying uh-huh 23 or uh-huh or grunts of that nature. Please say yes and 24 no. 25 Α. Okay.

It's difficult for the court reporter to 1 Q. 2 take that down and for the rest of us to read the 3 transcript later if we have responses of that nature. 4 This deposition is not going to last 5 terribly long, but if you need to take a break at all 6 during the course of the deposition, please indicate 7 that, we'll be happy to take a break. 8 Do you have any questions about procedure 9 here this morning? 10 Α. No. It's clear. 11 First and foremost, Dr. Shlosman, are you Q. aware of the fact that you are not a defendant in this 12 13 lawsuit? 14 Α. Yes. I was told. 15 Dr. Shlosman, did you speak with anyone Q. 16 regarding today's deposition other than Ms. Kriz? 17 Α. I spoke briefly and generally with Dr. Troland. 18 19 Ο. What did the two of you speak about? 20 Well, like how long it will take, how Α. 21 intrusive it is. Basically that's all. 22 Did Dr. Troland tell you about his Ο. 23 deposition at all? 24 Α. No way. 25 Did you review any documents in Q.

preparation for today's deposition? 1 2 No. Α. Did you speak with anyone regarding any 3 Q. 4 depositions that were involved in this case? 5 Α. No. 6 Q. Dr. Shlosman, what is your current 7 position with the University of Kentucky? 8 Α. I'm professor at Department of Physics and 9 Astronomy. 10 Ο. And prior to being a professor in the Department of Physics and Astronomy at the University of 11 12 Kentucky, what was your position previous to that? 13 I was senior postdoctoral fellow at the Α. 14 California Institute of Technology in Pasadena. 15 And how long were you there? Q. 16 Α. Three years. 17 Q. And how long have you been a professor 18 here at the University of Kentucky? 19 Α. Nineteen years. 20 And could you give me a rundown, Q. 21 Dr. Shlosman, of your academic background prior to going 22 to the California Institute of Technology? 23 Well, I finished my Ph.D. in Tel Aviv Α. 24 University in 1986. I came to this country, to Boulder, 25 Colorado, to be a postdoctoral fellow at the University

of Colorado, the Joint Institute for Astronomy, there, 1 2 and after two years there I moved to California Institute of Technology. 3 In 2007 did you serve on a committee to 4 Ο. 5 help find a director for the MacAdam Student 6 Observatory? 7 Α. Yes, I did. 8 Ο. What was your understanding of the purpose 9 of that committee? 10 Α. Well, the purpose of this committee was to find a suitable director for the observatory. 11 12 How would you describe your role in Ο. 13 particular in that committee? 14 Α. I suppose to help with this task. 15 And how did you help with that task? Q. 16 Well, by evaluating the personal dossiers Α. 17 of candidates and making a decision what is best for the 18 university. 19 Ο. Did you participate in any telephone 20 interviews with any of the candidates for the position? 21 I did not. Α. 22 And why not? Were you not asked to? Q. 23 Α. No. I was away for some period of time. 24 Presumably this. Yes, I heard that there had been some 25 telephone interviews, but I was not part of them.

1 Q. Did you participate in any face-to-face 2 interviews of the candidates for the position? Don't remember whether I did. 3 Α. 4 Ο. Do you recall having a face-to-face 5 interview with Mr. Timothy Knauer for the position? 6 Α. No, I think I didn't, to the best of my 7 memory. 8 And that's all you can give me. If you Ο. 9 can't recall, you can't recall. It's a perfectly 10 legitimate response. 11 I think I didn't. Α. 12 Did you participate in any face-to-face Q. 13 interview with Dr. Martin Gaskell? 14 Α. I think I didn't to the best of my memory. 15 Are you familiar with the name of Ο. 16 Dr. Martin Gaskell? 17 Α. Yes, I do. And how are you familiar with his name? 18 Ο. 19 Well, I encountered him a number of times Α. 20 at scientific conferences, and I know his name from the 21 papers that I read. 22 Would you consider him a good scientist? Q. 23 I guess he is okay, yeah. Α. 24 Ο. Would you consider him a good astronomer? 25 Α. Yeah. That's what I meant, yeah. Whv

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```
1
    not?
 2
                   Have you ever read anything by Dr. Gaskell
            Q.
    which would indicate that he fails to understand the
 3
    scientific method?
 4
 5
            Α.
                   No.
 6
            Q.
                   Do you have any professional disagreements
 7
    with anything Dr. Martin Gaskell has written on
    astronomical issues?
 8
 9
            Α.
                   No.
10
            Q.
                  Have you ever -- I'm sorry.
11
            Α.
                   Nothing.
12
                   Have you ever worked with Dr. Gaskell on
            Q.
13
    any scientific projects?
14
            Α.
                   Never.
15
            Ο.
                   And so you've never coauthored any
16
    articles --
17
            Α.
                  No.
                   -- with him?
18
            Ο.
19
            Α.
                   No.
20
                   Please wait for me to finish that question
            Q.
21
    even though you know where I'm going.
22
                   Sorry.
            Α.
23
                  No, it's fine. It's just for the clarity
            Q.
    of the record.
24
25
                   Are you aware whether or not Dr. Gaskell
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visited the University of Kentucky in 2007 for purposes 1 2 of being interviewed for the position of observatory 3 director? 4 Α. I quess I was never so curious to check 5 this, so no, I was never asking this, whether -- who was 6 invited and who was not invited. 7 Ο. Who else was on the search committee with 8 you, Dr. Shlosman? 9 Dr. Troland, the chair as ex-officio; Α. 10 Dr. Levenson; I think also our -- whatever his official position is, director of our labs. 11 12 MS. KRIZ: You want to identify him? 13 Steve Ellis. Α. 14 Q. Any other names that you can recall? 15 No. Α. 16 MR. SURTEES: Let's just go off the 17 record for a second. (Off the record.) 18 19 MR. SURTEES: Back on. 20 Dr. Shlosman, would you say that you Q. 21 played a very involved role in the search process for 22 director of the observatory? 23 No, I did not, for the reason that I was Α. 24 away quite a lot during this time. 25 Did you participate in any committee Q.

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1 meetings of the search committee? 2 To the best of my memory, I think I was --Α. 3 I participated in about one or two meetings. Not less 4 than one. 5 And do you recall any of the discussions Ο. 6 from those meetings? 7 Α. Some of them. 8 And please tell me to the best of your Ο. 9 recollection what you recall from those committee 10 meetings. The committee meeting that I remember 11 Α. 12 clearly was probably the last one where actually the 13 vote was taken and there had been some deliberations, general deliberations, before the vote, and then we took 14 15 the vote. 16 Tell me everything you can recall about Q. 17 those deliberations. I'll begin with everything that was said about Dr. Gaskell. 18 19 Α. Because this was one of the -- I mean it 20 was the last meeting, then my feeling was that everybody 21 was already, I mean, familiar and so there had been not 22 too many initial discussions of who he is. So we sit 23 down, we just chatted a little bit, quite insignificant, 24 and then we said, well, we need to come up with -- and 25 we voted.

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1 Q. And do you recall anyone saying anything 2 at all about Dr. Martin Gaskell? The name was mentioned, but I don't 3 Α. remember anything specific. 4 5 Did the name of Timothy Knauer come up Q. 6 during this meeting that we're discussing? 7 Α. I think it was mentioned, but I don't remember in what context. 8 9 And you say you may have served -- may Q. 10 have participated in at least one other committee meeting; is that correct? 11 12 Α. Well, this I don't remember. I mean, it 13 could be that it was just some -- I was reading e-mail 14 exchanges. I clearly remember the last one that I 15 mentioned. 16 Can you recall anything else about the Q. 17 last meeting other than what you've already told me? If there would be something substantial, I 18 Α. 19 would remember, but it was just generalities, which I've 20 quickly forgotten. 21 Did the subject of -- strike that. Q. (Exhibit No. 1 marked.) 22 23 Dr. Shlosman, I'm showing you a document Q. 24 we have marked as Exhibit 1. I take it you all have a 25 copy. Have you ever seen this document before?

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1 Α. I think when I was going over the personal 2 dossiers, yes. (Exhibit No. 2 marked.) 3 4 Ο. Dr. Shlosman, I'm showing you what we have marked as Exhibit No. 2. Have you ever seen this? 5 6 Α. No, I don't remember. Based on the 7 picture, I don't remember that I saw this photo before 8 so... 9 All right. Let me just back up and wait Q. 10 for me to finish the question, again just for the sake of the record. 11 12 Have you ever seen this document in paper 13 form before I have just handed it to you? 14 Α. No, I don't think so. 15 Ο. Have you ever seen this document on a computer screen? 16 I don't think so. 17 Α. (Exhibit No. 3 marked.) 18 19 Dr. Shlosman, I'm showing you what we have Ο. 20 marked as Exhibit No. 3. Have you ever seen this before, either in paper form or on a computer screen? 21 22 Α. No. 23 (Exhibit No. 4 marked.) 24 Dr. Shlosman, I'm showing you what we've Q. 25 marked as Exhibit 4. Have you ever seen this document

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either in paper form or on a computer screen?
1
2
                   No, I did not.
           Α.
                       (Exhibit No. 5 marked.)
 3
 4
            Ο.
                   Dr. Shlosman, I'm showing you what we have
5
    marked as Exhibit No. 5. Have you ever seen this
 6
    document before, either in paper form or on a computer
7
    screen?
8
           Α.
                  No.
9
            Q.
                   I'm sorry?
10
           Α.
                  No. I did not.
11
                   Dr. Shlosman, did you ever attend a
           Q.
    lecture given by Dr. Martin Gaskell at the University of
12
13
    Kentucky in 1997?
14
           Α.
                   No, I did not. That was a public lecture?
15
            Q.
                   That is correct.
16
                   Yeah. I did not.
           Α.
17
           Ο.
                  Have you ever heard anyone discuss that
    lecture from 1997?
18
19
           Α.
                  Yes, I did.
20
                   And how many people have you had
            Q.
21
    discussions with regarding that lecture?
22
                   I had discussion -- I was told about this
           Α.
23
    by Dr. Gary Ferland.
24
                 And what did Dr. Ferland tell you about
            Q.
25
    that 1997 lecture?
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1 Α. He told me that the astronomy part of the 2 talk was very nice and nicely received by the students, 3 but then that there was some disagreement during the question-and-answer part of the -- of this event. 4 5 What did Dr. Ferland tell you about the Q. 6 disagreement during the question-and-answer period? 7 Α. Well, I was told that somebody asked the question about evolution and that Dr. Gaskell was 8 9 negative about this. 10 Ο. What do you mean by Dr. Gaskell was negative about this? 11 12 Dismissive. That's what I was told. Α. 13 Q. Anything else you can recall Dr. Ferland telling you about the 1997 lecture? 14 15 No. It was a short conversation. Α. 16 Q. Did you ever speak with anyone else regarding Dr. Gaskell's 1997 lecture at the University 17 of Kentucky? 18 19 Α. I only spoke to Dr. Gaskell himself at 20 that time. In my office. 21 When -- okay. So you met with Dr. Gaskell Q. 22 when he came to visit the University of Kentucky in 23 1997? 24 Α. Right. 25 And what was that conversation about? Q.

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1 Α. Well, life in the place where he was at 2 that time, in Nebraska, general recollections about common colleagues. And that was before his talk, so I 3 4 had no questions to him about the talk. 5 Did you speak with Dr. Gaskell during his Q. 6 visit in 1997 about the lecture that he gave? 7 Α. No. As I just said, this was before his 8 talk, and I apologize that I cannot be at his talk. 9 Was that time you saw Dr. Gaskell in 1997 Q. 10 the last time that you've seen Dr. Gaskell face-to-face? That's correct. 11 Α. 12 So the meetings you've had with Q. 13 Dr. Gaskell at scientific conventions were prior to 14 1997? 15 Well prior. Α. 16 Dr. Shlosman, did you ever indicate to Q. Dr. Cavagnero that it was your opinion that Dr. Gaskell 17 was a creationist? 18 19 Α. I don't remember this. 20 Do you recall telling anyone that it was Q. 21 your understanding Dr. Gaskell was a creationist? 22 I don't remember speaking to anybody about Α. 23 Dr. Gaskell except the vote itself. It may be that I 24 commented, I just don't... 25 Was it your opinion in 2007 that Q.

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Dr. Gaskell was a creationist? 1 In 2007? 2 Α. That's correct. 3 Ο. 4 Α. I think I was not even -- I mean, my main 5 problem with Dr. Gaskell was completely different. 6 I'm sorry? Q. 7 Α. My main problem with his candidacy was a different one. 8 9 Q. We can get to that. I'm just wondering 10 right now whether or not you've had any conversations with anyone about Dr. Gaskell's being or not being a 11 12 creationist? 13 As I said, I do not remember it. It may Α. 14 be that I commented, but I don't remember. 15 Have you had any conversations with Q. 16 Dr. Elitzur regarding Dr. Gaskell's belief regarding evolution? 17 18 Α. I would answer differently than the 19 previous question. I mean, it could be. We had so many 20 discussions, but I do not remember the specific, whether 21 I did mention this or not. 22 Is it that you can't remember having any Ο. 23 conversation at all of this nature, or that you just 24 can't remember the specifics of the conversation? Do you see what I'm saying? 25

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1 Α. Yes, I do. I have some recollection that 2 I -- may be I did speak to -- I don't remember to whom, but I don't remember the specifics. 3 4 Ο. Okay. You think you may have spoken to 5 someone about Dr. Gaskell and evolution? I'm sorry, I'm just trying to get where you're coming from here. 6 7 Α. I could speak to somebody about Dr. Gaskell's candidacy. 8 9 Did you have any opinion in 2007 of what Q. 10 Dr. Gaskell believed about biological evolution? I have no interest in this. 11 Α. 12 Did you have any opinion what Q. 13 Dr. Gaskell's belief was concerning biological evolution in 2007? 14 15 I don't think this problem entertained me Α. at that time, so I do -- I don't know. 16 17 Ο. So just for clarity's sake, in 2007 you 18 had no opinion regarding Dr. Gaskell's beliefs with 19 respect to the subject of biological evolution? 20 I don't say no that I didn't, but at that Α. time I was not thinking about this. 21 22 I think I know the answer to this Ο. 23 question, Dr. Shlosman, but I'm going to ask it anyway. 24 Are you the author of any scientific 25 articles?

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1 Α. I'm sorry? 2 Are the author of any scientific articles? Q. I do. 3 Α. Hundreds, perhaps? 4 Ο. 5 Α. Yes. 6 Q. And in those articles do you identify 7 yourself as being with the University of Kentucky? 8 Α. You mean if the title -- yes. 9 Why do you do that? Q. 10 Α. Well, because there is a formality in publishing an article, you need to be affiliated with a 11 12 particular academic institution in order to pass the 13 selection process, refereeing process and so on. 14 Ο. And you must read hundreds of scientific 15 articles; is that correct? 16 That's correct. Α. When you see an article whose author is 17 Ο. 18 identified as being affiliated with an educational 19 institution, is it your understanding that the 20 educational institution endorses everything that the 21 author has written in that article? 22 No, I don't think there is any Α. 23 relationship to it. 24 (Exhibit No. 6 marked.) 25 Q. Dr. Shlosman, I'm showing you a document

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1 we have marked as Exhibit No. 6. Have you ever seen 2 this before? 3 Α. No, I did not. (Exhibit No. 7 marked.) 4 5 Dr. Shlosman, I'm showing you a document Q. 6 we have marked as Exhibit No. 7. Have you ever seen 7 this document before? (Deponent reviews document.) 8 9 Not that I remember. Α. 10 Q. It appears to be an e-mail --11 Α. Right. 12 -- from Dr. Troland to what appears to be Q. 13 the members of the search committee, and your name is 14 mentioned there, Shlosman, Isaac. Do you see that? 15 Α. Yes. 16 So you don't recall receiving -- first of Q. 17 all, let me ask. Do you recall receiving this e-mail before? 18 19 Α. No, I did not. I do not remember this. 20 (Exhibit No. 8 marked.) 21 Q. Dr. Shlosman, I'm showing you a document 22 we have marked as Exhibit No. 8. It appears to be an 23 e-mail from Dr. Troland to the members of the search 24 committee, subject line reading: Report to the Chair, 25 r.e. committee decision. Have you ever seen this e-mail

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before? 1 2 I don't remember that I've seen this. Α. Is your e-mail address 3 Q. shlosman@pa.uky.edu? 4 5 That's correct. Α. 6 Q. And was that your e-mail address in 2007? 7 Α. That's correct. But still you do not recall receiving this 8 Ο. 9 e-mail? 10 Α. I have a simple explanation about this. 11 Q. Okay. 12 Α. I don't read every e-mail that I get, 13 especially when I am away from my desk. 14 (Exhibit No. 9 marked.) 15 Dr. Shlosman, I'm showing you what we have Q. 16 marked as Exhibit No. 9. Do you recall seeing this e-mail before? 17 (Deponent reviews document.) 18 19 Α. I think I actually did read the first 20 paragraph of this e-mail. 21 Okay. That's interesting, only because Q. 22 now that I look at this e-mail, I do not see your name 23 in the addressee line. 24 It could be that somebody forwarded this Α. 25 to me.

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1 Q. Okay. What do you recall about your 2 receiving and reading this e-mail? I remember -- if I am correct -- but I 3 Α. 4 just go quickly over this -- that there was this opinion 5 from somebody from the Department of Biology, and I was 6 intrigued to read the first paragraph of this. 7 Ο. And did you speak with anyone about the 8 e-mail -- let me rephrase that. Did you speak with 9 anyone about the analysis provided by the biologists in 10 this e-mail? 11 I don't think so. Α. 12 Do you recall having any discussions or Q. participating in discussions when the opinions of the 13 biologists regarding Dr. Martin Gaskell were discussed? 14 15 No, I do not. Α. 16 Do you recall having an opinion as to the Q. evaluation provided by the biologists? 17 18 Α. Can you repeat it, please? 19 Ο. Sure. Did you think that the opinions 20 shared by the biologists were valid? 21 Well, I didn't read it to the end, Α. Valid? 22 but the general trend of the first paragraph I was 23 agreeing with. 24 So you agreed -- are you saying that you Ο. 25 agreed with the comments of the biologists as set forth

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1 in this e-mail? 2 Well, as I say, I didn't read till the Α. end, but the first paragraph was something that I would 3 4 not disagree with. 5 And which first paragraph are you Q. 6 referring to, Dr. Shlosman? 7 Α. The first paragraph of the opinion that was forwarded to me. I'm not sure that it was in this 8 9 format, but there was an opinion from the Department of 10 Biology, and I see part of it, at least, here. 11 Q. Take a moment to look through this 12 document and tell me whether or not that paragraph is 13 included here. Α. 14 Okay. That would be difficult to remember 15 if this is exactly this. 16 (Deponent reviews document.) 17 Α. It seems like, but I cannot be sure a 18 hundred percent. 19 Ο. Okay. I'm sorry, it seems like what? 20 It seems like this was part of the Α. document of the e-mail that I was forwarded to, but I 21 22 cannot be sure hundred percent, but I have some 23 recollections, it looks like. 24 The e-mails, or at least the e-mail Ο. 25 discussed -- I apologize. Let me start again.

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1 The opinion from Dr. Osborn contained in 2 this e-mail, which we have marked as Exhibit 9, purports to be an evaluation of a document provided or written by 3 Dr. Gaskell. Did you ever read the document that 4 Dr. Osborn is discussing in this e-mail? 5 6 Α. No, never. 7 Q. What I guess I'm trying to find out is how 8 you could have an opinion as to the validity of the 9 biologists' opinion if you didn't read what they read. 10 Α. Well, it was my understanding from the first paragraph that it was a general statement of 11 12 scientific methods and much less that it was Dr. Gaskell. 13 14 Ο. Dr. Shlosman, you said earlier that you 15 opposed Dr. Gaskell's candidacy for a position for 16 observatory director; is that correct? 17 Α. No, I didn't say this. 18 Ο. Okay. I apologize. 19 Α. I was voting for a different person, 20 simply. 21 And who did you vote for? Q. 22 I voted for Tim Knauer. Α. 23 And why did you vote for doctor -- I'm Q. 24 sorry, Mr. Knauer? 25 Because I think he was more suitable for Α.

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1 this position.

Q. And why did you think he was more suitable 3 for this position?

Dr. -- not doctor, but Mr. Knauer worked 4 Α. 5 in our department as a demonstration technician prior to 6 this for a number of years, and I have -- I was teaching 7 these big, large classes, and he was a person who was 8 bringing up the demonstrations for me, and I liked him 9 for creativity, for his desire to help, for his broad 10 knowledge of the things that -- broad interest in the 11 amateur astronomy. He was circulating certain artifacts 12 that he created himself, and so I liked what he did, 13 liked his attitude and I said that he is the person. 14 Ο. In your opinion at the time was 15 Dr. Gaskell lacking in any gualifications to serve as 16 observatory director?

A. On the opposite. I thought that he's
overqualified for this position, and he will do research
instead of public outreach.

20 Q. What do you mean by he was overqualified? 21 A. Well, this is not a research observatory, 22 it's a public observatory which serves a very limited --23 well, it has no scientific purpose, it's just teaching, 24 and I know -- I knew Dr. Gaskell as being active 25 researcher, and so I thought that -- I also knew that he

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1 didn't have a tenured position so I thought he will get 2 a tenured position and he will do research while the outreach component will suffer. 3 4 Ο. When you say tenured position, did you 5 mean a tenured position as observatory director? 6 Right. Well, he will be -- right, that's Α. 7 correct. 8 Is that a tenured position? Ο. 9 No, it's not a tenured position, but it's Α. a position that will -- is not so likely to change the 10 person there because it will involve additional search. 11 12 And I know how these things are going, you compromise on 13 the person. 14 Ο. What do you mean by that, you compromise 15 on the person? 16 Well, if the person doesn't fit hundred Α. 17 percent, if it fits 50, 60 percent, then to avoid additional expenditures, additional search and efforts, 18 19 you tolerate what the person is doing if he's doing 20 minimal, if his performance is at least minimal. 21 Q. And so you thought that Dr. Gaskell would 22 spend more time doing research than teaching if made 23 observatory director? Is that what you're saying? 24 Not teaching, but what I call -- there is Α. 25 a whole spectrum of activities that he would be

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1 involved, outreach activities, and I thought that this 2 component would suffer if there would be an active 3 researcher. 4 Ο. Do you have any reason to doubt that if 5 Dr. Gaskell were made director of the observatory that 6 he would do what he was told to do by way of his duties 7 as director? 8 Well, I presume the position is such that Α. 9 he's not told every time what to do. Much depends on his initiative. And as past director of observatory 10 myself, I know that you really -- these two components 11 12 are not nicely mixed. 13 (Exhibit No. 10 marked.) 14 Q. Dr. Shlosman, I'm showing you a document 15 that we have marked as Exhibit No. 10. Have you ever 16 seen this before? 17 Α. Yes, I do. 18 Okay. What is this? Ο. 19 This is a web page prepared by the Α. 20 department for me. 21 And over on the right-hand side it says Q. 22 Isaac Shlosman, and then it says personal page. Do you 23 see that? 24 Α. Yes. 25 And is it your understanding that that's a Q.

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link? 1 2 To my personal page. Α. 3 And what do you know, I have a copy of Q. 4 that personal page. 5 (Off-the-record comments.) 6 Q. Dr. Shlosman, what's on your personal 7 page? 8 On my personal page, I have link to my Α. 9 publications, link to the classes that I teach, the web 10 sites of the classes that I teach, a link to some people that are associated with me, my past graduate students, 11 12 post docs, visitors, distinguished visitors. 13 Q. Anything else that you can recall as you sit here? 14 15 Well, there is more. Α. 16 Q. Okay. 17 Α. There is a link to some of the general 18 publications where our work was cited. 19 Is there a link on your personal page to Ο. 20 the Jerusalem Post? 21 That's correct. Α. 22 Why do you have a link to the Jerusalem Q. 23 Post? I'm an Israeli. I read it. 24 Α. 25 But you can access it -- can you access Q.

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1 the Jerusalem Post without having to go to your personal 2 site? 3 Α. Yeah, but then you need to type this. 4 Ο. Are you saying that the primary reason the 5 link to the Jerusalem Post is on your personal web page 6 is for you to click on it and get to the Jerusalem Post? 7 Α. That's correct. (Exhibit No. 11 marked.) 8 9 Dr. Shlosman, I'm showing you something we Q. 10 have marked Exhibit No. 11. Have you ever seen this 11 before? 12 Α. Yes, I do. 13 And what is this? Ο. 14 Α. This is a home page of a couple of 15 scientific -- science fiction writers, very famous. 16 And is it your understanding that on your Q. 17 personal website page there is a link to this page that we have marked as Exhibit No. 11? 18 19 Α. That's correct. 20 Q. And why do you have that link on your 21 personal page? 22 I have because -- because I liked what Α. 23 they write and they still publish -- one of them is, but one is still publishing articles, and I am interested to 24 25 have a direct link to them.

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1 Q. But the fact you're putting it on your 2 personal website on the Internet, is that so you -- for 3 you to share with people that come to your personal web 4 page what interests that you have? 5 Yeah, sure, that's correct. Α. Q. Believe it or not, academics do have 6 7 interests beyond academia. Right? 8 I agree with you. Α. 9 (Exhibit No. 12 marked.) 10 Q. Dr. Shlosman, have you ever seen this before, which we have marked as Exhibit No. 12? 11 12 Α. I have a link to -- three links, and one 13 of them to Stanislaw Lem on my home page, but I'm not 14 sure that his -- unless it changed recently. I don't 15 remember this particular arrangement. But I have a link 16 to his homepage, yes. It was visited by me last night at --17 Ο. 18 yesterday evening at 4:23, and I did access this page 19 from your personal website. 20 Α. Okay. 21 Q. You say -- is it Lem? 22 Stanislaw Lem, yes. Α. 23 And who is he? Q. 24 Like the other two, he is the top -- or he Α. 25 was the top science fiction writer, one of the maybe

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1 three or four, of the 20th century. 2 And why do you have a link from your Ο. 3 personal page to this page? 4 Α. I admire his intellectual ability. 5 And you wish to convey that to people Q. 6 visiting your personal web --7 Α. I would like to have a quick access to his 8 homepage, which is maintained guite efficiently and, 9 yeah, I have nothing against that others will see it. 10 MR. SURTEES: Let's just take a five-minute break. 11 12 MS. KRIZ: Okay. 13 (10:13 off the record 10:16.) 14 Q. Dr. Shlosman, I have just some more 15 questions, which you may find repetitive, but I'm going 16 to ask them again anyway because I just want to be 17 abundantly clear. Sometimes during the course of a 18 deposition people's minds are refreshed and they can 19 recollect more later in the deposition than they could 20 at the outset. 21 Would you say you were heavily involved in 22 the search committee process? 23 Thank you for this question. I was Α. 24 probably the least involved due to my travel. 25 Q. And you say you participated in no

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1 telephone interviews. Correct? 2 Correct. Α. 3 Q. And you did not have a face-to-face interview with Mr. Knauer. Correct? 4 5 That's correct. Α. Q. And you did not have a face-to-face 6 7 interview with Dr. Gaskell in 2007. Correct? 8 Α. That's correct. 9 Q. In 2007 while the University of Kentucky 10 was seeking to fill the position of observatory 11 director, did you hear anyone in the physics and 12 astronomy department discuss or mention, even, the 13 subject of evolution? 14 Α. Maybe, but I do not remember whether this was in the -- during the formal meeting, and I actually, 15 16 as I said, participated in probably only one meeting, 17 which was the last one, and I was away, so it could be that I do not -- I do not remember such conversation. 18 19 Ο. What about the subject of creationism? Do 20 you recall anyone discussing or even mentioning that 21 word during the process to fill the position of 22 observatory director? 23 Α. I do not remember this. It may be that it 24 was mentioned but... 25 Did you speak at -- with Dean Hoch ever Q.

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regarding the observatory director position? 1 2 No, I did not. Α. 3 Did you ever speak in 2007 with Q. 4 Dr. Subbaswamy regarding the observatory director 5 position? 6 No, I did not. Α. 7 Q. Did you have an opinion as to why you were 8 on the committee, the search committee, if you were 9 doing the traveling that you were doing and could not 10 participate as much as maybe some of the others were 11 participating? 12 Well, the assignments come first, and we Α. 13 do not report to anybody about our travels. It's just 14 kind of post facto. I'm away and that's all. 15 Did the subject of -- let me start again. Q. 16 Was the subject of religion ever mentioned 17 or discussed in any committee meeting that you 18 participated in for filling the position of observatory director? 19 20 Not to my recollection. Α. 21 Q. Did the subject of religion ever come up, 22 or to the best of your recollection, even mentioned in 23 2007 by any member of the physics and astronomy 24 department? 25 I do not understand it, in what context it Α.

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| 1 | could be | • | |
|----|----------|-------|-----------------------------------|
| 2 | Q | . Any | context. |
| 3 | A | . Not | that I remember. |
| 4 | | | MR. SURTEES: I have nothing more. |
| 5 | | | MS. KRIZ: Nothing more. |
| 6 | | | (DEPOSITION CONCLUDED 10:21.) |
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1 STATE OF KENTUCKY) 2 COUNTY OF FAYETTE) 3 I, ANN HUTCHISON, Registered Professional 4 5 Reporter and Notary Public, State of Kentucky at Large, 6 whose commission as such will expire May 3, 2012, do 7 hereby certify that the foregoing deposition was taken 8 by me at the time, place, for the purpose and with the 9 appearances set forth herein; that the same was taken 10 down by me in stenotype in the presence of the witness 11 and thereafter correctly transcribed by me upon 12 computer; and that the witness was duly placed under 13 oath by me prior to giving testimony. 14 I further certify that I am not related to nor 15 employed by any of the parties to this action or their 16 respective counsel and have no interest in this 17 litigation. 18 Given under my hand, this 13th day of May, 19 2010. 20 21 22 ANN HUTCHISON, RPR Registered Professional Reporter 23 Notary Public, State-at-Large 24 25

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Bender, Patty

| | ومعاربها بالمعادية والإبران ومستخفظة فالتحص ببها بالمعاد ومناهلته والمتعاد فالتكاف | | | | |
|--|---|--|--------------------------------------|--|--|
| From: | Mike Cavagnero [mike@pa.uk | v.edu) | | | |
| Sent: | Wednesday, October 17, 2007 | 7 10:44 AM | | | |
| _i To: | Gary J. Ferland; Macadam, Ke Ellis | eith; Nancy Levenson; Tom Trola | and; Shafer, Sally Anne; Steve | | |
| Subject: | the biologists weigh in | | | | |
| | | | | | |
| Committee members: | | | | | |
| i In fulfilling the charge laid upon us by the Dean and Provost, I asked two Colleagues in the Department of Biology to assess the scientific credibility of Martin Gaskell's website. | | | | | |
| Please understand that they did so only at my bidding, and that they had no desire to meddle in our departmental affairs. Also understand that there is no venue at UK in which scientists are forced to struggle more frequently and tirelessly with public perceptions of conflicts between science and faith, then in our Department of Biology. We in P&A have long been | | | | | |
| ; (most | ohery of this conflict. I think that you can | | | | |
| I am deeply indebte | d to these individuals for their voluntary | service to our Department | EXHIBIT | | |
| Mike Cavagnero | · · · · · · · · · · · · · · · · · · · | | EXHIBIT 014 9 5-12-10 Shlosman | | |
| The first comment is | s from Jeff Osbourne: | | | | |
| | | | 5-12-10 Shlosman | | |
| Mike: | | <u> </u> | | | |
| I've done a considerable amount of searching, reading and inquiry in response to the scientific validity of the various aspects of Martin Geskell and his website(s). This one is a very sticky wicket, indeed but I hope that I can assist you in your process. On the one hand, it seems that Geskell is very stealthy and clever in his approach to the issues of | | | | | |
| creationism and his | clear and obvious connections to deep s | seeded reliaious beliefs. While L | have no narticular issue with | | |
| one's views on religi | on, I strongly believe that when it comes | s to the concents of religion and | science, they should remain | | |
| to you that in any po | a college of arts and sciences. Geskell sition of outreach this will most certainly | clearly has no intention of doing | such and I would firmly assert | | |
| the college and the t | iniversity. In short, his public premise is | to provide as much intertwining. | between science and religion | | |
| as possible and this | will most certainly lead to public miscon | ceptions of scientific evidence. | The nature of science is | | |
| ieip students and m | empirical evidence for understanding na e public understand that scientific thoug | ht must be based upon evidenci | e which leads us to solid | | |
| conclusions, vintually | veverything presented in his published v | Nebsite works to discredit the ve | ervinature of science upon | | |
| which we are trying e naior component of | educate all students and the public. In a the job description, it seems to me that | position where outreach to K-12 | 2 students and the public is a | | |
| empincal evidence p | ased discipline will be highly counter-pro | oductive. In this regard, if will be | difficult to justify or support | | |
| ine building of an lou | treach science" team within the college erstanding of the nature of science. | with these types of individuals t | hat choose to ignore empirical | | |
| | | | | | |
| I here are statements | s within the website that are simply inco | rrect and without scientific basis | | | |
| I. "It is true that there | e are significant scientific problems in ev | olutionary theory (a good thing | or else many biologists and | | |
| jeologists would be (| out of a job) and that these problems are | e bidoer than is usually made or | it in introductory | | |
| ectogynology cours extrapolations." In ac | ses, but the real problem with humanisti tuality, the empirical and embedded evi | c evolution is in the unwarranted dence for genetic change and the | d atheistic assumptions and | | |
| secome overwheimtr | ig within the past 50 years. The rate at v | which we are learning about and | Lunderstanding the world of | | |
| jenetics is mina bog | gling to say the least but certainly not wi | thout solid and sound scientific (| evidence. In general, Geskell | | |
| avoios me issue or ev | volution within this website and his onlin- like Jim Krupa in biology would pretty n | e interpretations. It seems to me | e that this is likely out of his | | |
| avolution. As a facult | y colleague, you can pretty much assum | ie that most in bioscience would | not take him seriously and | | |
| some (like Jim and | | | | | |
| science, we teach-the | rselves constantly defending the empiric concepts and theories of gravitational | forces beginning in grade 7/8 (m | er the KDF state science | | |
| standarus) and althou | ign these concepts remain theoretical in | nature none of us question the | e existence of "the force" | | |
| There is significant an | nd unequivocal evidence for the concept of scientific evidence throughout all of b | is of natural selection and evolu | ifion and they are taught from | | |
| ntroductory biology te | xbook and I can tell you that the conce | pis of genetic change and evolution | tion-and-intertwined-within - | | |
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| | every aspect of the textbook. In addition, the evidence for the existence of genetic change is very clearly presented. I can assure you that my review will note this aspect of the text as one of the most positive pieces for the teaching of undergraduate biology. Thus, the statement from the website highlighted above could not be further from correct. | | | | |
| | | | | | |
| (| 2. "While discussing controversies and interpretations of Genesis I should mention something that is /not/ an interpretation of Genesis: | | | | |
| | what is called "Intelligent Design". This movement, which is often erroneously confused with young-earth creationism, is simply exploring the question of what evidence there is in the universe for design by an intelligence. This is a general, non-religious question (although with obvious religious implications), and there is no opinion on the interpretation of Genesis." Both Jim Krupa and I could not disagree more with this web statement of Dr. Geskell. ID is most certainly NOT a "general, non-religious question". It is presented in it's entirety from a religious point of view, which neither of us have a quibble with. However, to present ID within the context of empirical evidence based science is incorrect and unfounded. This type of misinterpretation of science is carefully couched within many aspects of the website. The publication is largely a dialogue of religion with significant numbers of quotes by famous scientific figures. I doubt that any of us would challenge the freedom of intellectual thought of any major scientific figureincluding Dr. Geskellthat is the very nature by which great scientific thought. These types of implications simply lead the public and students into becoming confused about fundamental concepts of the nature of science and the beliefs of religion. | | | | |
| | In short, I find the very nature of the position for which you are seeking a viable public outreach servant to be at complete odds with the published views and nature of scientific study by Martin Geskell. The very nature of how we present science to young people, developing scientists and the public would be greatly compromised by the presentation of these issues by Geskell. We are struggling in the country to teach and train young minds to function and understand science based upon evidence and an understanding of how to conduct a valid scientific investigation. Certainly, we do not need to muddle this picture from the vantage point of our perception of "outreach to the public". | | | | |
| | Mike, if you have any other questions in regard to these views or issues, please do not hesitate to contact me. | | | | |
| (m) | Best regards, Jeff Jeffrey L. Osborn, Ph.D. Professor Department of Biology and Science Outreach - AMSP University of Kentucky Lexington, KY 40506 | | | | |
| | (859) 257-3988 (Office) (859) 257-1717 (FAX) jeffrey.osborn@uky.edu http://www.uky.edu/~jlosbo3/ <http: %7ejlosbo3="" www.uky.edu=""></http:> www.appalmsp.org <http: www.appalmsp.org=""></http:> www.as.uky.edu/newtonsuniverse/ <http: newtonsuniverse="" www.as.uky.edu=""></http:> www.uky.edu/AMSTEMM | | | | |
| | The second comment is from Jim Krupa: | | | | |
| | Greetings Mike, | | | | |
| | I do hope the committee will consider the email Jeff sent seriously. To have an anti-evolution scientist come to UK and be involved with science outreach will be a disaster despite the person's area of science. I've heard Gaskell bash evolution (evolution is the unification theory of all biology). He will seriously harm science education. We might as well have folks from the creation museum get involved with UK's science outreach efforts. | | | | |
| | I know that if Biology had the opportunity to hire the greatest geneticist that exists and one with multiple Nobel Prizes, who also was going around lecturing on the age of earth being 6000 years, I would fight to prevent the hire. With all the problems we have in improving science education, Gaskell will only set us back. And he WILL bash evolution! He did when he spoke here many years ago in Memorial Hall. I really ripped into him during question-answer period, and his responses only got more ridiculous and more creationist in nature. I found him to be a complete embarrassment to my alma mater (the University of Nebraska) after hearing his talk. | | | | |
| | Gaskell concerns me deepiy! | | | | |
| | Cheers, jim | | | | |
| | | | | | |
| ۱ | Finally, I cc'd my thanks to these two faculty members to their Chairman, Shelly Steiner, who responded as follows: | | | | |
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Mike.

Biology would not hire an individual who supports the thesis that the sun revolves around the earth. No matter how good a biologist he/she was.

Regarding the public ignorance about evolution which we combat in biology everyday:

"Look at the declining role of science and reason in our society and wonder how we could be anywhere but this sorry juncture. A 2001 Gallup poll found that 45 percent of Americans believe evolution is flat-out wrong; the Washington Times reports that more than 60 percent of Americans believe that the Biblical Genesis and Noah's Ark stories are literally true. True believers are pulling their children out of public school by the thousands to avoid contaminating them with unwanted questions. All of those children are being bred to believe what they are told, and that the world view of their parents and teachers is correct - simply because they say so." From RELIGIOUS MIGHT The Church of Bush By John Steinberg |

In addition roughly 20% of the population believes that the sun revolves around the earth- 17% believe that the sun revolves around the earth once a day.

Dr. Miller's data reveal some yawning gaps in basic knowledge. American adults in general do not understand what molecules are (other than that they are really small). Fewer than a third can identify DNA as a key to heredity. Only about 10 percent know what radiation is. One adult American in five thinks the Sun revolves around the Earth, an idea science had abandoned by the 17th century. By CORNELIA DEAN Published: August 30, 2005- NY Times Science

Mike thanks for the cc:. I had experience in the UK senate in which colleagues from the school of engineering challenged evolution as a science.

Shelly
