

EXHIBIT A

Case Clip(s) Detailed Report

Tracy v FAU Video Only

Thursday, April 19, 2018, 10:57:39 AM

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 Moats, Michael - 04/18/2017

1 CLIP (RUNNING 00:30:41.361)

 Thereupon: ...

-1230-000602 26 SEGMENTS (RUNNING 00:30:41.361)



1. PAGE 6:02 TO 6:05 (RUNNING 00:00:09.550)

02 Thereupon:
03 MICHAEL MOATS,
04 was called as a witness, and after having been first
05 duly sworn, testified as follows:

2. PAGE 22:02 TO 22:04 (RUNNING 00:00:09.318)

02 Q I'm showing you what's been marked as PM-2 for
03 today. Is that the response that Professor Tracy sent
04 to you in 2013?

3. PAGE 22:13 TO 22:13 (RUNNING 00:00:00.968)

13 A Yes, sir.

4. PAGE 22:14 TO 23:10 (RUNNING 00:01:33.158)

14 Q Is what Professor Tracy wrote in this
15 response, is this in line with what you discussed in the
16 telephone before he sent this response?
17 A Actually I believe it's basically in line with
18 that. One of -- one of the things I did point out to
19 him in my response to him after receiving this was not
20 to belabor the free speech issue. I think those were my
21 words, "Don't belabor the free speech issue." And the
22 reason for that was because I would not characterize
23 this as a free speech issue. I would characterize the
24 filing of the report or the requirements to file the
25 report simply as a reporting requirement. It's called a
00023:01 reportable activity form for a reason. Some activities
02 are reportable some activities are not. And one of the
03 things I believe I pointed out to him was he and I if we
04 both worked there we could actually be involved in the
05 exact same activities but utilize those activities in
06 different ways. Which means for me it may be
07 reportable, for him it may not be reportable. And so,
08 you know, he's the only real judge of how he's utilizing
09 that activity as to whether or not that activity would
10 fall within the parameters of a reportable activity.

5. PAGE 88:20 TO 91:06 (RUNNING 00:02:42.238)

20 fired him because he had a blog, well, no. They fired
21 him because they determined that he did not report the
22 activity once he by his own admission admitted that the
23 activity rose to the level of a reportable activity.
24 Q By his own admission where?
25 A To me.
00089:01 Q When?
02 A When we had our first conversation about
03 whether or not he needed to report this activity after--
04 Q In 2013?
05 A No. No. And that's why I said in 2013 his
06 characterization of the activity was clearly to me that
07 it was not -- did not rise to the level of reportable
08 activity and I told him based on that you don't need to
09 report it.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

10 Q Is that what you told him?
11 A That's what I told him.
12 Q Or did you tell him you didn't remember what
13 happened in 2013 and you didn't know what he was talking
14 about? In 2015 when he confronted you about your 180,
15 your change in your -- your own position, did you not
16 tell him that you didn't know what he was talking about?
17 A I told him -- I believe I told him -- I
18 believe I told him I would have to go back and look at
19 the specifics of the case because between 2013 and 2015
20 I probably had already had a half a dozen or maybe a
21 dozen issues rise to the level of arbitration at a
22 variety of schools and been involved in quite a few
23 other cases and that's why I had to go back and look at
24 the records and figure out the specifics.
00090:01 Q Are you telling me you forgot -- are you
02 telling me you forgot in 2015 what had happened just two
03 years prior?
04 A No. I didn't forget what happens but there
05 are very key points. For instance, I did not remember
06 off the top of my head until I had gone and looked at
07 the documents that there was a paragraph in -- in your
08 PM-1 the January letter from Heather Coltman that did
09 address the report of outside activity.
10 Q When was --
11 A Because that was eventually dropped from the
12 complaint by the University and until I went back and
13 looked at this I could not tell you that yes that had
14 been an issue.
15 Q When was that? When was the -- when in 2015
16 did you go back and look at the Coltman directive from
17 January 2013?
18 A After he called me and said, "I think I fucked
19 up."
20 Q When was that?
21 A Sometime in late November.
22 Q Late November? Exactly when?
23 A I couldn't tell you. Like I said he --
24 Q Was it before or after your meeting with
25 Zoeller on November 30th?
00091:01 A It was before that.
02 Q So, you're saying that before November 30th
03 Professor Tracy called you and said he messed up?
04 A Yes.
05 Q Did he use the word "F," did he use that
06 phrase?
07 A I believe so.

6. PAGE 110:06 TO 115:03 (RUNNING 00:06:44.914)

06 Q Professor Tracy responded to the notice of
07 discipline in November or early December?
08 A From what I understand yes. November.
09 Q And when he responded that's what he said, he
10 said, "Just like in 2013 this form it can't be required
11 for my personal blogging?"
12 A Yes.
13 Q Right?
14 A Correct.
15 Q And despite that United Faculty of Florida
16 advised Professor Tracy that his situation was not
17 grievable, right?
18 A Correct.
19 Q Why?
20 A Well, because as I said before the
21 circumstances in 2013 and in 2015 were different. By
22 Dr. Tracy own admission --

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

23 Q What admission?
24 A By his own statement to me in 2013 every
25 explanation he gave while it came very close to
00111:01 bordering on having to report because he actually did
02 include that he intended to use some of the material
03 from his blog for something he was going to be doing in
04 the spring term or might do in the spring term. That
05 suggesting that that blog in 2013 is moving towards a
06 reportable activity.
07 Q If he is using it in the classroom?
08 A No. Not -- you don't have to use it in the
09 classroom. It's whether or not it becomes a
10 professional practice, consulting, teaching or research.
11 Q So, in 2013 you're testifying -- you're
12 testifying today that --
13 A Well, I didn't -- I wasn't finished.
14 Q Okay. I'm sorry. Go ahead.
15 A The circumstances change. In 2013 he made it
16 very clear, although like I said bordering on going to
17 become a reportable activity by the spring term, which
18 would be, you know, spring of 2014, it may well be a
19 reportable activity. And I think I probably even told
20 him then I wouldn't say that because you're opening the
21 door to them to possibly get you before the end of this
22 year. And so, you know, ultimately based on that
23 explanation they said, "Okay. You're not required to do
24 the form." In 2015 though by his own admission to me on
25 more than one occasion when we spoke about how he was
00112:01 utilizing this, one, he said he was using it to -- for
02 research that he wanted to bring into the classroom. He
03 specifically said that.
04 Q That would make it now reportable?
05 A It very could be depending on how it's being
06 used.
07 Q How? Give me an example.
08 A But because when -- when he goes out and he
09 puts stuff out on the internet, looks at how people are
10 responding to it and then -- I mean it's a form of
11 research, perhaps demographic research that when he
12 brings that into the classroom and starts discussing
13 what he's collected from there now he's utilizing that
14 in his teaching.
15 Q But that would be required to be put on here?
16 A Absolutely. It's a reportable -- it's an
17 outside activity.
18 Q But this is -- this is an outside activity
19 form.
20 A Yes.
21 Q Is there another form for --
22 A That blog is an outside activity.
23 Q Isn't there another form for what he's doing
24 in the classroom, isn't that an assignment submission
25 type of an issue?
00113:01 A If -- if a blog is part of his assignment it
02 would be on an assignment form. The blog was not part
03 of his assignment therefore the blog is an outside
04 activity. His assignment is X number of courses to
05 teach, a certain percentage research and a certain
06 percentage service. Anything beyond that is outside
07 activity. And -- and so if he is doing a blog -- and
08 I'll -- and I'll tell you, part of what I told him flat
09 out was, when I was teaching I actually coached a girls'
10 soccer team. Okay? That is a purely outside activity
11 for me. It's not something in which I'm conducting
12 research. It's not something in which I'm consulting.
13 It's not professional practice. I'm not a coach, I'm
14 not a physical education or any kind of personal

Case Clip(s) Detailed Report
 Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

15 training faculty or anything like that. I taught
 16 computer science. So, if I'm out there coaching a
 17 girls' soccer team it's outside activity but it doesn't
 18 rise to the level of reportable. On the other hand what
 19 I explained to him was Bob Zoeller teaches exercise
 20 physiology. And this is what Bob borrowed in part from
 21 me that he explained to you yesterday. Because Bob's
 22 specialization is exercise physiology, if he's coaching
 23 a girls' soccer team on his own dime, it's not part of
 24 his assignment, it is an outside activity. Okay? The
 25 next part of the equation is, if he's using that
 00114:01 coaching the girls' soccer team in some way to collect
 02 data, maybe he's checking is there a difference in how
 03 many goals the six year olds get versus the seven years
 04 old. Okay? Or like he said yesterday which was his own
 05 rendition of the explanation, the analogy, if he's given
 06 half these girls protein drinks and the other half not
 07 and then he wants to see does that have an impact.
 08 Okay? Now we're developing data from this activity that
 09 he's using in his classroom or in his research in his
 10 teaching, that rises to the level of reportable
 11 activity. And what I told Jim was, "It is entirely up
 12 to you to decide what you're doing and how you're going
 13 to use it." And therefore it goes to, "if you were
 14 choosing to use this in a way that rises to that level
 15 that it's a reportable activity then the burden is on
 16 you to self-report". But if you can defend that that's
 17 -- you're not doing that then you don't have to report
 18 the activity. Okay? Now, is the University going to
 19 sit down and go through that explanation with every
 20 single faculty member? Again, in a perfect world maybe
 21 they should but they don't, they haven't, and we don't
 22 have the mechanism to require them to. Can we provide
 23 that training? I don't think anybody would come in on
 24 their own time to go through that training but yes,
 25 that's ultimately how this differentiates what is a
 00115:01 reportable activity what is not a reportable activity
 02 within the scope of what he is doing with that blog. I
 03 asked him before the explanation --

7. PAGE 115:04 TO 116:05 (RUNNING 00:01:36.147)

04 Q Before what explanation?
 05 A Before that explanation that I had with him as
 06 to whether or not is reportable a discussion about the
 07 girls soccer team. I first asked him, "What exactly are
 08 you doing with the blog with your conspiracy theory
 09 activities that they are alleging," the
 10 Globalresearch.ca. and all the other things that they
 11 claim he has not disclaimed his -- disassociated himself
 12 from the University, "What are you doing?" And he told
 13 me he had -- if I recall correctly he had worked with
 14 somebody to write a chapter or assist with a chapter in
 15 a book that he was self-publishing, that was something
 16 he told me. He told me he had identified in the forward
 17 of the book that he was associate professor at FAU. I
 18 don't know, I never saw the book. Okay? I never read
 19 the book. I'm taking what he's telling me. I want him
 20 to tell me first what he's doing so it's not tainted or
 21 swayed by my explanation. And then after he tells me
 22 that we go through this and he says, "Well, it sounds
 23 like it's something I might use that research in my
 24 class." And I said, "Well, then you're better off doing
 25 the form than getting nailed for not doing the form."
 00116:01 And he said, "Well, I already told them I'm not going to
 02 do the form." And if I recall at that point he had
 03 already then subsequently -- that was either just before

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

04 or just after he had -- it had risen to the level of an
05 insubordination charge.

8. PAGE 116:13 TO 116:25 (RUNNING 00:00:48.920)

13 Q Okay. So, he was immediately then disciplined
14 by termination after he submitted these forms, right?

15 A My -- my understanding of the chronology of
16 the events was he had not submitted the forms. He was -
17 - he was told to submit the forms and he refused. He
18 gave them a written explanation of why he believed he
19 shouldn't have to submit the forms. Okay? That then
20 gave rise to a reprimand as I understand and I may be
21 wrong there, but then ultimately he was given another
22 opportunity where as I understand from Jim because he
23 was away on paternity leave he was not checking his e-
24 mail on a regular basis. And as I recall he was told -
25 - he was sent an e-mail on a Friday with a demand, a

9. PAGE 117:01 TO 118:10 (RUNNING 00:01:56.023)

00117:01 second requirement now, to regardless of -- essentially,
02 "Regardless of your earlier refusal to do this we're
03 giving you another chance. Submit the forms." And at
04 that point he was given -- I think the e-mail as I
05 recall he says was apparently sent out on a Friday with
06 a Monday afternoon deadline, close of business Monday,
07 he didn't even see the e-mail until Monday night. And
08 so on either Monday night or Tuesday as I recall, and I
09 think it was Tuesday or Wednesday we were having this
10 conversation when he saw the e-mail finally Monday night
11 or Tuesday at some time, he then completed some forms
12 but he specifically left the Memory Hole blog off. Okay?

13 Q Just to go --

14 A And because at that point then the next step
15 like you said was in fact he was then sent a letter of
16 potential termination because he didn't do the forms by
17 the deadline, they were incomplete and they did not
18 include activity that the University was aware that he
19 was engaged in that should have been put on the form.

20 Q Would you agree that the University did not
21 need these forms to know what Professor Tracy was doing
22 online?

23 A I would agree but that's immaterial.

24 Q Would you -- It's immaterial?

25 A It's irrelevant. There is a requirement --

00118:01 Q Do you think -- do you think that they needed
02 to have these forms filled out to determine whether
03 there was a conflict of interest in what Professor Tracy
04 was saying online?

05 A There is a state statute that he has to
06 disclose potential. Okay?

07 Q Okay.

08 A The law does not allow the --

09 Q Potential what? Potential what?

10 A Conflict of interest.

10. PAGE 121:14 TO 121:25 (RUNNING 00:00:36.861)

14 Q You've given a great deal of effort to give
15 FAU's position from their notice of termination letters
16 but how was Professor Tracy's blogging in 2013 any
17 different than it was in 2015? He's on his blog, he's
18 writing his viewpoints and opinions and research on
19 matters of public concern, how is it any different?

20 A Because Jim Tracy told me specifically that he
21 was using the blog for research in 2016, or 2015, that
22 he was not doing by his own admission in 2013. And that

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

23 is why --
24 Q What -- what research?
25 A I don't know what research. Ask him.

11. PAGE 124:06 TO 125:04 (RUNNING 00:00:49.507)

06 Q It's exactly what they did to Professor Tracy,
07 is it not?
08 A No. That's your interpretation. Jim Tracy
09 told me he was using it for research.
10 Q On his personal blog.
11 A It doesn't matter where it is, it's research
12 and if he's doing research, if he is doing professional
13 practice, if he is gathering information that he's going
14 to use in his teaching or his research then it's
15 reportable activity.
16 Q So, what you're saying is that every single
17 faculty member at that University is in violation of
18 Article 19 aside from Professor Tracy whose now been
19 fired for it, is that what you're saying?
20 A Absolutely not. No.
21 Q Well, none of them have submitted their
22 outside activity form for their Facebook pages or their
23 Twitter accounts that we know of.
24 A None of them -- none of them have acknowledged
25 that they're using their Facebook page for research. He
00125:01 did.
02 Q Okay. And if they did acknowledge that would
03 they be in violation of Article 19?
04 A Absolutely.

12. PAGE 130:06 TO 130:24 (RUNNING 00:00:34.318)

06 Q Was Professor Tracy's rights waived in October
07 of 2015 when no grievance was filed?
08 A No.
09 Q Was Professor Tracy's rights waived in
10 November of 2015 when no grievance was filed?
11 A No.
12 Q Was Professor Tracy's --
13 A Professor Tracy started the grievance process
14 on his own on November 22nd.
15 Q When?
16 A Of 2015.
17 Q How did he start the grievance process?
18 A When he sent them a letter saying that he's
19 beginning the grievance process with an informal
20 discussion with a supervisor.
21 Q Is that how you begin a grievance process?
22 A Yes it is according to Article 20.
23 Q Okay. Did Professor Tracy --
24 A And he started it on his own.

13. PAGE 155:06 TO 155:17 (RUNNING 00:00:45.944)

06 Q (By Mr. Leo) Earlier you testified that you
07 had drafted a grievance in this case, when was that?
08 A It would have been shortly after the -- right
09 around the time or shortly thereafter when he received
10 the termination notice. So, December -- after December
11 16th.
12 Q After December 16th you drafted a grievance
13 for --
14 A For Tom Johnson.
15 Q For Tom Johnson but for -- for Professor
16 Tracy?
17 A Yes, sir.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

14. PAGE 159:09 TO 159:15 (RUNNING 00:00:35.320)

09 their chapters." Are you a service unit director or
10 labor organization business agent?
11 A Both. Service unit director is the title of
12 my position at FEA/UFF. Labor organization business
13 agent is the actual state license category for the job.
14 It's like you may be a lawyer but you're counsel for so
15 and so. Okay?

15. PAGE 188:19 TO 189:11 (RUNNING 00:01:02.882)

19 Q I'm asking for the explanation you're giving
20 about -- because now you're giving conditions and
21 variables and factors that aren't in the actual writings
22 that you wrote in 2013 about this issue.
23 A Because this is a summarization of several
24 conversations that Jim Tracy and I had about what the
25 blog was, what the purpose of the blog was, what did he
00189:01 intend to do with the blog. And in fact he told me that
02 he intended possibly to use it for research down the
03 road. And I think I told him right then, "I would not
04 go there. Don't tell them you intend to use it for
05 research because that opens the door to them being able
06 to require you to report it. Okay? As long as this is
07 not related to your work, as long as this is not done on
08 work time using University materials," which are other
09 conditions. And it says right there in 19.4, if he's
10 using the University resources it's got to be reported
11 no matter what he's doing with the blog.

16. PAGE 214:04 TO 214:24 (RUNNING 00:01:16.718)

04 Q When did you first tell Professor Tracy that
05 FAU's reasoning for discipline or termination was valid?
06 A I would say sometime in late November.
07 Q Well, it couldn't have been termination.
08 A I'm sorry. When did I say the termination? I
09 told him --
10 Q The termination.
11 A I would say probably the -- probably in the
12 first conversation I had with him after he was notified.
13 Q Of his --
14 A The December 16th --
15 Q Of FAU's intent to terminate him?
16 A Yes.
17 Q And so you told Professor Tracy that the
18 termination was likely valid, right?
19 A Yes. I think that may have been my words.
20 Q What was the reasoning, if any, behind that
21 advice?
22 A Well, one, every indication I'd had from him
23 prior to that was that they had a very good case against
24 him on the insubordination.

17. PAGE 215:19 TO 216:23 (RUNNING 00:01:36.348)

19 Q Okay. Going back to 2013 you saw the
20 directive that he was given in January 2013 that he
21 refused shortly thereafter after talking to you, right?
22 A Yes.
23 Q That happening in this case, right? Given
24 that, how could any submission of outside activity forms
25 for his blog after that refusal, you know, directive
00216:01 refusal, how could it ever have been timely throughout
02 the remainder of the years after he's already refused in
03 January of 2013 that same direction?
04 A Because ultimately every time they give the
05 directive and they give him a deadline to do it, if he

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

06 does it by that deadline then they've accepted it.
07 Okay? So, it's now a timely response.
08 Q But regardless of whether he complied by
09 whatever deadline, they could have still said you're
10 insubordinate for not turning these in in the beginning
11 of the semester or last year or the year before?
12 A Well, no. No. That would not be
13 insubordination. If -- if there is a contract
14 requirement that he do it and he just doesn't do it
15 that's not insubordination.
16 Q Okay.
17 A That's violating the contract. Okay? They
18 can get him for, you know, failure to perform the duties
19 that he's required to do, something along those lines.
20 Q Okay.
21 A But when they sit there and they give him a
22 direct order, "You must file this," then that could be
23 construed as insubordination.

18. PAGE 232:17 TO 232:24 (RUNNING 00:00:20.281)

17 Q As we discussed earlier -- as we discussed
18 earlier the book that you haven't read --
19 A That's immaterial.
20 Q Well, if you don't even look at the book to
21 see if it says, "By James Tracy," wouldn't that be
22 material to your understanding of whether he actually
23 wrote the book?
24 A Jim Tracy told me he coauthored the book.

19. PAGE 233:02 TO 233:06 (RUNNING 00:00:14.611)

02 Q I'm asking you about what you did to
03 investigate whether he actually wrote the book other
04 than talking to him. Did you look at the book?
05 A What the book says does not refute what he
06 tells me himself.

20. PAGE 236:11 TO 237:02 (RUNNING 00:00:57.327)

11 Q Professor Tracy had not received a dime from
12 his contribution if any to that book, would that be a
13 reportable outside activity?
14 A The fact that he's got it up on Amazon
15 offering it for sale makes it --
16 Q Who is he? Who is he?
17 A Jim Tracy told me he had it, he and the
18 coauthor. His comments to me was, "We self-published
19 and have it for sale on Amazon."
20 Q Okay. And if -- and if --
21 A And -- and if it was on sale during that
22 academic year or they intended to put it up for sale
23 during that academic year. And the activity form is
24 required at the beginning of the semester; one of the
25 things that is expected is that you anticipate what
00237:01 activities you'll be involved in so that you can fill
02 out the form correctly.

21. PAGE 238:22 TO 239:13 (RUNNING 00:00:56.271)

22 Let's move on to the next question. When you drafted a
23 grievance in December of 2015, it was too late to grieve
24 the November 10 directive, was it not?
25 A Correct.
00239:01 Q Okay. Why did you let that window close?
02 A Because as has been asked and answered many
03 times in the last two days, okay, we did not believe
04 that the University's actions in expecting an activity
05 report about those activities and his blanket flat

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

06 refusal to do so resulting in insubordination was a
07 grievable offense.
08 Q And how can you --
09 A A grievable contract violation.
10 Q How can you -- how can you call yourself
11 Professor Tracy's defense team then?
12 A Because we can't defend somebody against
13 something he -- he readily admits he did.

22. PAGE 247:14 TO 247:24 (RUNNING 00:00:29.814)

14 Q (By Mr. Leo) Let me show you what's been
15 marked as PM-13 for today. Do you recognize this notice
16 of discipline?
17 (Thereupon, Defendant's Exhibit PM-13 was
18 entered into the record.)
19 A I've never seen this before.
20 Q (By Mr. Leo) You've never seen --
21 A I've heard about it, I've not seen it.
22 Q Were you provided with this by Professor
23 Tracy?
24 A No.

23. PAGE 250:17 TO 251:21 (RUNNING 00:00:59.691)

17 Q Okay. Looking at this notice now today and
18 especially the bottom here where it says that, "This is
19 a reprimand for insubordination failure to satisfy work
20 requirements," would you say that this is grievable or
21 not grievable?
22 A I would say this is not -- probably not
23 winnable.
24 Q I'm sorry, winnable or grievable?
25 A Winnable.
00251:01 Q Okay. Is this grievable?
02 A Well, I think Bob said yesterday, you can
03 grieve anything.
04 Q Okay.
05 A Just like you can file a lawsuit over
06 anything.
07 Q Okay. And your testimony is that now this
08 is --
09 A Okay? And -- and we don't do frivolous
10 grievances.
11 Q So, your testimony now is that this is not a
12 winnable grievance or winnable grievable event?
13 A I would say that because the first thing --
14 the very first thing you have to say on the grievances
15 what article was violated and how.
16 Q Okay. Looking at this are you saying that
17 there is no --
18 A There is no article violated.
19 Q --are you saying there is no article violated
20 in this notice?
21 A I would say correct.

24. PAGE 291:01 TO 293:07 (RUNNING 00:02:38.639)

00291:01 Q Okay.
02 A Okay? When I spoke to Larry Glick about the
03 10-day response window, the letter was submitted to him
04 December 16th was the date on it, that means the 10 day
05 response window ended on December 26th, I told Larry
06 Glick that a real problem we have is having his 10 day
07 response, and that's not a grievance response window,
08 that is a rebut the allegation if you will window.
09 Q And keep your job window?
10 A It could be. Okay.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

11 Q Okay.
12 A Him submitting a response in 10 days doesn't
13 help him keep his job.
14 Q Why? Why is that?
15 A Because they can still fire him before we do
16 anything. December 16th is when he received the letter,
17 that letter has a 10 day response window, our grievance
18 window is 30 days.
19 Q To grieve what?
20 A To grieve the termination.
21 Q Okay. But the window had closed on the
22 November 10th notice of discipline, right?
23 A Correct.
24 Q So, wasn't Professor Tracy's grounds to
25 challenge the directive that he's now being fired for,
00292:01 for insubordination gone?
02 A No.
03 Q Or lost to use your words?
04 A No.
05 Q How so?
06 A Well, first off, he can't grieve a potential
07 termination before the action has happened.
08 Q Right. He can grieve the termination after
09 he's going to be terminated but how can you grieve the
10 directive that formed the basis for insubordination when
11 you waived it -- when you lost your grievability there?
12 How? So, what I'm asking is, once he's going to be
13 fired and after that window is closed, how could
14 Professor Tracy challenge that directive that forms the
15 basis for insubordination in any way?
16 A Because -- well, first off they had a basis, a
17 solid foundation for demanding that the stuff be
18 submitted.
19 Q How is that relevant to my question?
20 A I'm getting there, okay? They had a basis for
21 that. That's why we said it was not a winnable
22 grievance, not grievable, whatever language you want to
23 use there. However, when they sent the letter on
24 December 16 --
25 Q Let me be clear -- let me be clear about what
00293:01 you're saying, okay? Before you continue to the next
02 point because I want to ask you about what you're
03 saying. When you said they had a basis, are you saying
04 that in fact or are you saying that they alleged a
05 basis? There is a big difference.
06 A I'm saying that Jim told me he refused to
07 submit it. And that's a basis.

25. PAGE 297:03 TO 297:11 (RUNNING 00:00:17.303)

03 Q You didn't like -- you didn't like Professor
04 Tracy, right?
05 A I liked him.
06 Q When?
07 A I liked him a lot for a long time.
08 Q In 2013 -- in 2013 you liked him?
09 A I didn't like him when he started lying to me.
10 Q When did Professor Tracy lie to you?
11 A That's not part of this.

26. PAGE 297:12 TO 298:02 (RUNNING 00:00:48.290)

12 Q You just said it. It's now part of it. When
13 did Professor Tracy lie to you? And I remind you you're
14 under oath.
15 A When -- when we first talked and he tried to
16 suggest that this is just -- just a blog was the issue.
17 Then as we talked more and I brought up, Well, I was

Tracy v FAU Video Only

18 told about a book, I was told about Global Research,
 19 whatever, and then piece by piece I got out of him that
 20 there were other things, and I said, "Well, Jim, you got
 21 to level with me. You've got to tell me everything that
 22 they potentially have against you. Okay?"
 23 Q Going to each thing you just said --
 24 A And then he says, "Well, I didn't think any of
 25 that mattered." And he said, "I'm a tenured faculty.
 00298:01 They can't fire me because I'm a tenured faculty." And
 02 I said, "Jim, they absolutely can and they will."

 **Tracy, James (Vol. 01) - 05/02/2017**

1 CLIP (RUNNING 00:19:46.903)

 Before you signed this, did you write in here ...

JT10001

38 SEGMENTS (RUNNING 00:19:46.903)



1. PAGE 96:08 TO 96:11 (RUNNING 00:00:27.763)

08 Q. Before you signed this, did you write in here
 09 anywhere that you would not abide by Paragraph 19.4?
 10 A. I don't believe so.
 11 Q. Why not?

2. PAGE 96:13 TO 96:14 (RUNNING 00:00:03.531)

13 THE WITNESS: Because it's difficult to know
 14 what outside activity is.

3. PAGE 96:16 TO 96:21 (RUNNING 00:00:21.545)

16 Q. Then why did you agree on that as a
 17 definition?
 18 A. This is what the bargaining team came back
 19 with, and what the bargaining unit voted on.
 20 Q. You voted in favor of that too, right?
 21 A. I believe so.

4. PAGE 103:14 TO 104:10 (RUNNING 00:01:08.565)

14 A. There was one notice in December, and then
 15 there was the final notice in January.
 16 Q. Okay. In response to any of those, did you
 17 file a grievance?
 18 A. Did -- I still don't -- I still don't
 19 understand your question.
 20 Q. Was a grievance in response to any of those
 21 notices, November, December, January, was a grievance
 22 filed by you or on your behalf?
 23 A. In November, December, January?
 24 Q. Uh-huh.
 25 A. For any of the three letters.
 00104:01 Q. Yeah.
 02 A. I was relying on the union's representation
 03 and the representation of the FEA, the appointed
 04 attorney.
 05 Q. I'm not asking you who you were relying on.
 06 I'm asking you whether a grievance was filed on your
 07 behalf; yes or no?
 08 A. Was there one filed on my behalf?
 09 Q. Yes, sir.
 10 A. No.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

5. PAGE 105:13 TO 105:20 (RUNNING 00:00:32.198)

13 A. Now let me -- let's go back a moment.
14 Because the situation from the time that I received the
15 Notice of Intent to Terminate to the letter being
16 issued essentially confirming my termination, I was
17 represented by counsel who was appointed by FEA.
18 Q. Who was your lawyer?
19 A. His name was Tom Johnson.
20 Q. Did Mr. Johnson know how to file a grievance?

6. PAGE 105:22 TO 105:22 (RUNNING 00:00:00.903)

22 THE WITNESS: I don't know.

7. PAGE 105:24 TO 106:08 (RUNNING 00:01:07.090)

24 Q. He is a union lawyer, right?
25 A. I believe so. And I believe he also does
00106:01 First Amendment law.
02 Q. So Mr. Johnson represents you until when?
03 Does he still represent you?
04 A. He represented me until mid-January.
05 Q. And then what happened?
06 A. And then I retained Mr. Leo.
07 Q. How many grievances did you participate in in
08 any capacity during your time at FAU?

8. PAGE 106:10 TO 106:11 (RUNNING 00:00:04.050)

10 THE WITNESS: As a faculty member, as the
11 union president or?

9. PAGE 106:13 TO 106:21 (RUNNING 00:00:26.656)

13 Q. Yeah. Well, I know you told me about one in
14 2013, individually.
15 A. Uh-huh.
16 Q. Did you file any other or have any other
17 filed on your behalf? Let's start with that, other
18 than the one in 2013?
19 A. There were two filed in 2013.
20 Q. Okay. But both on your behalf?
21 A. Yes.

10. PAGE 145:15 TO 146:03 (RUNNING 00:00:50.039)

15 Q. The Culture of Conspiracy class that you
16 taught, did the university need to approve your
17 teaching that?
18 A. Teaching this syllabus?
19 Q. Course, yes, sir.
20 A. By university, I'm not sure.
21 Q. FAU. Did you say, look, I want to teach a
22 class called Culture of Conspiracy. Do you have to
23 pitch them or go in and say this is what I would like
24 to teach. And do they then say, okay, fine, go ahead?
25 A. It would have to be reviewed. It would have
00146:01 to be discussed with an administrator, I believe,
02 and/or the curriculum committee would likely have to
03 discuss it.

11. PAGE 167:07 TO 167:19 (RUNNING 00:00:45.938)

07 Q. Now, I see in the second topic on Exhibit 10
08 is the Sandy Hook Elementary School Shooting, Questions
09 Findings And Analysis by the Alternative Media; do you
10 see that?
11 A. Yes.
12 Q. And then three up from the bottom, the
13 Biopolitics of Mass Shootings and Sandy Hook Massacre;

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

14 do you see that?

15 A. I do.

16 Q. That was going to be your topic, is that
17 right?

18 A. That's something that I was developing as a
19 writing project, a scholarly writing project.

12. PAGE 174:15 TO 175:13 (RUNNING 00:01:33.529)

15 Q. Well, let's get to the time that really
16 matters, 2015. Did they tell you to fill out the form
17 to put all the information down, UFF?

18 A. What time in 2015?

19 Q. Any time?

20 A. Which UFF representative?

21 Q. Any of them.

22 A. As I recall this was part of the discussion
23 with Zoeller, Defendant Zoeller.

24 Q. And what did Mr. Zoeller tell you to do?

25 A. Well, I was confused at the time.

00175:01 Q. Okay. Well, what did he tell you?

02 A. He told me to fill out Outside Activity
03 Forms.

04 Q. I didn't sit in on -- I know depositions were
05 taken earlier in the case and I didn't sit in on them
06 all. But I heard, I guess it was Mr. Zoeller or
07 Mr. Moats say that there is a policy with this stuff,
08 and the policy is you don't -- you do what they tell
09 you and then you fight later. And what they said they
10 told you was to go ahead and fill out the form, and
11 then if you got in trouble because of what you put on
12 the form, you could fight that with a grievance
13 process. Is that what they told you?

13. PAGE 175:15 TO 175:17 (RUNNING 00:00:06.706)

15 THE WITNESS: They told me to fill out the
16 forms, which I did. And then they did not defend
17 me.

14. PAGE 189:17 TO 189:20 (RUNNING 00:00:11.109)

17 Q. Do you recognize what I gave you, which is
18 marked as Exhibit 14?

19 A. Yes.

20 Q. What is that?

15. PAGE 189:21 TO 189:24 (RUNNING 00:00:13.826)

21 A. That is an article that is published at
22 Global Research.

23 Q. And in order to prepare this article, did you
24 use your computer at FAU?

16. PAGE 189:25 TO 190:02 (RUNNING 00:00:06.930)

25 A. I don't recall, but if the draft is what is
00190:01 affixed then and you found it on my computer, then I
02 likely did.

17. PAGE 206:24 TO 207:01 (RUNNING 00:00:08.122)

24 Q. Would you agree that the collective
25 bargaining agreement doesn't state that outside
00207:01 activities have to be approved, just reported?

18. PAGE 207:03 TO 207:04 (RUNNING 00:00:02.605)

03 THE WITNESS: Outside activities have to
04 be -- I'm sorry, proved?

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

19. PAGE 207:06 TO 207:08 (RUNNING 00:00:04.762)

06 Q. Don't have to be approved.
07 A. Don't have to be approved.
08 Q. You just have to report them.

20. PAGE 207:11 TO 208:12 (RUNNING 00:01:46.435)

11 Q. Do you agree with that statement?
12 A. How so?
13 Q. Do you think that's accurate, according to
14 the Collective Bargaining Agreement that FAU doesn't
15 have to approve your outside activities. You just have
16 to report them.
17 A. Well, there is a question about what
18 constitutes an outside activity. Does it involve
19 personal activity on Facebook or twitter or a blog or
20 does it have to do with in the spirit of Chapter 112
21 part 3, some sort of conflict of interest with the
22 state of Florida as a Florida employee.
23 Q. Well, I really can't answer that. What I can
24 tell you is if it's something that constitutes an
25 outside activity under the Collective Bargaining
00208:01 Agreement, you would agree that you have to report it?
02 A. I would agree that we first have to define
03 what an outside activity is.
04 Q. Okay.
05 A. Once that's done, then I think that one could
06 move forward in a more honest and forthright way in
07 implementing the policy.
08 Q. You write in your own letter here, the CBA
09 does not state that the outside employment activity has
10 to be approved, it only has to be reported. You wrote
11 that in your own letter, didn't you?
12 A. Okay. Yes.

21. PAGE 223:24 TO 224:01 (RUNNING 00:00:07.555)

24 Q. If FAU was concerned about the safety of its
25 faculty and staff, would you agree that they had a
00224:01 right to act on those concerns?

22. PAGE 224:04 TO 224:07 (RUNNING 00:00:09.138)

04 Q. I guess I'd throw students in there too, if
05 they were worried about the safety of their student,
06 staff and faculty because of your posts and things of
07 that nature?

23. PAGE 224:09 TO 224:09 (RUNNING 00:00:01.070)

09 THE WITNESS: At what time?

24. PAGE 224:11 TO 224:15 (RUNNING 00:00:18.262)

11 Q. In 2013.
12 A. In January of 2013?
13 Q. Yes, sir.
14 A. Would it be -- what would be the cause of
15 their sense of endangerment.

25. PAGE 224:22 TO 224:23 (RUNNING 00:00:05.445)

22 Q. Do they have a right to act on that if they
23 think your blogging puts people at risk?

26. PAGE 224:25 TO 225:01 (RUNNING 00:00:03.137)

25 THE WITNESS: Is there evidence of that
00225:01 that's been investigated?

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

27. PAGE 225:03 TO 225:04 (RUNNING 00:00:05.003)

03 Q. I don't know. I'm just asking if there were,
04 hypothetically.

28. PAGE 225:06 TO 225:12 (RUNNING 00:00:32.079)

06 THE WITNESS: Well, I had been blogging for
07 months prior to January of 2013 and I had a
08 twitter account long before that. In fact, I
09 began blogging for UFF when I was the president.
10 There were never any threats made to any members
11 of the FAU community between 2009 and 2012. I was
12 active online then.

29. PAGE 225:14 TO 225:23 (RUNNING 00:00:35.681)

14 Q. Is it no one -- so as a result of your
15 blogging and your activities, no one ever threatened
16 you?
17 A. At what time?
18 Q. Any time. You are sending out these belongs
19 and things like that. Did you receive any threats?
20 A. Well, publishing the blog some articles
21 online, I mean, that's my right as a citizen.
22 Q. Understood. As long as it doesn't put others
23 in jeopardy, I think that's fair, right?

30. PAGE 225:25 TO 226:03 (RUNNING 00:00:12.573)

25 THE WITNESS: Am I putting others in
00226:01 jeopardy? I don't think it's me. I think that
02 it's the publicity of the media that are fanning
03 flames.

31. PAGE 226:09 TO 226:25 (RUNNING 00:01:56.270)

09 Q. Do you recognize this document?
10 A. Yes.
11 Q. What was this document for?
12 A. It was a manuscript for a chapter in an
13 edited volume.
14 Q. That you wrote?
15 A. Yes.
16 Q. And is everything you wrote in here true and
17 accurate?
18 A. At the time it was written, as far as I -- as
19 far as I know it was to the best of my knowledge.
20 Q. So as far as you know it was truthful to the
21 best of your knowledge; is that what you said?
22 A. Yes.
23 Q. Did you think it was reasonable for the
24 school to request a disclaimer on the actual page where
25 the article appears?

32. PAGE 227:02 TO 227:05 (RUNNING 00:00:08.994)

02 THE WITNESS: I didn't think it was entirely
03 necessary because anyone could go to the -- any
04 reasonable person could go to the About page and
05 find out about the website.

33. PAGE 227:07 TO 228:02 (RUNNING 00:01:29.748)

07 Q. Did you interview Mr. -- I guess it's
08 Mr. Cleary, Mrs. Cleary?
09 A. Cleary.
10 Q. Cleary, yes.
11 A. He was a Sun Sentinel reporter that
12 interviewed me.
13 Q. Oh, I'm sorry.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

14 A. Uh-huh.

15 Q. When he interviewed you, was that in your
16 role as an FAU professor?

17 A. He had contacted me and wanted to know about
18 the handful of articles that I had done on Sandy Hook.

19 Q. When you talked to Mr. Cleary, did you
20 discuss your classes?

21 A. This was in early January of 2013. Yes, I
22 believe I did.

23 Q. Would you say -- well, is it fair to say that
24 your Memory Hole blog was intended to establish a
25 website as a way to bridge a divide between your
00228:01 scholarly endeavors and your contemporary political
02 views and events?

34. PAGE 228:04 TO 228:04 (RUNNING 00:00:03.000)

04 THE WITNESS: What page are you reading from?

35. PAGE 228:06 TO 228:07 (RUNNING 00:00:03.984)

06 Q. I can't honestly tell you. It's in my notes,
07 so it's in there somewhere but.

36. PAGE 228:11 TO 229:09 (RUNNING 00:01:27.874)

11 Q. It's either accurate or it's not, whether you
12 wrote it or you didn't.

13 A. Well, it would be helpful to -- every quote
14 has a context, every quote has a -- there is a date, of
15 course, when it -- when it was uttered or written.

16 Q. Uh-huh. Okay.

17 It's in here somewhere. That's fine. We
18 don't have to wait for you to read the whole thing.

19 I guess it's Paragraph 3, you don't have to
20 read very far. Thank you.

21 It looks like that's what you wrote, doesn't
22 it?

23 A. Paragraph 3.

24 Q. Yes, sir. I was a late comer to blogging.
25 Establishing a website in March 2012 was a way to
00229:01 bridge a divide between my scholarly endeavors and
02 contemporary political issues and events.

03 A. Well, I think what I was attempting to
04 express there is that there is a distinction between
05 the two, between scholarship academic work and
06 pedestrian work. And we had discussed this earlier
07 concerning research.

08 Q. You weren't trying to bridge the divide
09 between the two of them, huh?

37. PAGE 229:11 TO 229:13 (RUNNING 00:00:03.437)

11 THE WITNESS: Well, it depends what one means
12 by bridge.

13 MR. CURLEY: You wrote it.

38. PAGE 233:01 TO 234:12 (RUNNING 00:02:21.351)

00233:01 Q. Yeah, you wrote -- let me quote it: Since
02 money would be passing hands, this surely would make
03 filing such a form appropriate.

04 Your words, right?

05 A. Yeah, I was approached by a media outlet that
06 wanted to -- or was considering bringing me on as a
07 contributor, and there was the discussion of funds.
08 And I was seeking clarification in that regard because
09 I realized that based upon David Williams' explanation
10 that outside activity is equivalent to employment, then
11 it would be necessary for me to fill out one of the

Tracy v FAU Video Only

12 outside activity forms.

13 Q. You were asking David Williams for
14 clarification, is that what you were doing?

15 A. I was at the same time that I was
16 communicating with the union officers.

17 Q. Did David Williams negotiate the Collective
18 Bargaining Agreement, is he the person who put the
19 language in there? Did he play a role in Exhibit 1
20 or 2?

21 A. He's an administrator.

22 Q. Uh-huh.

23 A. He is a FAU administrator. So he along with
24 Defendants Coltman, Alperin, they should all know how
25 the Outside Activity Policy functions. And yet,
00234:01 Defendant Alperin did not define it or explain it on
02 September 4, 2015 at the FAU faculty senate meeting,
03 nor could anyone else present.

04 Q. Do you think that the president of the
05 chapter of the union who signs the Collective
06 Bargaining Agreement should know?

07 A. Not necessarily because it was not used to
08 target faculty as it was in 2015. The use of the
09 policy to specifically target faculty and faculty
10 speech and ideas was what was brought to the floor in
11 2015 by Defendant Kelly, Defendant's Kelly
12 administration.

 **Tracy, James (Vol. 01) - 07/26/2017**

1 CLIP (RUNNING 00:05:52.197)

 Did the FAU ever tell you that you could not ...

JT20001

9 SEGMENTS (RUNNING 00:05:52.197)



1. PAGE 68:02 TO 68:09 (RUNNING 00:00:40.927)

02 Q. Did the FAU ever tell you that you could not
03 blog? Let's start with that.

04 A. Well, I think we would argue that they fired
05 me because of my blogging, under a pretext, but was
06 there anything overt, specific, stated by an FAU
07 administrator, concerning my blogging to prohibit it?

08 Q. Yeah, knock it off. Hey, Professor Tracy, no
09 more blogging. Anybody do that?

2. PAGE 68:11 TO 68:25 (RUNNING 00:01:01.276)

11 THE WITNESS: Not in those words, but if you
12 take, for example, the opinion piece that was
13 written dually for the Sun Sentinel and the Palm
14 Beach Post by, I believe, Patricia Kollander and
15 Jeffrey Morton, and Thomas Lewis, I believe in
16 sociology.

17 All of these people were former
18 administrators. I think one of them at the time was
19 functioning as an administrator at FAU, requesting
20 that I resign.

21 This was published on or around April of 2013,
22 as has been discussed elsewhere in other
23 testimonies in this case.

24 I think that that certainly is a message that
25 they were disapproving of my blogging.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

3. PAGE 79:20 TO 79:22 (RUNNING 00:00:05.472)

20 Q. Is there anything in there that says before
21 you speak outside of the university, you need somebody's
22 permission?

4. PAGE 79:24 TO 79:24 (RUNNING 00:00:00.982)

24 THE WITNESS: Verbatim?

5. PAGE 80:01 TO 80:02 (RUNNING 00:00:05.220)

00080:01 Q. Well, show me whatever language you think
02 prohibits you from speaking.

6. PAGE 80:04 TO 80:09 (RUNNING 00:00:22.436)

04 THE WITNESS: Again, this is the way in which
05 it is constructed, and so, I think that my response
06 has to be in the appropriate context.
07 The way in which this language is constructed,
08 the way in which this is applied, but to respond to
09 your question, specifically --

7. PAGE 80:11 TO 80:16 (RUNNING 00:00:06.556)

11 Q. Sure.
12 A. Is that language in there?
13 Q. Yeah.
14 A. That speech, prohibits your speech?
15 Q. Right.
16 A. No.

8. PAGE 113:07 TO 114:09 (RUNNING 00:01:37.586)

07 Q. Are you writing a book?
08 A. I'm in the process now of setting up my home
09 office, and I've been -- I don't know if I mentioned
10 this in the May 2nd deposition, but I've been without
11 office space, so that's been something of a hindrance,
12 and I'm in the process of reestablishing that venue now,
13 so yeah, I attempt to proceed with those projects along
14 those lines of both projects, both my projects.
15 Q. You haven't started anything yet?
16 A. Well I had something underway in 2015, and
17 that was halted temporarily because of the determination
18 and suing litigation and not having office space was a
19 hindrance as well, so I intend to continue with that
20 with an edited volume, and there's still interest by the
21 publisher on that project.
22 Q. What was it that you were working on in 15?
23 Was it a book?
24 A. Yeah.
25 Q. And when did you start working on that?
00114:01 A. That must have been in -- I would say in 2014.
02 Q. Okay. Without getting into too much detail
03 what's -- what is the subject of the book? I don't want
04 you to give away your --
05 A. Right.
06 Q. Thought process.
07 A. Well, intrigue surrounding, surrounding the
08 government and conspiracies and so forth, research in
09 that realm.

9. PAGE 120:07 TO 121:04 (RUNNING 00:01:51.742)

07 Q. Okay. Were some of these honorariums for
08 contribution to the Boston Marathon bombing article that
09 you wrote?
10 A. Yeah. They did two volumes. One was called
11 Nobody Died at Sandy Hook, and the second was And Nobody

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

12 Died in Boston Either. And the payments were \$100 per
13 chapter or what effectively were -- posts.
14 And so, there was a book subsequent to this.
15 Orlando, which has a lengthy title, Orlando and Beyond,
16 or something, but I was asked to write a brief --
17 actually it was a revision to a chapter. This was in
18 mid-2016.
19 And then there was another chapter to the second
20 edition of Nobody Died at Sandy Hook, which I wrote in
21 January of 2016 after my termination. That really is
22 the only original thing that I wrote for that -- for his
23 series. And that had to do with the specifics of the
24 termination itself and the media and so forth.
25 So, all in all, there were eight chapters or the
00121:01 equivalent, and that's reflected in the payments of 200,
02 400, and the \$200 payments, \$800 total.
03 Q. \$100 per chapter.
04 A. Yes.

 **Tracy, James (Vol. 02) - 07/26/2017**

1 CLIP (RUNNING 00:10:35.012)

 Okay. Let me get you to look at the third ...

JT30001

6 SEGMENTS (RUNNING 00:10:35.012)



1. PAGE 220:14 TO 221:17 (RUNNING 00:01:42.022)

14 Q. Okay. Let me get you to look at the third
15 page of the document, which is the report of outside
16 activities.
17 A. Yes.
18 Q. Okay. In here you declare Global Research; do
19 you see that?
20 A. Yes, uh-huh.
21 Q. Why did you submit Global Research in response
22 to this?
23 A. Because of -- this was done under the -- under
24 coercion, under extreme pressure, by the administration;
25 specifically Defendant Coltman.
00221:01 Q. Did she tell you to write Global Research?
02 A. Did she tell me to write Global Research.
03 Q. Yeah.
04 A. I had previously looked at these back in 2013
05 and I did not think that that was appropriate.
06 Q. So why did you write Global Research then?
07 A. It was under duress.
08 Q. Did she tell you to write Global Research?
09 A. Defendant Coltman?
10 Q. Yeah.
11 A. Well, this is something that we had discussed
12 back in 2013. They were under -- they were proceeding
13 with the idea, however poorly informed, that this was
14 outside activity, and thought this is what they wanted
15 to see.
16 Q. Did they say Global Research is outside
17 activity; you need to put it in your form?

2. PAGE 221:19 TO 221:20 (RUNNING 00:00:05.642)

19 THE WITNESS: This is what they were inquiring
20 on back in 2013.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

3. PAGE 221:22 TO 223:02 (RUNNING 00:02:48.949)

22 Q. I thought the inquiries were about your blog,
23 Memory Hole.
24 A. Well, it was about Global Research as well.
25 Q. Well, why isn't Memory Hole in here?
00222:01 A. Did the university ask for it? Did the
02 administration ask for it?
03 Q. I don't know, did they?
04 A. No, they just fired me.
05 Q. So they didn't ask for it?
06 A. They just fired me.
07 Q. Okay. What about Global Research; did they
08 ask for that?
09 A. Did they ask for me to put this -- to put
10 Global Research on the form?
11 Q. That's my question.
12 A. Well, Dean Coltman, Defendant Coltman writes
13 on Friday, December 11th, second page of this document.
14 I am writing to reiterate clearly that you must file
15 report on outside employment professional activity forms
16 for 2013-2014, 2014-2015 and 2015-2016 as required by
17 university policy article 19 of the collective
18 bargaining agreement as directed by me in my notice of
19 discipline dated November 20th of 2015. Actually, it's
20 November 10th -- dated November 10th of 2015.
21 I was under the impression that this is what they
22 wanted for me to produce. And if I produced this I
23 would -- I would have complied and not be terminated.
24 Q. You say that -- my question is, did they tell
00223:01 you to put Global Research in there, and I don't see
02 that email anywhere. Is that somewhere in Dean
Coltman's email that I don't see?

4. PAGE 223:06 TO 223:06 (RUNNING 00:00:01.569)

06 THE WITNESS: I don't see it in there either.

5. PAGE 224:03 TO 224:16 (RUNNING 00:00:49.000)

03 Q. Okay. So, I asked you about why you put
04 Global Research in here. And the next one, what is
05 this? I can't quite read that one.
06 A. Truth Frequency Radio.
07 Q. Okay. What is that?
08 A. That is the network in Colorado that's where
09 the podcast appears.
10 Q. Okay. Why did you disclose that one?
11 A. I frankly don't know. I was confused. They
12 certain don't employ me.
13 Q. Okay. Now, how much time did you spend on
14 Truth Frequency?
15 A. Well, once again, that's the weekly podcast.
16 So, it's a few hours a week.

6. PAGE 233:21 TO 236:09 (RUNNING 00:05:07.830)

21 Q. Okay. I'm going to hand you 49. You
22 recognize this email?
23 A. Yes, uh-huh.
24 Q. And the bottom looks like an email you wrote
25 to Michael Clary (phonetic). Who is he?
00234:01 A. He's the reporter at the South Florida
02 Sun-Sentinel who wrote a rather inflammatory piece about
03 me that was published on or around January 7th of 2013.
04 Q. You write in your email to Mr. Clary: I am
05 writing manuscript on that episode and would like to
06 clarify something for the record. Do you see that?
07 A. Yes.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

08 Q. And did you send a draft of the manuscript?
09 A. No.
10 Q. What was the manuscript about?
11 A. Well, I -- I think this was the -- when I say
12 manuscript, it was not for a book. It was for an
13 article, a chapter in a book that was edited by Joe
14 Ucsinski, who's at University of Miami.
15 Q. Joe Zinski?
16 A. Joe -- it's U-C-S-I-N-S-K-I.
17 Q. Okay.
18 A. It's not as many syllables as Chossudovsky.
19 Q. Right.
20 A. But I think it's U-C-S or U-S-C. I always get
21 that mixed up. But I think that book is, in fact, in
22 its final stages and the final draft is due shortly.
23 Q. All right. And you were working on that in
24 May of 2015; is that right?
25 A. I was working on early draft.
00235:01 Q. Do you have copies of that?
02 A. I believe that that has been produced.
03 Q. You do?
04 A. I think that it has. I can doublecheck.
05 Q. And what did -- if I was looking for it, how
06 would I know that I've got it; what does it look like;
07 what is it called?
08 A. You brought it up, and I believe produced a
09 copy of it at the -- on May 2nd because we were talking
10 about the bridge between academic work and extra-
11 curricular activity.
12 Q. Is it called James Tracy FAU Professor
13 Disputes Sandy Hook Massacre Account or --
14 A. No, that's the title of his article.
15 Q. Right.
16 A. That appeared in January 2013.
17 Q. What's it called? Because it just says in
18 here I'm writing a manuscript of that episode. What
19 episode are we referring to?
20 A. What transpired from January through April or
21 May of 2013 concerning the media and that disciplinary
22 measures and so forth.
23 Q. Okay. At that point in time, what were you
24 intending to do with it?
25 A. I believe that it was going to submitted to
00236:01 that edited volume.
02 Q. Which volume?
03 A. The one that Uscinsky was editing, I believe.
04 Q. Okay. All right. Thank you.
05 Do you expect to be compensated for that or were
06 you hoping it would produce revenue?
07 A. No.
08 Q. It was a labor of love? No compensation?
09 A. Labor of a scholar.

 **Tracy, James (Vol. 03) - 08/18/2017**

1 CLIP (RUNNING 00:05:58.347)

 With your name on them, correct? ...

JT40001

5 SEGMENTS (RUNNING 00:05:58.347)



Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

1. PAGE 9:07 TO 10:04 (RUNNING 00:01:40.539)

07 Q With your name on them, correct?
08 A Yes.
09 Q And that you wrote, correct?
10 A That I wrote for my blog.
11 Q You didn't approve the use of your articles in
12 the book Nobody Died at Sandy Hook?
13 A As I explained to Mr. Curley, I think more
14 than once, in earlier portions of this deposition, this
15 book was put together in a rather hasty fashion. The
16 editor asked if he could use I think some of my material
17 and I said I had no problem with that and that is how
18 the essays, how the posts ended up in the book.
19 Q And in fact, didn't the revenue generated from
20 the book Nobody Died at Sandy Hook, in part go towards
21 your legal defense fund in this case?
22 A I believe so, I don't have access of the
23 accounting records of Wrongs Without Wremedies, that's
24 W-R-O-N-G-S W-I-T-H-O-U-T W-R-E-M-E-D-I-E-S. I don't
25 have access to their accounting, I don't know, that's my
00010:01 understanding that some of the proceeds from Nobody Died
02 at Sanok the following year in 2016 were devoted to my
03 legal defense fund. There were remittances that were
04 paid.

2. PAGE 30:23 TO 31:11 (RUNNING 00:02:29.006)

23 Q We're done with Exhibit 4. Here we have what
24 we've marked as Exhibit 5. I represent to you that this
25 is not an article that you drafted, but it is an article
00031:01 that discusses you. My first question, do you recognize
02 this particular article on Jim Fetzer's blog?
03 A Yes. It's been a while since I've read it.
04 Q But you do recognize this article?
05 A I believe so, yes.
06 Q Did you read this article on Jim Fetzer's
07 blog, regarding you, around the time it was published in
08 December of 2015?
09 A Well, I think this was another article that
10 was republished but I think I likely read it when it was
11 posted.

3. PAGE 45:04 TO 45:09 (RUNNING 00:00:29.413)

04 Q And was this article that you wrote
05 republished on Jim Fetzer's blog?
06 A Yes, I think that also there should be the URL
07 to this article that was provided to you in earlier
08 documents. So, there's a link to it as well that was
09 previously provided for my blog.

4. PAGE 70:09 TO 70:20 (RUNNING 00:00:38.960)

09 Q But this piece is titled Nobody Died at Sandy
10 Hook and immediately below that title is your name,
11 correct?
12 A Yes.
13 Q And the article begins, the attack upon me and
14 Jim Fetzer, PH.D., correct?
15 A Yes, that's correct. That's about, I think,
16 the only thing that I really did notify.
17 Q Would you agree that this submission is
18 written from your perspective and gives the impression
19 that you are the author?
20 A It does because I included my byline, yes.

Case Clip(s) Detailed Report
Thursday, April 19, 2018, 10:57:39 AM

Tracy v FAU Video Only

5. PAGE 73:02 TO 73:14 (RUNNING 00:00:40.429)

02 Q That's not my question, sir.
03 A You're doing, this is the same sort of shaming
04 that the Sun Sentinel has done, that the other media
05 have done in terms of seeking the pigeon hole of my
06 perspective of the Sandy Hook event.
07 Q Sir, I'm not trying to shame you at all. I'm
08 trying to understand whether or not you believe the
09 statement in the article you submitted to a newspaper
10 for publication. Do you believe that the Pozner's are as
11 phony as the drill itself and profiting handsomely from
12 the fake death of their son?
13 A I think that there's a good amount of evidence
14 to suggest that, yes.

TOTAL: 5 CLIPS FROM 5 DEPOSITIONS (RUNNING 01:12:53.820)