WIDENER UNIVERSITY SCHOOL OF LAW

IN THE MATTER OF :
:
Professor Lawrence J. Connell :

FIRST AFFIDAVIT OF LAWRENCE J. CONNELL

State of Delaware :
: SS
County of New Castle :

I, Lawrence J. Connell, having been duly sworn, hereby depose and state as follows:

1. This affidavit is based upon my personal knowledge. I am competent to testify.

A. Employment Background.

2. I am an Associate Professor of Law at the Widener University School of Law in Wilmington, Delaware.

3. I have been employed by Widener since the fall semester of 1984, when I was hired as an instructor to teach Legal Methods to first-year students. In 1986 I was appointed an Assistant Professor of Law and named Director of the Postconviction Relief Clinic. From 1986 to 1988 I also served as the Acting Director of the Delaware Civil Clinic, as well as the Interim Legal Director of Delaware Volunteer Legal Services, Inc. After being promoted to Associate Professor of Law, I was granted in 1992 what was then known as Track 2 tenure, which was a form of tenure that emphasized teaching rather than the Track 1 emphasis on scholarship. Track 2 tenure was developed primarily to provide employment security for clinical professors. Only two other professors, to my knowledge, were granted Track 2 tenure before the tenure rules were once again changed to a single form of tenure that eliminated the previous distinctions.

4. In or about 1997, I was appointed a co-Director, with Professor Francis Catania,

of the law school's externship program. In August 2010 Vice Dean Patrick Kelly informed me that Dean Linda Ammons had decided to remove me from that position effective January 1, 2011. I had no conversation with Ammons about her decision. Kelly further informed me that Professor Sydney Howe-Barksdale, an untenured, non-tenure track administrator was to be my successor.

5. I began teaching Criminal Law in 1986. Widener is unique among law schools in that its clinical professors have always been required to teach doctrinal classes in addition to their clinical responsibilities. Criminal Law is a required class at Widener for first-year students, and my class size has varied from about 60 students to more than 120, though in recent years generally much closer to the smaller number, rather than the larger.

B. Statistics on the Size of My Classes.

6. The complainants are two (2) of 67 students who were enrolled in my spring semester 2010 Criminal Law class. Six months after the Criminal Law classes ended, the complainants teamed up with two (2) students (known to me only as Witnesses 'B' and 'C') from my fall semester 2010 Criminal Procedure Section B, to complain to the administration about my 'racist' and 'sexist' behavior. Sixty-seven (67) students were enrolled in my Criminal Procedure Section B class. I also taught in the fall semester a Criminal Procedure Section A class in which 56 students were enrolled. To my knowledge, no students in Section A complained to the administration about my being either a 'racist' or a 'sexist.' Moreover, none of the approximate 60 externs that I supervised at any time in 2010 expressed to the administration similar views.

7. In short, based on the word of 4 out of 250 students enrolled in my courses in

2010, Ammons and Kelly have declared me to be not only unfit to teach, but also a threat to the community's safety.

C. My Teaching Methodology.

8. Criminal law involves the study of why we punish certain individuals (criminals) at all, as well as why we place them in rigid legal categories (crimes) that largely determine the punishment they will receive. By definition, the study of criminal law requires discussion of violent, degrading human behavior that may offend normal sensibilities.

9. My approach to teaching criminal law has been to use a casebook that is rich with examples, problems and scholarly commentary about criminal law. Rather than focus on teaching common law crimes and their elements, I use the Kaplan and Weisberg casebook that employs the Model Penal Code as its common thread. I believe that if students can learn to use a single, relatively coherent statutory code, they will be prepared to use whatever statutory codes have been adopted in the states in which they will practice. Moreover, most state codes are modeled in varying degrees upon the Model Penal Code, and employ its *mens rea* or mental state provisions.

10. Thus, our criminal law classes entail considerable discussion about the nature and relationship of an actor's mental state to his culpability. As a practical matter, the great bulk of cases and examples in which these relationships can be explored involve violent, assaultive conduct that often results in death. They involve reprehensible behavior and deplorable results. My approach, therefore, is to try and lighten the atmosphere by using absurd hypothetical problems to illustrate application of the rules. The hypotheticals often involve me, the students, and other law school actors familiar to the students. The law school actors have included, among

others, Dean Ammons and her white male predecessors as well. The hypos engage the students, and the familiar characters enable them to remember the underlying rules and application.

11. To ensure that students are not lulled into believing that the analysis of cases in the book and my absurd hypos is simply an intellectual exercise, I also talk about cases in which I was involved both before I came to Widener and after, in the Postconviction Relief Clinic, as well. I also talk occasionally about cases that my third-year externs have encountered. A point I try to emphasize is that "cases" involve real people – victims, defendants, and their families -- who have suffered and have caused suffering. Using cases from the Clinic and from the externs has the additional benefit, I believe, of enabling students to envision themselves as soon-to-be actors in the system.

12. For nearly a quarter century of criminal law classes, students and I have been colleagues in crime in hypothetically planning and carrying out many a successful, as well as botched, robbery and shooting at the Wawa on Naaman's Road (complicity, conspiracy, attempt, felony-murder, intentional murder, grossly reckless murder, manslaughter and criminally negligent homicide). In some hypos I have been the victim of students who have pushed or punched me, or tried to plunge a Bowie knife into my chest. I generally manage to repel these make-believe assaults with my trusty .357 magnum. (self-defense, proportionality of force).

13. More often, however, I am the perpetrator of various heinous crimes. For example, each year my plan to kill their Contracts professor by placing a bomb in the class following mine is foiled when Dick Tracy discovers and disables the bomb before it explodes. (attempted murder) I have also made hypothetical appearances outside the window of my students' Property class and discharged my imaginary M-16 into their classroom just to see looks

on their terrified faces. Occasionally a student is hypothetically struck and killed by one of my stray bullets, but most often the bullets never graze anyone in the room (murder, attempted murder, reckless endangering).

D. NUMBERED ANSWERS TO THE STUDENT ALLEGATIONS FOUND IN DEAN AMMONS' STATEMENT OF REASONS TO TERMINATE MY EMPLOYMENT

14. I reply as follows to the four page Statement of Reasons to dismiss me for cause lodged against me by Dean Ammons dated February 24, 2011.

15. In paragraph number 2 of the Background, Ammons provides that the "[s]pecific allegations [against me] included, but were not limited to, the following:"

a. "a person who is shooting at black folks [is] less dangerous than a person who is shooting randomly."

Answer: The allegation is denied. I never made such a statement. The person making the allegation is biased with their own private agenda but lacking knowledge of that person's identity, I am unable to provide additional specificity as to bias.

16. In perhaps the second class of January 2010, the class discussed the case of *Apprendi v. New Jersey.* The defendant Apprendi entered a guilty plea to a weapons offense after shooting into the home of a black family that had moved into a previously all-white neighborhood. After he was arrested, Apprendi made a statement – which he later retracted – that while he did not know the owners of the home personally, "because they are black . . . he does not want them in the neighborhood." The statutory sentence for the weapons offense ranged from 5 to 10 years. A separate statute allowed a judge to "extend" the sentence to 10 to 20 years if the defendant were found to have committed the weapons offense "with a purpose to

intimidate on account of race." The trial judge sentenced Apprendi to 12 years, outside the range specified for the weapons offense, but within the range of the sentencing enhancement statute.

17. Apprendi argued that any finding of fact to justify his enhanced sentence must be determined by a jury and not by a sentencing judge. The Supreme Court agreed, holding that Apprendi's sentence violated the Due Process Clause.

18. Because the *Apprendi* case came at the end of the first chapter on the purposes and limits of punishment, I raised the question of whether there were any retributive or utilitarian purposes for enhancing Apprendi's punishment, assuming he had intended to shoot into the house because its occupants were black. I asked the class, in effect (this occurred more than a year ago), the following hypothetical: "What if Apprendi were a psychopath who had shot into the home because the people who lived there had red hair and Apprendi simply hated people with red hair? Would he be less deserving of punishment than the real Apprendi (referring to the retributive arguments)? Would he be any less dangerous than the real Apprendi (referring to the utilitarian arguments)?"

19. What followed was some discussion of whether the real Apprendi or the hypothetical psychopathic Apprendi should be punished more severely and the reasons why. I closed the discussion by acknowledging that there may be some legitimate utilitarian reasons (e.g., deterrence of racial motivated crimes) to sentence Apprendi more harshly, other utilitarian reasons, such as the need for incapacitation, the real and the hypothetical Apprendi are at least equally dangerous.

20. I did, however, question whether Apprendi's actions were, for retributive purposes, any worse than the hypothetical shooter's. I noted that one of the objections to such

"hate crime" sentencing enhancements is that they come dangerously close to violating one of the fundamental principles of the criminal law: that we do not punish for bad thoughts alone. On the other hand, if motive for committing a crime is a fair consideration for punishment, there remains the risk in cases like Apprendi's that the public may see such "hate crime" enhancements as creating a preferred class of victims based on race. I added that, from the viewpoint of their respective victims, as well as the degree of trauma or harm they may have suffered, there was no reason to believe that Apprendi and the hypothetical shooter should be treated any differently from one another.

21. From that discussion, the complainants opine in their initial letter that I am "unsympathetic to the victims of racially motivated crimes," a conclusion that appears to have tainted their view of me from first week of the semester.

22. Paragraph 2 again alleges -

b. "You mean to tell me, if you see two black men walking, you are not going to cross the street;"

Answer: This allegation is denied. This is an inaccurate, misleading statement, taken completely out of the context of a conversation I had with several students, presumably including at least one of the complainants, after a class.

23**.** During the class we had discussed the notorious case of Bernhard Goetz, who was ultimately acquitted of attempted murder charges in the subway shooting of "four youths," as the New York Court of Appeals put it, two of whom had demanded money from Goetz. In their initial letter to Ammons, the complainants objected to my telling the class that the "four youths" were black male teenagers and that Goetz was white. In one of only four specific

allegations raised in their initial letter, the complainants wrote: "**The case book did not mention anything about the races of the defendants and or** (sic) **victims. In class Professor Connell said that the 4 men were black and that the defendant was white."** (emphasis in original)

24. The complainants are correct that the casebook did not mention the race of the parties, but that I did. Nevertheless, a casebook note immediately following the Goetz opinion informed students that a jury eventually acquitted Goetz on all charges, including attempted murder, except for an illegal gun possession charge. Given the fact that Goetz shot at least one of the teens in the back when he appeared to present no threat to Goetz, one might ask how a jury conceivably could have acquitted Goetz. The answer required not only an exploration of his Goetz's mental state at the time of the shootings, but the jurors' as well.

25. That inevitably involved a discussion of the role of race in the outcome. Many folks at the time viewed Goetz as a hero who, in being prosecuted for attempted murder, was being victimized a second time by a tone-deaf prosecutor's office. Others, however, viewed Goetz as an unrepentant racist vigilante. In accepting Goetz's claim of self-defense, perhaps the jury viewed Goetz as having responded reasonably to the threat he faced. Or perhaps they believed that Goetz responded in an excessive manner, but feared that convicting him would discourage law-abiding citizens from defending themselves. Or maybe Goetz and the jurors were all simply unrepentant racists.

26. In any case, an examination of why a jury exculpated Goetz on all charges cannot avoid a discussing of the perspective of Goetz, a white man who encountered a group of black males demanding money from him.

27. An inescapable truth of violent crime in American cities is that it is

disproportionately committed by young black men. The unfortunate reality of urban crime explains why some people, of all races, fear young black men. While that fear may lead to unfortunate and erroneous stereotyping, it nonetheless exists. It is a fair question to ask whether Goetz experienced that fear and acted on it, or whether he never felt in imminent danger whatsoever. The fact that a jury acquitted Goetz requires examination of the jurors' mindsets as well.

28. To illustrate the pervasiveness of that fear, I mentioned (and I do not recall if I mentioned it both during the classroom discussion of Goetz, or only in the discussion after class) recalling a statement that was attributed to Rev. Jesse Jackson about the problem of urban black crime. I recalled Jackson reportedly saying that if he were approached by a group of young black men on a city street, he would cross the street in order to avoid contact with them. The point being that even Jesse Jackson felt some degree of apprehension around groups of young black men he did not know.

29. I recall staying after class that day to talk with several students. Because the Goetz case was the last in the self-defense lesson, we had what I thought was a wide-ranging discussion about self-defense principles generally and about the Goetz case specifically that lasted more than half an hour.

30. In discussing how the Goetz jury could conceivably have acquitted him, I recall telling the students how the crime rate in New York City at the time was nearly double that of any other American city. I noted that many New Yorkers felt besieged by out of control crime rate, and that young black men were a highly visible part of that problem. I expressed the view that the race of the "youths" most certainly affected Goetz's view of his situation. Whether or

not one agreed that his response was reasonable and proportionate was a different question.

31. One of the students – presumably one of the complainants – persisted in saying how she did not understand how the race of the teens on the subway could have made any difference. She said that, in a situation like Goetz's, the race of the teens would not concern her, but rather their dress or behavior would. I agreed that dress and behavior would be important indicators, but the perception of race cannot simply be ignored.

32. Recalling that the student, or one of the others in the group, had mentioned she was from Camden, I mentioned Rev. Jesse Jackson's observation and asked, "So if you were approached by a group of black male teens on a street in Camden, you would not cross the street? You wouldn't feel like Jesse Jackson? You wouldn't feel uncomfortable in any way?" The student responded, "No, I wouldn't."

33. Paragraph 2 again alleges -

c. "Reference to African Americans as 'black folks;'"

Answer: Admitted. I often refer to groups of people as "folks," a perfectly legitimate word in the Merriam-Webster dictionary. I address guests in my home as "folks." I address the students in my classes as "folks." For example, if this matter goes forward I will attach to this affidavit emails to this effect..

34. Paragraph 2 again alleges -

c. "Victim hypothetical using a female student coupled with the words 'Die Bitch;'"

Answer: This allegation is denied. I have never addressed the word to, nor used the word in connection with, any student. The person making the allegation is biased with their own private agenda, but lacking knowledge of the person's identity, I am unable to provide additional

specificity as to bias.

35. While I have never addressed the word “bitch” to any student, the word has been used pedagogically in class. This is another example of how my accusers have pulled my words out of context, reinterpreted them, and ascribed them back to me, complete with new and nefarious motivations. Like most first-year criminal law courses, we study the topic of voluntary manslaughter and the controversial “adultery” provocation. We discuss the rule’s origins in male homicidal violence against women, and the gender bias the rule continues to promote. We discuss how provocation as a mitigating principle was perceived by some courts to be a partial excuse, while other courts viewed it as a partial justification.

36. When applied to the “adultery” provocation specifically, these distinctions are troubling. If one perceives adultery as a partial excuse for an otherwise intentional killing, the outcome depends on the killer’s state of mind and whether he actually lost the capacity for self-control. In contrast, if one perceives adultery as a partial justification, the outcome turns on one’s belief about the role of the victim in connection with her death. Adultery as a partial justification implies that the victim was at least partially responsible for her own death. In plain English, the partial justification theory for manslaughter can be characterized as “the bitch deserved it.”

37. In class I have criticized, **not endorsed**, the concept of adultery as a partial justification because it trivializes and demeans the value of the life of women.

38. It is also possible, but I have no recollection of it, that I used the word “bitch” in the context of discussing self-defense and women who have been victims of abuse by their partners. I told the spring 2010 Criminal Law class about a case in which I was co-counsel that involved a woman named Susan who shot and killed her unarmed partner because she feared he

was about to kill her. Susan's partner had sexually abused her daughter, in addition to his abuse of Susan, and Susan fled the state in an attempt to start a new life. The partner tracked down Susan, beat her and brought her back to Delaware at gunpoint, threatening to kill her "like a goddam dog" if she ever tried to leave again.

39. Susan was charged with first-degree murder, but pleaded guilty to voluntary manslaughter based on the erroneous legal advice of counsel. At first, Susan claimed self-defense, that she reasonably feared for her life. She abandoned her self-defense claim and pleaded guilty to the lesser offense of voluntary manslaughter when her attorney convinced her that self-defense was an affirmative defense that she would be unable to prove by a preponderance of the evidence. Susan received the maximum sentence on the manslaughter charge.

40. We filed a motion to set aside her guilty plea based on the ineffective assistance of counsel. Contrary to what her counsel had told her, self-defense was not an affirmative defense. To avoid conviction on the murder charge, Susan needed only to present evidence of self-defense sufficient to create in the minds of the jury a reasonable doubt. In a hearing on the motion, the mother of the victim testified to the history of violence in her son's relationship with Susan. When asked if she considered the beatings her son gave Susan to be excessive, she replied, "Not any more than she deserved."

41. The circumstances in Susan's case were sordid. It is possible that I used the word "bitch" in either this discussion about Susan's case or in the discussion of a series of battered women self-defense cases in the textbook. If I had used that term – and I simply have no recollection whether I did - it would have been in reference to the hateful and wrongful attitude

the male abusers had toward their female victims, and most certainly would not have been used with the intention of demeaning women in general or any student in particular.

42. Paragraph 2 again alleges -

e. "Hypotheticals in which Professor Connell 'decided to shoot Dean Ammons and then blew her fucking head off;'"

Answer: I admit using Dean Ammons' name in hypotheticals for classes about the topic of attempted crimes. The remainder of the allegation is denied.

43. In their initial letter, the complainants wrote, "4. During the second half of the semester after almost every single class, Professor Connell would name Dean Ammons as the victim in a hypo where he is the perpetrator who shots (sic) her." They make no mention of my saying anything about "[blowing] her fucking head off."

44. Their first mention of my saying anything about "[blowing Ammons'] fucking head off" was in their November 19 meeting with Ammons and Kelly, a date that would have been at least seven months after the event allegedly occurred. In his report of his interview with the complainants, Kelly wrote, "5. The students indicated that at least ten times [Connell] used hypos in which the Dean was shot and he was the shooter. In one example, he posed the hypo that the Dean was dealing drugs out of her office. **In relating another hypo he said "I decided to shoot Dean Ammons and then 'blew her Fucking head off.'**" (emphasis in Kelly's report)

45. I never once used Ammons' name in any hypothetical where she ever was shot. The only hypos in which I used Ammons' name occurred in two classes on the topic of attempted crimes. By definition an attempted crime is an incomplete crime. Thus, their claim that Ammons was "shot" and that I "was the perpetrator who shots (sic) her" is simply false.

Moreover, their claim that I made such statements "[d]uring the second half of the semester after almost every single class" is sheer fabrication.

46. It has been nearly a year since I taught those attempts classes, but the following is my best recollection of the Ammons' hypos: At the start of our discussion of attempts, I posed three hypos that introduced the three main topics we would cover in that class and in the subsequent class (I believe there were only two). In each hypo I was the perpetrator and Ammons was the intended victim.

47. Scenario 1: Assume that Dean Ammons threatens to fire me (the irony of which does not escape me!). I am angry and decide to teach her a lesson. I go out and buy a revolver and ammunition. I load the revolver and place it in my car the morning I am coming to class at school. I drive to school. I get out of my car with the revolver, but instead of coming to class, I walk up to Dean Ammons' office. I open the door to her office, walk in and see her seated at her desk. I raise the weapon, aim it in the direction of Dean Ammons and fire. I miss, hitting a spot on the wall four inches above her head. Does it matter why I missed? Does it matter, for example, if my intention was not to kill Dean Ammons, but merely to scare her? This is the mens rea issue. What state of mind must I possess in order to be guilty of attempted murder?

48. Scenario 2: Same facts as 1, except that as I get out of the car and pick up the revolver, Dick Tracy rushes in, wrestles me to the ground, and arrests me for the attempted murder of Dean Ammons. This the *actus reus* problem. How far along toward commission of the completed crime must I progress before I can be punished for attempted murder? Buying the weapon and ammo? Driving to school? Walking into the Dean's Office with the revolver? Aiming the gun? Firing the gun?

49. Scenario 3: Same facts as 1, with only one difference. I walk into the Dean's Office. I see her at her desk. I aim the gun. I fire the gun. Instead of hitting a spot on the wall four inches from the Dean's head, however, I strike what I believe to be Dean Ammons, but it turns out that I've shot only a pumpkin that has been ingeniously painted to look like her. This is the impossibility problem. Can I be guilty of attempted murder for shooting at a pumpkin and not at a human being? Does it matter that I believed I had shot the Dean and not a pumpkin?

50. In the following discussion about the *mens rea* required for attempted crimes, we discussed the general requirement that the actor must intend to commit the underlying crime. We then talked about how the prosecution might prove that I intended to kill Dean Ammons. May we simply infer my intent to kill from the fact that I was shooting in her direction? That might make more sense if the bullet had struck her, but what about my contention that I did not intend to kill, but simply intended to frighten her? I reminded the students of the burden-shifting due process issues associated with proof of intent that were raised in *Francis v. Franklin*, a case we studied earlier in the semester.

51. Although I have no present specific recollection of having done so, it is perhaps possible that I may have said, "What if as I aimed the gun at Dean Ammons and said, 'I'm going to blow your fucking head off!' and then fired and missed?" It then would be perfectly clear from my statement what my intent was, but the act alone of shooting and missing is considerably more ambiguous. I allow for this possibility only because I do remember our discussing the inverse relationship between the degree of thought evidence and conduct evidence that a prosecutor might have. For example, if the defendant had confessed to the police and to various

other witnesses his intent to complete the crime, then less conduct evidence might be necessary to establish the attempt. In the absence of any such thought evidence, however, more conduct evidence may be required to prove beyond a reasonable doubt a defendant's criminal intent (the "substantial step" test adopted by the MPC and many states reflects that principle).

52. I simply do not presently recall the specific language I may have used in that discussion. I do believe, however, that the complainants have mixed up – intentionally or otherwise - what I said in the Dean Ammons hypo with what was said in the discussion of another case in the textbook, *United States v. Watson*, which I will address here shortly.

52. Coming back to the Ammons hypos, the main reason I remember anything about them is because they were not part of my original plan for the class and I spontaneously made them up when my original plan went awry. My original plan was one that I had employed in several semesters before this one. My ingeniously painted pumpkin is generally a vocal student everyone knows who sits toward the back of the class (to make my mistaken perception more believable, of course!) and with whom I have a good rapport. The student who is the pumpkin, as well as the others in the class, seem amused by it and often remember the pumpkin hypo long after the attempts classes are over.

53. My plan went awry that day when I noticed at the beginning of class that the student I had intended to use in my hypo was absent, I did not feel comfortable selecting another student for that role, so I quickly imagined a different scenario that would raise the *mens rea, actus reus* and impossibility issues and that could carry through our discussion into the next class. The Ammons hypos were what spontaneously came to mind.

54. Going back to the claim that I threatened to blow the Dean's fucking head off,

the more likely scenario is that the complainants have erroneously connected the Ammons hypos to a scenario from a case in the book, *United States v. Watson*, that we covered earlier in the semester. In *Watson* the words "Don't move or I'll blow your f___ing head off" were used in the case and I actually did say them.

55. In *Watson* the defendant was convicted of the first-degree murder of a police officer, which required proof not only that Watson intended to kill the officer, but that he also killed with premeditation and deliberation. The police had stopped Watson because they believed he was driving a stolen car. Watson fled on foot and the police pursued him with guns drawn. Watson ran into an apartment building, where he entered the door of an open apartment. In a matter of minutes, one of the officers entered the apartment, with gun drawn, told Watson he was under arrest, to which Watson asked, "What for?" Watson then struggled with the officer as he attempted to handcuff Watson.

56. At this point, the following dialog, in effect, occurred (this plays out essentially the same way each semester):

Me: What happened next?
Student #1: Watson then grabbed the officer, they struggled and Watson shot him.
Me: Does everyone agree that's what happened next?
Student #2: No. The officer ordered Watson to cooperate or he'd shoot him.
Me: Is that what he said?
Students: (No response as various students page through the opinion)
Me: (I role play the officer. Crouching in a shooting stance, imaginary gun in hand aimed in the direction of the class, I shake from the adrenalin rush of having chased Watson with gun drawn into the apartment, and, as Watson refuses to cooperate, scream: "Do you want me to blow your f_____ head off?" [Which is the precise quote from the case.]

57. My purpose for acting this out to the hilt is to convey the communicative effect not only of words, but also of conduct. This, I suppose, qualifies as one of my "intimidating

tactics to discourage other points of view particularly from women," as Kelly puts it in summary of his interview with the complainants. I asked the students to visualize this scene between Watson and the officer playing out, as if they were there and caught it on a camera.

58. I frequently ask students to visualize an encounter, and to stop and analyze each stage in the encounter, a technique I think that is particularly useful in their criminal procedure class. I want students to realize the truth posed by Justice Harlan that "words are often chosen as much for their emotive effect as their cognitive force." The officer in *Watson* intended to send Watson a strong message. Watson, in turn, saw an officer on the verge of losing control and with the immediate capability of carrying out his threat. All of this is critical to understanding what Watson may have been thinking during the period in which he was claimed to have "premeditated" and "deliberated" the officer's death. Providing the students with a vivid image, I hope, enables them to see the cases in a different light and reminds them that the dry words on a page are not merely an intellectual exercise.

59. Paragraph 2 again alleges -

f. "all criminals are poor and all poor are black folk;"

Answer: This allegation is denied**.** I never made such a statement. The person making the allegation is biased with their own private agenda, but lacking knowledge of the person's identity, I am unable to provide additional specificity as to bias.

60. Ammons and Kelly have lifted this statement from an anonymous student evaluation from the fall 2010 Criminal Procedure Section B. Here is the entire quote from the evaluation:

> Seems that Prof. Connell has a fixed view on certain topics and I don't think his view correctly illustrates the course info. Once in class Connell said "All criminals are poor

and all poor are “Black Folks.”” Basically I got from that “all “Black Folks” are criminals which (sic) TOTALLY incorrect.

61. The student’s alleged quote of mine contains no reference to time, place or context. The statement is patently ridiculous and false, and clearly fabricated in such an outlandish way to express the student’s animosity toward me. The use of such a statement made by an obviously biased student whose credibility is incapable of determination – and failing to identify it as such in her Statement of Reasons – raises serious questions about the motives in pursuing this Dismissal for Cause action against me. This charge appears to simply be a pretext for other motivating reasons for my removal.

62. Paragraph 2 again alleges -

g. “racist and sexist comments are not [right] in the classroom;”

Answer: The allegation is so vague and ambiguous that I cannot reasonably prepare a response. Without some context, date, time, subject matter, etc. it is impossible to respond to such a non-specific inflammatory and false statement other than to state that I never have made racist and sexist comments in any classroom and this is denied. The person making the allegation is biased with their own private agenda but lacking knowledge of that person’s identity, I am unable to provide additional specificity as to bias. Such a false allegation is *per se* defamatory under Delaware common law in that it directly reflects upon my professional teaching competence.

63. Paragraph 2 again alleges -

h. “Professor Connell’s ‘excessive use of profanity offensive,’”

Answer: The allegation is denied, and so vague and ambiguous that I cannot reasonably prepare a response.

64. From the complainant's depictions, one would imagine I were a drunken sailor in a bar. How am I expected to respond to this? What is excessive? Every other word? Sentence? Class? Week? Month?

65. I do not use coarse language in class for the purpose of making students uncomfortable. To quote Justice Harlan, "linguistic expression serves a dual communicative function: it conveys not only ideas capable of relatively precise, detached explication, but otherwise inexpressible emotions as well. In fact, words are often chosen as much for their emotive as their cognitive force . . . ." *Cohen v. California*, 403 U.S. 15 (1971)(California statute prohibiting the display of offensive messages such as "Fuck the Draft," violate freedom of expression as protected by the First Amendment). Justice Harlan recognized that "one man's vulgarity is another's lyric." On the rare occasions when I have used coarse language in class, it generally has been done for the purpose of dramatic effect to drive home a point. Occasionally the coarse language is necessitated by the case under discussion, such as *Watson*, and the point to be drawn.

66. Paragraph 2 again alleges -

I. "He also called a female police officer 'honey' . . . . Referring to women as 'honey' implies that women are second class citizens;"

Answer: This allegation is denied. The person making the allegation is biased with their own private agenda, but lacking knowledge of that person's identity, I am unable to provide additional specificity as to bias.

I have no idea to what this even refers. I have no recollection of ever having spoken of "female police officer[s]." What is the context? If I refer to my wife as "honey," am I implying that she is a "second class citizen?" To turn the table, when the waitress at the Olive Garden refers to me as "honey," does that imply that I am a "second class citizen?" This allegation is denied and it does not job my memory absent some context, date, time, subject matter, etc.

67.. Last, paragraph 2 again alleges -

j. "Referring to African Americans as 'Black folk' implies that they are uneducated, uncultured, and undeserving of respect by the justice system."

Answer: Denied. I have never said or implied that African-Americans are uneducated, uncultured and undeserving of respect by the justice system. The person making the allegation is biased with their own private agenda, but lacking knowledge of the person's identity, I am unable to provide additional specificity as to bias.

E. ANSWER TO ALLEGATIONS FOUND IN KELLY'S DECEMBER 10 LETTER AND MATERIALS

68. In piling charges on, the Dean's Statement of Reasons require me to shadow box against unspecified charges not presented in writing to the tenured faculty in that she states in paragraph 2 that the allegations against me are "not limited to" items 2.a. through j. found above. Instead, the binder of charges that Kelly delivered to me on December 10, 2010, includes other documentation for the administration's case against me which has not been put in writing before the faculty. The documentation falls into four distinct categories: (1) a letter of complaint from two students regarding my spring 2010 Criminal Law class, alleging four specific incidents of my "disrespecting racial minorities and women"; (2) additional grounds conveyed orally on

November 19 and 22, 2010 to Ammons and Kelly by the two complainants, as well as by two other students from my fall 2010 Criminal Procedure Section B; (3) assorted comments from course evaluations written by students whose identities are unknown and incapable of being determined; and (4) a reference to a complaint filed in 1996 against me by a female student regarding comments about the student's classroom attire I was alleged to have made in a bar, during a private conversation, and outside the presence of the student. I will discuss the four categories in order.

A. The Letter of Complaint

69. The initial complaint to Ammons came in the form of a letter from two students in my spring 2010 Criminal Law class. Although the letter is dated May 21, 2010, the complainants say in their letter that while they had "been working on this letter since May 2010," they did not complete and deliver it to Ammons until after October 22, 2010. A time stamp on the letter shows that it was received by Kelly in the Dean's Office on November 18, 2010, nearly seven months after the complainant's final Criminal Law class. Because the complaint was neither written nor submitted on May 21, 2010, but rather submitted on November 18, 2010, I will call it the "November 18 letter."

70. The November 18 letter is full of opinions, rather than facts, that have no bearing on whether I have complied with the standards required for retention of tenure. For example, the complainants "suspect that [Connell] was, at the very least, uncomfortable around minority students and unsympathetic to the plight of victims of racially motivated crimes (among other things)." They further opine that "[Connell] seems to have a reputation for disrespecting racial minorities and women," citing only the views of one alumna and a "minority student" who

claimed to have been offended whenever Connell said “Black folk,” it being unclear if the student was offended by use of the word “black” or “folk.”

71. The complainants did, however, provide a list of four “specific comments” they claim demonstrated my “minimal respect for racial minorities and women.” They provide little, if any, detail about when or in what context the comments were made, leaving me the impossible task of trying to reconstruct events that allegedly occurred a year ago.

72. The following are the four specific allegations, all of which I addressed previously in this affidavit:

“1. [D]uring class Professor Connell said that he finds a person who is shooting at black folks to be less dangerous than a person who is just shooting randomly. This was after we discussed a case about a man who shot into a home because he did not want black people moving into the neighborhood.”

I addressed this allegation previously regarding the charges found in paragraph 2.a. above.

“2. This case was about a man on trial for shooting at four young men who were trying to rob him on the subway. The court was determining whether he had used too much force because he continued to shoot even after they ran away and had been shot. The case book did not mention anything about the races of the defendants and or (sic) victims. In class Professor Connell said that the 4 men were black and that the defendant was white.”

I addressed this allegation previously regarding the charges found in paragraph 2.b. above.

"3. On the same day as #2, after class four students stayed to have a further discussion about one of the cases with the Professor, ...We were discussing the court's reasoning for the case described above. . . . professor Connell said, "At that time Blacks were terrorizing people." "You mean to tell me that you see two black men walking, you are not going to cross the street?"

I addressed this allegation previously regarding the charges found in paragraph 2.b. above.

"4. During the second half of the semester after almost every single class, Professor Connell would name Dean Ammons as the victim in a hypo where he is the perpetrator who shots (sic) her."

I addressed this allegation previously regarding the charges found in paragraph 2.e. above.

B. Additional Oral Complaints of November 19 and 22

I. The Complainants' Interview of November 19

73. On November 19, 2010, Kelly and Ammons interviewed the complainants. Most of the allegations made in that interview have been previously addressed in my answer to Ammons' Statement of Reasons.

73. As for others: The complainants told Ammons and Kelly that "[w]hile discussing a statutory rape case involving a black female as a victim, Professor Connell stated . . . that it was obvious that her parents did not care about her. He then said she was (sic) "dirty little whore." This allegation is denied. I reiterate as in paragraph 15 above the bias of these witnesses.

74. First, no statutory rape case in the Kaplan and Weisberg book identifies the race of a victim. You need not take my word for this. I'm sure that Professors Ritter and Henderson would attest to this fact since both of them have used the Kaplan and Weisberg casebook for many years. Furthermore, in contrast to the Goetz case, which attained national notoriety, there would be no way of my determining the race of a victim in a common statutory rape case.

75. The "dirty little whore" claim appended to the lie of the black statutory rape victim is little more than an attempt to further demean me and to impugn my reputation.

76. The complainants never mentioned this incident anywhere in writing, and raised it only in a meeting with sympathetic administrators which they thought would remain confidential. Moreover, this came only after the complainants met with like-minded students from my fall semester Criminal Procedure Section B who decided to join with the complainants in launching a collective campaign to destroy my good name and eliminate me from the faculty with a barrage of false *per se* defamatory aspersions and accusations.

77. Kelly also notes from the interview, "A significant concern of theirs was that several students particularly African-American students avoid his classes if possible because of negative experiences with him or recommendations of others based on their experience. Several . . . do not apply for externships that he supervises because of his attitude."

78. First, where is the record of all these students' "negative experiences with [me]?" What specifically are those "negative experiences?" Second, while I do not generally divide the composition of my classes into racial categories, there in fact were "African-American students" in my fall 2010 Clinical Externship program. One of those is student ____ _____, who in offering to testify on my behalf, volunteered, "I very much stand by you personally and by

your highly effective teaching methods." His statement can be submitted if this matter proceeds any further.

II. The Witnesses' Interviews of November 22

79. On November 22 Kelly and Ammons interviewed witness "C," a student in my fall 2010 Criminal Procedure Section B class. According to Kelly, student "C" "wondered why [Connell] continually referred to defendants' race, but not to that of judges or police. Race is not relevant, she said."

80. I remember a student, most likely "C", saying precisely that in class on or about October 26. I believe it was October 26 because the reading assignment for that date included a casebook note about racial profiling.

81. An excerpt from the casebook note exemplifies the tenor of the note: "That such racial profiling happens is not speculative. In Maryland, from 1995 through 1997, a survey indicated that 70% of drivers stopped on Interstate 95 were African-Americans, although 17.5% of the traffic and speeders on the road were black. David Cole, No Equal Justice 36 (1999)." Dressler & Thomas, Criminal Procedure: Investigating Crime 402 (4th ed. West 2010).

82. Concerned that questioning the standard wisdom about race and investigative stops was akin to swatting a hornet's nest, I sent the following email to my students the week before the class:

> A common theme of our casebook seems to be that our criminal laws historically have been and currently are enforced in a racially discriminatory manner. On page 403, for example, the authors say "That such racial profiling happens is not speculative," and then proceeds to cite a list of articles by law professors to that effect. I wish the casebook authors had been a bit more evenhanded by offering counterviews. To that end I am providing you with links to a couple of articles by an author who persuasively contests those views:

http://www.city-journal.org/html/11_2_the_myth.html

http://www.city-journal.org/html/eon_3_27_02hm.html

I personally believe it would be unfortunate for folks to leave this course with the impression that the criminal justice system is a corrupt one that is simply rigged against blacks and Hispanics. I am concerned that the casebook tends to reinforce that view.

83. In the class that followed, I reminded the students that we had already discussed the cases of *Whren v. United States* and *Atwater v. City of Lago Vista*, and the degree of discretion police officers have been given to stop cars. We had already discussed how, given the Supreme Court's decisions, police could justify pretty much stopping anyone in a car. I reminded the students also of the email I had sent and advised that, if they had not already done so, they should read the references I had sent and make up their own minds about the nature and extent of racial profiling. I added that statistics like those in the casebook were deceiving.

84. This year, I said, the New York Times took up the theme of race-based stops, reporting that blacks made up 55 percent of all investigative stops in 2009, although they are only 23 percent of the city's population, while whites accounted for only 10 percent of all stops, although they are 35 percent of the city's population. The tenor of the NYT article was that New York police routinely engage in illegitimate racial policing. What the New York Times failed to mention, however, was that crime reports to the NYPD in 2009 revealed blacks committed 80 percent of all shootings in the first half of 2009, while blacks and Hispanics together committed 98 percent of all reported shootings in the city. I suggested that perhaps a better measure of whether police stops of blacks were "disproportionate" should entail a comparison of the percentage of blacks stopped to the percentage of blacks reported as perpetrators, rather than to the percentage of blacks in the population.

85. It was at that moment when a student I expect was witness "C" said, with apparent frustration, she didn't understand why I was making such a big deal about the race of defendants, that I never talk about the race of the police or the judges, and that race is simply irrelevant. I replied, in effect, that I wished race were irrelevant, but that the issue of racial bias in policing will never go away so long as blacks claim to be "disproportionately" stopped. I was not the one "making a big deal" about race. The issue of racial profiling is simply one that exists for the system to deal with every day. You students, I said, will be the prosecutors and defense attorneys who have to deal with this every day. Of course, innocent blacks bear the brunt of the problem by being subjected to these stops, but until the reality of urban crime changes, the issue of racial profiling will never end.

86. On November 22 Kelly and Ammons also interviewed witness "B," another student in my fall 2010 Criminal Procedure Section B. Kelly said witness "B" "indicated that Professor Connell (LC) frequently would not answer her questions and used body language in a dismissive manner." She further said that "he uses facial expressions and gestures to trivialize questions, and he acts as if questions are not worth his time."

87. I suspect that witness "B" is the same student who once, when I called on her to answer a question, responded with a rambling narrative. I do not remember the specific topic or my question. I do remember, however, saying to her at the end of her narrative, "That's all very interesting, but doesn't really answer my question. Will you please answer my question?" To which she replied, "Why should I answer your question? You never answer mine!" There was an audible gasp from the class, at which point I had to make a split-second judgment of how to deal with her insubordinate tone. My choice was to smile and laugh, saying, "I tell you what: you

answer my question first, then I will be glad to try and respond to any question you may then have." Then she answered my question directly, and I asked, "So, is there a question I can answer now for you?" She demurred.

88. The bias of such a witness against me should be self evident.

89. Three or four students approached me in the classroom after that class and apologized for the student's behavior. Again, I just laughed and told them it was not a big deal, not to worry about it.

90. Witness "B" also reported to Kelly that "[h]er roommate who is in the class is Caucasian. Her roommate would not be personally offended, but can understand that others with a different background could be." If witness "B" is the same student as I suspect, then I believe her roommate is witness "A." Witness "A" offered "that Professor Connell (LC) was one of her favorite professors. She thinks highly of him." In speaking with "A" and "B" together outside of class, they volunteered to me how they are on opposite ends of the political spectrum, but manage to get along well personally. I suspect that if "A" had learned from her roommate, "B", that she was going to complain to Kelly and Ammons, "A" most likely insisted on speaking with Kelly and Ammons in order to provide some balance. I further suspect that is the reason why Kelly and Ammons spoke to their one student with a viewpoint favorable to me. If this matter proceeds testimony from Witness A will be presented.

C. Course Evaluation Comments by Anonymous Students

91. The use of course evaluation comments by a handful students, from among the nearly 250 students I taught just in 2010, and whose identities are unknown and incapable of being determined, constitutes a highly unreliable, unprofessional and questionable basis for

dismissal. By definition of the writers' anonymity, there is no way for anyone to judge their credibility and their biases. They should be given no weight in determination of the existence or non-existence of cause for dismissal.

D. The 1996 Complaint

92. Even more irrelevant than the course evaluation comments (if that's possible) must be the 1996 complaint alleging me to have made inappropriate comments about a student's classroom attire when I was in a bar with a group of people not including the complainant and engaged in a private conversation. How an incident that was alleged to have occurred 15 years ago is relevant to an "ongoing pattern of behavior," as Kelly put it in his letter of December 10, 2010, is beyond my present comprehension.

93. But it should be noted that Ammons' Statement of Reasons dropped the specific reference to the 1996 complaint. If needed in the future, my legal counsel has interviewed one current member of the Delaware Bar who was a witness to this incident and she is prepared to testify to disprove each and every allegation therein and to state what really happened.

F. ANSWER TO ALLEGATIONS THAT I REFUSED TO PARTICIPATE OR COOPERATE IN INVESTIGATING THE ALLEGATIONS AGAINST ME.

94. The great weight of the Dean's attempt to remove me is the false allegation that I refused to cooperate in any way in investigating serious charges which had been brought against me. What really happened needs to be recounted to the faculty to remedy the one sided sanitized version of my emergency removal from the campus because I was a supposed threat to the physical safety of all faculty, students and staff.

95. In early June 2010 Kelly summoned me by email to discuss an unspecified, "serious" matter. I was out of town at the time and when I returned replied that I could come in at his convenience. Kelly responded that he was in Europe and that the matter could wait until his return.

96. In early August, Kelly once more summoned me with no additional information about the topic of our conversation. When I appeared, Kelly told me that an attorney at the Delaware Attorney General's Office, Consumer Protection Unit, had complained to Ammons that I had been "uncooperative" back in late 2009 about establishing a formal externship arrangement with his office. Kelly proceeded to question me about my dealings with the attorney, saying that the Dean was "angry" with me because in my not acquiescing to the attorney's demands, he apparently approached the Drexel law school, which would. The gist of my disagreement with the attorney was that he was seeking students to work at least three days per week and I told him that because our Academic Code permitted a student to acquire no more than 4 credit hours in any one semester, our students could not work that many hours per week in an externship. We went back and forth by telephone and email, and at one point he asked if there anyone other than me who could address what I perceived to be a limitation of our Academic Code. I told him the Code was a matter for modification by the faculty, but that he could talk to the Dean directly about it.

97. At the end of my meeting with Kelly, he told me that Ammons was removing me from my position as Director of the Clinical Externship Program effective January 1, 2011. When I asked Kelly the reason for my removal, noting that Ammons never heard my version of these events, Kelly replied that the Dean "wanted to go in a different direction" with the

externship and that I was needed to devote more time to teaching additional sections of criminal law and procedure. I expressed disappointment that the Dean conveyed such a decision affecting me through Kelly, and did not do so personally.

98. A week or so after that meeting Professor Henderson returned from the summer and stopped by my office to say hello. I invited him in and closed the door. I proceeded to tell him about my meeting with Kelly and the Dean's decision. I told him I did not believe the reasons Kelly gave me for my dismissal as co-director of the externship program, and felt that this was a step toward their forcing me out. When our conversation ended, Professor Henderson left my room and, I thought, returned to his office. Within seconds after he left my office, I left my office for the bathroom. As I entered the bathroom, I saw Professor Henderson standing outside his office speaking with Professor Culhane. A couple minutes later, I returned to my office to find Kelly standing in the doorway.

99. He stepped out of the doorway and allowed me to enter my office. He then followed me in, but instead of stopping a few steps inside the doorway, he followed me all the way up to my chair. He stood close, not more than a foot from me, which made me so uncomfortable that I did not sit down. He then said, "I hear you are telling people that we are trying to fire you. That's not true and you know it. I told you why you were being removed from the externship." I replied that I was not telling anyone that, but I was telling "people" that's what I felt was happening to me. I asked him how he would feel if, after more than a decade serving as the director of a program, he was peremptorily dismissed from his position by the Dean and she never told him directly.

100. I was shaken when Kelly confronted me. Apart from my wife, Professor Henderson was the only other person with whom I had shared the information about my removal from the externship program. I did not believe that Henderson would have said anything about it to Culhane. After Kelly left, I checked with Henderson to see if he had told anyone about our conversation. He said he had not said anything to anyone about it. That confirmed my assumption that Kelly had somehow been eavesdropping on our conversation – which to one who teaches the Fourth Amendment is a particularly disturbing thought.

101. In the fall semester 2010, I found myself in the uncomfortable position of team-teaching the Clinical Externship class with my appointed successor, Professor Sydney Howe-Barksdale. I also taught in the fall two sections of Criminal Procedure, sections A and B. The examination for both sections was administered during the afternoon of Friday, December 10.

102. I proctored one of the rooms for the section A exam. After collecting all the exams at the end, I spent about twenty minutes talking with one of my students about her taking the Delaware bar exam. At about 5:00 p.m. I returned from proctoring to the Registrar's Office, where I saw Kelly walking about in the hallway. When he saw me enter the Registrar's Office, he approached me and directed me to accompany him because he needed to speak to me. He wouldn't tell me what it was about.

103. When I asked for a moment to collect from the Registrar my handwritten exams, Kelly told me curtly to "forget about the exams" and to come with him immediately. I accompanied Kelly to the Dean's Conference Room, whereupon he directed me to sit down. At the table next to me was a man to whom I was not initially introduced. Kelly opened a binder,

handed it to me, told me to read the opening letter and proceeded to question me about the contents of the binder. As he spoke, I skimmed the letter: " . . . Discrimination and Harassment Code . . . . 1996 . . . ongoing pattern of behavior . . . cursing and coarse unprofessional behavior . . . demeaning people and groups . . . racist and sexist statements . . . directed at minorities and women . . . violent, personal scenarios that demean and threaten colleagues, administrative officials and students . . . contrary to professional standards for tenure . . . ." I was attempting to read and listen, while trying to figure out what in the world was happening to me.

104. Before saying anything else, I believe I first turned to the unknown man next to me and asked him, "And you are?" The man said his name, which I do not remember, and identified himself as the Chief of Campus Security. Kelly resumed questioning me, and I remained shellshocked, alternately stumbling between trying to answer Kelly's questions and trying to read various pages in the binder to which Kelly directed my attention. After some period of time, perhaps fifteen to twenty-five minutes later, Kelly told me to produce a written response to the materials in the binder by Tuesday, December 14. He said that we would meet again after that to discuss options before I would be allowed to teach again.

105. As I stood to leave, I agreed that I would file a response and said that I was now going to the Registrar's Office to pick up my handwritten exams. He told me not to return to the Registrar until the next day, Saturday, because the people in the Registrar's Office needed time to copy the exams. I tried to clarify that I didn't mean to pick up the Examsoft exams, but only the handwritten ones. He said he understood, adding that the handwritten ones were the ones that needed to be copied. I asked him what he was talking about, and why my handwritten exams needed to be copied. Kelly responded that it was simply a "precaution" in case I were to

destroy the exams. Shocked and disgusted, I asked Kelly if he actually believed that, after twenty-five years at Widener, I would possibly destroy student exams. He responded, “It’s nothing personal. It’s simply a precaution.” The next day I emailed the Registrar to find out when my exams might be ready to pick up. Tammy notified me, and I went to school and retrieved my exams.

106. Over the next few days I reviewed the material in the binder and saw not only the complainants’ letter of complaint, but also the student evaluations and materials about the 1996 complaint that Kelly included. What I did not see was any evidence that Kelly or Ammons had spoken with any of the other nearly 200 students in my 2010 Criminal Law and Procedure classes. Kelly’s and Ammons’ investigation looked more like an orchestration.

107. It dawned on me that this was not merely a question of what had happened in my spring 2010 Criminal Law class, but was an all-out attack – seemingly coordinated by Kelly or Ammons or both – on me. I realized that I needed the assistance of counsel in defending myself, so on Monday I contacted Mr. Neuberger’s office for an appointment. I was told he would be in court through Tuesday and that we could not meet until Wednesday, the day after Kelly’s deadline.

108. On Tuesday, December 14, the deadline date, I asked Kelly for an extension of time to respond so that I might have the opportunity to consult with my attorney. He gave me an extension until Thursday, December 16, to file a written reply, and said that we could meet no later than Friday, December 17. My attorney filed on my behalf a written reply to Kelly on December 16, denying the allegations and declining a further meeting with Kelly on December 17.

109. Having been ambushed twice before by Kelly, I was not about to appear for further interrogation without the assistance of my attorney. It was apparent to me that Kelly was no neutral arbiter of some student's claim against me. He was an active participant in the creation of an affirmative case against me. His use of anonymous student evaluation comments, as well as the 15-year-old, so-called "harassment" claim, made clear that this was nothing the administration intended to settle amicably with me.

110. My encounter with him on December 10, coupled with his letter and accompanying materials, insinuated that I was something evil and sinister. This point was only reinforced by his confronting me with the Chief of Security, as if I were a common criminal, and by his preventing my access to my exams. To compound my humiliation and fears, he had already gone on the written record with his letter to characterize my teaching methods as violent and threatening.

111. As an attorney who teaches and has practiced criminal law, I would never recommend to a client who is under investigation by a prosecutor to speak alone with that prosecutor. I wasn't about to do that myself.

112. On December 20, Kelly informed me that Ammons had placed me on administrative leave, but gave no details of what that entailed. On January 12, Kelly directed me once more to "respond substantively in writing to the allegations" and to meet with him to discuss them. Furthering the impression that the administration considered me a threat to the community, he also informed me that I was barred from the campus, without prior permission from him or Ammons. The last thing Kelly informed me was that my failure to adhere to any of these directives would result in the initiation of dismissal for cause proceedings.

113. Each time Kelly demanded a written response, I had provided him one by the deadline date that denied all charges,. When Ammons directed me to meet with her so that she could present me with the formal Statement of Reasons for my dismissal, I came to Widener with my attorney. I had been instructed to go to the security office, which we did, where we were met and escorted to the Dean's Conference Room by the Chief of Security. Once there, my attorney was barred from the room. Following my meeting with Ammons, Kelly, and George Hassel, the Vice President for Administration of the University, the Chief of Security was waiting to escort us back to our vehicles. Instead, Mr. Hassel instructed the Chief that he would escort us back and told me he was doing so to spare me any further embarrassment. He escorted us back to our vehicles, which were parked near the maintenance building, and observed us leave the campus.

114. I always made it clear in writing to Kelly and the administration that before I could provide a written response to the notebook of charges against me I needed to see the actual documents provided to the administration. I had only been given expurgated versions of the written charges. Many redactions are found in the documents given to me. This is not simply the removal of the name of the charging party or witnesses against me. Instead, many lines of substantive allegations against me have been removed.

115. Before I committed my self in writing to a response in defense of myself I insisted that the expurgated redacted substantive material be provided to me under a normal evidentiary rule of completeness so that I could determine what had actually been said about me and perhaps find therein something to use in my defense. However, the train had already left the station to discharge me and Kelly continually refused to provide me with what had actually been

said in context about me.

116. And so with one hand tied behind my back in defending myself, unable to see all the material submitted against me in context to seek helpful admissions against the interest of my accusers, I am submitting this affidavit to the faculty. If this matter proceeds further I am in the process of gathering three expert witness affidavits from law professors from the University of Pennsylvania School of Law and other institutions as to the propriety of my teaching methods. I also have over two dozen students prepared to testify in my behalf and former students to explain that I have applied my teaching methods to white as well as black administrators in my teaching examples.

117. I submit that all charges against me must be dismissed. Now that context has been given for any of my classroom remarks, there is no competent sworn evidence in the record on which any reasonable faculty members could conclude that anything racist, sexist or dangerous has even occurred in my classroom.

Lawrence J. Connell

SWORN TO AND SUBSCRIBED before me on the 8th day of March, 2011.

Notarial Officer

THOMAS S. NEUBERGER, ESQ.
NOTARIAL OFFICER
STATE OF DELAWARE
29 DEL. C. SEC. 4323(A) (3)