

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

3 TAMMY KITZMILLER, et al., .

4 Plaintiffs .

CIVIL ACTION NO. 04-CV-2688

5 vs. .

6 DOVER AREA SCHOOL DISTRICT, .  
7 et al., .

(JUDGE JONES)

8 Defendants .  
9 . . . . .

10 Deposition of

: CYNTHIA SNEATH

11 Taken by

: Defendants

12 Date

: April 1, 2005, 10:00 a.m.

13 Before

: Vicki L. Fox, RMR,  
Reporter-Notary

14 Place

: 200 One Keystone Plaza  
North Front and Market Streets  
Harrisburg, Pennsylvania

17  
18 APPEARANCES:

19 AMERICAN CIVIL LIBERTIES FOUNDATION OF PA  
20 BY: PAULA K. KNUDSEN, ESQUIRE

21 For - Plaintiffs

22 THOMAS MORE LAW CENTER  
23 BY: PATRICK T. GILLEN, ESQUIRE

24 For - Defendants  
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I N D E X

WITNESS

CYNTHIA SNEATH

Examination

By Mr. Gillen

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EXHIBITS

(None marked.)

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## STIPULATION

It is hereby stipulated by and between the respective parties that signing, sealing, certification and filing are waived; and that all objections except as to the form of the question are reserved until the time of trial.

CYNTHIA SNEATH, called as a witness, being duly sworn, was examined and testified, as follows:

BY MR. GILLEN:

Q. Good morning.

A. Good morning.

Q. Cynthia Sneath; correct?

A. Correct.

Q. We met off the record. My name is Patrick Gillen, and I am one of the attorneys for the Dover Area School District and more generally the defendants in connection with this litigation.

This is the date and time set for your deposition which I conceive of as just my opportunity to learn your side of the story, what brought you into this suit and the basis for knowledge that you are relying on to take your position.

There's a couple of conventions that we generally explain at the outset to try to make this process as

1 smooth and flowing as possible. The principal of which  
2 Vicki, our court reporter, transcribes the exchanges  
3 here, questions and answers.

4 In order to do so, she needs verbal answers to my  
5 questions. So I ask that you try to respond verbally to  
6 the extent you can regularly. And if you fail to, we  
7 will try and remind you that a head nod or an ah-huh  
8 can't be readily transcribed.

9 A. Okay.

10 Q. Thanks. Another convention that is sort of specific to  
11 this process is that you have an attorney with you who  
12 is representing you for the purpose of the deposition.  
13 If at any time you want to take a break to discuss  
14 something with her, just indicate that to me. I will  
15 stop the questioning so you can consult with your  
16 attorney.

17 A. Okay.

18 Q. Let's see. What else? One of the things that this  
19 process highlights is the degree to which human  
20 communication is sometimes imprecise. If my questions  
21 are difficult for you to understand, you don't see what  
22 I am getting at or you would like for me to make it  
23 clearer, please ask, and I will do that.

24 The same holds true for me. Sometimes you give me  
25 an answer, and it's difficult for me to understand. If

1 I ask you for more information or I'm trying to get a  
2 better handle on that, please bear with me. I'm not to  
3 harass you. I am trying to make sure I understand you.

4 A. Okay.

5 Q. A few other things that just relate to civility  
6 generally. This is not an endurance test. I understand  
7 you are not feeling well. For that matter, neither am  
8 I.

9 If you want to take a break, please indicate that,  
10 and I will be glad to do that. If you want to use the  
11 restroom, if you need water, anything of that nature.

12 Same thing if at any time I ask you a question  
13 that makes you feel uncomfortable for some reason, that  
14 is not my purpose here. I would not do that  
15 unnecessarily. So please let me know, and we can talk  
16 about it off the record. We have done that sometimes,  
17 and generally the matter can be addressed.

18 A. I appreciate that.

19 Q. You are welcome. Would you please state your full name  
20 for the record?

21 A. Cynthia Michelle Sneath.

22 Q. And your current residence?

23 A. 2025 Andover Drive.

24 Q. Do you have a job outside the home?

25 A. Yes.

1 Q. Please give me the current employment.

2 A. I work at AAA Appliance Services, Incorporated  
3 part-time.

4 Q. Just generally, what is the nature of your task?

5 A. Accounting.

6 Q. This question can probably be asked of both of us right  
7 now. As you sit here today, are you on any medication  
8 that would impair your ability to perceive, understand  
9 my questions and respond to them?

10 A. No, non drowsy Sudafed. I think we'll be okay.

11 Q. And for my part, I have drowsy Sudafed with coffee. It  
12 seems to balance out. Let's see, any handicaps? Do you  
13 have any handicaps that might impair your ability to  
14 perceive or respond to my questions?

15 A. No, sir.

16 Q. Just the course of the events here over the period say  
17 January 2003 forward, any medical condition, medication  
18 or handicap that would perhaps impair your ability to  
19 perceive?

20 A. No, sir.

21 Q. And recall?

22 A. No, sir.

23 Q. Just give me a brief description of your educational  
24 background.

25 A. High school diploma. Everything else has been life

1 lessons.

2 Q. Obviously, science kind of figures in this dispute here.

3 Any specific training in scientific subject matter?

4 A. No.

5 Q. When you say no, I take it you mean outside -- did you

6 have biology in high school?

7 A. I didn't have biology in high school because I was  
8 geared toward the business prep classes versus college  
9 prep classes.

10 Q. Sure. All of us or many of us have interests that we  
11 read about and so on through life. In your daily living  
12 post graduation to the extent allowed by your duties, do  
13 you read any scientific subject matter, make any effort  
14 to give yourself abreast in the fields of scientific,  
15 more specifically in biology?

16 A. I would say to the extent since this issue has happened,  
17 I have read the majority. Prior to that, no.

18 Q. And again just so I have some sense for your knowledge  
19 base, what have you looked at to acquaint yourself with  
20 the subject matter of this dispute, biology,  
21 Evolutionary Theory, Intelligent Design Theory?

22 A. Do you mean where I'm getting my information from?

23 Q. Yes, kind of what you looked at.

24 A. Mostly Internet. That has been a big resource.

25 Q. I ask this just to get a sense, but do you remember

1 specifically some of the documents or sources that you  
2 have reviewed?

3 A. I have reviewed the Wedge Strategy document that was put  
4 out by Discovery Institute. I have visited Discovery  
5 Institute's website and have read different things from  
6 there.

7 I have visited news groups, Talk Origins, places  
8 like that. I have looked at reviews of the different  
9 books involved, the *Of Pandas* book, the *Biology* book.

10 There's just a wealth of information out there.  
11 When you're on the Internet, you know what I mean? You  
12 type in Intelligent design into Google, and the hits  
13 come up. It is hard to keep track sometimes where it  
14 all comes from, but those are some of the things.

15 Q. I do wholly understand. There's a number of people who  
16 have engaged in the same process of inquiry, and it is  
17 hard to remember it all.

18 If I ask you, not to tax you, but to get the best  
19 sense I can for what you have looked at, are there  
20 specific documents or sources? For example, you  
21 mentioned Discovery Institute?

22 A. Yes.

23 Q. Is there anything specific that you remember from that  
24 cite addressing Intelligent Design Theory?

25 A. Well, what came off of that site and what took me to

1 that site was the Wedge Strategy document. And I think  
2 they showed that that document was from a -- they didn't  
3 call it from the Discovery Institute. It was from some  
4 sort of division, but it was from the Discovery  
5 Institute ultimately. And that is what led me to their  
6 website.

7 Other than that, I just kind of looked around and,  
8 you know, explored different areas of their website. I  
9 can't think anything sticks out in my mind except for  
10 that particular document.

11 Q. How about any statement or content addressing scientists  
12 that subscribe to the Intelligent Design Theory? Do you  
13 recall any of that? Did you look and see whether there  
14 were scientists signed on to Intelligent Design Theory  
15 on the Discovery Institute's site?

16 A. No, I didn't look. I have heard that somewhere, that  
17 there's approximately 300 scientists that agree with  
18 this idea. But I never looked into who they were and  
19 exactly what their qualifications were.

20 Q. I get the sense from what you're telling me that you  
21 went to that site in connection with the search that was  
22 focused on the Wedge Strategy document?

23 A. Right. I had done a search on the Wedge Strategy, which  
24 brought up the document. And I then went to that  
25 website as a result of that just to see who is this

1 Discovery Institute and what type of website do they  
2 have and that sort of thing.

3 Q. It seems you had heard about the Wedge Strategy document  
4 prior to conducting that search?

5 A. Correct.

6 Q. Where did you hear about the Wedge Strategy document  
7 from, or I should probably say who?

8 A. It could have been on a news group perhaps. I don't  
9 really remember.

10 Q. I see that you are represented by counsel. I want to  
11 get a sense for how you developed that relationship and  
12 when.

13 Tell me please, if you can, how you came to be  
14 represented by counsel in connection with this matter.

15 A. I had called the ACLU, and I talked to Paula.

16 Q. And when you talked to Paula, let me ask you: Were you  
17 seeking legal advice?

18 A. Yes.

19 Q. That's good enough. Why did you call Paula? And I take  
20 it you are referencing Paula Knudsen who is representing  
21 you today in this deposition?

22 A. Correct. I felt that by the decisions our School Board  
23 had made and their reluctance, I guess I want to say, to  
24 listen to the public or to have any sort of public, you  
25 know, input into making this decision, they were not

1 willing -- it seemed to me that they were going to do  
2 this no matter what.

3 So to me, it was somewhat of a last resort. To  
4 me, it was like if they're not going to listen, they are  
5 just going to go forward and do this, it's not right  
6 what they are doing. And that is really what prompted  
7 me to call.

8 Q. There's a couple of things in that answer I think I  
9 understand, but I want to make sure that I do.

10 You said the Board was going to do this?

11 A. Yeah.

12 Q. What are you referencing there?

13 A. Well, at the time, it seemed to me that they wanted to  
14 include Intelligent Design into the science curriculum  
15 and to have the book *Of Pandas and People* as a reference  
16 book in the classroom -- in the science classroom.

17 And it was not very clear -- I mean at that time  
18 in my mind, it was they want to teach this alongside the  
19 Theory of Evolution and give it equal time in the  
20 classroom.

21 Q. And you said that you had the view this is not right?

22 A. Yes.

23 Q. Why, Cynthia, did you think it wasn't right?

24 A. I don't believe in Intelligent Design as being science.  
25 They were touting it as a scientific theory, but the

1 science of it has not been explained to me.

2 Q. Again, I just want to get a sense for how you are making  
3 that determination.

4 When you say it is not a scientific theory?

5 A. Yes.

6 Q. What -- how did you come to that conclusion?

7 A. Well, the definition was that there are things in, you  
8 know, the natural world that are so complex that an  
9 Intelligent Designer must be involved. To me, that  
10 can't be proven or disproven.

11 And so to me in my mind, science is about things  
12 that are testable. And it doesn't allow for  
13 supernatural.

14 Q. Do you understand Intelligent Design Theory to be  
15 pointing to a supernatural cause for these developments  
16 you have referenced as so complex?

17 A. To me, supernatural and an intelligent designer to be  
18 the same thing or create or. To me in my mind it is all  
19 the same thing.

20 Q. I just want to make sure I understand you. You have got  
21 an opinion that Intelligent Design is not science, and  
22 you have described the basis for that to me.

23 And you have indicated that you had a concern that  
24 they were -- they, the Board, was going to --

25 A. Yes.

1 Q. -- introduce this concept of Intelligent Design into the  
2 biology curriculum.

3 As we sit here today, do you have an understanding  
4 as to what the Board's policy actually -- what shall I  
5 say -- actually yields as a result?

6 A. As of today, they have not -- they are saying that they  
7 are not teaching it. They have an administrator go in  
8 and read a statement without allowing questions to be  
9 answered by students.

10 From what I understand, the administrator leaves  
11 the statement and reads the room. And the kids are  
12 directed to the book *Of Pandas and People* if they have  
13 further questions.

14 Q. Do you have a sense for whether the book *Of Pandas and*  
15 *People* was placed in the classroom or somewhere else in  
16 the school?

17 A. I feel in the beginning that the intention was to have  
18 it in the science classroom, but it seems that that did  
19 change along the way. And then it was decided to have  
20 the book put in the library.

21 Q. Well, given that understanding, Cynthia, of what the  
22 Board has done, do you still object?

23 A. Be more specific. Do you mean do I object to the  
24 statement being read in the class?

25 Q. Yes.

1 A. Yes, I do.

2 Q. Why is that?

3 A. Because I don't think Intelligent Design is science. I  
4 don't see the purpose of it being read in a biology  
5 class.

6 Q. How about the placement of the book *Of Pandas* if we  
7 assume for the purpose of this deposition that you are  
8 right, it has been placed in the library?

9 A. Yes.

10 Q. And kids have their attention directed to it via the  
11 statement if they want to go and look at the text. Do  
12 you object to that?

13 A. It is part of the statement. I object to the statement  
14 to have them directed to the book. I am not opposed to  
15 the book being in the library. I don't believe in  
16 censorship. But I do object to the statement and to be  
17 referenced to that book because to me it supports  
18 something that I don't believe is science.

19 *Of Pandas and People* supports Intelligent Design.

20 I don't feel Intelligent Design is a scientific theory.

21 Q. I understand that. What do you think it is then if it  
22 is not science?

23 A. I think it is Creationism. I think it is Creationism  
24 that has been given a scientific feel to appeal to the  
25 masses perhaps. I feel there is no testable way to find

1 out who this Intelligent Designer is. And so to me,  
2 that is like a leap of faith.

3 You have to have faith to believe that. And that  
4 is religious, or it is a theology type of thing. It is  
5 just not science. To me, it is no different than  
6 Creationism without the Biblical references perhaps.

7 Q. That is all I want to get at here.

8 A. Okay.

9 Q. It seems to me that you equate Intelligent Design with  
10 Creationism?

11 A. Correct.

12 Q. I just want to get a sense for how you look at  
13 Creationism. What is your understanding? Let me ask  
14 you: Do you have an understanding or a concept that you  
15 attach to the term Creationism?

16 A. Yes, I do. I believe Creationism can come with any type  
17 of religion, and it's basically the idea of where we  
18 come from, the creator, where life comes from. And  
19 again, I think it can differ from religion to religion.  
20 I think there's many different types of Creationism  
21 stories, but that's my sense of it.

22 Q. Okay. We are here for your deposition. There's a few  
23 background questions I generally ask.

24 Did you speak to anyone other than your attorneys  
25 in preparation for today's deposition?

1 A. No.

2 Q. Did you review any documents in preparation for today's  
3 deposition?

4 A. No.

5 Q. In terms of the documents, did you -- as this  
6 controversy unfolded in the Dover Area School District,  
7 did you generate any notes or memos or anything of that  
8 nature?

9 A. No, it was mostly clipping newspaper articles, sometimes  
10 printing articles from the Internet.

11 Q. I am confident of the answer, but have you provided any  
12 documents of that nature to your attorneys?

13 A. Yes, I forwarded everything I had.

14 Q. Thank you. A few questions now about any relationship  
15 you might have with any people who are employees or  
16 agents of Dover Area School District.

17 If we look at the period say from January of 2003  
18 forward, do you have any relations by blood or marriage  
19 to anyone who served on the Dover Area School District  
20 School Board.

21 A. No.

22 Q. Any business dealings?

23 A. No.

24 Q. How about if we look at Dover Area School District  
25 administration, the Superintendent, Assistant

1 Superintendent, Principals, Vice-Principals?

2 A. No.

3 Q. How about just more generally employes of the Dover Area  
4 School District?

5 A. No.

6 Q. I will ask this question generally to perhaps save us a  
7 lot of time. You are represented by counsel. All of my  
8 questions that I ask you, I am not seeking any  
9 communications between you and counsel.

10 Communications where -- or communications between  
11 you and the plaintiffs in this action about legal advice  
12 that you receive from your counsel in this case, if we  
13 take that off the table, and I ask you generally, have  
14 you discussed the subject matter of this litigation, the  
15 biology text, the Theory of Evolution, Intelligent  
16 Design Theory, the *Of Pandas* text, the things that are  
17 at issue here, the reading of the statement, have you  
18 discussed that with other plaintiffs?

19 A. Tammy.

20 Q. Are you a neighbor of Tammy's?

21 A. Yes.

22 Q. Just generally speaking, how many times since the  
23 controversy?

24 A. That's tough. I talk to Tammy just about everyday.

25 Q. Numerous?

1 A. Yes. I mean, you know, quite frequently. Conversations  
2 don't center around that.

3 Q. Again, excluding any legal advice or discussion of legal  
4 advice or strategy from your attorney, do you recall  
5 anything that Tammy said to you about the litigation?

6 And that is Tammy Kitzmiller; right?

7 A. Correct. I can't recall specifics. I know that we do  
8 agree that Intelligent Design isn't science. You know  
9 what I mean? And basic things like that. You know to  
10 recall specifics is actually kind of tough.

11 Q. That's true. But well, let me ask you I guess a more  
12 direct question. First of all, apart from discussing it  
13 with Tammy, have you discussed it with any of the other  
14 Plaintiffs?

15 Even that question may be hard. Do you know who  
16 all the Plaintiffs are?

17 A. I do. At this point, I do. I know I had a conversation  
18 with Joel and Deb separately on the phone. Joel and I  
19 spoke mostly about graphic arts and what he does at  
20 Bradley Academy.

21 But Deb explained to me because of her being  
22 familiar with Catholic Schools, how they treat  
23 Creationism separately from biology, which I had never  
24 understood that. So that was something new for me to  
25 learn.

1            Brian Rehm is a science teacher. So you know what  
2            I mean? I know we have had conversations to the  
3            validity of Intelligent Design as science. And again,  
4            what it boils down to is I think all of us plaintiffs  
5            are probably in agreement that it's just not science.

6            Q.    Anything else?

7            A.    Not that I can think of specifically right now.

8            Q.    That is fair, and my question is general. How about if  
9            I ask you whether any of them recounted conversations to  
10           you in which they attributed statements to any person  
11           who has been on the Dover Area School District Board  
12           since January, 2003?

13          A.    I don't understand that exactly. You're laughing.

14          Q.    I will rephrase it. What I am getting at is did any of  
15           them have conversations with you in which they said  
16           something to the effect of Alan Bonsell told me or?

17          A.    I see what you're saying. Not that I recall.

18          Q.    I think I know the answer to this, but let me ask you  
19           just to be certain. Did you have conversations with any  
20           of the persons who were on the School Board?

21          A.    I did have conversations with Angie Yingling.

22          Q.    You have described those briefly in your  
23           interrogatories. I will go to that. Apart from those  
24           conversations, were there any other conversations you  
25           had with --

1 A. No.

2 Q. -- persons who were on the Board since January of 2003?

3 A. No. I mean I do remember one time in the parking lot  
4 leaving a Board member, and Casey Brown -- Jeff and  
5 Casey Brown and Noel Wenrich -- and that is how long ago  
6 it was -- were there.

7 But we didn't -- it was mostly about the Board  
8 meeting and the conduct of the Board meeting. Sheila  
9 Harkins and five minute break, you know, and that type  
10 of behavior. It wasn't so much about the content as the  
11 behavior.

12 Q. If I am not mistaken, that Board meeting took place in  
13 2005?

14 A. That I am very bad at is dates. I couldn't even tell  
15 you which one. They all blur together to me because I  
16 have been to a lot of them. Once I started going, I  
17 attended all of them with the exception of one. So it  
18 is difficult to say which one that was.

19 Q. Did it feature application of a rule governing public  
20 comment?

21 A. No. It was prior to that because Noel Wenrich was  
22 there. It had to be in the beginning because then Noel  
23 moved apparently out of the District.

24 Q. Was it after the lawsuit was filed? Does that help you?

25 A. I don't think the lawsuit had been filed.

1 Q. Let me ask it a different way. If Sheila is wielding  
2 the gavel, presumably she is --

3 A. It wasn't a gavel issue. It was a five minute recess  
4 sort of thing. I think with public comment and people  
5 getting up, things would tend to get out of hand.

6 That happened frequently at many Board meetings  
7 because people are vocal, and the Board engages in this  
8 dialogue which they don't have to do, but for some  
9 reason they do do, and things get a little crazy.

10 Q. Was Sheila the President of the Board at this time?

11 A. You know, I don't know. I'm just trying to think.

12 Q. That's all right.

13 A. What I remember in my mind is it being dark and in the  
14 parking lot, and Noel had made some kind of strange  
15 comment. I didn't even know him, but I thought it  
16 seemed like a strange comment to me. And then we just  
17 left.

18 I mean that was the only time I have ever spoken  
19 to them. I am just trying to remember any, you know,  
20 anything. And that is the only other thing I can think  
21 of.

22 Q. That's what I am asking you for, and I appreciate the  
23 effort. You said Noel made kind of a strange comment?

24 A. I can't even remember what it was. I just thought it  
25 odd because he didn't know me. And it just seemed like

1 an odd comment to make to somebody that you don't really  
2 know.

3 But, you know, I guess for him being a Board  
4 member, it's all emotional and a lot going on there. I  
5 can't even remember exactly what it was, but I remember  
6 thinking why would he say that.

7 Q. Did you feel that it was a comment that was personal in  
8 nature and therefore somewhat incongruous?

9 A. It was some flip remark like to the effect of, you know,  
10 no wonder people go postal. No wonder you read about  
11 people doing these things.

12 And I thought what a strange thing to say. Why  
13 would somebody say that? I just left then. I didn't  
14 want to converse any further.

15 Q. In case, he might go postal?

16 A. I didn't know him. It just was a strange remark. It  
17 was dark. I went home.

18 Q. And by go postal, I take it you understood him to mean  
19 take some serious and inappropriate action?

20 A. Exactly.

21 Q. Perhaps entailing violence?

22 A. Exactly.

23 Q. Anything that the Browns said that you can recall as we  
24 sit here?

25 A. No, they didn't really say anything specific. They were

1 just there. They were three standing together. It was  
2 like wow, what a Board meeting. Then Noel made his  
3 comment, and we left.

4 Q. And your recollection is that -- or let me ask you: At  
5 this time, do you think that the Browns were still on  
6 the Board?

7 A. Well, considering -- and I'm thinking about this -- with  
8 Noel being there, it had to have been prior to the  
9 lawsuit which means Sheila wouldn't have been the  
10 President. So maybe I am remembering incorrectly about  
11 Sheila doing a five minute. Maybe it was just more of  
12 the other antics that were happening. I don't think the  
13 Browns were on the Board.

14 Q. Okay.

15 A. Is my feeling. I could be wrong, but I'm thinking at  
16 that time they were not on the Board. They were in the  
17 audience that night.

18 Q. You said something about the meetings, and I want to  
19 understand that. You said that sometimes, the Board --  
20 there is public comment, and the Board members respond?

21 A. Yes.

22 Q. And then you indicated they don't have to do that, but  
23 for some reason they do?

24 A. Correct.

25 Q. Now what Board meetings have you attended?

1 A. I started I believe in November and then attended all  
2 except for the Valentine's Day. I stayed home with the  
3 kids that night. I didn't want to go to the Board  
4 meeting.

5 Q. So it was after the Board meeting -- after the  
6 curriculum change which I will represent to you was on  
7 October 18th, 2004?

8 A. Correct.

9 Q. But earlier, you said something I am just trying to  
10 understand. You had the sense that the Board wasn't  
11 taking input?

12 A. Correct.

13 Q. From the public?

14 A. Correct.

15 Q. When you say that -- may I call you Cynthia?

16 A. Yes.

17 Q. Thank you. What are you getting at in terms of not  
18 accepting input?

19 A. Well, in everything I had been reading, it was like this  
20 was going forward no matter what person said what.  
21 Different things that people had said at those Board  
22 meetings were published in the paper. And it just --  
23 you got a feel that it didn't matter what anybody said.  
24 This curriculum change was going to happen.

25 It seemed so controversial that I couldn't

1 understand why they wouldn't hold more public  
2 information. Like for an example, you have Act 72 right  
3 now which is very controversial. All the School  
4 Districts are having public forums and public meetings  
5 and educating them about it and making them understand  
6 about it.

7 Why wouldn't we have done the same here? It just  
8 didn't seem to me to be conducive to working as a  
9 representative of their constituents. It is like they  
10 were going to do it, and they did, it and that was that.  
11 There was really no discussion.

12 They didn't hold any separate meetings on it.  
13 Then, of course, you came to learn that the science  
14 teachers were very opposed to it. It just -- nothing  
15 but this Board seemed in favor of it.

16 In any of the Board meetings I did attend, anybody  
17 that came up and gave public comment, it was all about  
18 don't do this. Don't make this happen. And I didn't  
19 see anybody standing up saying we support you, go for  
20 it.

21 And so it just seemed to me like the public at  
22 large, the people showing up were very opposed to it,  
23 and the Board was unwilling to listen.

24 Q. I just want to make sure I understand your reference to  
25 Act 72. What does that address?

1 A. Act 72 is the new legislation where gambling monies will  
2 help reduce property taxes supposedly. The schools have  
3 to opt in. And if they don't, they will not have the  
4 opportunity to do so at a later date.

5 But apparently, there is now even a discrepancy as  
6 to exactly how these monies are going to be distributed.  
7 And so I mean it just creates a lot of questions for the  
8 public. How is this going to affect? Because it is  
9 really not property tax reduction. It is just kind of a  
10 switch because I think they have the right to bump up  
11 the income tax. So people want to know how is this  
12 going to effect me.

13 Are the School District -- you wonder in your own  
14 mind is your own School District going to partake in  
15 this and going to join into this? I think it just --  
16 there has been a lot of meetings about it.

17 Q. That is what I want to get a sense for because you seem  
18 to be contrasting the treatment of Act 72 with the  
19 treatment of this curriculum change.

20 Just give me an idea for what Dover Area School  
21 District has done to address Act 72 and these issues you  
22 have raised.

23 A. Nothing. They have had no public meeting on Act 72.  
24 Sheila, as President, I think at the last Board meeting  
25 said that if people were interested in going to Act 72,

1 they could go to another School Board's public forum if  
2 they would like to find out more information about it.  
3 So I think that is pretty much their take on it.

4 I am sorry. Let me add one more thing. I do  
5 believe there was a small paragraph about it in one of  
6 the newsletters, but it didn't real address questions  
7 that people might have.

8 Q. All right. You have referenced the exchanges between  
9 the Board and the public at these public comment  
10 portions of the School Board meetings. I have the  
11 benefit of other testimony of other witnesses that  
12 relate to the Board meetings.

13 Give me your impression, if you would, as to how  
14 that exchange takes place. I mean it seems -- for  
15 example, let me just ask it.

16 It seems to me that frequently, it's somewhat  
17 acrimonious and unedifying in that some of the public  
18 made comments, Board members, if I can use the phrase,  
19 get into it with them, and there's what you call antics?

20 A. Yeah.

21 Q. Is that the sort of exchanges that you have witnessed?

22 A. That would be correct. In my mind, I mean a School  
23 Board -- I think public comment time is important.  
24 People need to get up, and they need to state how they  
25 feel about school related issues.

1           But never has it been an obligation for the School  
2 Board to answer back during public comment policy time  
3 or comment time. Basically, somebody can get up. They  
4 can state what they have to say, and the Board should  
5 pretty much say thank you, whose next?

6           And that just -- it's almost like they just would  
7 engage and question back, and why do you think this way,  
8 and just get into these dialogues. And it just didn't  
9 make any sense to me. It can escalate situations I  
10 think.

11 Q.       Since you have been begun attending the Board meetings  
12 regularly, do you have a sense that they frequently do  
13 degenerate to shall I say sharp or unproductive  
14 exchanges between Board members and the public?

15 A.       I think in the last few I have been at, it seems to have  
16 subsided. But, of course, we are in an election year  
17 so you know.

18 Q.       I understand the inferences that you are making there.

19 A.       But I mean it seems to. Now Alan Bonsell at a couple,  
20 maybe two board meetings ago went on this long rant  
21 about the press and being misunderstood. And to me, it  
22 is just not appropriate. I just don't feel that is  
23 appropriate.

24           They are there to do the business of the school  
25 and not to put their opinions or be defensive about

1 issues. It is a Board meeting. It is a Board meeting.  
2 It should be done with dignity and professionalism.  
3 That's it.

4 Q. I understand. Have you had any conversations with the  
5 teachers in the Science Department about the curriculum  
6 change? You indicated Bryan Rehm who was a former  
7 teacher?

8 A. Correct.

9 Q. Anyone else? Did you speak with Bert Spahr about the  
10 matter?

11 A. No. My kids are little. I don't really have dealings  
12 with high school teachers.

13 Q. I understand that. I know you indicated you spoke with  
14 Brian Rehm and acquainted yourself more by virtue of his  
15 education with his view of Intelligent Design.

16 Any of the other teachers did you speak with them  
17 about that?

18 A. I did not speak with them. It was based on comments  
19 maybe that I had read or they had been quoted or things  
20 like that.

21 Q. If we look at the period prior to the filing of the  
22 lawsuit and just say December of 2004, did you speak  
23 with any reporters prior to that time?

24 A. I really have never spoken with the press except for on  
25 one occasion, and I only made a small comment. Beth

1 actually made more of a comment. It was in relation to  
2 the public comment policy. It wasn't even about the  
3 Intelligent Design issue.

4 Q. Was your comment reported?

5 A. I believe she put a little snippet in there that because  
6 we were very concerned about what had happened with them  
7 limiting public comment to agenda only items. And so  
8 that really -- that particular couple of Board meetings,  
9 that's really what we were addressing. We felt it was  
10 very serious.

11 Q. Can you remember which reporter you spoke with?

12 A. Lauri Lebo.

13 Q. I mean just reporting, the accuracy is somewhat at issue  
14 in this case. Did you find her reportage accurate?

15 A. Yes.

16 Q. Was there any time during this period say from June of  
17 2004 to the present where you heard complaints about the  
18 reporting of this controversy relating to the biology  
19 text, biology curriculum apart from complaints by Board  
20 members?

21 A. That would have been my answer. Only from the Board  
22 members.

23 Q. Which Board members did you hear complaints from?

24 A. That one particular where Alan Bonsell specifically said  
25 something. When they were interviewing for the open

1 positions I guess for the Browns or Noel or whoever,  
2 during the interview process, that was actually a  
3 question from I believe Bill Buckingham, you know, would  
4 ask it. I don't know if anybody else did, but I do  
5 remember him specifically.

6 That was a question they would ask the person  
7 being interviewed. You know are you prepared to be  
8 misquoted and blah, blah, blah, and the press will do  
9 this, how will you handle that? It was part of the  
10 interview process. I distinctly remember that. So that  
11 would be another time.

12 Q. Did you send any e-mails or anything relating to this  
13 controversy?

14 MS. KNUDSEN: Can you be more specific, Patrick?

15 MR. GILLEN: Sure.

16 BY MR. GILLEN:

17 Q. The controversy that is the subject matter of this  
18 litigation, the controversy surrounding the biology  
19 text, selection of a biology text for Dover Area High  
20 School, Intelligent Design, the text *Of Pandas and*  
21 *People*, the statement that the Board has generated?

22 A. Send an e-mail is your question?

23 Q. Send or receive.

24 A. No.

25 Q. Are you on any list serves?

1 A. I have read through news groups. I usually do it  
2 Internet based where you can go on and read through.  
3 And like I said, I have seen Talk Origins. I have been  
4 following the new one, the Debunk Creation list. I have  
5 looked through a lot of lists. There's just a ton of  
6 them out there.

7 Q. That's fine. I am just trying to get a sense as to  
8 whether you sent or received e-mails to people that are  
9 tied to this controversy, this dispute, this litigation.

10 A. Not that I can recall. I am mostly a reader -- you know  
11 what I mean -- versus getting in there and injecting my  
12 opinion.

13 Q. You have indicated your kids are young, and I understand  
14 that. Tell me what ages are your children?

15 A. Griffin is seven, and Nathan is four.

16 Q. And is Griffin -- that makes him school age?

17 A. Correct.

18 Q. What grade is he in?

19 A. He is in first grade.

20 Q. Where does he attend school?

21 A. Weiglestown Elementary.

22 Q. That is a public school?

23 A. That is part of the Dover Area School District.

24 Q. And Nathan is not in school yet?

25 A. 2006-2007 year.

1 Q. And is it your intent to enroll him in the Dover Area  
2 Schools?

3 A. Yes.

4 Q. Do you guys have any plans on moving, any applications  
5 for transfer pending, anything like that?

6 A. Not with the overinflated real estate prices right now.  
7 No, we have no intention.

8 Q. How long have you lived in the District?

9 A. In 1999, we moved into the District.

10 Q. Was that in connection with employment? What brought  
11 you to the District?

12 A. That was just finding a house to accommodate us, a  
13 bigger home. We had lived in Manchester, which is only  
14 fifteen minutes away. There wasn't really any reason  
15 aside from finding a house we liked.

16 Q. Have you spoken with anyone about the donation of other  
17 books to the Dover Area School District? And by that I  
18 mean --

19 A. This new donation?

20 Q. Right.

21 A. I haven't spoken to anybody about it, but I have been  
22 following it. They had reported it in the newspaper  
23 which led me to go to that list and just kind of follow  
24 what was going on there.

25 Of course, then it was -- the Board kind of

1           responded to it in their way about this review process.  
2           And I guess that's where it stands now.

3                       Monday night is a School Board meeting, and I  
4           think maybe then we will find out if it is a donation  
5           they are willing to accept.

6 Q.       Earlier you did reference the comment by Angie Yingling,  
7           and I just want to get a sense for what you remember  
8           about that comment which is I think in paragraph 39 of  
9           the complaint as you tell me.

10                      Paragraph 39 in the complaint indicates that Angie  
11           Yingling stated that she regrets voting for the October  
12           18th resolution, but did so because many on the Board  
13           pressured her by accusing her of being an atheist and  
14           unchristian.

15                      Am I right, Cynthia, that you were at the December  
16           6, 2004 meeting?

17 A.       Can you tell me any specifics about that meeting? Maybe  
18           that would refresh -- I would think that I was since I  
19           started going in November. But again, they all run  
20           together.

21                      What was special about that one is what I am  
22           saying?

23 Q.       Your question points to the difficulty I had at the  
24           outset of this process. Paragraph 39 of the complaint  
25           also indicates that you heard that statement or that the

1 statement was made on December 6th, 2004 at a School  
2 Board meeting.

3 If I represent to you that Angie made that  
4 statement about being pressured at the December 6, 2004  
5 Board meeting, do you recall -- does that help you  
6 recall being at that meeting where that statement was  
7 made?

8 Don't even focus so much on the date. It seems  
9 you do remember being at that meeting and hearing her  
10 make that statement; is that true?

11 A. Read the statement for me, again.

12 Q. Sure. Angie Yingling -- and I will quote the complaint  
13 -- stated that she regrets voting for the October 18th  
14 resolution, but did so because many on the Board  
15 pressured her by accusing her of being an atheist and  
16 unchristian?

17 A. Why I do think I remember that is I think there was also  
18 a tone about how she felt that constituents were coming  
19 to her saying why is this going on.

20 Q. Okay.

21 A. If I am remembering correctly. Because Angie always had  
22 that appeal. To her, it was like I'm out. People are  
23 coming to me. They are asking me why. They are  
24 questioning me, that sort of thing.

25 Q. I am interested -- what I would like to see is what you

1 recall about what Angie said. If we stay focused on  
2 this statement which I have described which relates to  
3 Angie saying that she had been pressured or felt  
4 pressured by Board members by accusing her of being an  
5 atheist or unchristian, do you remember her saying that  
6 or using those words?

7 A. I remember her saying those words. Whether it was  
8 during the Board meeting or maybe even after the Board  
9 meeting talking to the press because that happens after  
10 the Board meeting when everybody is milling around, that  
11 I can't be certain of. But I can remember, and I can  
12 envision her in my mind stating that.

13 Q. That is very fair, and I appreciate your effort to be  
14 accurate. So I take it though that you can't remember  
15 whether it was during the Board meeting or after?

16 A. Correct.

17 Q. Were you privy to exchanges between Angie Yingling and  
18 reporters?

19 A. If you are standing close by.

20 Q. Right.

21 A. When they happen to be talking. And I know I definitely  
22 have been exposed to those conversations.

23 Q. Okay. On more than one occasion?

24 A. I don't think so. And that's why I am thinking it was  
25 after the Board meeting because, you know, she was

1 specifically maybe talking to like a Joe Maldonado. Or  
2 maybe two times. You know what I mean? It's tough.

3 After the Board meeting, everybody is kind of  
4 mingling around. It is not a very big room. So it is  
5 pretty easy to kind of hear the conversations that are  
6 going on.

7 Q. Yes, I have been there. Paula has, too. I understand  
8 what you are getting at. Let's look and focus on Angie.

9 A. Okay.

10 Q. And statements she made. That is basically what I am  
11 trying to get a handle on, what she said about this  
12 phenomena which as you can imagine is noteworthy.

13 Do you recall her saying -- give me the best sense  
14 you can for the words that she used and the thrust of  
15 her comments.

16 A. Are you wanting me to tell you how I feel where she was  
17 coming from on the issue?

18 Q. Yes. Let me try and break it down for you because  
19 there's a couple of things here. The first thing, as  
20 the statement indicates, she did vote for the  
21 resolution?

22 A. Correct.

23 Q. Tell me -- and it is evident that this statement is  
24 offered by way of explanation for her vote. That's  
25 generally speaking what I am interested in, her

1 explanation for her vote, and then this statement that  
2 her religious convictions have been questioned.

3 First if we look at her explanation for the  
4 October 18th vote on the curriculum, do you remember  
5 anything that Angie said about the vote, about the  
6 curriculum policy, about its purpose?

7 A. I can remember what I read that she said, and that was I  
8 think at the time in her mind, it was like well, you  
9 know, let's just teach the other alternative, like it  
10 was kind of this harmless thing, and she didn't have a  
11 full understanding.

12 But then it seems to me that as she is out and  
13 about in public, a lot of people, taxpayers are coming  
14 to her and questioning her which probably started to  
15 make her question why are we doing this.

16 The biggest thing about Angie Yingling that sticks  
17 out in my mind of things she specifically said was the  
18 night that she actually resigned because she was very  
19 tearful. It was very upsetting for her. She implored  
20 the Board to revisit the issue again. That's what  
21 really sticks out in my mind because you could tell  
22 there was this personal exchange, and she is going come  
23 on, Sheila, come on. Let's just revisit. I am only  
24 asking to revisit.

25 And it was like she was personally trying to get

1 Sheila to kind of -- nobody would second the motion. I  
2 remember kind of feeling bad for her in a way because  
3 she was so emotional about it.

4 Q. Let me get a sense for that. You say revisit the issue?

5 A. Yes.

6 Q. And there is a motion you have referenced. What was  
7 your understanding of what Angie's motion was; what was  
8 she asking for?

9 A. I think what she wanted to do was open it back up to  
10 discussion as to should we go forward with this  
11 curriculum change. She wanted to revisit the issue.

12 In order to do that, she would have had to have a  
13 second motion by another Board member. You know what  
14 stood out in my mind was there were new Board members  
15 that really know nothing about this issue. And as a new  
16 Board member, in my mind, I would think sure, I will  
17 second the motion. Let's talk about this again because  
18 I don't really know about this, and now I am part of  
19 this Board. And none of them would second her motion.

20 That is why it stood out in my mind. I thought it  
21 odd. I just don't think it ever hurts to talk about  
22 things. Let's just revisit the issue. I think it would  
23 have been a great thing to do, especially for these new  
24 Board members to maybe bring them up to speed.

25 Q. So we have got her making a motion along those lines.

1           You have indicated that you have a sense her comments  
2           were directed to Sheila Harkins?

3   A.    Yes.

4   Q.    Anyone else?

5   A.    Well, I mean her motion was obviously in front of the  
6           whole Board, but she made that personal appeal to  
7           Sheila, which gives me a sense that maybe outside of  
8           being on the School Board, they're friendly.

9   Q.    Yes. I understand you. Did she say anything else about  
10          her reasons for desiring to revisit?

11   A.    I feel that that was coming from constituents coming up  
12          to her questioning her. You know what I mean? And she  
13          was getting pressure from taxpayers so to speak.

14   Q.    I don't mean to tax your memory, but I just want to get  
15          as perfect a picture as I can of what you saw through  
16          your eyes.

17   A.    Correct.

18   Q.    Did she say that? Did she say there's a lot of  
19          complaints?

20   A.    People are coming up to me. I remember her making that  
21          sort of comment. People are questioning me, and they  
22          don't understand. And she kind of went on that sort of.

23   Q.    Okay. Now if you have her in your mind's eye and she is  
24          making this conversation here at the meeting, let me ask  
25          you if that refreshes your recollection about whether

1 she made this statement about other Board members  
2 pressuring her or questioning her religious convictions  
3 at the Board meeting?

4 A. I still cannot tell you if it was at the Board meeting  
5 or if it was after when she perhaps was talking to the  
6 press. I just can't. For some reason, I can't.

7 Q. Don't worry. I mean recollections are like that.

8 Let me ask you this: In my judgment, that's a  
9 very serious statement to make.

10 A. Correct.

11 Q. And do you recall any response on the part of any Board  
12 members directed towards that?

13 A. No.

14 Q. Let's just look more generally at statements that you  
15 can tie to Angie Yingling.

16 A. Okay.

17 Q. You have some recollection of her saying these  
18 statements here in paragraph 39. Do you recall -- let's  
19 look at it another way.

20 If she didn't make them at the Board meeting but  
21 made them afterwards, do you recall any response on the  
22 part of any party to that statement?

23 A. No. I don't.

24 Q. I am sorry.

25 A. That's okay. I am just saying no, I don't. I just

1 don't.

2 Q. How about yourself? When you heard that, did you say  
3 anything to Angie?

4 A. No.

5 Q. Just generally speaking -- and I know as you say there's  
6 exchanges after the Board meeting. The meeting has  
7 broken up. People are milling about.

8 Have you had an occasion to talk to Angie yourself  
9 one on one?

10 A. Yes.

11 Q. Tell me about -- on more than one occasion?

12 A. Two occasions. She had given me her business card after  
13 the one Board meeting because I think knowing in her  
14 mind that she was going to resign, she was already  
15 thinking about rerunning and asked me to give her a  
16 call. And I had contacted her in reference to that.

17 I think what she was looking for were people to  
18 possibly run with her for the School Board election.  
19 And that was the purpose of the call.

20 I had also talked to her a second time. We did  
21 discuss -- I am just trying to remember what happened in  
22 each conversation.

23 Angie is -- it was kind of a tough time for her.  
24 I think this whole thing with resigning and what have  
25 you, she seemed very emotional. So I mean to me, it was

1 kind of an emotional type of conversation. We did talk  
2 about the recent depositions of I believe Sheila,  
3 Mr. Buckingham, Mr. Bonsell and Dr. Nilsen, and that  
4 that information was public information.

5 I think she had probably had been maybe interested  
6 in reading them, but I'm sure I wanted to contact Eric  
7 first to make sure that that's okay, not knowing myself.

8 But yeah, she did go on with some specific things  
9 that she did say, but I couldn't understand why she was  
10 saying them. That is why I'm calling it emotional was  
11 her treatment by Board members, Alan Bonsell  
12 specifically.

13 That sticks out in my mind. She was just saying  
14 like you should see how they treat me. You should see  
15 what they say to me. Alan has specifically told me to  
16 shut up during executive meetings. They have threatened  
17 me with legal action.

18 I don't know what that meant. I have no idea what  
19 the reference was behind that. And I really didn't feel  
20 it necessary to go any further. You know what I mean?  
21 It didn't do any good for me. I was just, you know -- I  
22 pretty much didn't want to run for School Board. I was  
23 just kind of listening.

24 It just seemed to me she felt like she needed to  
25 get it off her chest. I can't tell you what the legal

1 action was about let's say. I have no idea what that  
2 was referring to.

3 But my feeling after the conversation was she had  
4 felt she had been treated very badly.

5 Q. And that's what I am trying to understand. During these  
6 two conversations that you have referenced --

7 A. Yes.

8 Q. -- did Angie recount to you a statement to the effect  
9 that her religious beliefs had been questioned?

10 A. Yes, yes. She had made that comment. If you're not one  
11 of them, you know if you are not their kind of  
12 Christian, you know. And she did make that comment that  
13 her Christianity had been questioned.

14 She seemed very agitated by that. It just seemed  
15 to really -- I can't say that it had just happened, but  
16 it was obviously something she was still stewing on.  
17 That's the impression I got.

18 Q. Okay. Just give me to the extent that you can any  
19 details that Angie gave you about that. For example,  
20 did she attribute this conduct to a specific Board  
21 member?

22 A. Bill and Alan.

23 Q. Bill Buckingham and Alan Bonsell?

24 A. Yes.

25 Q. Do you recall her saying that they had --

1 A. Yes.

2 Q. Do you recall anything more specific about the way in  
3 which Mr. Buckingham or Mr. Bonsell had questioned her  
4 religious convictions?

5 A. No, just in the terms that I said, that you are not  
6 their kind of Christian or something. She was really --

7 Q. Upset?

8 A. Yeah. You know what I mean? I don't want to use a  
9 harsh term like ranting, but she was very emotional. It  
10 obviously all bothered her very much. That was apparent  
11 to me.

12 Q. A couple of times you have used the phrase their kind of  
13 Christian. Did she use that phrase?

14 A. That is what I am sitting here thinking. If I had  
15 spoken to her face-to-face, I could probably remember  
16 because you can picture somebody in your mind saying  
17 something to you. I am trying to remember the exact  
18 words. I don't know if those were the exact words.  
19 That's probably the idea I got.

20 Q. That's exactly what I am asking. I am trying to get a  
21 sense for what would give you that idea -- and that is  
22 the first thing -- the words that she chose.

23 A. You know, it could have been -- I am just really sitting  
24 here trying to remember this conversation. It wasn't  
25 even a very long conversation, but yet it seems like it

1 would have been. That's all I can tell you is that is  
2 the gist I got. I don't know if she said that exactly  
3 like that specifically, but the word Christian was  
4 definitely said.

5 Whether it was not their kind or not a, or -- you  
6 know what I mean -- not good enough perhaps, I can't be  
7 that specific. But I just know -- I definitely know she  
8 touched on the Christian thing with that word.

9 Q. I appreciate that. What about this notion of pressure,  
10 did she elaborate on that?

11 A. My feeling from what she said was that it was being  
12 dictated to her when to speak and when not to speak.

13 Q. And I do see and you frankly stated that you recall some  
14 statements to that effect very clearly. I am looking or  
15 would like us to look at the statements that are  
16 directed at the religious conviction and this notion  
17 that Angie felt pressured because of the religious --  
18 her religious convictions or someone asking her a  
19 question.

20 What I am trying to get at is what did she say  
21 that communicated that?

22 A. Well, I don't know if I can necessarily make a  
23 connection between pressure she was receiving and the  
24 religious aspect. I don't think I made or even now  
25 would make that connection.

1                   It was almost like when she was talking about how  
2 she was being treated, it wasn't that she was being  
3 treated that way because of her religion. I don't feel  
4 she made a connection there.

5 Q.     Okay.

6 A.     It was just this is how they treat me. Do you know what  
7 I mean? She was kind of going through all different  
8 things, and not everything made sense to me because I  
9 just didn't -- I am not at the Board meetings. I don't  
10 know these people. I don't really know Angie. Do you  
11 know what I mean?

12                   A lot of it I think was difficult for me because  
13 it didn't even make sense to me. I didn't feel the need  
14 to inquire further.

15 Q.     That is what I am trying to get at, Cynthia. Plainly,  
16 she is recounting, and you have told me, she regarded as  
17 abusive behavior?

18 A.     Correct.

19 Q.     And a threat of litigation?

20 A.     Yeah. I don't know where that comes from.

21 Q.     What I am trying to understand is whether you understood  
22 Angie to be saying that she was being abused in that way  
23 because of her religious beliefs?

24 A.     I can't say that. I did not make that connection so to  
25 speak. If that was her intent to say it to me, I didn't

1 necessarily make that connection.

2 Q. Did you ever give her the deposition transcripts?

3 A. No. I told her they were available for viewing if she  
4 cared to come over, or whatever, or meet. But no  
5 inevitably.

6 Q. Are there any other exchanges you had with Angie  
7 Yingling?

8 A. That was it.

9 MR. GILLEN: Could we take a brief break?

10 (A recess was taken.)

11 AFTER RECESS

12 BY MR. GILLEN:

13 Q. I am wrapping up. I just want to make sure that I  
14 understand. The objection to the statement and so on, I  
15 mean it's a short statement. Have you seen the  
16 statement?

17 A. Yes.

18 Q. And it does -- you know, it makes the kids aware of  
19 Intelligent Design and the book *Of Pandas* and so on.

20 What is your objection to that, Cynthia? Tell me  
21 again so I understand it.

22 A. I think my objection is that I don't believe Intelligent  
23 Design is science. That they are making this statement  
24 to me which kind of pits -- it kind of puts Intelligent  
25 Design out there like here is this other scientific

1 theory, and yet it kind of seems to minimize what  
2 Evolution is. I just don't agree with that.

3 I think it is being done for motivational reasons,  
4 and the kids, they can't even -- I think any time you  
5 say anything in a classroom, you're teaching it. You  
6 are saying something. You are making kids aware of  
7 something.

8 They make this statement, and they bring up this  
9 idea which I don't believe is scientific, and then they  
10 don't want to answer any questions about it. They don't  
11 want to talk about it.

12 It is like well, if you have questions go to this  
13 book. I really don't think reading this book is going  
14 to answer the questions that they might have. I just  
15 don't see the point.

16 Q. You said motivational reasons. What did you mean by  
17 that?

18 A. Religious reasons. I equate Intelligent Design with  
19 Creationism.

20 Q. And when you impute that motive to the Board and so on,  
21 why are you doing that, Cynthia?

22 A. I don't think I'm doing that. That is the way I see it.  
23 To me, Intelligent Design is a revised form of  
24 Creationism with a scientific sound to it which will  
25 make it a little more acceptable for the science

1 classroom. It is not science. To me, it is not even a  
2 scientific theory.

3 Nobody has been able to tell me to this date what  
4 is scientific about Intelligent Design, what is the  
5 science in it. I have failed to see that. It has not  
6 been explained to me.

7 So does that answer your question?

8 Q. It does. It does. I want to get a sense for the basis  
9 of your position, and that's it. There's a couple of  
10 other -- what shall we say -- high profile statements  
11 that have been alleged in the complaint.

12 Based on your testimony today, as I understand it,  
13 I don't think you were at the Board meetings to hear  
14 those?

15 A. Correct. Everything that has been attributed there, I  
16 have read.

17 Q. You indicated you have been attending Board meetings  
18 since November --

19 A. Correct.

20 Q. -- forward pretty regularly? Has there been any  
21 discussion of this issue by Board members during that  
22 period?

23 Since you have started attending the Board  
24 meetings regularly, you have recounted Angie Yingling's  
25 motion or request -- sort of emotional request to the

1 Board to reopen the issue.

2 Apart from that exchange which we have already  
3 discussed, is there any other discussion of the  
4 curriculum change, the Miller and Levin text of *Biology*?  
5 A. No, and that has kind of been a problem. There has been  
6 no discussion. There has been plenty of public comment.  
7 There has been the nice little newsletter that we all  
8 received telling us what it is and what it is all about.  
9 Other than that, no. No open discussion.

10 Q. And the same question with respect to the text *Of*  
11 *Pandas*?

12 A. Same thing. No open discussion.

13 Q. How about discussion of the statement? Do you recall  
14 any statements by Board members at Board meetings  
15 addressing the statement?

16 A. No, I don't.

17 Q. Has anything been said so far as you can recall about  
18 the other donation we discussed today, the donation of  
19 books treating the subject matter, books intending to be  
20 placed in the library at Dover Area High School?

21 A. At the Board meeting?

22 Q. Yes.

23 A. At the last Board meeting, Bryan got up and addressed a  
24 couple of issues during public comment time. And he  
25 questioned when the Board would be making its decision

1 about the books. But that was like one of maybe four or  
2 five things that he said.

3 I'm just trying to remember what her comment was.  
4 I'm sure Brian could -- because he was the one asking.

5 At that point, there had already been things in  
6 the newspaper about it. So I am trying not to confuse  
7 myself, whether it was something I read or what she  
8 said.

9 But I can't say that there was discussion on the  
10 Board. It was pretty much Sheila addressing directly to  
11 Bryan about, you know, the books will be reviewed by the  
12 curriculum committee.

13 He did come back at her with the Pendas book, or  
14 maybe it wasn't the Pendas book, maybe it was just to  
15 the fact why does the curriculum committee need to  
16 review, it's a donation for the library?

17 And her comment or what I understood it to be was  
18 well, no, -- maybe it was the *Pendas* book. Maybe he did  
19 say something specific book about the *Pendas* book  
20 because she said no, we did that with that, too. We did  
21 it the same way then.

22 I am just not specific. I just can't remember  
23 specifically. I am sure Brian could though.

24 Q. Let me just see if I understand your answer. It seems  
25 like Bryan meaning Bryan --

1 A. Rehm.

2 Q. -- Rehm, one of the plaintiffs in this action addressed  
3 an inquiry to the Board concerning its -- why the Board  
4 curriculum committee had to review this group of books  
5 that we have been referring to that were donated by a  
6 sort of under the rubric of Debunk Creation; is that  
7 correct?

8 A. Correct.

9 Q. And do I understand your testimony correctly that Sheila  
10 Harkins indicated that the -- let me put it this way:  
11 Do I understand correctly that when Mr. Rehm understood  
12 that the Board curriculum committee would review this  
13 donation from the Debunk Creation group, he said why is  
14 that necessary, it wasn't done with *Of Pandas*?

15 A. I think it was something to that effect. Because I'm  
16 just thinking now, I can remember the expression on her  
17 face, but yet I can't remember specifically what she  
18 said.

19 The gist I got from it was just somehow that this  
20 was normal procedure, and this is how we did it before.  
21 I would have to sit here and think a while to really --  
22 I just don't know.

23 I can remember Bryan walking up there. I can  
24 remember him reading down through these issues he had.  
25 And I thought his final question was when will the books

1 -- when will that -- when will the decision be made?  
2 And then she had said something which actually he was  
3 walking away and caused him to go back up to the podium  
4 and say something further. But I was sitting in the  
5 back.

6 So he actually questioned her when he walked back  
7 up to the podium. I just -- I can't remember  
8 specifically.

9 Q. That's all right. I am just trying to get a sense. I  
10 had the sense that you were saying Sheila Harkins'  
11 response was we are treating these books as we treated  
12 *Of Pandas*?

13 A. I think that is what it was. I think.

14 Q. I just wanted to see to the extent I was understanding  
15 you and if that's right.

16 Any other comments by Board members addressing the  
17 book donation that you can recall?

18 A. At the Board meetings?

19 Q. Yes.

20 A. No.

21 MR. GILLEN: I have no further questions at this  
22 time.

23 MS. KNUDSEN: And I have no followup questions.

24 (The deposition was concluded at 11:30 a.m.)

25

COMMONWEALTH OF PENNSYLVANIA :  
 COUNTY OF CUMBERLAND :

I, Vicki L. Fox, Reporter and Notary Public in and for the Commonwealth of Pennsylvania and County of Cumberland, do hereby certify that the foregoing testimony was taken before me at the time and place hereinbefore set forth, and that it is the testimony of:

CYNTHIA SNEATH

I further certify that said witness was by me duly sworn to testify the whole and complete truth in said cause; that the testimony then given was reported by me stenographically, and subsequently transcribed under my direction and supervision; and that the foregoing is a full, true and correct transcript of my original shorthand notes.

I further certify that I am not counsel for nor related to any of the parties to the foregoing cause, nor employed by them or their attorneys, and am not interested in the subject matter or outcome thereof.

Dated at Camp Hill, Pennsylvania, this 20th day of April, 2005.

COMMONWEALTH OF PENNSYLVANIA

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