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I N D E X

WITNESS

SHEILA HARKINS

Examination

By Mr. Lowe

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EXHIBITS

(None marked.)

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## STIPULATION

It is hereby stipulated by and between the respective parties that 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.

SHEILA HARKINS, called as a witness, being duly sworn, was examined and testified, as follows:

BY MR. LOWE:

Q. Good morning.

A. Good morning.

Q. I have introduced myself off the record. I would like to --

A. I don't remember your name. I am sorry.

Q. My name is Chris Lowe.

A. Chris, Sheila Harkins.

Q. I am from Pepper Hamilton, and I represent the plaintiffs in this case.

Would you please say and spell your name for the record?

A. S-h-e-i-l-a, Sheila, Harkins, H-a-r-k-i-n-s.

Q. Now as I understand it, you have recently been deposed in this matter; is that correct?

A. Well, not real recently. It was maybe two months ago.

Q. Was it January I believe?

1 A. Yes.

2 Q. Correct me if I am wrong.

3 A. Yeah.

4 Q. We are here today, and I am going to ask you some  
5 questions at the beginning that are going to be  
6 repetitive of last time. This is so that we have the  
7 record straight.

8           Once we get into the deposition itself, I am going  
9 to try to stay away from questions that will appear  
10 repetitive to you.

11           Let me know if I am getting into a line of  
12 questioning -- I am sure that Pat will also let me know  
13 -- I see you are represented by counsel here today. If  
14 I get into a line of questioning that seems overly  
15 repetitive, feel free to let me know.

16           I have reviewed your last deposition. It is  
17 possible I may start going into areas just without  
18 remembering that those areas have already been explored.  
19 You can feel free to let me know.

20           In some instances, it may be because I plan to  
21 take it down just a different avenue than where it had  
22 gone last time. It might be to get a little bit of  
23 background. In most cases, I will probably just stop  
24 that line of questioning there.

25 A. Now I feel bad in that I didn't review my last

1 deposition.

2 Q. That was going to be my first question.

3 A. I am sorry.

4 Q. That's okay. That certainly is not an obligation of  
5 yours at all.

6 With that in mind because this is on the record,  
7 you have heard this before, and I'm going to go through  
8 it again, it is going to be important that you answer  
9 questions verbally.

10 A. Yes.

11 Q. That means with a yes or no. Even when I go through  
12 these instructions, although you are going to be looking  
13 right at me and it is clear to me that you have heard  
14 me, I may ask you to say either yes or no just to  
15 clarify your understanding of these instructions.

16 Is that clear?

17 A. Yes. And slow down for me, also. My mind doesn't work  
18 that fast.

19 Q. There's my first procedural direction is that I do tend  
20 to speak quickly. And if at any time I am speaking too  
21 quickly, Vicki will probably stop me. But if Vicki  
22 doesn't, you can feel free to. Just ask me to slow  
23 down.

24 Over the course of the morning, I am sure I will  
25 naturally slow down, but there will be other times I may

1 start to speed up naturally as well. Just let me know.

2 If I ask any questions that seem imprecise or  
3 unclear, let me know that as well. By the same token,  
4 if any of your answers seem to be a little unclear to  
5 me, I may ask you to repeat or rephrase. Most likely  
6 that will be because my question was less than precise.  
7 But either way, if we could have an open line of  
8 communication.

9 A. Thank you.

10 Q. Is that clear? Are you on any medications, or have you  
11 taken any medication, or do you have any disabilities  
12 that would affect your perception today?

13 A. Not to my knowledge.

14 Q. Okay. And in the past, let's say go back two years. In  
15 the past two years, have you taken any medication or  
16 suffered any handicaps that may affect your perception  
17 or memory?

18 A. Not to my knowledge.

19 Q. Great. So that the transcript is clear, I am going to  
20 also ask that you try to wait until I finish my  
21 questions. I tend to pause on occasion during  
22 sentences, but at the same time, generally I will hold  
23 my pauses until I have completed the question. If you  
24 give me a couple of seconds after you think the question  
25 is done, that will make it a lot more clear when it

1 comes to the transcript when we look at it later.

2 A. Thank you very much. And I tend to interrupt so please  
3 stop me from doing that.

4 Q. Fair enough. Once again, Vicki will probably stop you  
5 before I get a chance. I understand that you were  
6 deposed before. You have already stated this so let's  
7 get it for the record.

8 Have you reviewed your previous deposition  
9 testimony?

10 A. No, I have not.

11 Q. Looking back to your previous deposition, are there any  
12 answers that you gave at that time or any explanations  
13 that you gave that since then you feel you need to  
14 change or to clarify?

15 A. I reviewed my deposition immediately afterwards and made  
16 a few changes. I have not looked at it since. So I'm  
17 not aware of what I even said at the time.

18 Q. Okay.

19 A. Or what those changes were.

20 Q. We will assume that those changes were made. And, of  
21 course, you are going to review this deposition before  
22 we see it at any rate.

23 Between the past deposition and this deposition,  
24 did you do anything to prepare?

25 A. I talked to Pat last evening.

1 Q. Approximately how long did you talk with Pat?

2 A. Less than an hour.

3 Q. Did you talk to anyone else about this deposition?

4 A. My husband knew I was coming.

5 Q. Other than your spouse, have you had conversations with  
6 anyone that is not a party to this?

7 A. Excuse me?

8 Q. Have you had conversations with anyone else that is not  
9 a party to this action?

10 A. No.

11 Q. About this deposition?

12 A. No.

13 Q. I am going to start asking some questions about the  
14 resolution that was passed recently or passed this past  
15 year for enriching the Dover biology curriculum.

16 Before you voted to pass the resolution, did you  
17 conduct any research involving --

18 A. If you are talking --

19 MR. GILLEN: Please let Chris finish his question.

20 A. I am sorry. I thought he was finished. I apologize.

21 MR. GILLEN: That is all right. Forgive me,  
22 Sheila.

23 A. I thought he was finished. I apologize.

24 BY MR. LOWE:

25 Q. And I did pause. Did you conduct any research involving

1 Intelligent Design?

2 A. I looked at several websites involving Intelligent  
3 Design.

4 Q. I believe in your prior testimony you had said that you  
5 don't recall at this time any of the articles that you  
6 had read; is that still the case?

7 A. That is pretty much. That's correct.

8 Q. Did you conduct any research with respect to Evolution?

9 A. I looked at websites, yes, that covered both areas.

10 Q. In what ways did you search the Internet? Do you recall  
11 search terms that you used when going to the Internet  
12 for your research?

13 A. I used Google. I used Intelligent Design. I think I  
14 used Evolution. I used macro and micro Evolution.

15 Q. In what way did you judge whether or not the contents or  
16 the information that you received on these websites  
17 was --

18 A. I am sorry.

19 Q. When looking at the websites, in what way did you  
20 determine whether or not the information that you  
21 received from these websites was accurate?

22 MR. GILLEN: Objection to the form.

23 MR. LOWE: Could you clarify?

24 MR. GILLEN: Sure. You are assuming that she was  
25 evaluating it -- first of all, that she did conduct that

1 kind of evaluation, and second that she had some  
2 criteria to do so. Go ahead, Sheila.

3 A. I did not assume it was accurate. I was just looking  
4 for information. In no way was I determining the  
5 accuracy of it.

6 BY MR. LOWE:

7 Q. To address Pat's objection, did you base your decision  
8 as to whether or not to vote for this policy on the  
9 information that you received from these websites?

10 A. Very minimally.

11 Q. When you say minimally, what did you use from those  
12 websites to help you in determining whether or not to  
13 vote for this resolution?

14 A. Only to become somewhat more informed.

15 Q. To the extent that you used the information from these  
16 websites, I realize it was only minimally to help you  
17 make an informed decision, the information that you  
18 used, did you do anything to verify that that  
19 information was accurate?

20 A. I am sorry. I am not following your path of thought.

21 Q. I am sure that you understand that on the Internet,  
22 anyone can pose anything?

23 A. That is very true.

24 Q. You can find things on the website that look extremely  
25 official, that look as if they are nothing but the

1 truth, and yet if you dig a little bit deeper, you can  
2 find that the person that published these articles or  
3 published the website either did so sarcastically or in  
4 farce or has absolutely no information about what it was  
5 that he or she posted.

6 Was there any way going back to the information  
7 that you used, that you based your -- that you used to  
8 help you make your informed decision, did you in any way  
9 check to see that that information was accurate or  
10 truthful or scientific?

11 A. No. I think that's why I said I was not considering it  
12 accurate. I was only trying to gather information.

13 Q. Okay.

14 A. I think we are all well aware of the information on the  
15 Internet is just out there.

16 Q. If at any time during the course of this deposition you  
17 feel the need to take a break, if I ask you any  
18 questions that make you feel uncomfortable with  
19 consideration to my duty to my own clients --

20 A. Sure. I would just ask you to slow down. My brain does  
21 not process fast.

22 Q. I will continue to use my slow voice. Of the materials  
23 that you reviewed on the Internet, did you provide any  
24 of these materials to other Board members?

25 A. No, I never downloaded to print anything out ever.

- 1 Q. When did you first hear about Intelligent Design?
- 2 A. Could you expand on that?
- 3 Q. Sure. Did you hear about Intelligent Design prior to
- 4 the passing of the resolution?
- 5 A. Oh, yes.
- 6 Q. Did you hear about Intelligent Design prior to let's say
- 7 the previous June Board meetings?
- 8 A. Yes. I heard of Intelligent Design in several years
- 9 past, but only in passing.
- 10 Q. Do you recall in what way you were acquainted with
- 11 Intelligent Design, how it was that you had heard of
- 12 Intelligent Design?
- 13 A. No, I don't. And I don't think I was informed really of
- 14 what it really -- what different people's perception was
- 15 it involved.
- 16 Q. At what time did you start to research Intelligent
- 17 Design?
- 18 A. After it was brought up with the Board.
- 19 Q. With your best recollection, was it brought up in the
- 20 Board prior to the June meetings?
- 21 A. Oh, yes.
- 22 Q. Do you remember --
- 23 A. I was at meetings with the teachers in the spring.
- 24 Q. Do you remember at what point it was brought up with the
- 25 Board first?

- 1 A. I believe it was in early spring, April about.
- 2 Q. And you mentioned some meetings you had with teachers  
3 prior to the June Board meeting. How many meetings did  
4 you attend with teachers with respect to Intelligent  
5 Design and/or the biology curriculum?
- 6 A. I'm not sure. I can recall at least two, maybe three in  
7 the spring.
- 8 Q. Do you recall who else was in attendance at those  
9 meetings?
- 10 A. Which teachers you are asking?
- 11 Q. We can start with the teachers, sure.
- 12 A. Bert Spahr, Jen Miller, Rob Eshbach. Those were the  
13 teachers.
- 14 Q. Okay.
- 15 A. The administration was Mike Baksa. I believe, I'm not  
16 sure if one or both it was Joel Reidel and our new  
17 Assistant Principal Shane Miller. I'm not sure of him.
- 18 Board members, it was I believe myself, Bill  
19 Buckingham, and I believe one of them Alan Bonsell was  
20 at. I'm trying -- I am visually trying in my mind to go  
21 around the table.
- 22 Q. Your memory is better than mine. By the end of this  
23 week, I won't remember who was sitting at this table.  
24 Let's take a look back at those meetings. I am going to  
25 take them one at a time, and we are going to take a few

- 1 seconds just to see what it was that was discussed at  
2 those meetings, what your recollection was.
- 3 A. Do you have particular dates for which meetings?
- 4 Q. I am actually going to be asking you if you recall these  
5 meetings. I am going to take them chronologically first  
6 to last. If you can remember a date, that would be  
7 great. We will try to help you narrow it down to a  
8 certain month, season if necessary, whatever it is you  
9 are going to be remember is fine.
- 10 A. It would help me more if you could give me dates and  
11 maybe I could recollect.
- 12 Q. I don't have the dates. Otherwise --
- 13 A. Okay.
- 14 Q. So that you understand, we are not trying to -- I am  
15 trying to learn your story. I am actually not trying to  
16 check your memory.
- 17 A. I thought maybe you could jog my memory more if you had  
18 information and said well, what about this date. Okay?
- 19 Q. No, this is the first I heard of the meetings that you  
20 have attended so I am just going to explore it.
- 21 A. Okay.
- 22 Q. That's okay. I will try and jog your memory by way of  
23 questions.
- 24 A. Okay.
- 25 Q. I will try and help you pinpoint the date. I understand

1 that you are not entirely clear on what the date of  
2 these meetings was?

3 A. No.

4 Q. Let's go to the first time that you met with the  
5 teachers with respect to the change or the potential  
6 change in the biology curriculum.

7 Do you recall whether that was at the end of the  
8 winter or the beginning of the spring?

9 A. It was in the spring.

10 Q. We will continue to try and place it. Do you remember  
11 approximately what month it was perhaps, before or after  
12 Easter break, spring break?

13 A. I believe it was after Easter, but I believe it was  
14 before the end of school. I'm sure it was.

15 Q. You had earlier mentioned Ms. Spahr, Ms. Miller and  
16 Mr. Eshbach as the science teachers in attendance?

17 A. Yes.

18 Q. To save us some time, were these the same science  
19 teachers in attendance at each of the meetings?

20 A. I do not believe Mr. Eshbach was at one of them. I'm  
21 not sure of that though.

22 Q. Okay. At this first meeting, do you remember whether or  
23 not Mr. Eshbach was there?

24 A. I believe he was.

25 Q. And which administrators do you recall being at that

1 first meeting?

2 A. I believe Mike Baksa was at at least both of the  
3 meetings. I am not sure if Dr. Nilsen was or not. And  
4 if you want to include the principals, I'm not real  
5 positive -- do you know what I mean? I am looking  
6 around in my mind, and I'm not sure if the high school  
7 principals were there or not.

8 Q. When I am speaking administration, generally speaking I  
9 will be referring to either the administrators such as  
10 or Superintendent or Assistant Superintendent or the  
11 Principals or Vice-Principals.

12 A. Yes.

13 Q. What about members of the School Board other than  
14 yourself at this school meeting?

15 A. Bill Buckingham and I am not sure about Alan. We were  
16 the curriculum committee. Casey Brown was on the  
17 curriculum. Alan Bonsell was Board President. Casey  
18 Brown was also on the curriculum committee, and she  
19 chose not to come.

20 Q. Do you recall what was discussed with respect to the  
21 biology curriculum at that meeting?

22 A. We discussed the possibilities of the changes adding  
23 gaps and problems of Darwin's Theory of Evolution. We  
24 discussed the Miller-Levin textbook.

25 Q. At this first meeting, did the teachers share their

1 understanding of the proposed changes? Let me rephrase  
2 that.

3 At this meeting, did the teachers share any  
4 concerns with the potential change to the biology  
5 curriculum?

6 MR. GILLEN: Objection to the form.

7 MR. LOWE: Could you explain?

8 MR. GILLEN: Sure. I don't believe she mentioned  
9 that the changes to the biology curriculum were  
10 mentioned at this meeting.

11 BY MR. LOWE:

12 Q. Were changes -- were potential changes to the curriculum  
13 mentioned at this meeting?

14 A. I believe it was discussed, yes.

15 Q. With respect to the potential changes or with respect to  
16 the problems that were addressed with Darwin's Theory?

17 A. No, they seemed very supportive and didn't seem to have  
18 a problem with it. They then said they would like to go  
19 back and discuss how they might change the curriculum  
20 and give us their suggestion of wording of the  
21 curriculum changes. But the meeting came out in a very  
22 positive light.

23 Q. Was there any mention of Intelligent Design at this  
24 meeting?

25 A. Yes.

- 1 Q. Do you recall the context in which Intelligent Design  
2 was brought up?
- 3 A. Just generally.
- 4 Q. Was Intelligent Design brought up as a possible  
5 alternative to Evolution at this time?
- 6 A. No, never.
- 7 Q. Was Intelligent Design brought up as something that  
8 would be introduced to students at this time?
- 9 A. Introduced as being made aware of.
- 10 Q. Were the teachers at this time told that students may  
11 be -- that Intelligent Design might be something that  
12 the students would be made aware of?
- 13 A. To consider it I believe.
- 14 Q. Was a textbook of *Of Pandas and People* brought up at  
15 this meeting?
- 16 A. No. Not that I recall.
- 17 Q. Moving ahead to the second meeting.
- 18 A. Yes.
- 19 Q. Approximately how much later in the school year was that  
20 meeting?
- 21 A. Within a month.
- 22 Q. Can we just run through who was in attendance at this  
23 meeting starting with the teachers?
- 24 A. All the same names?
- 25 Q. Yes.

1 A. Can I say all the same except as?

2 Q. You certainly can.

3 A. All the same except I do not believe Rob Eshbach was  
4 there. One of them was missing. Either it was Jen  
5 Miller or Rob Eshbach. I'm not sure which one. One of  
6 the two was not there. It may have been Jen.

7 Q. Which administrators do you recall being at the second  
8 meeting?

9 A. I believe Mike Baksa was there, and I am not sure about  
10 the high school principals. But they were very quiet  
11 through the whole meeting if they were there.

12 Q. And with respect to the School Board, what other members  
13 than yourself were there?

14 A. Bill Buckingham and Alan Bonsell.

15 Q. With respect to Intelligent Design, was Intelligent  
16 Design discussed at this second meeting?

17 A. Yes.

18 Q. Do you remember the nature of these discussions?

19 A. That is when the teachers I felt made us aware that they  
20 were no longer supportive of including it.

21 Q. Do you remember which teachers spoke about their  
22 concerns at this meeting?

23 A. Bert Spahr.

24 Q. Do you remember what it was she said?

25 A. I am trying to recollect. I don't recall her words

1           any more. It was just that she wasn't supportive of  
2           including Intelligent Design.

3 Q.       Did any of the other teachers address this at that  
4           meeting?

5 A.       Not that I can recall.

6 Q.       Did you personally get a chance to respond to Mrs.  
7           Spahr's concerns?

8 A.       I didn't at the time feel they were strong concerns of  
9           hers, just that she wasn't that supportive of it.

10 Q.       Did anyone at the meeting, either administrators or the  
11           Board, respond in any way to Mrs. Spahr's concerns at  
12           that time?

13 A.       I don't remember.

14 Q.       You stated that the first meeting felt -- and correct me  
15           if I am wrong -- felt like it was relatively supportive,  
16           and you left there with a feeling of support?

17 A.       I felt the first meeting went very well.

18 Q.       Did you leave the second meeting with the same feeling?

19 A.       No, not the supportive.

20 Q.       You said that the science teachers' concerns didn't seem  
21           that great to you at this time?

22 A.       Yes.

23 Q.       Does that help you to recall at all what it was that  
24           specifically was said or even generally said by Mrs.  
25           Spahr?

1 A. It was the first time I had heard any somewhat negative  
2 comment made. The first meeting was very working, how  
3 can we make this work. And I felt Bert came to the  
4 second meeting not totally supportive any longer.

5 Q. But you can't recall what it was she said that gave you  
6 that feeling?

7 A. Not exactly. It had something to do negative with  
8 Intelligent Design, but it wasn't -- I can't recall what  
9 she said, and it was very brief.

10 Q. Did anyone else share concerns at that meeting?

11 A. Not that I recall.

12 Q. Following that meeting, did you in any way research  
13 these concerns or further investigate these concerns of  
14 Ms. Spahr?

15 A. No, because I didn't feel her concerns were that strong.

16 Q. Are you aware of whether anyone else investigated these  
17 concerns, anyone else from the School Board or the  
18 administration?

19 A. No, I'm not.

20 Q. Did you discuss these concerns with either members of  
21 the administration or the School Board after this  
22 meeting?

23 A. No, because I really -- I might have had concerns about  
24 something, but it's not great concerns. So I didn't,  
25 no.

1 Q. Do you recall what it was that either the administration  
2 or the Board shared with the teachers during the second  
3 meeting with respect --

4 A. Excuse me.

5 Q. Do you recall what the administration or the School  
6 Board shared with the teachers with respect to  
7 Intelligent Design at that meeting?

8 A. I'm trying to recall other than the wording of what was  
9 made in the resolution --

10 Q. And please --

11 A. -- for the curriculum change.

12 Q. Let me see if I can piece this together. It may save  
13 some time. Correct me if I am saying anything that  
14 doesn't match your recollection.

15 But at this time, I take it that this meeting was  
16 -- at this meeting, you had a proposed message that  
17 would be read to the students?

18 A. No, not at all.

19 Q. What did you come to this meeting with?

20 A. It was very brief and short, which was the curriculum  
21 change. That's all we were discussing.

22 Q. What was the curriculum change at that time?

23 A. The students would be made aware of gaps and problems in  
24 Darwin's Theory of Evolution, and that they would be  
25 made aware of other theories.

1 Q. Were there any specifics shared as to how the teachers  
2 would make these students aware or how these gaps in the  
3 Theory of Evolution would be taught?

4 A. No, not at all. That wasn't our role.

5 Q. Do you recall then how Intelligent Design came into the  
6 conversation at that time?

7 A. I believe one of the theories that they wanted to make  
8 sure was presented because it was the only other theory  
9 they knew of which was Intelligent Design.

10 Q. Who is they?

11 A. Either Alan or Bill. And I believe when we came up with  
12 the wording, the teachers were supportive of the entire  
13 change in presenting other theories. Saying other  
14 theories would be presented, but they did not want the  
15 word -- Bert Spahr did not want the words Intelligent  
16 Design included.

17 Q. Do you recall anything else that occurred in that  
18 meeting with respect to the change in Evolution -- the  
19 change rather in the biology curriculum?

20 A. That is all we were discussing and the Miller-Levin  
21 book.

22 Q. What was discussed with respect to the book at that  
23 time?

24 A. Just reviewing it, and if anyone had any problems with  
25 it.

1 Q. Were any problems with the text shared at that point?

2 A. No, not really. Not that I recall.

3 Q. Was the possibility of another text or supplemental text  
4 brought up at this meeting?

5 A. Yes. The teachers had reviewed another textbook, and  
6 they had it there. It might have been at the first  
7 meeting.

8 Q. Had *Of Pandas and People* been brought up at this point?

9 A. No, I don't know if anyone knew *Of Pandas and People*  
10 existed at that time.

11 Q. We're going to move forward to the third meeting. Do  
12 you recall the people in attendance at the third  
13 meeting?

14 A. I am not real clear on the third. I am not sure there  
15 was a third. That meeting doesn't -- you know, I'm not  
16 clear on the third meeting.

17 Q. So it is possible that the last meeting you had -- the  
18 last private meeting you had with the teachers with  
19 respect to the change in the biology curriculum occurred  
20 late in the spring?

21 A. Yes.

22 Q. Prior to the summer -- prior to the June meeting?

23 A. Yes. There may have been a third meeting, but I can't  
24 visualize it in my mind.

25 Q. Then I won't ask any questions about it. We won't get

1 too far.

2 A. Pat didn't kick me yet.

3 MR. GILLEN: That would be improper, and therefore  
4 I will not be kicking you.

5 BY MR. LOWE:

6 Q. Did you at any time discuss with either the  
7 administrators or other members of the Board the  
8 concerns that Ms. Spahr had shared with you in the  
9 second meeting?

10 A. Excuse me?

11 Q. Did you at any time either prior to or after the June  
12 Board meeting discuss with any of the members of the  
13 School Board or with any members of the administration  
14 the concerns that Ms. Spahr had shared with you during  
15 the meetings you had with the staff?

16 A. No. I believe at the June meeting is when Bert Spahr  
17 herself made the statement that she did not support the  
18 Intelligent Design phrase. That was the first time I  
19 became aware that she was opposed to the Intelligent  
20 Design statement in the resolution. Is that clear?

21 Q. I believe so. It is a little bit inconsistent. Earlier  
22 you had said that she had stated some concerns with it?

23 A. Right.

24 Q. Is the difference at this meeting that she made her  
25 concerns much stronger; you understood at this point

1 that they were strong concerns and not just mild  
2 questions, moderate questions?

3 A. Yes, that's correct.

4 Q. Did you investigate her concerns after the June meeting?

5 A. No. I can't say I did.

6 Q. Are you aware of whether other members of the School  
7 Board took the time to investigate Ms. Spahr's concerns  
8 with respect to including Intelligent Design?

9 A. No, I'm not.

10 Q. Did you as a Board discuss Ms. Spahr's concerns with  
11 respect to Intelligent Design?

12 A. No, we didn't.

13 Q. Are you aware of whether any of the Board members  
14 discussed either with each other or with the  
15 administration Mrs. Spahr's concerns?

16 A. No, I'm not.

17 Q. Are you aware of whether or not any of the School Board  
18 members further investigated Ms. Spahr's concerns?

19 A. I don't know, no.

20 Q. Did you personally discuss Ms. Spahr's concerns after  
21 this June meeting with anyone?

22 A. I believe I discussed it with our school counsel.

23 Q. So that you understand when I am asking you questions  
24 about discussions that you have had about anything  
25 today, I am not referring to discussions that you had

1 with attorneys that represent you in any way. That  
2 would be privileged. If I start to go down that road, I  
3 can promise you Pat will be very quick to let me know  
4 and to let you know. Those are off the record. I don't  
5 have a right to those conversations.

6 A. Okay.

7 Q. You can, of course, tell me if you want, but that is not  
8 why I am here. And I am not curious about those.

9 Other than I may ask questions about who was in  
10 attendance, but I don't want information about either  
11 conversations you had with your attorneys or  
12 conversations you had with other defendants in this case  
13 about what your attorneys said to you or what they  
14 discussed with you. Okay?

15 A. Okay. Yes.

16 Q. At this point, you have expressed that you did some  
17 Internet research, that you don't recall specifically  
18 what it was you looked at. Other than that, at any time  
19 did you conduct any more research with respect to  
20 Intelligent Design?

21 A. Not that I recall.

22 Q. At any time, did any member of the School Board or the  
23 administration or of the general public come to educate  
24 you as to Intelligent Design?

25 A. I believe there were several people who talked at the

1 School Board meetings.

2 Q. Aside from people that perhaps got up during public  
3 discussion at the School Board meetings, did the Board  
4 ever bring anyone in to discuss with you guys what  
5 Intelligent Design was, or did the School Board itself  
6 as a group ever get together to discuss Intelligent  
7 Design?

8 A. No, not that I recall.

9 Q. Is it your understanding that the research that was done  
10 by the School Board members with respect to Intelligent  
11 Design was done on an independent nature?

12 A. Yes, that is correct.

13 Q. Is it also your understanding -- and, again, I am just  
14 asking for your understanding -- that what the  
15 administration then did as well with respect to  
16 Intelligent Design was done on their own independently?

17 A. That's my understanding. Pat is writing an awful lot of  
18 notes.

19 MR. GILLEN: It's a habit.

20 MR. LOWE: And he is going to get everything in  
21 print at the end of this.

22 BY MR. LOWE:

23 Q. At any time, were you presented with materials with  
24 respect to Intelligent Design by members of the Board?

25 A. Not that I recall.

1 Q. Were you presented with any materials from members of  
2 the administration?

3 A. I may have been, but I don't recall any. And if I would  
4 have been, they would have given it to you.

5 Q. Sure.

6 A. I think they gave you copies of what was included in our  
7 Board packets, but I don't keep this stuff so I don't  
8 know that.

9 Q. I understand that. One reason we go down this avenue of  
10 questions is because we realize that both with the  
11 defendants, as well as with the plaintiffs, sometimes  
12 these questions can just spark memories the way we ask  
13 or, just something that has occurred can help you recall  
14 something that you didn't remember before. That is why  
15 I am going through this.

16 I am confident we have received everything you  
17 guys have turned over. I am also confident at the time  
18 you turned it over, you turned over everything you  
19 remembered that was relevant to this case. I just might  
20 be exploring a few avenues just to make sure that since  
21 that time, you don't recall anything.

22 A. Okay.

23 MR. LOWE: Pat, we don't have that much more.

24 MR. GILLEN: That's fine. Off the record.

25 (An off-the-record discussion was had.)

1 (A recess was taken.)

2 AFTER RECESS

3 BY MR. LOWE:

4 Q. Did you ever participate in discussions with members of  
5 the School Board in which you described your  
6 understanding of Intelligent Design?

7 A. No.

8 Q. And did you ever participate in discussions with members  
9 of the School Board in which they shared with you their  
10 understanding of Intelligent Design?

11 A. No.

12 Q. To your knowledge, did any of the members of the Board,  
13 yourself included, make any phone calls to any  
14 scientific organizations with respect to Intelligent  
15 Design?

16 A. Could you read the question again?

17 Q. Sure. Maybe I will be more specific. To the best of  
18 your knowledge, did either you or any of the members of  
19 the School Board make any phone calls or discuss  
20 Intelligent Design with any scientific organizations?

21 And I will give you a couple of different  
22 scientific organizations such as the American  
23 Association for the Advancement of Science or the  
24 American Federation of Biology Teachers.

25 A. Not that I'm aware of.

1 Q. Are you aware of any member of the administration  
2 reaching out to any of these scientific organizations  
3 for information on Intelligent Design?

4 A. Not that I'm aware of.

5 Q. Is it your understanding that Intelligent Design is in  
6 fact sound science or good science?

7 A. Yes.

8 Q. Is it your understanding that Intelligent Design is a  
9 scientific theory?

10 A. Yes.

11 Q. How did you come to this understanding that Intelligent  
12 Design was sound science?

13 A. I read different things, saw different things, and it  
14 sounded like sound science to me.

15 Q. When you are referring to things that you read and saw,  
16 you are referring specifically to what you had seen on  
17 websites?

18 A. Yes.

19 Q. At this time, do you recall anything else?

20 A. No, they were written by -- some of them by credible  
21 biologists, people that sounded like they were credible  
22 biologists.

23 Q. You have touched on my next question. How is it that  
24 you determined that these people were, first of all,  
25 biologists?

1 A. Because the website said they were biologists. Whether  
2 they were or not, I don't know that. It is just what  
3 they claimed to be, and they had background information  
4 on themselves.

5 Q. Did you go beyond the website to research whether any of  
6 these individuals were biologists?

7 A. Ie?

8 Q. You are on a website put together by Mr. Gillen, and he  
9 explains his background. Did you go beyond that website  
10 to see whether or not what he said about himself was in  
11 fact accurate or true?

12 A. I had on -- I don't remember the names, but one or two I  
13 just put in their names.

14 Q. When you say put in their names, you mean --

15 A. Google.

16 Q. Do you recall what you got back when you Googled their  
17 names?

18 A. No, I don't exactly. No.

19 Q. Google is wonderful; isn't it? Did you go further than  
20 just Googling their names?

21 A. I might have hit one or two of them. In Google, you  
22 read what it says, and I may have hit one or two.

23 Q. Do you recall any of these names?

24 A. I'm sorry.

25 Q. That's okay. Do you recall what any of these second

1 level websites -- by that I mean the websites that you  
2 retrieved from Google when you entered these people's  
3 names, do you recall what any of those were?

4 A. No, I don't.

5 Q. I am going to ask a couple of questions about your  
6 current understanding of Intelligent Design.

7 A. Okay.

8 Q. I do realize in your prior deposition, you gave a  
9 definition of Intelligent Design. You also said at that  
10 time, this definition may change tomorrow. You admitted  
11 that you were not comfortable giving it.

12 A. I didn't even know I gave one.

13 MR. LOWE: Off the record.

14 (An off-the-record discussion was had.)

15 BY MR. LOWE:

16 Q. We are on page 74 of your prior deposition transcript.  
17 I am going to read to you what it is that you at that  
18 time defined your understanding of Intelligent Design to  
19 be.

20 That every living cell possible --

21 A. Where are we at?

22 MR. GILLEN: Right here, line 18.

23 BY MR. LOWE:

24 Q. I am sorry, line 18. Answer: That every living cell  
25 possibly is designed down to the tiniest organism. And

1 if it is designed, how it may have been designed if  
2 there was possibly a designer or something.

3 A. Okay. I didn't remember I said that, but that sounds  
4 pretty good.

5 Q. At that time, you also were very open in sharing that  
6 your opinion as to what Intelligent Design was may  
7 change as of tomorrow -- I am paraphrasing?

8 A. Yes.

9 Q. Has your understanding of Intelligent Design changed  
10 since that time?

11 A. No.

12 Q. Since the past deposition, have you had further  
13 discussions with respect to Intelligent Design with  
14 members of the School Board?

15 A. No.

16 Q. Since your last deposition, have you had any further  
17 discussions about Intelligent Design with members of the  
18 administration of Dover Area School District?

19 A. Since my last deposition?

20 Q. Since your last deposition in January.

21 A. No.

22 Q. And since this past January or the date of your last  
23 deposition, it looks like it was the very beginning of  
24 January, January 3rd, have you had any discussions with  
25 members of the school staff, teachers with respect to

1 Intelligent Design?

2 A. No, but I would love to.

3 Q. Is it your understanding that Intelligent Design  
4 requires some consideration of supernatural action?

5 A. Could you explain that further?

6 Q. Sure. Do you understand that in order for one to accept  
7 Intelligent Design, one needs to also accept that there  
8 was some supernatural actor or some supernatural action  
9 that took place, an action outside of what we would  
10 consider natural, an action outside of what takes place  
11 everyday?

12 MR. GILLEN: Objection to the form.

13 MR. LOWE: Could you explain?

14 MR. GILLEN: I think you are assuming she has an  
15 understanding, and I am not sure the question is clear  
16 to her.

17 A. That is very true.

18 BY MR. LOWE:

19 Q. Okay. Do you understand what I mean by a supernatural  
20 being?

21 A. No.

22 Q. Or supernatural action?

23 A. No, I do not.

24 Q. If I were to define supernatural as something outside of  
25 what we see and perceive here on earth, outside of

1 people and animals and the natural things that we can  
2 see or witness here on earth, would that help you to  
3 understand what I mean by supernatural?

4 A. No. I'm sorry. Repeat that.

5 Q. I don't know if I can.

6 A. Maybe she could repeat it back.

7 Q. Do you want to repeat it for me, please?

8 (The question, "If I were to define supernatural  
9 as something outside of what we see and perceive here on  
10 earth, outside of people and animals and the natural  
11 things that we can see or witness here on earth, would  
12 that help you to understand what I mean by  
13 supernatural," was read by the reporter.)

14 A. Gee. I apologize. Would you read that again?

15 (The question, "If I were to define supernatural  
16 as something outside of what we see and perceive here on  
17 earth, outside of people and animals and the natural  
18 things that we can see or witness here on earth, would  
19 that help you to understand what I mean by supernatural  
20 stand what I mean by supernatural," was read by the  
21 reporter.)

22 BY MR. LOWE:

23 Q. How about if I rephrase it this way --

24 A. I apologize.

25 Q. It certainly is not your fault, believe me. Do you

1 believe that something outside of what we can perceive  
2 needs to take an action according to Intelligent Design?

3 A. Something?

4 Q. Something, someone.

5 A. Excuse me?

6 MR. GILLEN: Objection to the form. Can we go off  
7 the record?

8 MR. LOWE: Sure.

9 (An off-the-record discussion was had.)

10 BY MR. LOWE:

11 Q. Is it your understanding that Intelligent Design  
12 requires an acceptance of the fact that there is some  
13 intelligent designer?

14 A. I would say an acceptance that there is -- that it is  
15 designed by intelligence.

16 Q. Do you have any understanding of what this intelligence  
17 is?

18 A. No, I don't.

19 Q. Do you think one needs an understanding of what this  
20 intelligence is in your opinion?

21 A. Does one need? It is up to whether one does need.

22 Q. To understand Intelligent Design, would one need an  
23 understanding of what this designer is?

24 A. Only if one desired to know.

25 Q. Would it be okay in your opinion for what the

1 intelligent designer was to be explored in the public  
2 school setting?

3 A. Would it be okay?

4 Q. Yes, in your opinion.

5 A. I never crossed -- I never thought of that.

6 Q. In your opinion, would it be okay to discuss in the  
7 public school setting what this intelligent designer  
8 was?

9 A. That was never considered.

10 MR. GILLEN: Object to the form.

11 MR. LOWE: Could you explain?

12 MR. GILLEN: Sure. I mean you are assuming she  
13 had an opinion.

14 A. I don't have an opinion.

15 BY MR. LOWE:

16 Q. So you have no opinion as to whether or not the teaching  
17 of what an intelligent designer is would be appropriate  
18 in the public schools?

19 A. There was never any thought given or consideration.

20 Q. That is okay. I am asking if you were to give  
21 consideration to it at this moment. And it is fine to  
22 say what you have already said.

23 A. I don't have one.

24 Q. I am going to take a couple of minutes, and I am going  
25 to actually step back from that topic this time, and I

1 am going to spend just a couple of seconds to talk about  
2 the donation of books in your School District.

3 A. Okay. Do you want me to look at this anymore?

4 Q. Not at this time. I doubt we will get back to this.

5 And by this, she is referring to her own deposition, her  
6 previous deposition testimony.

7 Who is it that made the decision to accept the  
8 donation *Of Pandas and People*?

9 A. I believe the administration.

10 Q. Did the School Board or any committee of the School  
11 Board review the books before they were accepted?

12 A. There had been discussion of the book *Of Pandas* prior.

13 Q. Do you recall who was involved with these discussions?

14 A. It was at the Board meeting.

15 Q. Did you personally review these books before the  
16 donation was accepted?

17 A. Yes.

18 Q. Do you recall if any other members of the Board reviewed  
19 the books prior them being accepted?

20 A. I don't know that.

21 Q. Is it my understanding that recently, you accepted the  
22 donations of a number of other textbooks that were  
23 donated by a group called Debunk Creation?

24 A. A lot of those weren't textbooks.

25 Q. Let me rephrase my question. Are you aware of some

- 1 books being donated by a group called Debunk Creation?
- 2 A. Yes.
- 3 Q. Was that donation handled in a different manner than the  
4 donation of the book *Of Pandas and People*?
- 5 A. Oh, yes.
- 6 Q. In what ways was it handled differently?
- 7 A. They just showed up at the door.
- 8 Q. When you say they just showed up at the door, could you  
9 elaborate?
- 10 A. I think Dr. Nilsen got an e-mail from Debunk Creation  
11 saying they had a UPS slip that we got the books, if we  
12 accepted them or something like that. And he didn't  
13 even know where the books were. That is incorrect  
14 English. It hurt my ears when I said it.
- 15 Q. It's okay. Do you know who received those books?
- 16 A. They had a slip saying with some secretary's name. Then  
17 they were hunted down. Is that what you are asking?
- 18 Q. Yes. I just wanted to know if you had personal  
19 knowledge whether they were sent to the School Board. I  
20 am trying to pursue who it was sent to.
- 21 A. I don't know who they were addressed to, but I just know  
22 one of the secretaries in the building signed the UPS  
23 slip.
- 24 Q. That's good enough. Other than the fact that they  
25 showed up unannounced, was there any other way in which

1 this donation was handled differently than the donation  
2 of the textbook *Of Pandas and People*?

3 A. I don't know that. Is that what you are asking? I am  
4 not sure what you are asking.

5 Q. I will break that question down. Let's take a look at  
6 how *Of Pandas and People* came into the School Board --  
7 into the School District.

8 I take it they didn't just show up like these  
9 books, because you said it was different. In what way  
10 did *Of Pandas and People* come to the School District?

11 A. I'm not real sure.

12 Q. With respect to the School Board's actions regarding  
13 these donated books, are you aware of any way in which  
14 the donation of the books from Debunk Creation was  
15 treated differently than was the donation of the book *Of*  
16 *Pandas and People*?

17 A. I knew some people on the Board wanted the *Of Pandas*  
18 books, and no one had a clue about the Debunk Creation  
19 books coming.

20 Q. So in what way was it handled differently? I understand  
21 it sounds like this was a surprise to the School Board?

22 A. Correct.

23 Q. No one had any prior knowledge of these books?

24 A. Correct.

25 Q. Did this change the way in which you handled the

- 1 acceptance process?
- 2 A. We wanted to know what books these were that came  
3 unannounced.
- 4 Q. And then it is your understanding that members of the  
5 Board did have prior knowledge of the textbook *Of Pandas*  
6 *and People*?
- 7 A. That's correct.
- 8 Q. And is it your understanding that some people on the  
9 School Board had done some research or at least some  
10 understanding of what was included in *Of Pandas and*  
11 *People* prior to the time at which they were donated?
- 12 Would you like me to repeat it?
- 13 A. Are you saying more had a desire for the books?
- 14 Q. No, I am actually asking --
- 15 A. I am not sure what you are asking.
- 16 Q. You had said -- I am just trying to get a picture here.
- 17 A. Okay. I am trying to understand what you want.
- 18 Q. You said that the books from Debunk Creation came  
19 completely unannounced?
- 20 A. Yes.
- 21 Q. And that you, the members of the Board, were completely  
22 unaware of what these books were?
- 23 A. Yes.
- 24 Q. You wanted some time to explore the nature of these  
25 books?

1 A. Yes.

2 Q. You also said that some members of the Board -- and  
3 again, correct me if I am speaking incorrectly. Some  
4 members of the Board were familiar with the textbook *Of*  
5 *Pandas and People*?

6 A. Correct.

7 Q. What I am trying to piece together is whether members of  
8 the Board were familiar with *Of Pandas and People* prior  
9 to the time they were donated to the school?

10 A. Yes.

11 Q. And how is it that you are aware that people were  
12 familiar?

13 A. We looked at the book for a couple of months.

14 Q. Do you know how books are typically handled when they  
15 are donated to the School District?

16 MR. GILLEN: Objection to the form.

17 MR. LOWE: Can you explain?

18 MR. GILLEN: Sure. It's assuming there is a  
19 typical way of handling donations. I am not sure there  
20 is one.

21 BY MR. LOWE:

22 Q. Is there a typical way of handling donations?

23 A. Yes and no. How is that for an answer?

24 Q. That's a great one. Let's start with the yes part and  
25 then we will move to the no, and then --

1 A. We have an organization called Friends of the Library.  
2 And Friends of the Library donate books that possibly  
3 the librarians really want, a teacher wants, puts in a  
4 request that maybe the Friends of the Library will  
5 donate, or books that the Friends of the Library find  
6 and think would be good. Those donations are handled in  
7 different ways.

8 If someone requests it -- that they donate it,  
9 that is handled one way. Whereas if Friends of the  
10 Library finds a book and says this would be a good book,  
11 then someone would probably look at it and review it.

12 Q. Is the someone your understanding of the process?

13 A. That's just one particular donation. There are many  
14 different ones.

15 Q. And as I understand it, actually I am not sure of this,  
16 was *Of Pandas and People* handled in any way through this  
17 Friends of the Library group?

18 A. No, not at all. I don't think they were ever  
19 approached. I don't know if they were or not. I  
20 shouldn't say that. I don't know if they were.

21 Q. And is it your understanding that Friends of the Library  
22 was approached in any way with the books that were  
23 donated by Debunk Creation?

24 A. Not that I'm aware of.

25 Q. Was the School Board involved in the acceptance of the

1 textbooks *Of Pandas and People*?

2 A. I don't know that we were.

3 Q. Is it your understanding --

4 A. I don't know that any Board member had a problem with  
5 the donation. Is that fair?

6 Q. That's fair. Was it your understanding though that the  
7 administration made the decision to accept the donation?  
8 Earlier you said that the administration had accepted  
9 the *Of Pandas and People*.

10 Did the administration come to the School Board to  
11 ask for information with respect to the books *Of Pandas*  
12 *and People*? Again, I am asking for your understanding  
13 or your recollection.

14 A. Did the administration ever come? I am trying to think.  
15 Did the administration ever come you are asking?

16 Q. Yes. I am asking if the administration ever came to  
17 you, the School Board, at any time prior to the  
18 acceptance of the donated texts to discuss whether or  
19 not it should be accepted?

20 A. Not to the Board as a whole, no.

21 Q. Are you aware --

22 A. Not that I'm aware of.

23 Q. Are you aware of the administration coming to any  
24 committees within the Board with respect to donation of  
25 *Of Pandas and People*?

1 A. I don't recall.

2 Q. Did the administration ever come to you for information  
3 with respect to accepting the donation *Of Pandas and*  
4 *People*?

5 A. Not that I recall.

6 Q. With respect to the books donated by Debunk Creation,  
7 was the administration involved in the acceptance of  
8 those books to the best of your knowledge?

9 A. I don't know that they have been accepted. I think the  
10 only thing that has happened is the Board said they had  
11 no problem with the books.

12 Q. When did the Board say they had no problem with these  
13 books?

14 A. About a week ago.

15 Q. Approximately how long after the books were received if  
16 you recall -- approximately how long after the books  
17 were received -- or do you recall when the books were  
18 received?

19 A. I think -- let's see -- it would be about three or four  
20 weeks. I would say a month ago. Approximately a month  
21 ago, we were made aware the books were there, and I went  
22 personally and got the books.

23 Q. And has it been the practice in the past of the School  
24 Board to make it known whether or not they objected or  
25 accepted books that were donated to the School District?

1 MR. GILLEN: Objection to the form.

2 MR. LOWE: Can you explain?

3 MR. GILLEN: Sure. Has it been the practice in  
4 the past assumes there is a practice.

5 A. How about they have the ability to get the books and  
6 review them if they so desire?

7 BY MR. LOWE:

8 Q. And for the time that you have been on the School Board,  
9 do you recall the School Board taking the time to do  
10 this?

11 A. Yes. Numerous times.

12 Q. When you say numerous --

13 A. I don't know how many different ones. It depends on  
14 their particular interest.

15 Q. Fair enough. Could I just try -- I am going to try and  
16 get within a number, but I understand if you can't even  
17 fathom it. Would it be greater than 50?

18 A. I don't have an idea. I don't. The School Board is  
19 consistently changing. So every individual has  
20 different interests.

21 Q. Sure. Did you personally ever review books that were  
22 being donated prior to this occasion?

23 A. Yes.

24 Q. Do you recall how many times you may have?

25 A. No, not too many.

- 1 Q. Are you aware of the fact that Mr. Baksa called  
2 various --
- 3 A. Who.
- 4 Q. Mr. Baksa.
- 5 A. Baksa.
- 6 Q. Baksa.
- 7 A. Mike Baksa.
- 8 Q. You know these actors a lot better than me.
- 9 A. We are all cohorts -- I didn't finish it.
- 10 Q. That he called various private Christian high schools to  
11 find out --
- 12 A. Excuse me. I'm sorry. I wasn't paying attention.
- 13 Q. As a former teacher, I am going to have to give you a  
14 detention.
- 15 A. Yes, I apologize.
- 16 Q. The time out spot is right back there. Are you aware he  
17 had called various private Christian high schools to  
18 find out what biology textbook they used?
- 19 A. No, I was not.
- 20 Q. Were you aware before today's deposition that this  
21 occurred?
- 22 A. I read it in his deposition I think it was.
- 23 Q. Did you at any time become aware of how the survey came  
24 about?
- 25 A. I have no clue.

1 Q. Have you discussed this survey with other members of the  
2 School Board?

3 A. No, I haven't.

4 Q. Have you discussed this survey with any member of the  
5 administration?

6 A. No.

7 Q. I have a newsletter that we're actually going to take a  
8 few seconds to discuss.

9 A. Okay.

10 MR. LOWE: I am going to ask Vicki to mark this as  
11 an exhibit.

12 BY MR. LOWE:

13 Q. Let's make this easy for you. This exhibit was  
14 previously marked as P-19 in a deposition from it looks  
15 like March 9th. And if it is okay with you, Pat, we  
16 will keep it the same.

17 MR. GILLEN: Certainly.

18 MR. LOWE: I am giving a copy of this to Sheila  
19 and Pat.

20 A. Okay.

21 BY MR. LOWE:

22 Q. Are you familiar with this newsletter -- let me give you  
23 a second to take a look at it.

24 While you are looking at it for the record, I am  
25 referring to it as a newsletter. If that is okay with

1 you, I will continue to do so.

2 It is actually titled the Dover Area School  
3 District News, Biology Curriculum Update, and it is  
4 dated February of 2005?

5 A. Yes.

6 Q. So from this point forward, when I refer to the  
7 newsletter --

8 A. Do you want me to read it all?

9 Q. You do not need to read it all. Are you familiar with  
10 this newsletter?

11 A. Yes.

12 Q. Have you seen this before today?

13 A. Yes.

14 Q. Were you in any way involved in the creation of this  
15 newsletter?

16 A. I reviewed it prior to its going out.

17 Q. Do you recall who it was that was involved in the  
18 creation of this newsletter? Let me rephrase that. Do  
19 you recall who it was that actually created this  
20 newsletter, who presented it to you for review?

21 A. How about I know it was created because we wanted to  
22 inform the community better.

23 Q. Do you remember whose idea it was to create the  
24 newsletter?

25 A. It was the Board's desire to produce something.

1 Q. Do you remember who it was that actually put the  
2 newsletter together?

3 A. No, I don't know that for sure.

4 Q. Okay. Did the Board actually vote to approve the  
5 newsletter? Was there an actual vote?

6 A. I don't recall that there was.

7 Q. And you earlier said that you personally reviewed the  
8 contents of this newsletter?

9 A. Yes.

10 Q. Do you remember -- you say that the Board wanted a  
11 newsletter to be put out. Do you recall who it was on  
12 the Board that specifically spoke or brought up this  
13 idea of having a newsletter put out?

14 A. I believe it was more so community people coming before  
15 the Board saying they would like more information.

16 Q. There is a frequently asked question section which you  
17 can see on the left-hand column of the first page?

18 A. Excuse me?

19 Q. There is a frequently asked questions --

20 A. Okay.

21 Q. -- section on the left hand column of the first page,  
22 and it continues to the top of the second page?

23 A. Okay.

24 Q. Do you know who developed the questions that are --

25 A. No, I don't.

1 Q. Do you know who it was that developed the answers?

2 A. No, I don't.

3 Q. Was there any discussion with respect to the frequently  
4 asked questions section?

5 A. No, not at all that I'm aware of.

6 Q. Are you familiar with anyone that may have been  
7 consulted with respect to the contents to the creation  
8 of the frequently asked questions section? For  
9 instance, are you aware of whether or not the teachers  
10 were consulted?

11 A. No. I'm not sure. I don't know who would have done the  
12 consulting.

13 Q. Okay. Did you see any drafts of this -- did you see any  
14 earlier drafts of this?

15 A. Yes.

16 Q. Were they significantly changed; do you recall?

17 A. No, not at all.

18 Q. To the best of your memory, were the earlier drafts the  
19 same as the draft that was eventually published?

20 A. Pretty much, yes. A few words may be changed.

21 Q. Do you have any recollection when it was?

22 A. I know I changed something, but I don't even know what  
23 it was I changed.

24 Q. Do you recall for what reason you made the change?

25 A. I didn't like the way it read.

1 Q. So it was more of a grammatical or stylistic change than  
2 it was a substantive change?

3 A. Yes.

4 Q. Do you recall anyone else making changes to the  
5 newsletter prior to its publication?

6 A. I don't know that.

7 Q. Okay. We are on to my last section. It is my  
8 understanding of the Intelligent Design or rather of the  
9 curriculum policy or the curriculum update that when  
10 Intelligent Design is presented in class, students are  
11 not allowed to ask questions about Intelligent Design;  
12 is that correct?

13 MR. GILLEN: Objection to the form.

14 MR. LOWE: Could you explain?

15 MR. GILLEN: Yeah. Did you say students aren't  
16 allowed to ask or teachers aren't allowed to answer?

17 MR. LOWE: I started students aren't allowed to  
18 ask. I am trying to get an understanding.

19 A. That is really not something the Board deals with.

20 BY MR. LOWE:

21 Q. Is it your understanding that students -- let me go to  
22 the teacher's end of it. That might be easier for you.

23 It is my understanding that teachers aren't  
24 allowed to respond to any questions concerning  
25 Intelligent Design that may be brought up?

1 A. That is my understanding.

2 Q. Are you aware of any other subject that is covered in  
3 the Dover area curriculum in which students or rather in  
4 which teachers aren't allowed to answer questions?

5 A. No, I'm not.

6 Q. Can you explain why it is that Intelligent Design is  
7 treated differently than any other subject that is  
8 introduced in school?

9 MR. GILLEN: Objection to the characterization of  
10 the evidence.

11 MR. LOWE: Can you explain?

12 MR. GILLEN: Just she said she doesn't -- she is  
13 not aware of anything else. I am not sure there are any  
14 other subject matters that teachers can't address, and  
15 therefore --

16 MR. LOWE: Fair enough.

17 BY MR. LOWE:

18 Q. Could you explain why it is -- according to your  
19 understanding, there's no other subjects in which the  
20 teachers aren't allowed to address questions.

21 With this in mind, could you explain why  
22 Intelligent Design is treated differently?

23 A. I think it was an administrative decision, possibly  
24 because of the lawsuit. I don't know. I only would be  
25 guessing then.

1 Q. I don't want you to guess. Is it your belief, your  
2 opinion that Intelligent Design should be allowed to be  
3 more fully explored in the science classroom?

4 MR. GILLEN: Objection to the form.

5 MR. LOWE: Could you explain?

6 MR. GILLEN: You are assuming she has a belief or  
7 opinion on that issue.

8 BY MR. LOWE:

9 Q. Do you have an opinion as to whether Intelligent Design  
10 should be allowed to be fully explored in the science  
11 classroom?

12 A. We never got that far because the teachers made us aware  
13 they weren't educated in the area and preferred not to  
14 teach it. So that's where it stopped.

15 Q. Would you personally have a problem if Intelligent  
16 Design were fully explored in the science classroom --  
17 more fully explored?

18 A. I never gave it consideration.

19 Q. If I were to ask you to give it consideration now, would  
20 you have an opinion either way?

21 MR. GILLEN: Objection. Calls for speculation.

22 BY MR. LOWE:

23 Q. I am asking for your opinion.

24 A. We are a standards driven district. It would have to be  
25 explored more fully how it would relate to the standards

1 before I could form an opinion I think.

2 Q. That's fine. In your opinion, is not allowing questions  
3 with respect to a topic that is brought up or introduced  
4 in schools, is that consistent with your general  
5 understanding of good educational practice?

6 MR. GILLEN: Objection to the form.

7 MR. LOWE: Could you explain?

8 MR. GILLEN: Sure. I think you are assuming she  
9 has got an understanding of good educational practice  
10 and how certain questions and certain subject matters  
11 should be dealt with according to standard educational  
12 practice.

13 MR. LOWE: Fair enough. Are you instructing her  
14 not to answer?

15 MR. GILLEN: No. I am saying -- read back the  
16 question, please. May I ask you to read back the  
17 question?

18 (The question, "In your opinion, is not allowing  
19 questions with respect to a topic that is brought up or  
20 introduced in schools, is that consistent with your  
21 general understanding of good educational practice," was  
22 read by the reporter.)

23 BY MR. LOWE:

24 Q. Again, I believe I was clear in both instances that's  
25 your opinion in each instance.

1 A. I have to give that some thought. I believe questions  
2 are good. Answers aren't always necessary.

3 Q. Taking another step back from questions aren't  
4 necessarily necessary as you put it, with respect to  
5 Intelligent Design, is it your opinion that answers are  
6 not necessary if a student were to ask questions?

7 MR. GILLEN: Objection to the form. Go ahead if  
8 you can answer it.

9 A. I believe --

10 BY MR. LOWE:

11 Q. Let me just ask a preliminary question, and maybe we can  
12 forego this line of questioning. Have you given any  
13 thought really up until this time as to the fact that  
14 teachers are not allowed to answer questions with  
15 respect to Intelligent Design in the classroom?

16 A. No, I haven't.

17 Q. Has this ever been discussed between the members of the  
18 Board to your knowledge?

19 A. No, I'm not aware if it was ever discussed. I am aware  
20 that the administration made a statement of that.

21 Q. Are you aware of anyone in the School Board that had any  
22 involvement in that aspect of this change?

23 A. No, I am not.

24 Q. If you can give me a second, I think I may be done.

25 A. Sure.

- 1 Q. Let me make sure I hit everything. Going back to the  
2 passing of the resolution.
- 3 A. Yes.
- 4 Q. Did you try to persuade anyone on the School Board to  
5 pass this resolution?
- 6 A. No.
- 7 Q. Did anyone on the School Board in your best recollection  
8 try to persuade you to pass this resolution?
- 9 A. No.
- 10 Q. Are you aware of anyone on the School Board trying to  
11 persuade other members of the School Board to pass this  
12 resolution?
- 13 A. Yes.
- 14 Q. Could you explain what it is, who it is that you recall,  
15 or are aware of trying to make others or trying to  
16 persuade others?
- 17 A. Angie told me - Angie Yingling told me that Bill tried  
18 to persuade her.
- 19 Q. Did she tell you in what way Bill -- and I am assuming  
20 by Bill, you mean Bill Buckingham?
- 21 A. Yes.
- 22 Q. Did she tell you in any way how Mr. Buckingham tried to  
23 persuade her?
- 24 A. I am trying to recall. Just that he would have liked --  
25 he would have liked her to vote for it.

1 Q. Did she discuss with you how she felt in terms of the  
2 tone of this conversation, whether she felt he was  
3 actively pushing or whether she felt he was just asking?

4 A. No. I think he was actively pushing.

5 Q. You say you think. What was it that gave you the  
6 impression that he was actively pushing?

7 A. Just the way she told me.

8 Q. Do you recall any specifics about how it was that she  
9 told you?

10 A. No.

11 Q. Do you recall whether she told you that he said --  
12 questioned her in any way about her religious  
13 background?

14 A. No. I think it just was can you give me this one? Will  
15 you vote for it for me?

16 Q. Do you recall whether she told you how many times he had  
17 this sort of discussion with her?

18 A. No. She didn't tell me that.

19 Q. And do you recall how many times you and Ms. Yingling  
20 had the discussion or discussions related to  
21 Mr. Buckingham's conversations with her or conversation?

22 A. I don't remember. I don't know that. I don't remember.

23 Q. Okay. Do you recall any other -- other than  
24 Mr. Buckingham trying to persuade Ms. Yingling, do you  
25 recall any other instances of a member of the Board

1           trying to persuade any other members of the Board as to  
2           this resolution?

3   A.       No.

4                       MR. LOWE: I have no further questions.

5   A.       Can I expand on that, Pat?

6                       MR. GILLEN: Do you want to talk to me for a  
7           second?

8                       MR. LOWE: I can step out.

9                       MR. GILLEN: We will step out. Thanks.

10                      (A recess was taken.)

11                                       AFTER RECESS

12                      MR. GILLEN: I have no questions either.

13                      (The deposition was concluded at 11:50 a.m.)

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