

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

3
4 TAMMY KITZMILLER; et al., .
5 Plaintiffs . CIVIL ACTION NO.
6 vs. . 04-CV-2688
7 DOVER AREA SCHOOL DISTRICT, . (JUDGE JONES)
8 et al., .
9 Defendants .
10

11 Deposition of : DONALD BONSELL
12 Taken by : Plaintiffs
13 Date : March 18, 2005, 10:00 a.m.
14 Before : Vicki L. Fox, RMR,
15 Reporter-Notary
16 Place : 200 One Keystone Plaza
17 North Front & Market Sts.
18 Harrisburg, Pennsylvania

18 APPEARANCES:

19 PEPPER HAMILTON LLP
20 BY: JOSEPH FARBER, 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

DONALD BONSELL	Examination
By Mr. Farber	3

EXHIBITS

Plaintiff Deposition Exhibit Number	Page
32. Dover Area Board of Directors, Biology Curriculum Press Release, pages 000049 and 000050.	22
33. Home Science Catalog, Catalog No. 14, pages P 00044 and P 00043.	41
34. Two articles from the "York Daily Record" Entitle Textbook Controversy Continues and Book Is Focus of More Debate.	45

1 ever deposed if you will as far as swearing to
2 tell the truth other than my official duties in
3 different positions that I have had with the
4 Township.

5 Q. If I could, I will give you some background on
6 the deposition process so you know what to
7 expect today.

8 A. Sure.

9 Q. I will ask you questions, and you will answer
10 them, and the court reporter will record what
11 each of us says and what Mr. Gillen says.

12 If you could answer orally without nods or
13 shaking of your head or saying ah-huh, that
14 would help the reporter record clearly what you
15 are saying.

16 The reporter can only record one person
17 speaking at a time. So if you could let me ask
18 my full question before beginning to answer,
19 and I will try not to cut you off, that would
20 be helpful.

21 A. That's fine.

22 Q. Please answer questions only if you fully
23 understand them. If you give me an answer, I
24 will assume that you have understood the
25 question. Okay?

- 1 A. Excuse me just a minute. I do have in my one
2 ear, I have a problem. I should be wearing a
3 hearing aid. I don't have one so I may ask you
4 to repeat on rare occasions since your voice is
5 soft. So just bring it up just a tempo if you
6 will.
- 7 Q. Thank you for letting me know.
- 8 A. Sure.
- 9 Q. As I said if I ask you a question and you give
10 me an answer, I will assume that you have
11 understood the question.
- 12 A. Sure.
- 13 Q. Is that okay?
- 14 A. Sure.
- 15 Q. If you don't understand the question, please
16 let me know, and I will rephrase it.
- 17 A. Sure.
- 18 Q. And in answering questions, please don't
19 speculate or guess. Only answer if you know
20 the answer to the question.
- 21 A. Yes.
- 22 Q. Throughout the deposition, I will refer to the
23 Dover Area School District as the School
24 District and the Dover area High School Board
25 of Directors as the School Board. Is that

1 okay?

2 A. Sure. Yes.

3 Q. And I will refer to the book Of Pandas and

4 People, The Central Question of Biological

5 Origin as Pandas; is that okay?

6 A. Repeat please.

7 Q. I will refer to the book Of Pandas and People,

8 The Central Question of Biological Origin as

9 Pandas?

10 A. Yes. Okay, fine.

11 Q. If you need a break at any time, please feel

12 free to ask, and we can arrange that.

13 A. Fine.

14 Q. Just for identifying information, what is your

15 home address?

16 A. 5011 Harmony Grove Road, Dover, PA 17315.

17 Q. How long have you lived in Dover?

18 A. Since 1979. I moved there in April of '79.

19 Q. Where did you move from?

20 A. From Shiloh, which is approximately six, eight

21 miles from there. We sold our home, and we

22 bought a farm in 1979.

23 Q. How old are you?

24 A. I'm sorry. 67. I can't believe it. Anyway,

25 go ahead.

1 Q. Are you married?

2 A. Yes. One son, and I have a daughter which is a
3 daughter-in-law, but we refer to her as our
4 daughter. And we have two grandchildren which
5 are just fabulous people.

6 Q. Did your son go to the Dover area schools?

7 A. No. He graduated from West York High School in
8 19 something.

9 Q. Where is that?

10 A. West York is relatively close to York itself,
11 just on the outer skirts of the York City
12 boundaries. It is called West York High
13 School, which is approximately eight miles from
14 Dover School District.

15 Q. Did you graduate from high school?

16 A. Yes, I did, 1956.

17 Q. Did you attend college?

18 A. I attended college, but I attended college -- I
19 basically did a lot of college work, but most
20 of it was predicated on what I needed to
21 succeed with the job that I was on at that
22 time.

23 I have about ten years of night school,
24 approximately ten years off and on.

25 Q. Did you graduate from college?

1 A. No, I did not. But I had many, many seminars I
2 attended. I have sheets and sheets of
3 documents that I have successfully completed,
4 but I do not have a degree per se.

5 Q. I understand. Do you have any scientific
6 training?

7 A. Not really in the sense of other than my own
8 personal readings and things like that, but I
9 have no training per se in the sense that I
10 have -- I never went to school or actually went
11 directly for it, for the specific reasoning for
12 the scientific reason.

13 Q. Do you have any particular scientific
14 knowledge?

15 A. Sure. Obviously, I read a lot. In reading a
16 lot, I do read many things pertaining to this.
17 I am very much interested in federal, state,
18 many things. I get like three newspapers
19 everyday, and I read a lot. I do a lot of
20 reading.

21 Q. Is there a field of science that you have
22 particular knowledge about?

23 A. Science, I think probably more in the medical
24 field than anything else. As you start getting
25 older in life, you start concentrating in the

1 medical fields -- what's available, what isn't,
2 what works, what doesn't work.

3 I had to concentrate -- my wife and I, of
4 course, we have a tendency as you get older to
5 do that, become aware of what's out there.

6 Q. Are you represented by counsel today?

7 A. Yes.

8 Q. Who represents you?

9 MR. GILLEN: Let the record reflect that
10 he has indicated Mr. Gillen.

11 A. I'm sorry.

12 MR. GILLEN: Pat Gillen. Joe, you can
13 call me Pat. Thank you.

14 A. Mr. Gillen. Pat Gillen. I'm sorry. I was
15 thinking about the firm rather than the name.

16 BY MR. FARBER:

17 Q. How did Pat become your lawyer?

18 A. Through notification and through a request to
19 represent. I guess he represents -- he
20 represents the school, the system. And through
21 that, that is how I got to know him -- know him
22 in the sense of the way we are here today.

23 Q. When you first spoke or communicated, did he
24 contact you, or did you contact him?

25 A. No, he contacted me.

1 Q. When did he contact you?

2 A. Approximately a week, ten days ago, something
3 like that. I'm not -- I don't recall the date.

4 Q. Did he offer to represent you for purposes of
5 this deposition?

6 A. Yes.

7 Q. For any other purposes?

8 A. No.

9 Q. What did he say to you when he called?

10 A. Basically what he said is you're going to be
11 deposed. Is that the correct term?

12 Q. Yes.

13 A. And I will represent you when you are being
14 deposed. And I will be counsel for you or
15 something to that effect.

16 Q. Did you discuss anything else?

17 A. Not really. I mean in fact, I met him for the
18 first time yesterday personally in person. I
19 did not discuss any specifics about anything in
20 particular though.

21 Q. Have you ever spoken with -- Pat, you might
22 have to help me here -- Robert Muise?

23 MR. GILLEN: Correct.

24 A. What is the relationship? I am sorry. I don't
25 understand the question.

1 BY MR. FARBER:

2 Q. Have you ever spoken with Robert Muise, who I
3 will represent to you is another attorney at
4 the Thomas More Law Center?

5 A. No.

6 Q. Have you ever spoken to Richard Thompson?

7 A. No.

8 Q. Have you ever spoken to Ron Turo?

9 A. No. Again these are no's predicated on my
10 memory.

11 Q. Sure. Did you do anything to prepare for
12 today's deposition?

13 A. No. Nothing other than the fact -- no. No.
14 Not really. No.

15 Q. For example, did you review any documents
16 before coming in for today's deposition?

17 A. No, in the sense of -- no, I didn't look at one
18 document.

19 MR. GILLEN: Joe, if I may, I know that I
20 have instructed you that our communications are
21 confidential, but Joe is entitled -- and not to
22 be disclosed -- but Joe is entitled to ask if
23 we spoke prior to your coming here. I think
24 that is what he is getting at.

25 A. Yes. I think I answered yes. Did I not? Did

1 I say yes?

2 BY MR. FARBER:

3 Q. You did.

4 MR. GILLEN: I just wanted to make
5 certain.

6 A. That is okay.

7 BY MR. FARBER:

8 Q. Did you meet with Pat before coming in for
9 today's deposition?

10 A. Yes, last evening at my home. And we --
11 anyway, yes.

12 Q. Did anything that Pat said or showed you
13 refresh your recollection of events?

14 A. No.

15 Q. Have you met or spoken with anyone other than
16 Pat to prepare for this deposition?

17 A. No.

18 Q. Have you spoken with your son Alan in
19 preparation for this deposition?

20 A. No.

21 Q. If it is all right with you, when I say Alan, I
22 am referring to Alan Bonsell.

23 A. Obviously, I understand. Okay.

24 Q. Does your son Alan currently serve on the
25 School Board?

- 1 A. Yes.
- 2 Q. How long has he served on the School Board?
- 3 A. I think he is ending his fourth year right now.
4 Technically it is four years as of this coming
5 December.
- 6 Q. Did he have any prior terms before this?
- 7 A. No.
- 8 Q. Four year terms?
- 9 A. No.
- 10 Q. Did he run for School Board?
- 11 A. Yes.
- 12 Q. Has he ever communicated to you why he ran for
13 School Board?
- 14 A. Well, I can -- obviously, he was very much
15 concerned about being a School Board member
16 because he has got two children that go to
17 Dover schools. He is civic minded. He wants
18 to contribute his time and efforts to many
19 things. One of them is the school. I really,
20 really am very proud of that fact.
- 21 Q. Has he ever discussed with you his goals as a
22 School Board member?
- 23 A. No. No. As far as his goal, no.
- 24 Q. Has he ever discussed what he hoped to achieve
25 as a School Board member?

1 A. No. And I will predicate that on one thing is
2 the fact that this is a group of nine. Goals
3 are something that the group as a whole should
4 work together. I'm sure that's the case.

5 If there is a goal -- and I am sure there
6 are some goals -- I don't know what they are
7 necessarily.

8 Q. Did Alan ever discuss goals or objectives
9 related to the curriculum at the high school
10 with you?

11 A. See, I personally served on the Board four
12 years prior to Alan coming on -- or
13 approximately four years prior to that. And as
14 far as talking shop, if you will, it is a
15 rarity because I don't bother him with that
16 because he has enough on his plate. Plus I do
17 go to meetings sometimes to update my own
18 thinking on the subject.

19 Q. Did Alan campaign for his position on the
20 School Board?

21 A. Yes.

22 Q. Can you identify any of the themes of his
23 campaign?

24 A. Well, they had a sheet out, and they advertised
25 their own personal reasons for running for the

1 School Board. They were all predicated on
2 we're going to be a major help in the
3 community. That is basically the group's
4 theme. We want to be service to our community.

5 There's many things that they listed. I
6 don't recall what they are.

7 Q. Do you have a copy of that sheet?

8 A. No.

9 MR. FARBER: Pat, do you know if that
10 sheet has been produced?

11 MR. GILLEN: I don't know if that sheet
12 exists. I would have to say right now, no. I
13 don't think any such sheet was produced.
14 Frankly, I don't think it was requested. But I
15 will check.

16 MR. FARBER: Please.

17 BY MR. FARBER:

18 Q. Was high school curriculum a theme or issue in
19 Alan's campaign for School Board?

20 A. Again?

21 Q. Was the Dover Area High School curriculum a
22 theme or an issue of Alan's campaign for School
23 Board?

24 A. No. As far as I know, it wasn't something that
25 was a full focus. I think it was an overall

1 focus on everything regarding the school,
2 costs, taxpayer's money and many things. This
3 is a big theme at that time because he wasn't
4 that familiar -- that's my opinion.

5 Q. Have you ever communicated with Alan about
6 Creationism?

7 A. Communicated in what respect?

8 Q. Have you ever spoken with Alan about
9 Creationism?

10 A. We have spoken many things regarding many
11 subjects. Over a period of years, I would
12 probably make the assumption I probably did.
13 But specifically knowing what we talked about,
14 I can't really give you it verbatim.

15 Q. You can't recall the specifics of any
16 conversations with Alan about Creationism?

17 A. No. Because so many times when you talk to a
18 son or a child -- or not a child, a man -- I
19 mean I don't see him terribly often. We
20 communicate about a lot of things.

21 In general conversations, it's always
22 many, many different issues. Because of father
23 and son, we have a lot in common in the
24 business world and so forth. I can't
25 specifically give you examples.

1 Q. Have you ever communicated with Alan about

2 Intelligent Design?

3 A. I really don't think so specifically about

4 Intelligent Design because I was very familiar

5 with Intelligent Design because I attended some

6 of the sessions that they were discussing.

7 Q. Which sessions do you mean?

8 A. The School Board. I go when I am not a

9 Township Supervisor. I have one meeting a

10 month that I don't go to, and I usually try to

11 attend the School Board.

12 Q. You have attended School Board sessions where

13 Intelligent Design was discussed?

14 A. Yes.

15 Q. Do you remember the dates even approximately of

16 those sessions?

17 A. It has probably been the last two months

18 sometime. I don't know. I don't really recall

19 what the dates would have been.

20 Q. Do you recall any of the content of the

21 discussion of Intelligent Design?

22 A. I remember that we had a particular resident at

23 that time that was very adamant about it, and

24 there was a lot of discussion within the room

25 with different people.

1 Q. What was said during that discussion?

2 A. Like all -- like anything else, everybody has
3 their own idea regarding the issue and so
4 forth. And being specific other than that
5 particular individual, a person by the name of
6 Barrie Callahan, she was very adamant and very
7 confrontational with the Board regarding the
8 issue as I recall.

9 Q. What was Barrie Callahan's position on
10 Intelligent Design to your recollection?

11 A. Well, my recollection is the fact obviously she
12 disagreed with the introduction of it as I
13 recall.

14 Q. What do you mean by the introduction of
15 Intelligent Design?

16 A. Meaning that the Board had the Intelligent
17 Design, and they were talking about it openly
18 with the people because there were questions
19 regarding it from many of the folks that were
20 there.

21 She was very, very -- I mean the conduct
22 and so forth was just -- she used to be on the
23 School Board. Then she was -- she did not win
24 reelection. And she has become quite
25 confrontational with the issue regarding

1 basically anything regarding the school.

2 Q. Do you recall if the School Board meetings you
3 have attended where Intelligent Design was
4 discussed were after October 18th, 2004 or
5 before?

6 A. I'm sorry, sir. I don't recall dates. I would
7 speculate, and I can't do that.

8 Q. If it would refresh your recollection October
9 18th, 2004 was the date that the resolution
10 introducing Intelligent Design into the
11 curriculum was passed?

12 A. If you say so, I'll believe that.

13 Q. Given that, do you remember if the Board
14 meetings you have attended where Intelligent
15 Design was discussed were before or after
16 October 18, 2004?

17 A. I honestly can't tell you one way or the other.
18 I don't recall. Dates are really immaterial to
19 me when I go to meetings like that.

20 Q. Have you ever discussed the place of religion
21 in schools with Alan?

22 A. I am sorry?

23 Q. Have you ever discussed the place of religion
24 in schools with Alan?

25 A. The place?

1 Q. Have you ever discussed the proper role of
2 religion in schools with Alan?

3 A. Specifically in generalities, I don't recall.
4 Like I said, I have a lot of conversation with
5 family members and outside people. I have a
6 dialogue going with a lot of people due to the
7 fact of my position.

8 Just the other night, we had over a
9 hundred some people there at a meeting. This
10 is on the Township Supervisor position I carry.

11 Q. When you said because of your position, you
12 were referring to the Township Supervisor
13 position?

14 A. I am sorry?

15 Q. In response to a previous question, you said
16 because of your position.

17 A. People many times will approach me, especially
18 on subjects regarding the Township and so forth
19 if they see me out.

20 Q. Your position then is Township Supervisor?

21 A. I am presently serving my sixth year, sixth
22 year on a term of six years. I am presently
23 serving my last year before reelection which is
24 coming up in the primary in May.

25 Q. In general, do you recall any of the content of

1 discussions you might have had with Alan about

2 the proper place of religion in schools?

3 A. Are you asking for my personal on this? Are

4 you asking for a general response?

5 Q. I am asking if you personally recall any of the

6 general content of your discussions with Alan

7 about the place of religion in schools?

8 A. As far as my personal, I will use my personal

9 self. And that is I personally feel that if

10 the law states that subjects or particular

11 issues are going to be taught, that's the way

12 it is. I have no problem with that.

13 Because if a particular curriculum is

14 there and it is mandated by the state or the

15 federal government, so be it. That is the law,

16 and that is what we adhere to. I don't

17 encourage anybody dissecting that or bypassing

18 that.

19 Q. Have you ever discussed the views you just

20 expressed with Alan?

21 A. Specifically, no. In generalities, perhaps.

22 Again, these are topics that I hear at the

23 Boards when I go. And very rarely do I bring

24 them home to roost because he has got -- you

25 know, he has got some responsibility. And I

1 don't add to that responsibility. Being the
2 father, I don't take that privilege.

3 Q. In generalities, what was the content of your
4 discussion with Alan on these matters?

5 A. That's like I was saying, what did I discuss
6 with him. As far as generalities is concerned,
7 I believe if I was again trying to recall --
8 and I don't recall verbatim what we discussed.
9 I'm certain that my son is pretty well in focus
10 with my beliefs. And that doesn't mean we
11 always coincide. We don't always agree.

12 In this case, he is a law-abiding man, and
13 he will adhere to the rules of the school, as
14 well as the state and the government because
15 his position is that. His position, I'm sure
16 he takes very seriously.

17 (Plaintiffs Exhibit 32 was marked.)

18 BY MR. FARBER:

19 Q. I would like to introduce Plaintiffs Exhibit
20 32. Don, do you recognize this document?

21 A. I recognize -- I remember specific more about
22 the fact of what Dr. Nilsen said. I saw this
23 document. I really didn't study it in detail
24 other than the fact that at the end of it, Dr.
25 Nilsen is speaking.

1 The Doctor has directed the teachers will
2 teach Intelligent Design. I am only repeating
3 a few of the sentences. That is all. It is
4 not necessary.

5 Q. Do you see at the top of the document the title
6 Dover Area Boards of Directors Biology
7 Curriculum Press Release?

8 A. Yes. I understand that.

9 Q. Did I read that correctly?

10 A. It appears you did. Biology Curriculum Press
11 Release, yes.

12 Q. Do you see the first indented paragraph:
13 Students will be made aware of gaps/problems in
14 Darwin's Theory and of other theories of
15 evolution including, but not limited to,
16 Intelligent Design. The Origins of Life is not
17 taught.

18 A. Yes, I see it.

19 Q. Do you recognize that language?

20 A. I recognize it in the sense that I am just
21 refreshing myself. If I would have been asked
22 to quote what is here, I probably wouldn't have
23 been able to due to the fact that it has been
24 some time since I have seen the document.

25 What is your specific question?

1 Q. Do you recognize this language as the text of
2 an October 18th, 2004 resolution passed by the
3 School Board?

4 A. Students will be made aware of gaps/problems in
5 Darwin's Theory and other theories of evolution
6 including, but not limited, to Intelligent
7 Design. The Origins of Life is not taught. I
8 recognize that.

9 Q. Do you recognize it as the text of a resolution
10 passed by the Dover School Board?

11 A. Be specific. What am I looking for?

12 Q. The first indented paragraph on the first page
13 that you just read.

14 A. Okay.

15 MR. GILLEN: Can we take a break, Joe?

16 MR. FARBER: Sure.

17 MR. GILLEN: I am not sure he understands.

18 (A recess was taken.)

19 AFTER RECESS

20 BY MR. FARBER:

21 Q. Don, again if I could direct your attention to
22 the first indented paragraph on Plaintiffs
23 Exhibit 32 which reads students will be made
24 aware of gaps/problems in Darwin's Theory and
25 of other theories of evolution included, but

1 not limited to, Intelligent Design. The
2 Origins of Life is not taught.

3 Do you recognize that passage as the text
4 of a School Board resolution that was passed?

5 A. I did not participate in this document or any
6 parts of it. Okay? So recognizing portions of
7 it or all of it really, I honestly cannot tell
8 you that I am familiar with it to be able to
9 discuss it.

10 Q. Do you remember the School Board ever passing a
11 resolution related to Intelligent Design?

12 A. I don't recall. And I don't recall anything
13 pertaining to that because again, I go to Board
14 meetings, but there are many times it is only
15 in and out. So I cannot tell you anything
16 other than that.

17 Q. Sitting here today, are you aware that the
18 School Board passed a resolution relating to
19 Intelligent Design?

20 A. According to what you are saying, apparently it
21 was true. I don't know or I don't recall.

22 Q. Did you learn that the School Board passed that
23 resolution by reading Plaintiffs Exhibit 32, or
24 did you know that they passed the resolution
25 some time before reading Plaintiffs Exhibit 32?

- 1 A. Again, I don't recall specific times or dates
2 regarding this issue, no.
- 3 Q. I am not asking for a specific time or date.
4 Before today, were you aware that the School
5 Board passed a resolution relating to
6 Intelligent Design at any time?
- 7 A. I don't recall.
- 8 Q. Did you ever discuss with Alan a potential
9 School Board resolution related to Intelligent
10 Design?
- 11 A. Not to my knowledge.
- 12 Q. Did you ever discuss a School Board resolution
13 related to Intelligent Design with anyone other
14 than Alan?
- 15 A. Not that I recall.
- 16 Q. Have you ever discussed with Alan potential
17 changes to the high school biology curriculum?
- 18 A. No. Not that I recall.
- 19 Q. Have you ever discussed with Alan the high
20 school curriculum in any respect?
- 21 A. No. I would say no. Just simply no.
- 22 Q. Have you ever discussed the high school
23 curriculum with any current or former members
24 of the School Board?
- 25 A. If I did, I don't recall the specifics of it.

- 1 Q. Have you ever discussed the high school
2 curriculum with William Buckingham?
3 A. No.
4 Q. With Sheila Harkins?
5 A. I don't recall if I did.
6 Q. With Angie Zeigler-Yingling?
7 A. No.
8 Q. With Jane Cleaver?
9 A. No.
10 Q. With Heather Geesey?
11 A. No.
12 Q. With Noel Wenrich?
13 A. Again, the no is premised on the fact of my
14 memory.
15 Q. I understand.
16 A. Okay.
17 Q. With Jeff or Carol Brown?
18 A. Again, I would simply have to say if I did, it
19 is not a recollection that I can bring and
20 focus on.
21 Q. Have you ever discussed selection of high
22 school biology textbooks with Alan?
23 A. I am sorry?
24 Q. Have you ever discussed the selection of high
25 school biology textbooks with Alan?

- 1 A. No.
- 2 Q. Have you ever discussed the selection of high
3 school biology textbooks with anyone other than
4 Alan?
- 5 A. Not specific, no.
- 6 Q. Have you ever discussed the selection of high
7 school biology texts with any current or former
8 School Board members?
- 9 A. If I did, I don't recall the particulars about
10 it.
- 11 Q. Do you recall if you supported the School Board
12 resolution regarding Intelligent Design before
13 or at the time of its passage?
- 14 A. In what respect?
- 15 Q. Did you think it was a good idea?
- 16 A. Well, as far as my personal opinion on it, as
17 far as putting this and making it available in
18 the context that it is, I saw nothing wrong
19 with that.
- 20 Q. When you say making this available, what are
21 you referring to?
- 22 A. In the sense of the Intelligent Design. As far
23 as giving it to where the students -- perhaps I
24 think it was going to be put into the library
25 or something, whatever, so that they could

1 perhaps have a chance to evaluate it if they
2 want to.

3 Q. Do you know if Alan supported the School Board
4 resolution relating to Intelligent Design?

5 A. I would have to make that assumption, but I
6 don't know specifically anything regarding his
7 thoughts on it other than the fact that the
8 record will speak for itself.

9 Q. Do you know why he supported the resolution?

10 A. Why he supported it? I guess because obviously
11 the Board, I guess, were interested in
12 presenting it. I don't know. I wasn't privy
13 to it. I am not privy to their personal
14 meetings, their personnel meetings and whatever
15 they may have discussed behind closed doors.

16 Q. If I could direct your attention to the fourth
17 paragraph on Plaintiffs Exhibit 32, the Biology
18 Curriculum Press Release, could you take a
19 moment to read that paragraph please? It
20 begins the District also received.

21 A. I have it. Thank you. (Witness complies.)
22 Fine. Question?

23 MR. FARBER: Pat, could we stipulate that
24 Of Pandas and People in that paragraph refers
25 to the book Of Pandas and People, The Central

1 Question of Biological Origins?

2 MR. GILLEN: Most certainly.

3 MR. FARBER: Published by The Foundation
4 For Thoughts and Ethics?

5 MR. GILLEN: So far as I know. I agree
6 that certainly that reference there is to the
7 text that you described at the outset of the
8 deposition.

9 MR. FARBER: Thanks.

10 MR. GILLEN: You are welcome.

11 BY MR. FARBER:

12 Q. Don, what do you know about the book Of Pandas
13 and People?

14 A. I personally have never read it so I really am
15 not an expert on it.

16 Q. How did you learn of the book Of Pandas and
17 People?

18 A. Well, obviously through conversation that you
19 hear when you attend the meetings.

20 Q. Which meetings do you mean?

21 A. Whenever I attended some of the School Board
22 meetings, you would hear the word Pandas and
23 Intelligent Design, whatever.

24 Q. You first heard of the book Of Pandas and
25 People at a public meeting of the School Board?

- 1 A. To the best of my knowledge, I would say that
2 is probably true because I don't recall exactly
3 when I did hear it or the time or the date. It
4 wasn't something that was of terrible
5 importance to me at that time.
- 6 Q. Who first mentioned the book Of Pandas and
7 People?
- 8 A. I don't recall. It was part of the whole
9 conversations that you hear when you are there.
10 It has been brought up I am sure several times.
11 I don't recall when.
- 12 Q. The first time you heard Pandas mentioned, was
13 it mentioned by a School Board member?
- 14 A. I don't recall.
- 15 Q. Have you ever discussed Pandas with Alan?
- 16 A. Not that I can recall.
- 17 Q. Did you donate copies of Pandas to the high
18 school?
- 19 A. Excuse me. Intelligent Design?
- 20 MR. GILLEN: He is referring to the text
21 Of Pandas.
- 22 A. Okay.
- 23 BY MR. FARBER:
- 24 Q. Did you donate copies of Pandas to the high
25 school?

1 A. Let us have a moment, will you please? Just a
2 two minute break.

3 MR. FARBER: Sure.

4 MR. GILLEN: Sure.

5 (A recess was taken.)

6 AFTER RECESS

7 A. I am sorry.

8 BY MR. FARBER:

9 Q. Don, I will represent to you that Of Pandas and
10 People is a book about Intelligent Design.

11 A. Fine.

12 Q. Did you donate Pandas to the high school?

13 A. Yes.

14 Q. Why did you do that?

15 A. The event that occurred during the one
16 particular meeting, again, we are going back to
17 Barrie Callahan who was an ex Board meeting.
18 Barrie Callahan served on the Board.

19 When they mentioned this in the meeting,
20 right away she came forward and said this is
21 going to cost the school system money. And she
22 was very much concerned about the materialistic
23 part of this from the sense of dollars.

24 And after hearing that, and she always
25 made -- she always makes very big issues about

1 anything that she can possibly make issues
2 from. I don't know her motivation other than
3 the fact I heard it.

4 And I said well, after that, I said to my
5 son, I said your mother and I will buy the
6 books. That's fine. We will take that off the
7 table.

8 Because this is not the first time I
9 helped the school system. When I was on School
10 Board, I donated other things to the school. I
11 was happy to do this for the school because I
12 think it is important that the community helps
13 them wherever possible.

14 Q. What other things have you donated when you
15 were on the School Board?

16 A. When I was a School Board member, I donated a
17 large truckload of lumber that I brought to
18 them and said here is a gift for your shop.
19 And they unloaded it.

20 I have a large trailer that I pulled in
21 with my truck. I just took it over to the
22 shop. And without any fanfare, they unloaded
23 it and said thanks, Don, and went on.

24 Q. Have you donated anything else?

25 A. I attempted one time to donate seven -- I

1 purchased from a distributor seven handicap
2 water coolers, the handicap style, which are
3 fairly expensive because it fits against the
4 wall in such a way that the handicapped in
5 their wheelchairs can use it.

6 I attempted to do that. I spent about
7 twelve hours at one particular location waiting
8 for these handicaps to come up, and I purchased
9 them for \$125.00. And they are worth about
10 \$700.00 apiece, and they were brand new.

11 This was a warehouse where a man was going
12 out -- a bankruptcy sale, but it was all new
13 merchandise, stainless steel. I took the
14 \$125.00 slip into the school system, and said I
15 got you a treat.

16 Except at this particular time since I
17 spent so much time, the only thing I wanted
18 reimbursed for was the \$125.00, and I had the
19 slip that I paid for. They refused it. I
20 don't know.

21 Larry Reeser then was, of course -- he was
22 the head of grounds. He looked at them and
23 identified them as what I said they would be.
24 And I said, well, okay. So obviously they went
25 out -- and I guess that was the previous School

1 Board that I was on. They went out and spent
2 apparently \$4200.00 worth of -- I don't know.
3 I don't know that mentality. I can't
4 understand it. I had this canceled check and
5 everything else to prove my purchase.

6 Q. Have you ever donated anything else to the
7 School District?

8 A. I donated a lot of time helping wherever I
9 could and so forth. Mostly being a School
10 Board member, your time is a major thing that
11 you have to contribute to it. Not have to, but
12 should and do. That is the nature of the
13 School Board position.

14 Q. Did you donate the books by yourself or with
15 others?

16 A. No. We paid for the books ourselves, but there
17 was one other donation.

18 Q. Who did that donation come from?

19 A. Mr. Buckingham, meaning a donation in the sense
20 that it came to us.

21 Q. Did Mr. Buckingham contribute money towards
22 paying for the books?

23 A. I have no idea, sir. The only thing I know is
24 he gave us money towards the purchase of the
25 books. I don't know where the money originated

1 from, if it was his personally or not. I

2 didn't ask him.

3 Q. But Mr. Buckingham gave you money towards the
4 purchase of Pandas?

5 A. Yes. He gave us a check.

6 Q. How did you divide payment for Pandas between
7 yourself and Mr. Buckingham?

8 A. I just simply made up the difference. And
9 obviously, I think you have it probably, the
10 receipt for what I paid.

11 Q. I'm not sure I do. Do you recall the price
12 that you paid for Pandas?

13 A. Twelve hundred and some odd dollars I believe.
14 I think it was right around that. It was 60
15 books at something like 20 dollars apiece or 20
16 some dollars apiece.

17 Q. Do you recall how much Mr. Buckingham
18 contributed towards the twelve hundred or so
19 dollars?

20 A. In the seven hundred dollar range probably. I
21 don't recall exact number. I really don't
22 because it didn't matter to me because I was
23 going to do it anyway.

24 Q. Did you ever discuss the donation of Pandas to
25 the high school with Mr. Buckingham?

1 A. No. In the sense of -- no. I volunteered to
2 do it. Obviously, the volunteer went out, and
3 somebody knew that I was going to be buying the
4 books and apparently gave me the check.

5 I didn't discuss anything with him, where
6 the money came from or anything else.

7 Q. How did you receive the check from
8 Mr. Buckingham?

9 A. I'm not positive. It was either -- I have a
10 lot of rental properties. Many times, our
11 folks drop checks off indiscriminately. Many
12 times, we usually use a wooden box on our front
13 porch. Normally, they just drop it into the
14 box.

15 In this particular case, it was either in
16 the screen door or the box. I don't recall.

17 Q. I apologize if I have asked this before, but
18 did you ever communicate in any way with Alan
19 about the donation of Pandas?

20 A. Nothing specific as I remember other than the
21 fact I told him we would be interested in
22 purchasing the books.

23 Q. When did you tell him that?

24 A. At the time when Barrie Callahan came forward
25 and made such a loud statement regarding the

1 school, and the school was going to be
2 responsible and so forth and so on.

3 I wanted to take it. I just wanted then
4 to do it because this is the way my wife and I
5 are. If we can help in any way to ease the
6 burden of the taxpayers, we will do it.

7 Q. Did you tell Alan at a School Board meeting --

8 A. No.

9 Q. -- that you would donate Pandas?

10 A. Not to my knowledge. I'm sure it would have
11 been probably either in a break or something
12 like that. I just mentioned to him that we
13 will take care of the books with no fanfare.
14 It wasn't something we announced.

15 Q. What did he say in response to your offer to
16 take care of the books?

17 A. That is up to you, dad, as I recall.

18 Q. Anything else?

19 A. Not that I recall.

20 Q. Was Alan in favor of the introduction of Pandas
21 into the school?

22 A. That is something that I can't respond to due
23 to the fact that I think this is something that
24 Alan personally would have to reply to.

25 Q. Do you know if Alan was in favor of the

1 introduction of the books, the Pandas books
2 into the school?
3 A. The same response. It is something that he
4 would have to respond to. I don't like to
5 quote somebody. That's all.
6 Q. I'm not asking for a quotation from Alan.
7 A. I understand.
8 Q. I am just asking if you know whether he was in
9 favor of the introduction of Pandas into the
10 school?
11 A. I really can't answer that because I am not
12 positive. I am not sure.
13 Q. Do you think he was in favor of the
14 introduction of Pandas into the high school?
15 A. Same response.
16 Q. How did Mr. Buckingham find out that you were
17 interested in donating copies of Pandas to the
18 high school?
19 A. I would have to make the assumption it was
20 known after I told my son I was interested in
21 doing it. How he acquired that information, I
22 don't know. I didn't go around telling
23 everybody about my donation. I don't do that.
24 Q. Did you tell anyone other than your son that
25 you were interested in donating copies of

1 Pandas to the high school?

2 A. Obviously, I told my wife. We discussed it
3 before. She is totally aware of it. Like I
4 said again, I don't go around telling people my
5 donations to charity or to anything else.

6 Q. Is it fair to say that to your recollection you
7 didn't tell anyone about your interest in
8 donating Pandas to the high school in this
9 case?

10 A. Like I said, all I had to do was mention it to
11 my son. And obviously whatever he did with the
12 information, it was up to him.

13 But he had -- obviously, they were aware
14 of it, meaning he was aware of it. I think at
15 that time, he was board President if I'm not
16 mistaken. Again, I did not make an
17 announcement about this.

18 Q. So you didn't speak to any other members about
19 your interest in donating Pandas to the high
20 school?

21 A. Not that I recall.

22 Q. To any School District employees?

23 A. Not that I recall.

24 Q. Who did you order Pandas from?

25 A. I am not sure. I would have to look at the

1 document.

2 Q. I have a document that might help.

3 A. You have it there. I don't recall exactly who
4 it was from. We just simply called and gave
5 them a credit card number.

6 MR. GILLEN: Can we go off the record for
7 a second?

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

9 (Plaintiffs Exhibit 33 was marked.)

10 BY MR. FARBER:

11 Q. Don, do you recognize Plaintiffs Exhibit 33
12 entitled "Home Science Catalog"?

13 A. I honestly don't recall ever seeing this.

14 Q. Have you ever seen --

15 A. This specific, I don't remember seeing it.

16 Q. Have you seen the second page?

17 A. Again, I will have to say the same thing. I
18 don't recall ever seeing it. Sorry.

19 Q. How did you find out -- I am sorry. Did you
20 order Pandas or did someone else order the
21 book?

22 A. No, we ordered them as far as I know. We
23 called, and they said give us your credit card
24 I guess is the way it worked. And we ordered
25 the 60 books.

1 Specifically who, when and so forth is

2 between my wife and I.

3 Q. Who did you call to order the books?

4 A. Whatever the ad -- whomever, whatever that

5 document says. I don't recall specifics on it

6 without looking at the actual bill or whatever

7 we have.

8 Q. How did you find out who to call to order the

9 books?

10 A. Most likely somebody that was knowledgeable

11 about it. And it is conceivable it was my son,

12 but I don't recall the details of it because I

13 know she got the information from someplace.

14 We're just very much interested in helping.

15 Q. Did your wife find out who to order the books

16 from?

17 A. Between the two of us, one of us found out. I

18 don't recall which one because it was -- it

19 really wasn't something that I was interested

20 in pursuing, you know, where do we get the

21 information, as long as we got it.

22 Q. Before you ordered the books, or your wife

23 ordered the books, did you know anything about

24 the book's publisher?

25 A. No. I had never -- to the best of my

- 1 knowledge, I never read the book or was party
2 to the book as far as knowledge.
- 3 Q. Do you now know anything about the book's
4 publisher?
- 5 A. Publisher?
- 6 Q. Yes.
- 7 A. No. I never pursued the publisher or anything
8 pertaining to the publisher.
- 9 Q. If it would refresh your recollection, I will
10 represent to you that Pandas publisher is the
11 Foundation for Thought and Ethics.
- 12 A. Okay. I will take your word for it.
- 13 Q. Do you know anything about the Foundation for
14 Thought and Ethics?
- 15 A. No, I am not familiar with it.
- 16 Q. After the Pandas books were ordered, were they
17 shipped to you personally?
- 18 A. Yes, as far as I recall. I don't know in what
19 vehicle they came or how they were delivered.
20 They were delivered I know.
- 21 Q. Did they arrive at your house?
- 22 A. As far as I know they did, yes.
- 23 Q. What did you do with the books after they
24 arrived?
- 25 A. As far as I know, they were given to the Board.

1 I don't remember who got them. We just made
2 sure that they were available. I don't know
3 the particulars of it.

4 Q. Did someone come to pick the books up from your
5 house?

6 A. I don't know. I really don't know. I don't
7 recall.

8 Q. Would your wife know if someone came to pick
9 the books up from your house?

10 A. I have no idea. We really never -- it was
11 never entered into our conversation who is
12 going to get the books and how and so forth.

13 There was never a discussion between us
14 other than ordering the books. And I
15 sanctioned that, and obviously she agreed.

16 Q. After the books were picked up, did they go
17 first to the School Board or a School Board
18 member?

19 A. I really cannot say because I don't recall. I
20 wasn't -- I didn't deliver them myself. And
21 again, these are things I am just simply
22 frankly telling you the way it is. That's all.

23 Q. Do you know if the books, the Pandas books ever
24 arrived at the high school?

25 A. I have no idea where the point of origin went.

1 In other words, I don't know who they were
2 delivered to. I don't recall.

3 Q. So you don't know if the books are in the high
4 school now?

5 A. I really would make the assumption they are
6 someplace between my place and the high school.
7 Somebody got them, and I don't recall who did
8 because I wasn't party to it.

9 Q. Did you attend any School Board meetings in
10 June of 2004?

11 A. 2004, June? I really don't know, sir. I don't
12 recall.

13 (Plaintiffs Exhibit 34 was marked.)

14 BY MR. FARBER:

15 Q. I would like to introduce Plaintiffs Exhibit
16 34.

17 Don, I will represent to you that these
18 are copies of an article from the "York Daily
19 Record" entitled Textbook Controversy Continues
20 dated June 14, 2004, and an article from the
21 "York Daily Record" entitled Book Is Focus of
22 More Debate dated June 15, 2004.

23 A. This is page 22. What page are you on? I am
24 sorry. The dates?

25 Q. If you remove the paper clip, you will see

1 there are two separate stapled documents.

2 A. Okay. Go ahead.

3 Q. Do you see that one is entitled Textbook
4 Controversy Continued?

5 A. Yes.

6 Q. And the other is entitled Book Is Focus of More
7 Debate?

8 A. Yes.

9 Q. Do you recognize these documents?

10 A. I really don't recognize them per se because I
11 don't recall because there was so much in the
12 newspapers that I would glance at a lot of it.
13 I really didn't pay too much attention to it
14 because there was always something. I don't
15 have specific knowledge of when --

16 MR. GILLEN: Joe, just for the record, and
17 I know this is sort of covered by our
18 stipulation, but to be entirely clear, I am
19 going to have a hearsay objection to the
20 newspaper reports and statements therein.

21 MR. FARBER: Fair enough.

22 MR. GILLEN: Good enough.

23 BY MR. FARBER:

24 Q. Do you read the "York Daily Record"?

25 A. Read in the sense of occasionally, I will look

1 at it. Usually, I only look at certain

2 segments of it.

3 Q. Do you have a subscription to the "York Daily
4 Record"?

5 A. Right now, they are giving us a year
6 subscription for nothing. They volunteered to
7 do that, and I said fine.

8 Q. If I could direct your attention to the second
9 paragraph of the article entitled Textbook
10 Controversy Continues.

11 A. The second paragraph, okay.

12 Q. It says at last Monday's School Board meeting,
13 Board member William Buckingham said as part of
14 a search for a new biology book, he and others
15 are looking for one that offers balance between
16 Christian views of creation and Darwin's Theory
17 of Evolution.

18 Did I read that correctly?

19 A. It appears that you have, yes.

20 Q. Do you recall Mr. Buckingham ever making that
21 statement?

22 A. No, I do not. If he made it, I don't recall
23 that he made it. Plus I had to be at the
24 meeting, and I'm not sure if I was.

25 Q. Did Mr. Buckingham ever say anything similar to

- 1 that statement?
- 2 A. Not to my knowledge.
- 3 Q. Skipping down two paragraphs, does this
- 4 paragraph read: This country wasn't founded on
- 5 Muslim beliefs or evolution," he said. This
- 6 country was founded on Christianity, and our
- 7 students should be taught as such"?
- 8 A. Does it read that?
- 9 Q. Yes.
- 10 A. Yes, of course.
- 11 Q. Do you recall Mr. Buckingham ever making that
- 12 statement?
- 13 A. No, I don't recall that.
- 14 Q. Do you recall Mr. Buckingham ever making a
- 15 statement similar to that?
- 16 A. Not to my knowledge.
- 17 Q. Do you recall any School Board member making a
- 18 statement similar to that?
- 19 A. No, I don't, no. Not to the best of my
- 20 knowledge.
- 21 Q. Skipping to the article entitled Book Is Focus
- 22 of More Debate.
- 23 A. Okay. Go ahead.
- 24 Q. Does the third paragraph state: Nowhere in the
- 25 Constitution does it call for a separation of

1 Church and state?

2 A. Yes, that is what it says.

3 Q. Do you recall Mr. Buckingham making a statement
4 similar to that?

5 A. No, I don't recall that.

6 Q. Do you recall any School Board member making a
7 statement similar to that?

8 A. No, I don't recall anything like that being
9 said. Just one quick thing. I had to be there
10 probably. I did not necessarily attend every
11 meeting.

12 Q. I understand. Skipping to the sixth paragraph.

13 A. I'm sorry. What is that?

14 MR. GILLEN: Would you like us to take a
15 moment or two, Joe?

16 (The deposition was concluded 11:39 a.m.)

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1 COMMONWEALTH OF PENNSYLVANIA :
:
2 COUNTY OF CUMBERLAND :

3
4 I, Vicki L. Fox, Reporter and Notary Public
5 in and for the Commonwealth of Pennsylvania and
6 County of Cumberland, do hereby certify that
7 the foregoing testimony was taken before me at
8 the time and place hereinbefore set forth, and
9 that it is the testimony of:

7 DONALD BONSELL
8

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

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

16 Dated at Camp Hill, Pennsylvania, this 24th
17 day of March, 2005.

18
19 _____
20 Vicki L. Fox
21 Reporter - Notary Public

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