APPENDIX I

TAB E

In The Matter Of:

Tammy Kitzmiller, et al. v.
Dover Area School District, et al.

Carol Brown
May 16, 2005

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

TAMMY KITZMILLER; et al., .
Plaintiffs . CIVIL ACTION NO. 04-CV-2688
vs.
DOVER AREA SCHOOL DISTRICT,. (JUDGE JONES)
et al.,
Defendants

Deposition of : CAROL BROWN
Taken by : Defendants
Date : May 16, 2005, 10:15 a.m.
Before : Vicki L. Fox, RMR,
Reporter-Notary

Place : Two School Lane
Dover, Pennsylvania

APPEARANCES:
PEPPER HAMILTON LLP
BY: THOMAS B. SCHMIDT, III, ESQUIRE
For - Plaintiffs

THOMAS MORE LAW CENTER
BY: PATRICK T. GILLEN, ESQUIRE
For - Defendants
ALSO PRESENT: Sheila Harkins
Alan Bonsell

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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.

CAROL HONOR BROWN, called as a witness, being duly affirmed, was examined and testified, as follows:

BY MR. GILLEN:

Q: Good morning, Mrs. Brown. My name is Patrick Gillen, and I am one of the attorneys for the defendants in this lawsuit. Actually, all of them, Dover Area School District and the School Board.

With me here today is Tom Schmidt who is an attorney for the plaintiffs.

As you know, this is the time set for your deposition which is simply the process by which I get to ask you questions under oath for the purpose of uncovering evidence in this lawsuit.

As I see it, I am just trying to get your side of the story. Plainly, we know there is a dispute here. That is what I am trying to do.

Lawyers are very familiar with this process, but frequently a person who is not, who is the witness, is not. So let me introduce you to a few of the

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idiosyncrasies of the process.
First, I will ask you questions, and you give me answers. Because Vicki is transcribing, it is necessary that your answers be verbal. So please make an effort to answer in words, not gestures. You will be surprised at how many times we say ah-huh or nod our heads.
Second, the process tends to lay bare just how imprecise human communication is. If you find my questions unclear, please let me know, and I will try and clarify.
By the same token, if I am having a difficulty understanding your answer, please bear me as I try and make sure I understand what you are saying.
It is not an endurance test. If you want to take a break, please feel free to do so. If at any point I ask you a question that makes you feel uncomfortable, let me know. I will do my best to try to address your sensitivity consistent with my duty to serve my clients in this matter.
I think that is all we need to know to begin.
Have you been deposed before?
A: Yes, I have.
Q: Can you tell me when?
A: I can tell you the most recent instance.
Q: Okay. Please do.

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A: I can't give you names because it is an ongoing thing, but I have been deposed as regards an ongoing lawsuit involving the School District that would have been in 2004.
Q: So is it my understanding that you have given testimony in connection with this matter already?
A: No. Not sworn testimony. This was a separate — is a separate ongoing lawsuit in which the District is engaged.
Q: What is the nature of that litigation?
A: I am sorry, sir. I don't know if I can say that.
Q: What do you mean by that, you don't know if you can say that?
A: I'm not sure what I am allowed to disclose related to that. It is not in any way related to this.
Q: Okay. Has a lawsuit been filed?
A: I'm not sure if — there's a formal court date, but sworn depositions have been taken. In fact, Dr. Nilsen was also deposed in this instance — or in that instance.
Q: And again, Mrs. Brown, this is not a trick question. I just want to get a sense for what you are referring to. I take it that the School District is a party to that litigation?
A: Not a party in the sense of defendant or plaintiff, but a party in terms of witness — witnessing and giving evidence related to it. It is a libel. That is why I said I am not sure what I can really say about it.

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Q: Then I don't want to needlessly ask you any question that would make you uncomfortable. You say it is a libel suit.
I understand you are not sure whether it is pending. Do you know who the plaintiff is, the person who is making the complaint?
A: An employe of the School District.
Q: Let's leave that for now. Let me just ask you: It appears that your testimony was not taken in connection with this proceeding you are talking about now in the way it is here today; is that correct?
A: No. That is not correct.
Q: Your testimony has been taken in a deposition where a stenographer has recorded your answers?
A: That's correct, and with lawyers.
Q: I am going to set that aside for now.
A: Three sets of lawyers.
Q: All right. Please for the sake of beginning again, let's state your full name for the record.
A: My full name is Carol Honor Brown.
Q: And your current address?
A: 5401 Davidsburg Road, Pennsylvania 17315-4146.

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Q: Are you currently employed?
A: No.
Q: As we sit here today, how would you like me to address you for the purpose of the deposition?
A: Mrs. Brown will do. Thank you, sir.
Q: And feel free to call me Pat in the event you have any questions.
As we sit here today, are you on any medication that might impair your ability to perceive and respond to my questions?
A: Not that I'm aware of.
Q: That is good. How about any handicap? Do you have any difficulty with hearing or sight that might impair our ability to communicate today?
A: I am partially blind.
Q: Can you see me okay?
A: Yes, I can.
Q: If we look back over from January, 2003 to the present, has there been any time during that period where you have been on medication that has impaired your ability to perceive and recall?
A: Perceive only in the sense of vision.
Q: Okay. And during that period, have you been capable of seeing adequate to perceive?
A: Yes.

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Q: Have you been driving during that period?
A: Some of the time I can drive. Some of it, I cannot. I am limited to daytime. I am sorry. I should have been more specific.
Q: That is fine. Thanks. I just want to make sure there is no difficulty here today.
A: No.
Q: Would you give me just a sense for your educational background?
A: I have the equivalent of a master's in secondary education.
Q: Let's start at high school. Where did you go to high school?
A: York Suburban, among others.
Q: What were the others?
A: Good heavens. I would have to go back. York City would have been the most recent.
Q: And then you obviously had some college. Where did you go to college?
A: I went to Millersville State College then, Trenton State College and Rutgers State University, the University of Pennsylvania.
And I studied midwife. I took my midwife training at Columbia Presbyterian in New York City. I took Army medic training at Fort Monmouth, New Jersey.

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Q: Excellent. Where did you get your degree from?
A: Rutgers University. Also Trenton State College.
Q: And that is the state university of New Jersey?
A: Yes, it is. Both are.
Q: And did you graduate with a BS from Rutgers?
A: Yes, I did.
Q: And the degree was in what?
A: Secondary education. World languages to make it politically correct today.
Q: And your master's was also in secondary education?
A: Yes. I did not complete my master's because I didn't finish my thesis work.
Q: Was that also in —
A: Yes, it was.
Q: Science plainly figures in this dispute here. Would you give me some sense for the post secondary education you have had in the sciences?
A: By course name?
Q: Yeah. Just look at your college courses.
A: Physics, Environmental Sciences.
Q: How about Biology?
A: That would be part of the Environmental Sciences. As a humanities major, I didn't have to take a lot of hard science fortunately.
Q: I took geology. Apart from the courses you have referenced, have you had any other sort of post secondary coursework in the sciences?

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A: I am not sure if archeology is considered a science, but archeology.
Q: It is. When did you take a course in archeology?
A: I wasn't taking courses in archeology. I was part of archeological digs for two summers.
Q: When was that?
A: I do beg your pardon?
Q: When was that?
A: That was back in the '60's, '66 and '67. 1966, 1967, sorry.
Q: That is quite all right. Have you retained counsel to represent you in connection with this deposition?
A: No.
Q: Have you had retained counsel to represent you more generally in connection with this litigation?
A: No.
Q: I am just going to ask you a few questions about who you may have spoken to in preparation for coming here today. Tell me did you speak with anyone in preparation for coming here today for your deposition?
A: My husband and I met with members of the Pepper Hamilton firm yesterday.
Q: And was that meeting in Harrisburg?

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A: No, it was at our home.
Q: Who did you meet with?
A: Eric Rothschild, and I am sorry I have forgotten the other gentleman's name.
Q: Steve Harvey perhaps?
A: No.
MR. SCHMIDT: It may have been Chris Lowe.
A: It was indeed. Thank you very much.
MR. GILLEN: Thanks, Tom.
BY MR. GILLEN:
Q: How long did you meet with Mr. Rothschild and Mr. Lowe?
A: Approximately two hours.
Q: What did you discuss?
A: A basic timeline of events related to this and information related to this, things my husband and I heard.
Q: As you sit here today, tell me what you told Mr. Rothschild and Mr. Lowe?
A: Two hours?
Q: To the best of your recollection, just give me a sense for the subject matters.
A: Basically, again, the introductions, much as you did. We asked them if they minded if we smoked because my husband and I are both smokers. That was the introduction. We indicated if it was a problem, we

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wouldn't smoke.
I also asked them if either was allergic to cats because we have a house full of cats. Neither fortunately was.
As regards this situation, we went through the timeline basically month by month related to the meetings we attended, the things we saw and heard.
Also, as regards certain executive sessions related to items that were not on point to the purpose of the executive session thereby not breaking executive privilege.
Q: What were those matters that related to the executive session but —
A: There were comments made regarding this situation that were not related to the purpose for which the executive session — rather sessions were called.
Q: What specific matters — let me ask you: Do you have an understanding that you should not disclose matters which are the subject matter of executive session?
A: That is correct. That is why I am not being specific as to the subject matter. In particular when one discusses employe situation or student situations, that remains confidential or litigation. Also I believe negotiations.
Q: Do I understand you correctly, Ms. Brown, that these

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matters you have just listed — employe situations, student affairs litigation and negotiations are matters that you did not discuss yesterday?
A: Absolutely.
Q: But you did discuss the subject matter of this lawsuit?
A: Yes.
Q: Did you discuss what was said about the subject matter of this lawsuit, by which I mean the biology text, biology curriculum, Intelligent Design and Evolutionary Theory with the attorneys yesterday?
A: Yes.
Q: Did you discuss matters even if they were discussed in executive session related to those topics?
A: Yes.
Q: Did they go through the newspaper with you?
A: I beg your pardon?
Q: Did they go through the newspapers with you?
A: In what sense?
Q: Ask you to comment on stories that were — that appeared in local papers concerning this dispute.
A: Yes.
Q: Can you recall any specific questions they asked you about specific quotes in the paper?
A: We were asked as to the accuracy of those quotes.
Q: What did you say?

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A: They were accurate.
Q: I imagine there will be substantial overlap between the questions. Let's see. Apart from the two attorneys you have referenced, Mr. Rothschild and Mr. Lowe, have you spoken with anyone else in preparation for coming here with your deposition?
A: My husband.
Q: Is that Jeff Brown?
A: Jeffrey Allen Brown.
Q: Apart from those persons then, Mr. Brown and Mr. Rothschild and Mr. Lowe, have you spoken with anyone in preparation for coming here for this deposition?
A: No.
Q: Did you review any documents with Mr. Rothschild and Mr. Lowe other than the newspaper articles?
A: The materials I provided for you.
Q: And you are referencing the materials that you brought today in compliance with the subpoena?
A: Yes.
Q: Thank you. I think I know the answer, but just let me make sure. Did you speak with any of the other plaintiffs in preparation for coming here today?
A: Former or current?
Q: The plaintiffs, in other words people who have appeared and are complaining in this lawsuit. Did you speak with

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any of them in preparation for your deposition?
A: My apologies. I misunderstood. I was thinking in terms of defendants, former or current. No, I did not.
Q: And that was the next question. Did you speak with any former Board members in preparation for your deposition?
A: Not in preparation per se, but we did speak with Mrs. Yingling yesterday unrelated to this. It just so happened that we spoke with her yesterday.
Q: So did you ask her about her deposition?
A: No.
Q: Apart from Ms. I didn't think link, any other former Board members?
A: No.
Q: How about the science teachers, did you speak with any of the science teachers in preparation with your deposition?
A: Not in many months.
Q: You say not in many months. When did you speak with any of the science teachers last?
A: Probably January or February of this year. And just a social setting of saying hello at meetings.
Q: And at meetings, do you mean meetings of the School Board?
A: My apologies for not being precise. The School Board meetings which I attended as a civilian.

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Q: That is quite all right. You have referenced some documents that you have brought here in response to the subpoena that I served on you.
Do you have any other documents that you think of as related to this litigation.
A: No.
Q: How about your computer, do you use your computer?
A: Yes.
Q: Did you check for e-mails or other documents that might be on your computer and also responsive to my subpoena?
A: Yes.
Q: Thank you very much. Did you check any backups that you might have of documents that were created or maintained on your computer?
A: Since my hard drive crashed, it would not be necessary. There's nothing left. Thank you.
Q: That is quite all right. Many a witness responds in just that way.
Let's see. I am going to ask you a few questions that are just designed to help me understand whether you have any relationships with people who are sort of the characters in this story, the parties, or witnesses in the litigation.
Let me ask you: Are you related by blood or marriage to any members of the School Board, current

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members?
A: No.
Q: Have you had any relation by blood or marriage to any person who has been on the School Board since say January of 2002?
A: No. Other than my husband.
Q: Right. That is one I am aware of. How about anyone who is in the administration of Dover Area School District, do you have any relationships with them by blood or marriage?
A: No.
Q: More generally, employes of the School District, do you have any relationships by blood or marriage to them?
A: Not that I am aware of.
Q: That's fair enough. Let's look at the same set of people from a different standpoint, business dealings. Do you have any business dealings with anyone who is currently on the Dover Area School Board?
A: No.
Q: If we look back over the period January, 2002 forward, did you have any business dealings with anyone?
A: No.
Q: How about anyone on the administration of Dover Area Schools?
A: No.

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Q: How about any employes of Dover Area Schools?
A: No.
Q: Any friendships outside of your business on the Board with people who are currently on the School Board, do you have a relationship with them apart from your business as a School Board —
A: Currently?
Q: Yes.
A: No.
Q: How about if we look at people who were on the Board from January of 2002 forward and say friendships that you have with them apart from the relationship you had as a Board member doing Board business, did you have any friendships?
A: Yes.
Q: Who was that?
A: Mrs. Harkins.
Q: Anyone else?
A: Mr. Bonsell.
Q: Anyone else?
A: Mrs. Yingling, Mrs. Cleaver, Mr. Wenrich, Mr. Buckingham, Dr. Nilsen, Denise Russell, Karen Holtzapple.
Q: How did you come to know Denise Russell?
A: I have known Denise Russell since I became a member of

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the Board.
Q: Are you still friends with her?
A: Yes.
Q: Have you spoken with her recently?
A: No.
Q: Have you spoken with her about the subject matter of this litigation?
A: No, never.
Q: How about Karen Holtzapple?
A: We have never discussed this issue.
Q: Do you have any shared memberships in organizations apart from the School Board with any of the current Board members?
A: Not that I'm aware of.
Q: How about persons who were on the Board since January of 2002 forward?
A: Not that I'm aware of.
Q: How about members of the Dover Area School administration, any shared memberships in clubs or civic organizations?
A: Not that I am aware of. It is possible, but I am not aware of it.
Q: There is a couple of science teachers that have figured prominently in this story. Do you have any friendships with Bert Spahr?

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A: No.
Q: Have you spoken with Bert Spahr lately about the litigation?
A: No. I have not spoken with any of them as I indicated to you since probably January or February when we met at meetings and passed pleasantries. Did not discuss this situation.
Q: Are you saying that you have never discussed the matter of the litigation with the science teachers outside of the Board setting, Board meetings?
A: No, I am not saying that.
Q: Tell me. That's why I am having difficulty understanding your answer. Have you spoken with the teachers at any time about the subject matter of this litigation?
A: Yes.
Q: Who did you speak with?
A: I have spoken with Mrs. Spahr, Mrs. Jennifer Miller and Mr. Robert Eshbach.
Q: Just give me a sense for when those conversations took place.
A: Prior to January of 2005.
Q: Were those conversations outside of Board meetings?
A: Yes.
Q: Can you give me some time period for when the

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conversations took place with Bert Spahr?
A: I'm sorry. I would have to be fairly general here and say between the period of September and December of 2004. And the same with Mrs. Miller and Mr. Eshbach.
Q: And if we look at Mrs. Spahr, what did you discuss with Mrs. Spahr during that period?
A: Concerns related to what was happening on the Board.
Q: Can you be more specific?
A: Concerns relating to the curriculum and the effect on the educational processes of our students as relates to the biology situation.
Q: Okay.
A: And the same would be true for Mrs. Miller and Mr. Eshbach. Less so with Mr. Eshbach — or less frequently probably would be better.
Q: How about any discussions with Sandi Bowser?
A: None.
Q: Brad Neal?
A: None.
Q: Bill Miller?
A: None.
Q: How about Lonnie Langione?
A: None that I'm aware of.
Q: That is fine. I am just trying to get a sense of who you spoke with. Larry Snook?

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A: There have been discussions with Mr. Snook.
Q: When did those discussions take place?
A: There again, I will have to be a little more general. Probably between October and February — October of 2004 and February, March — we will make it March of 2005.
Q: That's fine. And tell me what you can just in general about the nature of those discussions. What was the subject matter?
A: The Board decisions as relates to this and as relates to my decision to resign from the Board. And my decisions relating to whether or not I was planning to run again. Also, we did have some discussions relating to media coverage and various interviews that we had done.
Q: I know you have spent some time serving the community on the School Board. What I would like to do is begin that part of this story from your perspective and get a sense for how you came to be on the Board and why and how some of these issues came up.
Tell me when did you first get on the School Board?
A: 1996.
Q: Were you elected or appointed?
A: I was elected.
Q: When was the primary for that election?
A: You want an exact date?

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Q: No.
A: May.
Q: And you were elected in the general election in November?
A: Yes.
Q: Why did you decide to run?
A: I am the parent of a special needs young adult. I had been working as a newspaper reporter, which I did for 23 years. I had covered a number of School Districts during that time period, but I had never been directly involved.
And having gone through a number of shall we say negative experiences as a parent of a special needs child and talking with other parents of special needs child within this District and neighboring Districts, I realized that it was time for me to get more directly involved, to be an advocate, if you will, for special needs children and the parents of those children to try and effect change from the inside.
Q: You mentioned a number of things there I would like to learn a little more about. You were a reporter covering School Districts?
A: One of the things that I did as a reporter.
Q: What School Districts did you cover?
A: I covered on a regular basis Northern and West Shore.

Q: Where are those School Districts?
A: Northern York County is located in the Dillsburg area. West Shore is located in Mechanicsburg, but it does cover parts of both York and Cumberland Counties.
Q: Did you cover Dover Area Schools?
A: No, I did not. That is considered a conflict of interest because I live here.
Q: Interesting. Do you know any of the reporters who have provided coverage in connection with this dispute?
A: Yes, I do.
Q: Which ones do you know?
A: Good heavens. Lauri Lebo, Joseph Maldonado, Heidi Bernhard-Bubb. I have to stop and remember that one myself. Those are the main three I know locally.
Q: How long have you known Lauri Lebo?
A: Less than a year.
Q: How did you come to know her?
A: Through this situation.
Q: How about Joe Maldonado?
A: I'm not really sure. Probably two or three years. However long he has been covering the District. The same with Heidi. With Heidi, it has been off and on because she has had two pregnancies during the time period.
Q: Did you come to know Joe Maldonado in connection with your role as a member of the School Board?

A: Yes, I did.
Q: Same for Heidi?
A: Yes.
Q: Do you have a relationship with them currently? I mean are you friends? Do you talk?
A: No, I wouldn't consider us friends.
Q: How about Heidi Bernhard-Bubb?
A: No.
Q: How spoken with Lauri Lebo lately since you resigned from the Board?
A: Yes. Actually, I ran into her jogging about a month ago.
Q: Did you discuss the litigation?
A: No, we didn't. It was strictly a hi, how are you doing.
Q: How about Joe Maldonado, have you spoken with him recently?
A: No.
Q: How about Heidi Bernhard-Bubb?
A: No.
Q: You mentioned that you have one child at least who is attending Dover Area Schools?
A: Did attend, but did not graduate from Dover. Two children.
Q: I take it you have children?

A: Two children.
Q: Give me their names, please?
A: Eric Nicholas Brown. Eric is an architect. Did you want his age?
Q: Did he graduate from Dover schools?
A: No, he didn't.
Q: Did he attend Dover schools?
A: Yes, he did.
Q: For how long did he attend Dover schools?
A: Through ninth grade, kindergarten through ninth grade. So nine years.
Q: And your other child?
A: Julianna Elaine.
Q: Did she attend Dover schools?
A: She also attended Dover schools, but hers was first grade through tenth grade.
Q: Is Julianna the child —
A: Yes, she is a special needs child. She actually graduated from Central York High School because they had the programs that she needed. We did not, meaning Dover did not.
And my son graduated from the Dallastown Schools because he wanted the computer technology programs and was able to go down there for those.
Q: When you first ran for election in 1996, did you run on

a slate with other candidates?
A: No, I did not.
Q: Apart from the issue you have mentioned, were there any other issues that brought you out to run for that position?
A: To give back to the community. I was raised to the concept of community service. I am an Army brat.
Q: How long are the terms on the School Board?
A: My first term was two years. I completed the term of someone who had left the District. Normal terms are four years.
Q: I take it you ran again in 1998?
A: Yes, I did.
Q: Any particular issues bring you out for that election?
A: Fiscal responsibility, continued service to my students because by then, it was far more than just the special needs children.
Q: Did you run with anyone else?
A: No, I did not.
Q: 1998, a four-year term, and it put you into 2002?
A: Well, it doesn't quite work out that way, but thereabouts.
Q: When did you next have to run for School Board?
A: I guess it was — I guess I am saying it wrong then. It was 2000 — or no, it is 2002 I guess. I don't know.

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Whatever, it ends this year. It would have ended this year.
Q: Now in that next election, which may well have been 2002, but it is the expired term, what brought you out for that election?
A: Continued desire to serve the community.
Q: Did you run alone or on a slate?
A: A slate.
Q: Who was on that slate?
A: Mr. Bonsell, Alan, Mrs. Harkins, Mrs. Yingling and myself.
Q: Any particular issues that you addressed as a group in connection with that election?
A: Student achievement and fiscal responsibility, especially as regards the building project at the high school.
Q: If you would, Mrs. Brown, just state with respect to fiscal responsibility, what did you see the issues as there?
A: The main issue was being accountable to the taxpayers of the School District and being aware of their abilities or lack of ability to continue to pay higher taxes.
Q: And you mentioned the school project?
A: Yes.
Q: Was there a specific way in which the school project

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implicated those concerns?
A: Very much so. A number of us felt that the majority of the then current School Board were not being fiscally responsible, had not done enough to try and get funds back from the state.
Q: When you say a number of us, are you referring to your fellow candidates on that slate?
A: Not just those candidates.
Q: Who else?
A: Friends.
Q: Did your running mates share your views with respect to fiscal responsibility?
A: I believe so.
Q: How about student achievement, what was your concern there for specifically?
A: To continue to improve student achievement.
Q: Were there any particular gauges or standards that you were using to think that student achievement wasn't where it should be or could be?
A: One has only to look back at the records of the School District in terms of student achievement primarily on the SAT's.
Q: I take it you mean to see that there was a need for improvement?
A: Very much so. Also in the rankings of students in terms

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of merit scholarships, and where our students were accepted and chose to attend colleges or post secondary education.
Q: Again, so far as you could tell, do you think that your running mates shared your convictions on that point?
A: Yes.
Q: Were there any other issues that you saw motivating yourself when you ran in November of 2002?
A: Yes.
Q: Just give me an idea what they are.
A: Vocational-technical education.
Q: What was your goal there?
A: I had the privilege of serving as the Dover representative to the York County School Of Technology for an extensive period of time. And my concern there was to see that the funds were available, the opportunities were available for students who were going into those areas.
Q: Any other issues that motivated you?
A: I would say those were the primary ones. There were other issues in terms of my personal fight to bring in all day kindergarten or what is termed today extended day kindergarten, and also to find some grant money whereby we might pilot programs for world languages on the elementary levels beginning at the latest in the

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second grade, preferably in the first grade.
Q: Anything else?
A: I have to review in my own mind. I am not sure at that point if we had already piloted our character education, multi-cultural education programs, but they were certainly in the forefront of my mind. Those were for efforts which I had the privilege of being part of from my earliest days on the Board.
Q: Just give me a sense for those issues that are motivating you to participate in this public service. You mentioned character education.
What were you getting at there, Mrs. Brown?
A: There is no question that society has changed through the years, and we are seeing social issues, social problems, if you will, that we did not see twenty, thirty years ago.
And we realize — and I am saying we in the sense of there were a number of us involved both on the Board and from the community who realized that we had to try and establish some sort of code of behavior that our students could adhere to or would adhere to within the school frame.
Q: Did you have anything specific in mind when you came to the Board in November, 2002 along those lines other than the need? It is plain that you saw a need.

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A: We were already working on it.
Q: And by it, do you mean some sort of curriculum program that would give kids —
A: The first efforts along those lines began in 1997 under our former Assistant Superintendent the late Dr. Robert Hallman.
Q: He was already working on a program?
A: He presented it to the Board within my first year on the Board, the idea.
Q: And back at that time, did the Board approve this notion of —
A: We formed a Task Force to study the issues. It was then simply character education. The multi-cultural aspects came later.
Q: You have mentioned a number of issues here for the November, 2002 election or things that were bringing you back out to continue your service on the Board.
Did you discuss these other issues, character education, multi-cultural education with your running mates?
A: Yes.
Q: What was your sense of their response to your concerns; did they share them?
A: It was not necessarily a formal platform. Mrs. Harkins was serving on the committee with me at that time.

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Q: The character education committee?
A: The educational committee and the multi-cultural committees. They were still two separate committees. They were integrated within a year after that.
Q: And was it your sense that Sheila Harkins shared your view that it would be desirable to continue this program?
A: Yes.
Q: Can you recall anything she said specifically —
A: No.
Q: — relating to character education?
A: No.
Q: How about your other running mates, Mr. Bonsell?
A: Mr. Bonsell and Mrs. Yingling shared my concern for a sense of morality, if you will. I am trying to find the right words.
Q: Sure. You indicated that Dr. Hallman had a program he had already proposed?
A: He had proposed it by that time. He was deceased. And Dr. Nilsen came in as Assistant Superintendent and picked the program up, if you will.
Q: Did you settle on curriculum for that character education program?
A: Yes.
Q: Just tell me how was that done.

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A: The first pilot program was begun at Dover Elementary School. And if memory serves, it is four years now. We piloted at Dover Elementary because Dover Elementary offered a petri dish of the gamut of social strata, social situations.
Q: And how about in terms of a text for that program?
A: There was not one single text. Materials were drawn from many, many sources. Some of the best information is from Lions Quest through the Lion's Club. And they were very kind to us in giving us grant money to help us get that program off the ground.
Q: Who did that inquiry about potential source of information or text curriculum, materials that could be used in the character education program?
A: We all did.
Q: And that is the committee members?
A: Yes.
Q: You mentioned that Dr. Nilsen had some role in that process?
A: Yes, he did.
Q: Anyone else from the administration?
A: Denise Russell was part of it. There were quite a few teachers, but I don't recall all of the them, Mr. Steven Walker who was Principal at Dover Elementary.
Q: Just give me a general view of how you approached that.

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It appears you had a committee that was set up to address it?
A: Yes.
Q: Was that a Board committee?
A: Yes, it was. It was also a District committee in that there was involvement with teachers and some community members. One needs to differentiate between a Board committee and a District committee.
Q: Do that for me. How do you see those as different?
A: They are very distinct. A Board committee is comprised of four or fewer Board members as per Code and usually at least one administrator.
A District community is usually comprised of one or more administrators, District teachers, and/or possibly Board members.
A community — there are also advisory committees. We have three types of committees in this District. The advisory committees are almost entirely comprised of community members, usually under the aegis of administrators, sometimes under Department heads. And then Task Forces which are separate entities usually formed for a specific period of time for a specific task.
Q: Okay. So I am just trying to get a sense for the process as it relates to the character development. You

have mentioned I think initially there was a task force committee?

A: Yes.

Q: It seems, although I may be mistaken, that later there was another kind of committee; is that true?

A: Initially under Dr. Hallman, it was formed as a task force to investigate, to discuss whether or not we wanted to go forward, to get as much information as possible so that we could make informed choices.

About a year after it was initially formed, it became a formal committee. I would say not specifically a Board committee, but more a District committee because there were both — there were teachers, administrators and Board members involved. And later on, the community members became involved. So the best way I believe to describe it would be a District committee.

Q: In that the participation of the community members kind of takes it beyond the ordinary composition of the Board committee?

A: Yes. We did not have a separate citizens advisory committee for that. It just kind of became one fairly substantial committee.

Q: It seems like generally the process was of consulting and conferring between these various constituencies for the purpose of seeing what you think is the best sort of

character development program; is that fair?

A: Among all of the stakeholders, if you will, in the words of a former Superintendent. We did a lot of investigation, came back with recommendations. Many of us took different areas or aspects of the problem, the situation.

Q: Okay. So if we look at this November election — and plainly, this was one of the issues that brought you out — can you think of anything that your other running mates were motivated that was different, anything addition — additional issues that they brought to the election in November of 2002?

MR. SCHMIDT: Object to the form.

A: I am not even following you.

BY MR. GILLEN:

Q: Forgive me. Tom objected to the form because the question isn't that clear.

A: I think that, too.

Q: You stated a number of issues brought you on. I am asking was there any other issues that your other running mates brought to the Board that were different from yours, additional to?

A: I don't remember. Had I known we were going to go into the electoral process, I would have reviewed my files from that time.

Q: You do have files?

A: Yes, I do.

Q: What sort of files do you keep, Mrs. Brown?

A: I have copies of some of the election material and some of the election coverage that appeared in local newspapers. One is after all proud of one's achievements.

Q: And those materials relate to all of your elections?

A: Yes.

Q: Did you keep materials that the slate put out?

A: Yes.

Q: We are going to move on. I just want to get a sense for this November, 2002 election. Any other issues that come to your mind as ones that figure prominently in that election?

A: Accountability.

Q: Do you mean fiscal accountability?

A: No.

Q: Tell me what you mean.

A: Accountability to all of the members of the community.

Q: In what sense? Were there specific issues that implicated this concern for accountability?

A: I think being open, responsive to the community needs. Certainly, that was an issue for me.

Q: Why? What did you see as implicating — did you think

there was a lack of accountability? You were on the Board. Did you see some difficulties in that area?

A: Yes.

Q: Tell me what they were.

A: I believe I already stated lack of responsiveness to community concerns.

Q: This was in November of 2002 when you were running again?

A: Prior to that.

Q: What issues gave you this sense of lack of responsiveness?

A: I can't give you specifics.

Q: Was it lack of responsiveness on the part of the Board?

A: Yes.

Q: Who was on the Board at that time?

A: At that time, it would have been Shirley Harnish, President; Aralene, better known as Barrie Callahan; Larry Snook; Lonnie Langione; my husband Jeff Brown; Noel Wenrich; Sheila Harkins; myself, and Roger Murphy.

Q: Again, I am just trying to get a sense for I know you have been served on the community on the Board. You mentioned you are in this November election here around 2002, and you have this issue of accountability.

I am just trying to get a sense for why you as a Board member feel that that is a concern at that time.

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A: The Board to my way of thinking was unwilling to entertain opinions that ran contrary to their own thoughts or their own desires, the majority of the Board.
Q: When you say majority of the Board, do you have a particular portion of the Board in mind, a voting block, or a group of people on the Board who you thought were not as open as you would like?
A: Yes.
Q: Give me those persons who sort of implicated this concern for accountability.
A: Everyone except Mrs. Harkins, Mr. Wenrich, Mr. Brown and myself.
Q: Were there any specific — as we go through it — and I know sometimes you recall more as you talk about something, was there any specific issue where you just saw what you thought was a lack of openness to other opinions on the part of these other Board members? Was there something that triggered that concern or brought it into sharper focus?
A: The construction project, the proposed construction project at the high school.
Q: What was it about that, the construction project, and the proposed contract that gave you this sense that hey, we need to listen more, or certain people need to listen

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more to different opinions?
A: It was my second construction project since becoming a member of the Board. I had seen the wastefulness in the prior project. In fact at that point in time, Mr. Bonsell's father, Don Bonsell was a member of the Board. He and I served together for a four-year period.
And that project related to renovations at Leib Elementary School and the construction of the North Salem School. And Mr. Bonsell and I both saw a lot of wastage. But being newer members of the Board, we were most definitely not listened to. We asked a lot of questions.
And going into the proposed high school project, we saw a lot of wastage. The expression champagne taste on a beer budget comes to mind.
Q: Okay. And you have created a contrast here between sort of there's two projects, and you see waste in both?
A: Yes.
Q: I am looking at that from the standpoint of this concern you had as you ran again for accountability. Do I understand you or take your meaning that you are saying there's some Board members have a concern about wastage and others are not sufficiently open to it; what are you getting at there?
A: I believe there were members of the Board who were not

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sufficiently concerned about the financial burden on our taxpayers.
Q: Okay. If you had to put your finger on those Board members you thought weren't sufficiently concerned about the tax burden that would follow from the building project, who would that be?
A: Five of the nine as previously mentioned.
Q: Other than that, this sense of hey, we are about to enter into a contract which is going to create a very real burden for taxpayers in the District, were there any other issues that implicated this concern for accountability?
A: I would say there were differing viewpoints.
Q: Differing viewpoints on what?
A: On a variety of aspects of education. Some of us were more focused on say one group of students than another.
Q: And this is in the November, 2002 period?
A: I would say this would not simply be for that time period, but an overall picture of the Board. Any Board member coming to service has some sort of bias or program or viewpoint. I don't mean bias in terms of prejudice or as a pejorative term.
Q: I agree. Based on their personal background —
A: Absolutely, and experiences.
Q: Okay. Let's look at that in terms of the November, 2002

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election. Plainly, when I look at you, I see that elementary school multi-cultural language programs seems to arise in part from your background. You have mentioned the issues that brought you out in November of 2002.
How about the other people who were in that election? If you had to look at your running mates, were there any particular issues you associated with them?
A: I would simply have to say fiscal accountability, responsibility.
Q: All right. Now if you get on the Board in November of 2002, that is not your first time anymore. You are a more experienced Board member.
What positions did you have for the term beginning with that election?
A: President of the Board, head of policy committee, and I stepped down as the main representative to the York County School Of Technology and took the alternate position.
And as President of the Board, you are an ex officio member of all committees.
Q: And you would become President when, in December of 2002?
A: Yes, the reorganization meeting in the first week of

December.
Q: The policy committee is new to me. What is the subject matter of that committee?
A: Job number one of a School Board member is to put together and to administer policy as relates to being in compliance and remaining in compliance with all state and federal mandates, both funded and unfunded, as all relevant state, in our case, I must correct Commonwealth laws and federal laws and guidelines.
Q: So is that what the policy committee does; it strives to ensure compliance?
A: Yes.
Q: Does it formulate policy?
A: Yes.
Q: Does it formulate policy across the Board, or does it focus on these issues you have raised?
A: Across the Board. I served as chair of policy from the time I first joined the School Board or became a member of the School Board until the time I resigned.
Q: Now in terms of selection as President of the Board, how does that happen, Mrs. Brown?
A: You are elected by the Board during the reorganization meeting which must be held during the first week of December of every year as per Pennsylvania Public School Code of 1949, and amended in 1993, and again in 2002.

Q: Do you recall who voted for you?
A: I do.
Q: I mean I guess your running mates. Anyone else? Was it a contentious election?
A: Most definitely.
Q: Who was your — what shall I say — who did you vie with for that position?
A: I didn't, but three of the Board members walked out.
Q: Which three?
A: Lonnie Langione, Larry Snook and Barrie Callahan. And I should correct myself I misspoke. They refused to come into the meeting until after the election for President had occurred.
Q: Did they say why?
A: They were opposed to everything that the new majority of the Board stood for, and it was contentious.
Q: And do you think that it was among other things the building project issue that created animosity?
A: I would say that would be the first one.
Q: What other ones would create that sort of environment where they wouldn't show up for the reorganization meeting?
A: They were filing a protest against the election and our approach to things. Two of the three subsequently resigned in January if memory serves.

Q: January of 2003?
A: Yes.
Q: Who had lost in that election? Who had been displaced; can you recall?
A: No one had been displaced if you are talking about Board members.
Q: Okay. And perhaps I am misunderstanding then. In the November of 2002 election?
A: Yes.
Q: Was there a rival slate that ran against —
A: Very much so.
Q: Who was on that slate?
A: I can remember a couple. I can't remember the one person's name. James California was one of them. He had actually been turned out of office the preceding election. He had been a sitting Board member for four years. He came on at the same time I did.
Q: There was Mr. California. Who else?
A: A Randy Myers — and good grief — Annette Meisenheimer. I apologize; I have forgotten the fourth person's name.
Q: That's all right. Were Mr. Langione, Mr. Snook or Barrie Callahan up for election in that?
A: No, they were not. And Mrs. Harnish had chosen not to run again, as had Mr. Murphy.
Q: So you have the reorganization meeting where these three

don't show up at all?
A: They showed up after the election for President.
Q: That brings into the 2002 period. I want to get a sense for it. You were on the Board policy committee, and you are the President of the Board?
A: Yes, I am.
Q: How about your other slate members at that time, what committees were they on?
A: I will be perfectly honest, Mrs. Harkins became Treasurer of the Board. Mr. Bonsell I believe became head of curriculum. I don't remember all of the committee assignments. I am ashamed that I don't since the Board President does make those assignments.
Mr. Wenrich was head of buildings and grounds. Mr. Brown was head of transportation. And Mr. Bonsell would have to correct me on this, but I believe he was also head of strategic planning.
There were a variety of committee assignments. Most people serve on more than one committee.
Q: And you appointed for those positions?
A: Yes, I did.
Q: How about Bill Buckingham, did he run in November?
A: Mr. Buckingham and Mrs. Cleaver were appointed in January and February of 2003 upon the resignations of Mr. Langione and Mr. Snook.

Q: All right. And do you recall whether you gave them any committee assignments, or did they just fill in for the spots vacated by —

A: They probably would have.

Q: Want to take a break?

A: As you will.

(A recess was taken.)

AFTER RECESS

BY MR. GILLEN:

Q: We are back on the record, and we are into the 2003 period now. I want to get a sense for your activities on the Board and the way they relate more directly to some of the issues in this litigation.

You mentioned earlier the Pledge. I just want to get your sense for how that became an issue at the Board and sort of how the Board reacted to it and so on.

Tell me what you recall about that, Mrs. Brown.

A: In October of 2003, as memory serves, a member of the audience, a former Board member Larry Snook brought up the current news items relating to an individual in California who was attempting to bring suit against the School District — and I don't recall the name of the exact School District — on behalf of his daughter.

My understanding is he was a practicing atheist, if one practices that, objecting to the use of the term

one nation under God specifically.

And Mr. Snook brought it up stating that he thought that we should take a stand as a Board favoring the Pledge of Allegiance as it is currently constituted. And I say that in the present tense because as it was constituted at that point in time continuing to the present time.

Q: Let me ask you when Mr. Snook, the former Board member —

A: Yes.

Q: — he resigned earlier this year. When he made that appeal at the Board meeting, did you have any sense for his motives or what might move him to do that?

A: I don't mean to ascribe motives to him. This was only my personal feeling. As Mr. Snook often had in the past, he — I believe he brought things up to stir the waters if you will.

Q: And that is why I asked. It lends itself to that interpretation. Tell me, did he manage to stir the waters?

A: Not at that point in time.

Q: Why do you say that, Mrs. Brown?

A: Because no one on the Board responded to his public comment at that meeting.

Q: This is the October —

A: I will be honest and say I believe it was the second meeting in October, but it could well have been the first meeting in November.

Q: Anyone else second his motion?

A: He did not make a motion.

Q: I know.

A: He was simply making a comment during the open comment portion of the meeting at the beginning.

Q: Was Lonnie Langione present?

A: I do not honestly remember.

Q: That's fine. How about Barrie Callahan, do you recall her making any comments at that meeting about the Pledge?

A: No, she did not that I recall. As I have stated, I don't believe that anyone on the Board did respond to the comment. We simply moved on from there and thanked him for his comment.

Q: Did the Board take up the matter later in 2003?

A: Yes.

Q: Tell me what you can recall about that.

A: Mr. Wenrich was then President of the Board.

MR. SCHMIDT: May I interrupt? Is the meeting after the next reorganization meeting?

A: Mr. Wenrich was the Vice-President when I was President. He just the next year became President of the Board. He

was President of the Board at that point in time. This would have been prior to reorganization which always occurs the first meeting of December.

BY MR. GILLEN:

Q: Mrs. Brown, let me test your recollection on this point. Could it be that the election we have been referring to as November of 2002 was in November of 2001?

A: I do beg your pardon. I am not following you at all.

Q: If Noel Wenrich was President of the Board at this time — and we know there had to be a reorganization meeting for him to become President?

A: Yes.

Q: That would indicate that the reorganization meeting prior would be in December of 2002?

A: Yes, something to that effect.

Q: And that in turn would lend itself to the idea that the prior reorganization meeting from the previous December actually followed an election that was held in November of 2001?

A: That is why I said I don't recall. I am not thinking in terms of years to be honest.

Q: Not at all. Believe me, you have done better with dates than most witnesses. Tom and I are just trying to get the story line.

A: My apologies if I inadvertently misled you.

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Q: Tell me what happened. Noel was President of the Board.
A: There were some private conversations about it. And I had expressed the opinion I didn't feel this was an area in which we should get involved because it is not our function as a Board of School Directors to be involved in the political arena.
That is why School Board members cross file. It is considered a non partisan in terms of political parties.
Q: And you saw this issue as a partisan political issue?
A: More to the point of it being outside the scope of a School Director's responsibilities.
Q: So sort of making a gesture outside of actual school business; is that your meaning?
A: Yes.
Q: Now Mr. Wenrich thought the Board should take it up?
A: As did Dr. Nilsen. Dr. Nilsen actually put together the motion as I understand it.
Q: Okay.
A: Excuse me. Let me correct that. Not motion, resolution.
Q: How about the other Board members at that time, do you recall their positions on the issue?
A: Six of the nine were in favor of it.
Q: Do you remember who voted against the resolution?

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A: Mrs. Harkins and my husband. I stand corrected. They both abstained from voting.
Q: That's two. How about yourself?
A: It is one of the two votes I cast during my tenure on the Board of which I am ashamed because I caved to pressure and voted to support the resolution.
Q: Do you remember the third person who voted against? You mentioned Sheila abstained?
A: I didn't say voted against. Who were against it.
Q: So there was Sheila Harkins abstained. I believe your husband abstained?
A: Abstained.
Q: And do you recall?
A: That was it.
Q: That's it. Only two abstained. Tell me then, Mrs. Brown, you voted for the resolution, but looking back, you regret it. What led you to do that?
A: To regret it?
Q: To vote for the resolution.
A: Because instead of voting my principles, I caved in to social pressure.
Q: I think I understand. The social pressure, do you mean just sort of the community sense, or was there something more direct and specific?
A: My fellow Board members.

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Q: Tell me, if you would, what sort of pressure you felt in connection with this vote on the resolution as it related to the Pledge.
A: Desiring to keep the approval of fellow Board members.
Q: Which members would that be?
A: The other members who voted for the resolution.
Q: And you reference that you felt the position was contrary to your principles. Tell me, if you would, what exactly you mean by that.
A: I believe very strongly in the separation of church and state, and I believed personally then that we were conceivably opening a can of worms.
Q: And what did you have in mind as this can of worms or the problems that might follow?
A: I believe very strongly in the separation of church and state.
Q: Do I take your meaning to be that you thought this resolution might run afoul of that belief?
A: Yes.
Q: How did you see them in tension or at odds?
A: I was concerned that we were going beyond the purview of our responsibilities and obligations.
Q: And what obligation are you getting at there?
A: Our obligation to represent all of the viewpoints and all of the beliefs of the members of our community.

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Q: And did you see the Pledge as it was recited at that time as somehow inconsistent with that goal of taking into account all of the views of all of the members of the community?
MR. SCHMIDT: Object to the form.
BY MR. GILLEN:
Q: You can answer. He is just objecting because the question is unclear, and it is admittedly.
Mrs. Brown —
A: I object because I don't understand. I don't know what you want.
Q: I just want to get a sense for what your concern was there. We have got the Pledge. It has got under God in it as you have mentioned. There is a resolution in favor of the Pledge as currently recited.
You see that there was a tension there between that resolution and your responsibility if I understand you correctly to take into account the views of — different members of the community.
I am just trying to get you to be as specific as possible about how you see that conflict.
A: As a member of a School Board, as I have stated before, job one is to assure that our School District remains in compliance and is in compliance with all state and federal statutes, Commonwealth statutes. We are not

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there to set a tone.
Q: Okay.
A: I grew up in a time period when we did not have under God in the Pledge of Allegiance. Under God was added when I was in second grade. I grew up in a time period when we had prayer in the school, when we had Bible reading in the school. That changed when I was in high school. It changed to reflect the tenor of the population of the United States.
I was not old enough to understand, but it was the law of the land. It became the law of the land. My apologies for my impreciseness. And one nation under God, the Pledge as it is currently constituted, is the law of the land.
As School Directors, it is not our place to change that law, but to obey it. As individuals outside, we have differing opinions, differing views. Each individual does. And we may express those opinions.
But as members of a School Board, we are obligated to set our personal opinions aside and obey the law.
Q: Okay. Now I do have a better sense for what you were getting at. And I take it that you saw the resolution as contrary to your understanding of what the law required?
MR. SCHMIDT: Object to the form.

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BY MR. GILLEN:
Q: Is that accurate, Mrs. Brown?
A: I'm not sure I am understanding what you're saying. But as relates to the law, no.
Q: Okay. I don't mean to belabor it. I am trying to get a sense. You say it is a vote that you regret?
A: Yes, it is.
Q: And you say if I understand you correctly that you see some conflict between the Board voting to pass this resolution on the Pledge and their duties as School Board members?
A: That's correct.
Q: And when you speak of the duties of the School Board members, you mention that it is the duty to see that the District is in compliance with the law?
A: That's correct.
Q: It seems that you see a way in which these two didn't match, but were in conflict?
A: Yes, I did.
Q: That's fine. How about the other Board members? Do you recall any statements that the other Board members made on that resolution?
A: Your question is unclear.
Q: I take it the resolution was the subject of deliberations by the School Board?

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A: Yes.
Q: Let's take a look at that process and those deliberations. Just tell me, if you can, what you remember about the discussion that led up to the resolution.
A: It was contentious and loud. We had a variety of media present. We had a roomful of spectators.
Q: Now is this meeting in October of November of 2003?
A: This was November 10th, 2003.
Q: Let's focus on the public comment first. Did anything stick out in your memory as you sit here today, do you recall any comments that were made by the public?
A: Yes.
Q: Tell me what you can recall.
A: There were a variety of comments. I would say 95 to 98 percent of the community members in the room — I am something now only of the community members —
Q: Right.
A: Not of administration staff and the like, were in favor of taking a strong religious stand.
Q: Tell me when you say strong religious stand, what is providing the basis for that sense you had?
A: The comments — there were comments from various Board members, and there were comments from various community members. One of the comments in particular was from a

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young man in the audience who attacked my patriotism, my right to be — to call myself an American because I opposed the Board taking this position. He was not profane in that he did not swear at me.
Q: Apart from that young man's insult, is there anything else that sticks out in your memory?
A: There were a variety of statements made by Board members.
Q: Tell me about those. Let me ask you, Mrs. Brown, anything else from the public comment that sticks out?
I obviously I can see why you recall that. That is an offensive remark.
Anything else that would stick out in your memory as a comment directed at the Board from the public?
A: That — okay. I am going to say summarizing the tenor of the comments was to the effect that we needed to take a strong stand on morality, on God in the schools.
I cited the one example where I myself was attacked directly because of the speech I made, but I was not the only one who had comments made against him or her. It was contentious, and it was very painful. And I would say that the most painful comments of all came from one Board member.
Q: Okay. And I will ask you about that, Mrs. Brown, so you can get that out. But in terms of the sort of insults

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or disparaging remarks from the public directed at Board members, who else was the subject of that kind of invective?

A: Mrs. Harkins, Mr. Brown.

Q: Can you recall the thrust of the comment that was directed at Mrs. Harkins?

A: Similar to what was directed towards me.

Q: And Mr. Brown, same thing?

A: Yes.

Q: All right. Let's look at the Board members. I take it that you have a recollection of an offensive comment that was directed at you by a Board member; is that accurate?

A: Not me specifically.

Q: Tell me what it is you are referencing here, a painful comment.

A: I am referencing comments made by my former fellow Board member Mr. Buckingham.

Q: What did Mr. Buckingham say that gave offense?

A: I cannot quote you exactly. Please understand that this is verbatim and per my own memory. He made comments to the effect that anyone who opposed such a resolution was un American and should return to his or her country of origin.

Q: Do you recall anything else Mr. Buckingham said during

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this meeting?

A: No, I do not.

Q: Would you say that the comment you have just attributed to him was consistent with some of the sentiments expressed by the public?

A: Absolutely. But they were not sitting Board members. He was.

Q: Okay. I think you have indicated that Mr. Buckingham just sort of made a general comment; it wasn't directed at a specific person?

A: Yes, it was.

Q: It was directed at a specific person?

A: Yes.

Q: Who did you think it was directed at?

A: At the time he made it, I think it was specifically directed at one member of the audience. But he also made it in reference to anyone who opposed him on the Board. He made that very clear. I cannot quote you word for word.

Q: Okay. Nor would I ask you to. I realize you are just trying to remember. What gave you that sense; was it his words?

A: His words, the tone of his voice, his eye contact. I still had full vision at that time. I am aware of who he was looking at.

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Q: Did he look at the Board as a group or at individuals?

A: Individuals.

Q: Who did he look at so far as you could tell?

A: Mr. Brown, Mrs. Harkins, myself.

Q: How about the rest of the Board?

A: In what sense?

Q: Very good. Can you recall any comments that other Board members made on the issue?

A: Only in the most general sense, that other members of the Board felt very strongly, as did our Superintendent, and I felt that he was out of line. That is my personal opinion. I believe that Dr. Nilsen stepped beyond the purview of Superintendent as to his role during Board meetings based on my understanding and experience.

That we needed to take a strong stand on this, that was Dr. Nilsen's opinion and the opinion of the majority of the Board.

Q: Any other comments that stick out in your memory now as you kind of look back on it for me or try and recall for this deposition? A few comments you do remember. Anything else that you recall?

A: The tenor of the comments was about the same.

Q: Do you recall Mr. Buckingham saying anything about Christ dying on the cross?

A: He did not state that at that particular meeting. I am

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very clear on that.

Q: You are confident he didn't make a statement to that effect at this meeting?

A: I recall the meeting at which he made the statement, and it was directed toward my husband.

Q: How about any discussion about separation of church and state at the Board meeting, did any Board member speak to that point?

A: I did.

Q: Just what did you say generally?

A: You have the copy of my speech.

Q: Okay. You produced that this morning in response —

A: I did indeed.

Q: We are now in the fall of 2003. And this is what, the November 10th meeting?

A: It was the November 10th, 2003 meeting.

Q: Did the Board vote on the resolution at that meeting?

A: Yes, we did.

Q: I think you indicated there was passage?

A: Yes, there was.

Q: How about if we look at 2003, and we are trying to get a sense for other issues that implicated your concern for religion, the separation of church and state, were there any other issues that came up in 2003 that you saw as implicating your concern for the separation of church

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and state?
A: Not in public Board meetings.
Q: How about apart from public Board meetings?
A: Early in the year, I had had a couple of discussions.
Q: Early in 2003, a couple of discussions. How did they implicate your concern for the separation of church and state?
A: There was no direct correlation. It was a privately held opinion.
Q: That is what I am trying to get a sense for here. It is no big deal. What did you see from your standpoint that gave you some concern?
A: When a new Board member is sworn in, he or she is assigned a mentor. That would be someone who is an experienced Board member.
When Mr. Buckingham and Mrs. Cleaver were appointed to the Board, they were assigned mentors. If memory serves, Mr. Bonsell was assigned to be Mr. Buckingham's mentor, and I was assigned to be Mrs. Cleaver's mentor.
And in that capacity, I had a number of meetings with her relating to Board member's duties and responsibilities, the kinds of things that happen, relating to being an adoptee, which is also something that is kind of a peculiarity of our District.

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Each year, Board members are assigned to be part of a specific school within the District. Some of the schools have one member. Some have two because we have an overlap.
Mrs. Cleaver was assigned to Dover Elementary. It so happened I believe one of her granddaughters was a student there. And as an adoptee of a school, you receive notices of all meetings, special things going on, plays, events, etcetera. And Mrs. Cleaver and I had a number of discussions about that.
And at one point, she invited me to her home, and the discussion went well beyond School Board business.
Q: Well, tell me about that. Obviously, it gave you some concern. Mrs. Cleaver invited you to her home. What was discussed, or what came to light that gave you concern?
A: I'm afraid that I was responsible for opening the subject because I commented on the beautiful wooden carving of the Last Supper she had in her home. So in that sense, I opened the subject.
She spoke of her trip to the Holy Land with her late husband and that segued into a discussion of Christianity and beliefs. And I had a fairly strong sense of her personal belief system at the end of that. And she questioned me about my own. And it gave me

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pause.
Q: Okay. That is what I am trying to get a sense for. What gave you pause?
A: Because as I stated, I believe very strongly that when you are a member of the Board — and this is based not just on my own experience, my own belief, but my own studies, going to workshops, seminars and the like to educate myself on the responsibilities and duties of Board service — that one must keep one's personal beliefs to one side in order to successfully fulfill the duties of one's office and in representing the whole of the District community.
And I was concerned based on what I heard that night as to whether Mrs. Cleaver would be able to do that. And we talked about things. And I tried to establish with her the importance of putting one's feelings aside, however difficult it is. And it is very difficult. I don't mean to minimize that.
Q: Let me see if I can get a better sense for what did Mrs. Cleaver say that engendered this concern on your part?
A: Mrs. Cleaver has very strong evangelical beliefs. My own beliefs are equally strong. But as I have stated, there is a separation of church and state. And beyond that, we are not elected by region in this School

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District. We are not a large enough School District.
Some School Districts are elected by — some boards of some School Districts are elected by region. For example, Northern York because of the large geographical boundaries, there are a number of regions. And one Board member or two Board members, depending on the size of the region, are elected to represent the people of that region.
In the Dover School District because we are much smaller, we are elected at large. So we are elected to represent the whole. That is not one group of people. That is all.
Q: Let me see if — you have this discussion with Mrs. Cleaver, and as you say it was kind of just an exchange between the two of you?
A: Beyond the School Board business, yes.
Q: I am trying to get a sense for what Mrs. Cleaver might have said that gave you this concern that you have articulated?
A: Because she was new to Board service and had not had the opportunity to participate in the School Board Academy programs, which are presented by the Pennsylvania School Board Association, I am giving her information — I was giving her information more informally and was admittedly from my own viewpoint expressing job

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responsibilities and so forth.
And my concern remained — was and remained that she didn't quite follow me when I explained to her the importance of representing all viewpoints. You cannot simply interject — what I tried to get across to her was that you cannot simply interject just your own opinions however strongly held your beliefs are.
Q: And was there anything specific she said that engendered this concern that she might?
A: Not one specific snippet of conversation. Just the tone.
Q: By the tone, Mrs. Brown, what do you mean, the strength of her conviction when she discussed her religious beliefs?
A: My feeling. Simply my feeling was that it would be very difficult. It was going to be difficult for her to separate those. I am not saying that you abrogate or, you know, go against your belief systems, but you have to temper what you believe with an understanding of representing all of the people.
Q: Okay. And —
A: Being sensitive.
Q: I think I do understand now what you are getting at. You came away thinking as a new Board member, she — it seems; tell me if I am wrong — that she might need to

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have her sort of consciousness heightened about this public duty and this dimension of it as you see it?
A: Yes. And I felt over time, she would see more and more how we operated. As I said, she was a brand new Board member. She had not had the opportunity to take the formal seminars or classes.
Q: Did you discuss any specific issues that might come up? Did you bring anything —
A: No, I did not.
Q: Did she bring any issues to your attention?
A: In what sense?
Q: That implicated this concern you had.
A: Not that I recall directly.
Q: Now I think it seems that your testimony thus far has been about one meeting in which she —
A: One particular, yes.
Q: Were there any other meetings with Mrs. Cleaver —
A: No.
Q: — that contributed —
A: Not in that way.
Q: So let's look again at 2003. And looking for your recollection of any other issues that came up during that year that might have implicated your concern for the separation of church and state or religion in the schools, was there anything else in 2003?

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A: Not that comes to mind specifically.
Q: I am trying to remember was there any time in which prayer in the school became an issue? And I mean apart from the Pledge.
A: I understand. To be honest, I don't recall specifically.
Q: How about if we look at the issue that brought us here in the year 2003? Do you recall anything coming up that related to the biology text or the biology curriculum in 2003?
A: As part of the normal cycle of textbook review, biology texts were part of that review. But we had a lot of budgetary constraints and did not at that time approve new textbooks.
Q: Okay. This is in 2003?
A: Yes.
Q: Just try and give me the sense for the season. Was it winter, spring of 2003?
A: It would have been late spring of 2003 as part of the budgetary process. I can't be more specific than it would have probably been April or May because we have to have our budget approved by the 30th of June of each year.
Q: Right. If my memory serves from other depositions, that is when the Departments propose — in the spring they

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propose the text purchases?
A: Yes, March, April. Because we have as part of the budgetary review process, each Department, specifically in the middle and high school levels, presents textbooks for review. They make their recommendations.
Q: And they present their recommendations to who?
A: Subcommittees of the Board.
Q: What committee is charged with that responsibility?
A: The initial recommendations come through curriculum. But it would also be budget.
Q: And let's see in 2003, who was in charge of the curriculum committee; can you recall?
A: If memory serves, it was Mr. Bonsell.
Q: So the recommendation would come in in the spring of 2003. And then you mentioned fiscal concerns. It seems it came to a vote.
A: The actual review process would have started in the late fall of 2002. The recommendations would have come forth in the spring, early spring.
Somewhere around — and here, I can't be totally accurate. But somewhere around the latter part of February, beginning of March is when we begin our budgetary discussions.
Q: Were you on the curriculum committee at that time?
A: No, I was not.

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Q: So recommendations in the spring, but you seem to recall a vote. When would that be, a vote on the text purchase? Do you recall it coming up for vote?

A: It would have been late spring.

Q: If we look at this again focusing on the biology text and the purchase of that book, do you recall it coming up in the fall of 2003, or had it been resolved by then?

A: We didn't approve the purchase of texts in the spring because of budgetary considerations. The review process had begun for the following year in the fall of 2003.

Q: Okay. I think I understand you now. In other words, they know as of the spring that they are not getting the book that year?

A: Yes, for the following year. Your process — when you approve a budget, it is for the following school year, not the current year.

So the review process begun in fall of 2002 — in other words, looking for new textbooks, etcetera, the textbooks that the Departments — whether it be science or elementary or whatever — would come up in the next year, early in the next year. And then it would become yes, we approve or don't approve, but it is based on budgetary considerations.

Every year one group or one subject area of the curriculum is reviewed. It is a seven-year cycle if

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memory serves.

Q: I think I am getting better now because I am confusing the school year and the calendar year.

A: Very different for us.

Q: Okay. In 2003, fiscal concerns nixed the book. Do you recall any discussion about the use of the biology text at that time, whether the teachers were using it?

A: There were discussions about that. My understanding — and I was not directly involved in that — but based on what I remember from Board meetings, my understanding was that — and perhaps this is colored by my own thoughts on it — the biology text that was then in use had perhaps not been well chosen because what we heard from the teachers was that it was not a very usable text, and they almost never used it.

Q: Okay. That is why I asked, Mrs. Brown. Was there any discussion of that when it came to whether we really need these books in 2003?

A: The text then in place had not been used very much. I believe Mrs. Harkins had said we haven't used these texts, why are we going to get new ones? And if I am misquoting her, I apologize. But that was one of the considerations. We all had that.

It was not the subject matter per se. It was why are we buying new textbooks when we have not used the

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old ones.

Q: Do you recall any comments from the teachers in response to that query?

A: That's where my comment relating to perhaps an ill chosen text comes from. Mrs. Spahr, as head of the high school Science Department, spoke to us relating to the fact that they were not very useful.

They did not really — we had the standards from the state. And evidently, these textbooks were not usable — not very usable in light of the Pennsylvania standards from the Department of Education.

Q: How about do you recall any statements from members of the public in 2003 relating to the purchase of the biology texts?

A: Mrs. Callahan, that is former Board member Mrs. Barrie Callahan, wanted us to buy the new textbooks.

Q: At this point, she is no longer on the Board; is that correct?

A: I believe so.

Q: Do you recall any of the comments she made in support of her urging the Board to purchase the texts?

A: She did it so often. Basically, she just felt that we needed to spend whatever was necessary regardless.

Q: If you look at Mrs. Callahan's — to the extent she spoke to the biology text and try to give me the sense

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you had, if any, for the thrust of her comments, what were her concerns in 2003?

A: It would be difficult for me to separate because she made similar comments — expressed similar concerns throughout the years that I served with her. Basically, whatever it costs to make sure that our kids get the very best.

There was not one particular item that stands out in my mind that she focused on. It would have been textbooks across the Board.

Focusing on one specific subject matter was simply I believe because they were the textbooks under review at that point in time. I don't think it would have mattered, the subject — what the subject matter covered.

Q: Let me ask you this: Earlier you mentioned there was some difference in judgment among Board members about accountability and particularly the fiscal burdens that followed from the use of tax dollars to do the business of Dover Area Schools.

If you look at Mrs. Callahan specifically, do you see her as more of a spender?

A: Yes.

Q: Because I am just trying to understand. It seems now and the way you are describing her position on the book,

it is basically if the kids need the book, or if the book is up, let's buy one; is that accurate?
A: Yes. That is strictly a personal opinion, but yes.
Q: Sure. All right. So if I understand you correctly now, the purchase is put off in the spring of 2003 because of fiscal concerns?
A: Yes.
Q: But then it seems you said therefore in the fall of 2003, they are going to start looking at it for the next year?
A: Yes, for the 2004-2005 school year.
Q: Now if we look at the fall of 2003, was there any — it seems from the process you have described, the teachers wouldn't be putting the recommendation back in front of the Board yet; would they?
A: No, not at that point.
Q: So did it come up at all, do you know, in the fall of 2003, the biology text?
A: In what context?
Q: That is what you. I am asking you it seems it should be off the radar, but I just want to see if you recall it.
A: I don't recall anything specific. I know that we were beginning a new review process.
Q: Right.
A: And part of that review process does involve a number of

stakeholders to use the old term again.
Q: Let's look at — again, I just want to keep us focused on the biology text wrapping up 2003, the stakeholders. Would they be implicated in the fall, or would they be waiting for the spring when the process begins again?
A: That varies. That would really depend on the time frame of their deliberations.
Q: Okay. It seems you really — do you remember it coming up in the fall of 2004, the biology text again?
A: Not really.
Q: How about any public comment or issues being made at Board meetings in the fall of 2003 about that decision of the Board not to buy the book?
A: Mrs. Callahan made some comments not supporting the Board's actions.
Q: Was Mrs. Callahan joined by others in criticizing the Board?
A: Yes.
Q: Who were they?
A: That changed over a number of meetings. If memory serves, Mr. Snook, Mr. Langione were also among those who expressed opinions.
Q: Okay. Let me ask you, Mrs. Brown, sitting on the Board at that time and hearing this criticism say from those individuals, did you think they had another agenda? Did

you think their criticism was in part politically motivated?
A: You are asking me to ascribe motivation?
Q: I understand your sensitivity on that point and respect it, but I do know that as a Board member, people come up and voice complaints, and over time, you look at them and say not this person again, not that same issue and so on?
A: Actually in point of fact, when any of the three came up to the podium, I shut my ears.
Q: Fair enough. Let me ask you: Is it because you saw them as sort of ginning up issues just for political issues?
A: I do beg your pardon. What was the expression?
Q: Ginning up issues?
A: Could you explain, please?
Q: Sure. Whipping them up or looking for issues.
A: In other words, trying to make the Board look foolish?
Q: Yes.
A: Yes.
Q: All right. So now we get into December of 2003. Let me ask you: To the extent you can recall, was there a reorganization meeting in December of 2003?
A: Yes. There's always one.
Q: And tell me how that went to the best of your

recollection. Who shifted positions and why?
A: It is normal procedure to have the reorganization meeting.
Q: Okay.
A: And Mr. Bonsell was elected President, and Mrs. Harkins was elected Vice-President.
Q: I think you have indicated that election is by the Board?
A: Yes, it is. Not by secret ballot as per Public School Code.
Q: Is there a Treasurer?
A: Treasurers are elected in June of each year.
Q: Is that again by the Board?
A: Yes, it is.
Q: Did any other candidates throw their hat in the ring for either President or Vice-President, or how does it work? Are you nominated?
A: Yes, you are.
Q: Was more than one person nominated for either — for the Presidency for example?
A: I don't recall.
Q: How about Vice-Presidency?
A: I was also nominated. I had expressed desire to serve as Vice-President.
Q: Are there any rules that govern that?

A: In terms of what?
Q: In terms of the degree — how often or frequently you can be an officer of the Board.
A: No.
Q: You had already been President?
A: That is correct.
Q: Had Mr. Bonsell been President before?
A: No.
Q: Had Bill Buckingham been President?
A: No.
Q: And Sheila Harkins, had she been President before?
A: No.
Q: Had you been Vice-President before?
A: No.
Q: It seems there is no set rotation or anything?
A: That is correct.
Q: Was the vote for the Vice-President position contentious?
A: No.
Q: Is there any expectation that the Vice-President become the next President, is there a custom?
A: No.
Q: There isn't.
A: I think it has been the cycle for the last couple of years, but there is no rule or anything like that.

Q: Do Board members reach an understanding — let me ask you: When you guys ran, did you reach an understanding as to who would be President or who could be Vice-President and so on?
A: Not a formal understanding.
Q: How about as we approach the December, 2003 Board meeting, the reorganization meeting, did you have discussions with your former running mates about this process of nominating officers coming up in December?
A: Not about the process of nominating officers, no.
Q: You said you expressed interest in getting into the Vice-President position?
A: Yes, I did.
Q: Any specific issue that led you to express that interest?
A: No.
Q: Any other issues that came up during the December, 2003 reorganization meeting that stick out?
A: I don't recall.
Q: How about if you look at the — we are leaving 2003, was the school project still a big issue?
A: I would have to say it would depend on who you talked to.
Q: How about yourself, how did you see it? Was it still an important part of your desire to serve on the Board?

A: The school construction project was never part of my desire to serve on the Board.
Q: Forgive me if I misunderstood you. Wasn't that part of your concern for accountability and sensitivity to the tax burden?
A: The project itself was not my concern. The fiscal portion — what is the term — getting the biggest bang for one's buck I believe is the current term.
Q: Okay.
A: That was my concern. I would have to say I was also concerned that we have the best possible layout for our students in terms of classes.
Q: Layout meaning the organization of the school?
A: Yes. And security.
Q: I am just trying to get a sense for where you are in December of 2003 as we go into by all accounts a contentious year. You are still obviously committed to public service. You have not resigned. You actually have some interest in being Vice-President.
Were there any new issues that had come to light since your last election that sort of spurred you on or made you interested in being the Vice-President of the Board?
A: I expressed interest in being Vice-President because I had thought perhaps being one of the most — I was the

most senior member of the Board in terms of experience. I could bring something to the position.
Also, you know, I had served as President. I had that honor. But I had not had the opportunity to serve as Vice-President. The support was not there, and we went on from there.
Q: You say the support wasn't there. Was it just a question of giving everyone a shot, or was there something more?
A: I think it was.
Q: We are entering the contentious year that brings us here. I just want to get your recollection for how the process unfolds. If we set aside for a moment the things we know are going to be a big topic, which is the biology text, the biology curriculum, and I want you to look again at this concern you have for the separation of church and state, were there any other issues that came up in 2004 that you saw as implicating that concern?
A: I don't understand the question.
Q: Okay. I am sorry.
A: Are we in the year 2004 or 2003 at this point?
Q: 2004.
A: All right. We have now come into the January of 2004?
Q: Yes.

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A: I am trying to be clear in my own mind what year it is we are in.
Q: I appreciate that. I know we are going to be talking about the biology text and biology curriculum. Before we do that and I try and see what you recall about that process, I am wondering was there anything else that came up during 2004 that implicated the concern you have expressed for the separation of church and state?
A: I view everything that happened in 2004 as so totally interconnected, I couldn't begin to separate them for you.
Q: All right. Let's take a look at 2004 and start with December through say March.
A: December is 2003. Forgive me.
Q: Forgive me. January through March.
A: Thank you.
Q: Do you recall any discussion of the biology text during that period?
A: Committee selections were made by the President. That would have been Mr. Bonsell at that time in January if memory serves. Mr. Buckingham became chair of curriculum. I was on the curriculum committee at that point in time.
Obviously, the texts were being brought out for review. Mr. Buckingham however was not present for all

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of that time period because of a personal situation.
Q: And what was the period of his absence there in 2004?
A: I don't actually recall.
Q: But you recall him being absent at least some of the time during this winter-spring of 2004?
A: Yes, he was. I am sure the minutes of the meetings would give you the dates exactly.
Q: Minutes of which meetings?
A: Of the Board meetings of that time period.
Q: Okay. I'm sorry. How about for your part looking at that winter-spring 2004 period, January through March?
A: I am not aware I missed any meetings.
Q: Do you recall when the biology text was offered again?
A: April. Do you mean in the meetings themselves?
Q: The Board meetings. I am trying to get a sense for how the process worked from your standpoint. Are all your activities as a member of the curriculum committee at School Board meetings, or do you meet apart from the School Board meetings?
A: We meet apart from them.
Q: Do you recall meeting apart from the School Board as the curriculum committee during the winter-spring period?
A: Yes.
Q: When?
A: April. May I look at my calendar? I can give you the

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date.
Q: Certainly.
A: If I can read it. I may stand corrected on this. I am just looking. I do stand corrected. I will correct for the record the meeting I was referring to was my own policy committee meeting. I do apologize. And that was on the 27th. That would be Tuesday, the 27th of April of 2004.
The discussion with Mr. Buckingham was outside of the meeting itself. The first very formal combined curriculum meetings that I have occurred in May. So I apologize.
Q: Thank you for being diligent. I am not trying to put you on the spot. I appreciate it actually.
A: It is nice to be precise. I try.
Q: So you got April 27th you have indicated there was a policy committee meeting?
A: Yes. And Mr. Buckingham was a member of that committee, as was Mrs. Harkins, and myself as chair and Mrs. Geesey. And, of course, Mr. Bonsell as President was ex officio member.
Q: Now if I understand you correctly, Mrs. Brown, there was some discussion of the biology text outside of this April meeting?
A: Mr. Buckingham and I had a discussion. He had occasion

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— I not drive that day. He was kind enough to offer me a ride home. And during that ride, we discussed the role of faith in the schools.
Q: Do you recall what Mr. Buckingham said to you on that topic?
A: He felt that it was important to bring God back into the classroom.
Q: And when you had this conversation, did you have a sense for what he meant by that?
A: I am not sure how much clearer one can be, other than to say we want to bring God and faith back into the classroom. What exactly do you want?
Q: That is what I am trying to get. Did he make any specific recommendations for a course of action? Did he say the kids should pray again in school?
A: Yes, he did.
Q: Anything else did he mention?
A: He felt that we should bring prayer and Bible reading back into the schools. It so happens Mr. Buckingham and I are the same age. So we both remember that time period.
And there was a discussion relating to the breakdown of society and morality. And Mr. Buckingham attributed that to the removal of prayer, the Bible, etcetera from our school systems.

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Q: And I take it you had a discussion with him, and I am sure that he did not hear just plain yesses from you. How did you respond to Mr. Buckingham?

A: I said very little. I responded when necessary because I was frightened.

Q: Just so that I understand you correctly, when you say frightened, did you mean you felt uncomfortable with the sort of —

A: I was physically frightened of what he was saying.

Q: Okay. What do you mean by that, Mrs. Brown? Did you feel threatened?

A: No. I wasn't in fear of him. I was frightened of what he was saying and what I saw as a possibility of what could occur.

Q: Okay. Am I understanding you that it was along the lines of this concern you have expressed with respect to Mrs. Cleaver?

A: Yes. They were members of the same church. And he asked me the same questions she asked me.

Q: What was that?

A: Was I born again.

Q: And how did that conversation come up? Were you again discussing religion generally?

A: Actually, the conversation was — I guess you would say an offshoot of policies. Because we were discussing

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public participation in meetings and so forth, and you kind of segue into other things.

Q: Do you recall what led you to segue into this specific area?

A: Something — I can't be — again, I cannot quote exactly. This is verbatim. We talked a little bit about some of our frustrations, our concerns about not just public participation, but student discipline. There has been a real change in discipline policies in this District during my tenure on the Board, specifically in the last three to four years. We have a zero tolerance for certain things. How specific did you wish me to be?

Q: Well, go on. It seems what you are saying is that this part of the discussion is what —

A: Led into the rest.

Q: — led into the rest. So I would like to get a sense for the way the conversation went.

A: Okay. Our first zero tolerance came out of state law which was weapons. And the state went a little overboard, and it reached a point where by state mandate, we were required to expel elementary students who brought toenail clippers to school. Fortunately, that was modified, and we were allowed to use our best judgment on that. But we had to promulgate policies to

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cover this. And over time, policies are reviewed by State Code and custom.

It is recommended that you review every policy at least once every three years. And you are talking many hundreds of policies.

So the zero tolerance — the first zero tolerance related to violence and weapons, or look alike weapons — and I won't going into that, but if you wish, I will define them for you.

The second zero tolerance came out of our efforts with the character education, and that is showing respect for other people, no bullying, no teasing, treating other people the way you would be treated yourself. And that relates also to one of the character education tenets of respect. And another tenet of responsibility.

The last no tolerance is harassment of any kind, whether it be racial intolerance, or sexual intolerance because of sexual orientation or inappropriate sexual behavior or insinuation. And we were reviewing public participation, public comments, and we were also reviewing those policies.

And naturally because again, you were talking about policies that do relate to morality for lack of a better word — and I apologize if that is not totally

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accurate — that gets into the subject of personal beliefs.

Q: Sure. Now I understand exactly how the conversation flowed. And you have indicated some specific things that Mr. Buckingham mentioned. We need to get prayer in the schools, the Bible back in the schools.

Was there anything else that you can recall him mentioning during that conversation?

A: I found that sufficient to be frightening.

Q: I understand that. That was we are talking here late April of 2004?

A: Yes. I think I said the date; did I not?

MR. SCHMIDT: April 27th.

A: Thank you.

BY MR. GILLEN:

Q: I think you also indicated, Mrs. Brown, that then there was a formal meeting of the curriculum committee in May of 2004?

A: Yes.

Q: You were on the curriculum committee at that time?

A: Yes.

Q: Do you recall anything from that meeting?

A: Yes.

Q: Tell me if you would what you recall.

A: There were two subject areas of textbooks under

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consideration. One was family and consumer sciences on the middle and high school levels, and the other was the science textbooks on the middle and high school levels specifically.

And we had a variety of texts available for review. And the Department heads gave their recommendations, and there was some discussion.

Q: Now this, as you indicated, is a formal meeting. Let's look from January, 2004 through this meeting in May, were there any prior meetings of the curriculum committee in 2004?

A: Not that I am aware of, but I will look. I know that there was a meeting prior to 2004 in late fall. And we were also — my apologies because we were also in the process of negotiating an Act 93 contract.

Q: I am not aware of what an Act 93 contract is.

A: My apologies. Act 93 covers most of our administrators, our technology coordinator, language arts supervisor, related areas.

Q: Employment contracts?

A: Yes. It is called Act 93 because of the positions.

Q: Good enough.

A: That is to the best of my recollection.

Q: Just so the record reflects it, Mrs. Brown, is that your — you have got a calendar. Is that a calendar for

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2004?

A: Yes, it is. It is my personal home calendar so it kind of contains a wealth of information not limited to the Dover Area School Board, York County School of Technology. York County School of Technology, my daughter's appointments, my husband's appointments, my appointments.

Q: All right.

A: And tax information which is why I keep it.

Q: It looks a lot cleaner than mine I will tell you. I understand why you brought it. I thank you for doing so.

Having looked at it, can you tell me whether you see there anything which points to a meeting of the Board curriculum committee prior to the one we are about to discuss which is May of 2004.

A: There was a curriculum committee meeting on the fourth of December, 2003.

Q: Now would you be on the curriculum committee at that time?

A: I was. And I apologize.

Q: Don't worry about it.

A: Otherwise, I wouldn't have had it down.

Q: I will ask you — it obviously didn't stick out. Do you recall any business that was conducted?

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A: No, I don't. And I have no notes. There is no reference here. So obviously, it didn't make an impression. How is that?

Q: That's fine. Let's look at this May meeting then of the curriculum committee. You have indicated that texts were up in two subject matters family and consumer science?

A: Yes.

Q: And let's look at that. It seems like a less problematic text area first.

A: Don't bet on it.

Q: Tell me what do you recall? What were the issues in play there?

A: Spending a lot of money that I didn't feel was necessary. I personally.

Q: What was your point there, Mrs. Brown? What were you getting at?

A: Family and consumer sciences wanted new textbooks in the electives of advanced levels of cooking. Also — and I am not — I can't be totally specific, but it was something related to the family, something with child development.

These were for elective courses, not required courses. And I did not feel that it was necessary to make those expenditures.

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Q: And is that part of your larger concern you have articulated about fiscal responsibility?

A: Yes, it is.

Q: Was there anything in those texts or any discussion of the substance of those texts?

A: Yes.

Q: Tell me, if you would, what you recall about that discussion.

A: Mrs. Whitehill represented — she was one of two representing the Family and Consumer Sciences Department. And I do not now recall the name of the other woman who was representing that Department.

But they articulated their reasons for asking for these texts, and we got into some discussion. Mrs. Harkins was there. And she I believe also had fiscal concerns related to those texts as to really — as to whether they were really necessary.

We are not talking a large group of students. And we really do have to look at the whole when we are looking at purchases that will be in the thousands of dollars.

Q: Okay. Setting aside the fiscal concern, was there anything else in the subject matter that was discussed? You mentioned child development. Was there anything about that?

A: The materials involved related to I believe family development or child development and the cooking. And my objection was specifically to the cooking text because I didn't feel they were necessary.

Q: Do you recall anyone else on the committee making any objections to either what was in the text —

A: I think it was not the subject matter within the textbooks. It was within the context of do we need them and how many students are going to be benefitted by the purchase of these texts.

I believe that Mrs. Harkins and I shared similar concerns along those lines. It had nothing to do with what was actually contained in the texts. When you are talking about 20 to 30 students compared to 1,024, which was then the student body of the high school, one has to weigh where one can best spend the money one has.

Q: Okay. I do think I have got a better sense for that. If we look at that text, how about Bill Buckingham, did he say anything about it?

A: Not that I recall.

Q: What was the other member?

A: He was new to the committee, too.

Q: And Heather Geesey was the other member; is that correct?

A: No.

Q: I am sorry.

A: There were only three of us on curriculum other than Mr. Bonsell in his role as ex officio member as President of the Board. I don't recall that he was there.

Q: Now you indicated that the biology text came up?

A: Yes. Biology. I believe we also discussed physics and chemistry because you are talking science curriculum review.

Q: All right. Tell me what you can. Can you recall anything about those discussions?

A: Mrs. Spahr, Mrs. Miller and Mr. Eshbach — and I have to be honest, I think Mr. Eshbach was there for that meeting, but I may be in error — were there, and they made the presentation relating to the texts.

Q: Okay. What do you recall about their case for the biology text?

A: We reviewed a number of textbooks. And basically they presented the pros and cons of each one. The texts they were recommending was Modern Biology by Prentice Hall, if memory serves. And it was the same text that they had recommended the previous year that we had voted down because of budgetary constrictions.

They related why they approved or disapproved of each text, the strengths and weaknesses. And Mr. Baksa,

as I recall in his role as Assistant Superintendent and having responsibility for curriculum as Assistant Superintendent, was there. So basically, they made their cases for the various texts.

Q: Let me just stop here and ask you when you had that meeting with Bill in the car when he was driving you home after the April 27th meeting, did Mr. Buckingham mention anything to you about the curriculum committee during that conversation?

A: Not that I recall.

Q: So now would this May, 2004 meeting be the first time in 2004 that the biology text has come up?

A: In a formal way, yes, I believe so.

Q: And you say in a formal way. Looking back on the period prior to May of 2004, was there any in any way, formal or informal, that the biology text came up prior to this meeting?

A: There were no votes that I recall, no formal recommendations in public Board settings. We are talking to the best of my recollection here.

Q: Sure.

A: There had been discussion I believe during budgetary meetings, things like that. As to specific texts and contents of the text pro or con, I don't think there had been much, if any, discussion prior to this point in

time.

Q: How about — it occurs to me now listening to you that everyone knows the biology text is going to be up again in 2004?

A: When you say up again, I'm sorry, I have to say that the text we were then using is not the same text that was being recommended.

Q: Right.

A: Okay. As Board members, every Board member was afforded the opportunity to review every textbook up for review. They were available to borrow or to review in situ in the Assistant Superintendent's office.

All you had to do was go in and ask. And you did not have to be — nor do you unless it has changed in recent months — be a formal member of the curriculum committee. If you are interested in reviewing any textbook at any time, any and every Board member is afforded that opportunity to freely review, not at one specific point in time.

Q: Okay.

A: Textbooks currently in use are available for review at any point in time by any Board member. There is not a time limit.

Q: Okay. And so looking at this period in the spring then, once the teachers — first of all, there is a book that

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is being used, and that is readily available?
A: That's correct.
Q: And then now there is a recommendation that they have come up with. Is that also available for review?
A: Absolutely, and has been for some time prior to that. The teachers purchase, borrow, I think many times — and here I am not — I can't be totally accurate because I am not sure, that various textbook publishers do make available complimentary copies. I can't be sure of how many. But obviously, they want their texts out there in the field. They don't sell the texts; they don't make money.
So it was not as though these were new texts in the fact that they had never been made available to anyone prior to this meeting. They were available. And several of them had been available for review since the preceding year which in this case would have referred to the 2002-2003 school year.
Q: Now I understand better what you are getting at. In other words, the process is initiated again for this part of the year, but that doesn't mean we are starting from a blank slate?
A: Absolutely not.
Q: It occurs to me was there a retreat in the winter-spring period for 2004?

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A: Please define retreat.
Q: I guess what you guys or what is sometimes referred to as a Board retreat, where you go to one of the facilities and have dinner and a discussion of Board business.
Do you recall a retreat in the January through March or April period of 2004?
A: No, I don't. Not to say there wasn't one. I just don't remember. Perhaps you can ask my husband that question tomorrow.
Q: Okay. Well, how about taking a short break?
A: As you will.
(A luncheon recess was taken.)

AFTER RECESS

A: I want it very clear that I am not part of the plaintiffs' suit, nor am I associated in any way with the defendants' suit. When you asked me about my contact with lawyers for the plaintiffs and I indicated we had a meeting with them yesterday, they were kind enough to come to our home in order to accommodate our schedules because we were not able to match our schedules in any other way.
I was not aware of the right for people not directly involved in a deposition to be present. My past experience with depositions has been — has given

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me the understanding that only the legal professionals and the person being deposed, along with the reporter, were present at such depositions. And that was because of the confidentiality of the issues. So it was off putting for me to come in to this deposition to find other individuals present.
I object on principle to it. Thank you.

BY MR. GILLEN:

Q: All right. Are you ready to pick up?
A: Yes.
Q: The May, 2004 meeting of the curriculum committee?
A: Yes.
Q: We have discussed the family and consumer science texts and some of the issues you saw there. We are getting to sort of the dead center heart of the dispute which is this biology text and the controversy that arose around the text in the biology curriculum.
Tell me, Mrs. Brown, when you were present at this May meeting, who else was there?
A: To the best of my recollection, there were two members from the Family Consumer Sciences Department. I did identify Mrs. Whitehill as being one of them. And I will be honest. I do not now recall the name of the other lady who was a part of that.
To the best of my recollection representing the

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Science Department were Mrs. Bert, short for Bertha, Spahr, head of the Science Department for the High school, Mrs. Jennifer Miller and I believe Mr. Eshbach. There was a third individual. That is to the best of my recollection.
Representing the curriculum committee were the three members of that committee Mr. William Buckingham, who was Chair, Mrs. Sheila Harkins, who was then Board Vice-President and myself.
Representing the administration to the best of my recollection was Mr. Michael Baksa. The area of curriculum falls under his purview in his role as Assistant Superintendent.
Q: All right. You indicated that several books were up I believe. Chemistry?
A: Chemistry, physics and biology. There may well have been an earth and science, but I don't recall that.
Q: Okay. Now let's take the biology text out and just look at the physics and chemistry. Any discussion of those text recommendations by the teachers?
A: I think I was the only one who commented, and I commented to the effect having reviewed the chemistry text being recommended, that had I had it in high school, I would have enjoyed chemistry a great deal more. It was — is an extremely well done text in the

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presentation of material and also in the support, network available for students to utilize.

Q: Was there a particular reason that you had decided to examine that text?

A: I examined all of the texts. As a member of the curriculum committee, it was my responsibility to be familiar, to make myself familiar with the various texts under review. How could I otherwise make a knowledgeable decision myself?

Q: Okay. How about the physics text?

A: I reviewed that as well.

Q: Let's stick with the chemistry one. Anyone else make any comments to the chemistry text?

A: Not that I recall.

Q: How about the physics?

A: I am not sure if there were any comments made. I might have said something to the effect an interesting text, but I can't be sure. It was not anything controversial, how is that?

Q: Okay. That is a starter for sure. Then there is the biology text?

A: Yes.

Q: It seems you have a practice of reviewing all of the texts?

A: I had reviewed it the previous year and reviewed it once

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again. Although admittedly, I had not read the whole text.

Q: Okay.

A: I will freely admit that science texts are not my favorite area, but I have a responsibility if I am a member of the curriculum committee to at least be familiar with the material which I am discussing and voting on.

Q: I see that. When you review them, let's just get a sense for that. Plainly, you have had some post secondary instruction in science?

A: Yes, I have.

Q: I think also you have indicated it is sort of a general review. What are you looking for as a curriculum committee member when you look at the text?

A: I think the first thing that — I will rephrase and say the first thing I do when I am reviewing a text is to compare it to the standards set forth by the State Department of Education to see how the broad outline of the course material falls into those requirements. Does it meet the requirements that the state set forth for us? If it doesn't, it is not going to be a very valuable text for use.

That is the first thing I look at regardless of the subject area. Obviously, I have some expertise in

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other areas, less in some. In the areas in which I have less expertise, I will spend more time because it takes me a little longer to get it, particularly math. But having done that, then I will begin to sample chapter by chapter.

I will read it for understandability first, what kind of language does it use. And there again, you have to look at the grade levels on which this text is proposed for use. Beyond the grade levels themselves, you have to look at the class of students who are going to be using it.

Are these all regular education students? Are we going to be using it for special needs — special education students who are mainstreamed in this particular subject, or is this an advanced placement or honors text?

So you have to look at it within all of those contexts. And as you review it, as I said, I am looking at it for readability. Is this going to put me to sleep after five minutes? If it puts me to sleep, what is it going to do for the average high school student?

Because I am a little more academically oriented, if you will, than some students are. And this is the way I review something.

If it really catches my interest, and I will be

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honest, for the first time in my life, I voluntarily read the chemistry text — a chemistry text cover to cover because I was fascinated by the approach. It is very, very different from the traditional.

And as far as the biology text was concerned, as I said, I had already reviewed it once and had given it a cursory secondary review. But after that meeting, then I did sit down with the text because it wasn't what I had read cover to cover. And I read it cover to cover in light again of the state requirements.

Q: Okay. And to the extent you can recall it, what was your sense for the way in which the text dovetailed with the state standards in biology?

A: Beyond the fact that it fit beautifully with our own curriculum guidelines, it could have been written for the state standards. It was not, but it married those standards so beautifully.

I was just very, very pleased because the text offered so much to our students. It offered a jumping off point in a way that some texts do not to pique their interest. It would even the most nonscientific student's interest.

I would say that of the chemistry text as well. I was just tickled with our science texts because I thought we had found the best available.

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Q: And just to make sure I understand you, you mentioned the curriculum guidelines. Are those Dover's curriculum guidelines?
A: Yes.
Q: You sort of the flipped through the curriculum guidelines and then look looked at the text to see how they matched up; am I understanding you correctly?
A: I would have to correct your term flipped through.
Q: I know that you —
A: I studied them.
Q: Then tell me so it was really actually a more precise matching that you went through?
A: Very precise matching in general and specifically. And just a perfect matching with the state academic requirements, the standards set forth.
Q: Can you recall any of the discussion that was had at the main meeting about the biology text?
A: There was not a great deal of discussion at that particular meeting, because I can't speak for everyone, but I know for Mr. Buckingham it was a new situation for him. He had not reviewed the texts.
Q: Now did he say that?
A: Yes. Perhaps not those exact words, but that was the flavor of what he said.
Q: How about Sheila Harkins, had she been on the curriculum

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committee before?
A: Yes.
Q: It just occurred to me did you take Bill aside, either of you, and give him some guidance as to this is the way the process works?
A: No. That was the President's job.
Q: The President of the Board?
A: Yes. And the Superintendent.
Q: So did you say there wasn't a lot of discussion of the book at this meeting?
A: Not at that particular meeting beyond the — the biggest part of the discussion — and it was not really a discussion. It was explanation from the science teachers, by the science teachers relating to why they were recommending the texts.
Q: Did they —
A: And how they fit into our programs, as well as meeting the state requirements.
Q: Can you recall what the teachers said about the text at this May meeting? Start with Bert Spahr. Did she offer anything that stuck out in your mind?
A: She indicated — and it was seconded by the other science teachers there — that there was a consensus among the science staff that the text represented the best available texts on the market.

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Q: Are we referring to the text by Miller and Levin Biology?
A: All of them, individually and together that they were recommending.
MR. SCHMIDT: All three?
BY MR. GILLEN:
Q: All three of the individual texts in the three subject matters?
A: Yes.
Q: And the biology text, was it the Miller and Levin textbook?
A: Yes, Prentice Hall's, yes.
Q: Let me ask you: You seem less certain of Bob Eshbach. Was Bryan Rehm perhaps at that May, 2004 meeting?
A: Bryan Rehm was not an employe of the District at that point in time I don't believe.
Q: I could be misrecollecting also.
A: I don't know. I will be honest and say my memory is stronger on those who made the most vocal comments.
Q: Sure. When you came away from this May, 2004 meeting of the curriculum committee, anything else that pointed to the controversy that was about to arise; did you come out of their concerned?
A: Not really.
Q: Do you recall if there was any discussion in that

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meeting, did Bill mention anything about Intelligent Design?
A: No.
Q: How about Of Pandas?
A: No.
Q: All right. What happened next from your perspective? What do you recall next if we look at the biology text issue?
A: To the best of my recollection, at the next meeting, Mr. — the next Board meeting, my apologies, Mr. Buckingham indicated that he couldn't bring anything for a vote because he hadn't had the opportunity to review the texts. If memory serves, Mrs. Callahan was somewhat vocal about it.
Q: The next Board meeting, would this be the second meeting in May or the first meeting in June?
A: No. This would have been around the first meeting in June.
Q: So it sounds like Mrs. Callahan or somebody brought the text to the attention of the Board. How did it come up?
A: It was part of the agenda if memory serves. And public comment was still allowed — permitted during individual discussions about items on the agenda.
Q: So public comment —
A: — was not —

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Q: — was interspersed with Board deliberations on a given subject?
A: At various times, yes.
Q: Practically, how would that happen? How would the person from the public —
A: Raise a hand and usually come forward. Sometimes in the case of Mr. Snook, just holler. He has a very penetrating voice.
Q: So it sounds like the biology text was on the agenda for the first meeting in June?
A: Right. It was not on the agenda for a vote.
Q: Tell me —
A: The first meeting of every month is what is called a planning meeting of the School Board. And unless it is something that we must approve immediately or retroactively, say in the case of an employment situation, we discuss most matters, get out questions, concerns, etcetera during planning meetings.
The other exception would be if we had student disciplinary hearings, there are certain procedures, we must follow. We have time constraints. Things must be done in a certain fashion by a certain time, and votes on those issues would be taken as needed during a planning session.
But the majority of the Board's business is voted

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upon and approved or disapproved at the second.
So it is our normal schedule — the Board's normal schedule was a planning meeting the first Monday of the month, followed by a Board action meeting the second Monday of every month.
Obviously, certain holidays interfere, and Board meetings are then either rescheduled to the Tuesday — the first Tuesday, or depending on the scheduling situation, the Board meetings will then be the second and third Mondays of the month.
Q: Okay. So at this first meeting, it is a planning meeting?
A: Normally, it is primarily a planning meeting. We do not take a lot of action.
Q: Do you recall then why would the text be on that agenda?
A: Because the first agenda of the month basically includes everything that will be covered, will be coming up for discussion, recognition or approval.
Q: Okay. And can you tell me — can you recall how at this first meeting in June the biology text began to be discussed?
A: It would have been within the context of its placement on the agenda. Now items that — on each agenda, you would have items that were starred. These are the items that require immediate votes at that meeting. Items

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that are not starred on a planning committee — planning meeting agenda, excuse me, do not require a vote at all. They could be what we call FYI, for your information, items. They could be items of recognition of students, staff, etcetera. Or they could be items that would require a vote at the following meeting or at a future meeting.
And then the Board sometimes will agree to what is termed a consent agenda. Certain of those items which are gone over at a planning meeting do not require certain — additional discussion. That would be say approval of the minutes of a previous meeting, or acceptance of a report from one of the committees, or a report from say the York County School of Technology, the York County High School, the Intermediate Unit — Lincoln Intermediate Unit, which is the Intermediate Unit to which Dover belongs. It might also be the business manager's report.
And if the Board agrees, then they are placed on a consent agenda. And then those items are voted upon during the regular meeting with one vote.
Q: So if we look at the sort of ordinary course of business here for the first meeting in June, am I understanding you correctly, Mrs. Brown, that essentially the biology text is up because it would be normally slated to go on

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the agenda for the second meeting?
A: It would be approved, yes.
Q: It is an agenda item. How does that happen? Does the Board as a whole move through the agenda?
A: Yes.
Q: So it comes up curriculum issues, and that means Bill Buckingham — he was chair?
A: Yes.
Q: Then he makes a statement as to those items?
A: Yes, whoever is the chairman of a particular committee or the representative — and I mentioned some of those situations, the County School of Technology, the York County High School, the Intermediate Unit. You also have the Pennsylvania School Board representative. He or she is our representative to that particular governing body.
Also, the legislative representative, again, he or she is the liaison with the various legislative entities or individuals. Occasionally, you would have task force people who would be presenting certain types of reports.
Q: So looking at it in light of that sort of practice?
A: Yes.
Q: Is that why Mr. Buckingham then makes his observation I can't bring anything up; he is talking about the next meeting in June?

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A: That was his choice. We members of the committee — at least I, as a member of the curriculum committee, was not aware of his decision prior to his making the statement at the meeting. I cannot speak for Mrs. Harkins.

Q: I thank you for bringing that up because I hadn't thought of that. Was there any discussion that you recall between the main meeting and this first meeting in June between the Board curriculum committee about the biology text?

A: I was not privy to any conversation that I recall.

Q: Thank you. It seems like this first meeting, the agenda item is reached. Mr. Buckingham makes the statement to the effect I am not prepared to bring anything up?

A: Right.

Q: And I take it from your comments, that he is saying take it up at the next meeting in June, the second meeting?

A: Yes, basically.

Q: And then you indicated that Barrie Callahan voiced an objection?

A: Right.

Q: Do you remember what she said?

A: Not specifically, but her objections followed the same pattern — tended to.

Q: That is the pattern you described earlier?

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A: Yes.

Q: All right. Any other discussion at that time between Mrs. Callahan and Mr. Buckingham about —

A: I don't recall. I believe there were some comments back and forth. There very often were, but I don't recall specifics.

Q: That's fair enough. How about among the Board members, did anyone else on the Board speak to the issue of putting the biology text on the agenda for the second meeting?

A: I don't recall. It is a little difficult for me because we have May and June being such disastrous months. And it is not always easy to differentiate.

Q: Okay.

A: A great deal happened in a very short period of time. And none of it was good.

Q: Now you say May and June were disastrous months?

A: Yes.

Q: We are speaking about 2004. Give me a sense, Mrs. Brown, for what you are referencing there.

A: Divisions among Board members during that time period became pronounced. And people, I believe — I believe began to blur the lines a great deal between individual personal beliefs and their responsibilities as School Directors, not simply as defined by the Public School Code, or defined by the Pennsylvania Code of Ethics for School Board Directors, or not simply limited by the Code of Ethics for members of the National Board of School Directors — National association of School Directors, but personal codes of ethics.

Their responsibilities to the District, to the students and to the community were not adhered to.

Q: Let me ask you: If we look at just May, you said May and June.

A: And it could be April, May and June. I will be honest.

Q: And I do not expect you to have pinpoint recollection of dates and so on. I am just trying to get a sense for what were the issues in May of 2004 that you thought pointed to an increasing division? Was there something specific in May?

A: That is why I said to you, I am going to have to step back and be honest and say some of the things are running together for me.

Q: So could it be June and July?

A: We had no meetings in July.

Q: Then it must be May and June I suppose based on what you said?

A: And then into August, September and October.

Q: Is it this process that we are talking about, the biology text that you are referencing?

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A: Yes.

Q: The first meeting in June, Bill Buckingham has said I am not prepared to put it on the agenda for the next meeting, I haven't —

A: No. He said he didn't want to bring it up for a vote based on the fact that he had not reviewed the text.

Q: Any other —

MR. SCHMIDT: Can I interrupt one second?

MR. GILLEN: Sure.

A: I may be off a month.

MR. SCHMIDT: I just want to be clear so I don't have to go back on this.

Was it all of the science texts or just the biology text that Bill tabled for —

A: It was specifically the biology.

MR. SCHMIDT: I wasn't clear about that. Thank you.

BY MR. GILLEN:

Q: Any other Board comment at that time on his processing of the biology text?

A: Not publicly.

Q: Just let me ask you: Apart from Barrie Callahan, did anyone from the public section address the biology text issue during this first meeting in June?

A: It is quite possible. I don't recall.

Q: We have been talking about the Board meeting proper, this first Board meeting in June. Do you recall any discussion among Board members about the biology text sort of apart from the formal Board meeting, this first Board meeting in June in this first week period of June?

A: You have asked me two different questions.

Q: Okay.

A: Now are we talking about discussion during the public Board meeting? I am not sure of your context when you ask me formal, informal. Please define for me.

Q: I think I understand you better. When you think of the Board meetings, do you think of the public portion and not the executive session?

A: Most certainly.

Q: I do understand that. For the purpose of my questions when I ask about the Board meeting, I am asking you about both the executive session and then the public portion of it.

A: Forgive me, sir. I would appreciate it if you differentiated because different rules apply.

Q: Let's look at that, and I will certainly attempt to indulge the way you look at it so we can communicate clearly.

How do you see the executive session as different from the public portion of the meetings of the School

Board?

A: There are very specific guidelines for an executive session. When one calls an executive session, either prior to calling the executive session, in the case of an executive session that follows a Board meeting, you must announce — excuse me — the presiding officer of the Board must announce to the public the fact that an executive session will follow a Board meeting and the purpose for which the executive session is being called.

If an executive session occurs prior to the start of a Board meeting, the presiding officer then must as the first order of business give an explanation of the purpose for which that executive session was called and the fact that it had happened.

There are certain rare instances where an executive session that has occurred after a meeting is also mentioned at the prior — at the beginning of the next Board meeting. It does not happen very often, but occasionally, it can happen. Just as occasionally, a Board meeting is not adjourned. But there are very specific instances in Code where that may take place.

Now an executive session is confidential as long — this is my understanding. There are only certain reasons an executive session is to be called. It relates first to discussion of impending litigation

or ongoing litigation.

It can relate also to matters of negotiation, when contracts are in the process of negotiation, or if a contract settlement has been reached related to various labor relations contracts.

Executive sessions may be called to discuss issues regarding employment or employes of the School District. And in those cases where employes are not covered under labor contracts, salary ranges related can be discussed.

And the other relates to discussions of students who have been disciplined, there have been formal disciplinary hearings. Disciplinary hearings handled by the Board are only for the most grievous offenses. These are expulsion offenses.

Now that material is covered by confidentiality. By law based on the oath you take, you cannot disclose that information. If discussions on extraneous matters come up, they do not enjoy the same confidential privilege.

Q: And by extraneous matters, you mean matters outside of those you have just listed?

A: That's correct.

Q: Let's look at that, Mrs. Brown. For the first meeting of the School Board in June, was there an executive session?

A: I don't recall.

Q: Do you recall any discussion relating to the biology text among Board members apart from the public portion of the Board meeting?

A: Yes.

Q: Tell me what you recall.

A: My husband and I talked about it at home.

Q: Tell me what you recall about those discussions. Was there a reason it came up?

A: Yes. I am a tree person. My husband is a forest person. I get into the details. He views the whole picture.

Even though School Director is not a paying job, if you are going to do it, I believe you should do it wholeheartedly, learn as much as you can, do the best that you can, give whatever is necessary to do the job right.

Different of us approach it differently. I expressed my concerns to him that Mr. Buckingham lacked the dedication necessary to be successful as chairperson of the curriculum committee. This was a private thing. These were my own misgivings, but I tend to look at things very differently.

Q: Sure. And what gave you that concern as of June? Is it that he hadn't reviewed the text?

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A: He had not availed himself of the opportunities. That is why I didn't use the term opportunity when stating or giving my opinion as to what was said.
Q: I am sorry. I am not following you there.
A: All right. As I stated prior to our lunch break, I believe, or words to that effect, the opportunity to review texts is there all of the time.
Q: Right. I do understand that.
A: Mr. Buckingham, as chair of the curriculum committee, I believe should have, I believe, I, should have availed himself of the opportunity to review all of the texts, or if nothing else availed himself of the opportunity to review the information already available on the various texts coming up for consideration.
Q: I see.
A: He did not do that.
Q: And that was the basis for the reservation you expressed to your husband?
A: Yes.
Q: Apart from the conversation with your husband, were you part of any conversations or privy to any conversations between Board members which addressed the biology text in the period between this first Board meeting in June and the second Board meeting in June?
A: I don't recall.

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Q: I think I asked you, but I want to make sure I got it right, how about in terms of public comment? Barrie Callahan voiced her concern?
A: Yes. I think Mr. Snook did as well. There again, I will be honest. Some of the comments tend to blur together, and I tended to shut my ears to some of the comments because it was the same thing month after month.
Q: How about let's look at the — we are going to the second Board meeting in June of 2004. Was the biology text brought up again?
A: Yes, it was.
Q: How did it come up?
A: Part of the agenda.
Q: So had the text been placed on the agenda despite Mr. Buckingham's comment at the first Board meeting in June?
A: I don't recall that Mr. Buckingham had requested a tabling of it, per se. He had simply indicated — and my memory may be faulty on this. My recollection is that he had indicated he didn't wish to bring it up for a vote because he had not had the opportunity — and I object to the words, I freely admit that — to review the text.
Q: So the second meeting comes up — occurs. How does the text come up during the public portion of that Board meeting?
A: Mr. Buckingham indicated that he could not recommend the text because it was in his words — and I believe this is a fairly close quote — laced with Darwinism.
Q: Okay. When he used the phrase, did you have an understanding what he meant?
A: Yes, I did.
Q: How did you take that, Mrs. Brown?
A: By that time, I was very aware of Mr. Buckingham's personal religious beliefs. He had stated them to me very clearly. And it was my belief, understanding based on my experience with things he had said to me prior to that, and the way he voiced his objections, that he objected to the text because he viewed it as stating a certain way of viewing the origins of life.
Sorry if it is convoluted, but there it is.
Q: Don't worry about it. When you say origins of life, what are you referring to?
A: The origins of life, how did life begin, or where did it come from on earth, in the universe. And, of course, this was an area that we didn't cover in ninth grade biology.
Q: Okay. You said that by now, you were familiar with Mr. Buckingham's personal religious beliefs?

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A: Yes, I was.
Q: And I know you have talked about a conversation you had one time?
A: Yes.
Q: Were there other conversations you had had prior to this second Board meeting in June?
A: Yes.
Q: Tell me a little bit about those so I can get a better sense.
A: Very informal, maybe talking before meetings begin or just as a result of coming out of different committee meetings or whatever. I can't give you specifics because, you know, one does have a fair number of meetings during a month if one is a member of a Board and involved.
Q: Sure. Just if we look back at the second —
A: And telephone conversations. I apologize.
Q: And it seems from what you are saying that religious subject matter was a part of these conversations?
A: At times, yes.
Q: How would that come up? You have mentioned one situation where it sort of came up naturally in connection with the character issue as you said, the notion of there's trouble in the schools and kids need a code of behavior.

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Were there other ways that it would come up?
A: Mr. Gillen, my memory is good at some points, but I couldn't tell you specifics of what I ate last week much less what happened over a year ago in informal situations.
Q: All right. Then is there anything that — again, let's just try and look from the second Board meeting in June, everything that occurred before that, were there any other statements that Bill Buckingham had made to you that stuck out?
One plainly did, and you have told me about that. Any others?
A: I couldn't say definitely one way or the other. My apologies. As I said, I am sure my husband's memory will be different from mine, and he will remember different things.
Q: Okay. That is fine. It is really not a trick question. I am trying to understand how you saw the story unfold. We have the second meeting in June here, and Bill says the biology text is laced with Darwinism. Do you recall anything else he said?
A: That wasn't sufficient? My apologies. Rhetorical question. Not specifically because all I could see were the headlines in the newspapers coming out of the meeting quite frankly.

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Q: And let me ask you: I mean did any other Board members speak to the biology text during that second meeting in June?
A: I'm not sure. I remember specifics. I have to be honest, my recollections are a bit colored by my own emotional reaction to things there.
Very early in the deposition I said about the can of worms being opened, and it wasn't a can of worms by then. It was not a can of worms at that point. It was how about a ton of cobras?
Q: Do you want to take a break?
A: No.
Q: How about you, Mrs. Brown, you were on the curriculum committee. Bill makes a statement about the text that plainly you don't share the sentiments he has expressed.
Did you or Sheila say anything at the public portion of the Board meeting that —
A: If you look at the diagram which I provided for you of the seating arrangement at that point in time, you will see that Mr. Buckingham was on my right. And I turned to him — that is the one in the yellow sheet.
MR. GILLEN: Please mark that.
(C. Brown Deposition Exhibit 1 was marked.)
A: In explanation of that, under secretary, you will notice I have two names listed because Karen Holtzapple served as substitute Board secretary part of the time, and Denise Russell, who is our business manager and also Board secretary, was there part of the time.
But she has — she is very ill and was not always able to be there.
Q: Just take your time. Let the record show that Mrs. Brown is now looking at a diagram of the Board meeting that she kindly brought with her to today's deposition. I have marked a photocopy of that diagram as Carol Brown Exhibit 1. She is looking at the original she brought which is in blue and yellow and easier for her to see.
A: The reason I brought this, I thought perhaps it would help to clarify some of what some of us were able to hear that perhaps other individuals on the Board were not able to hear because as you can see, it is a modified V diagram. That was our seating arrangement.
And whereas — and I put Cunningham I see, and that should be Buckingham. Good heavens! A senior moment.
Mr. Buckingham was to my right, and Mrs. Geesey was to my left. And beyond her are where student representatives to the Board would normally sit.
I do apologize. Anyway, my husband was across the V, and he was seated next to Mrs. Cleaver.

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So you can see sometimes depending how someone spoke and depending which way the individual was facing, comments would be more or less audible. Also I was that beyond Mrs. Yingling, usually at the front tables the media were seated almost directly in front of Mrs. Yingling as a rule.
And on the opposite side of the V in front of our student representatives, you generally had the podium for public comment. And beyond that on that same side, most of the time various members of the administration, building principals, etcetera and teachers would be seated.
And in the middle section of the room tended to be the community members. And sort of the teachers tended to be around the back wherever they could find seats. When we had student/parent presentations, they would also be in that same general area.
So this is why I turned to Mr. Buckingham and asked him why he did not in that particular case apprise me of what he was going to do. And I am not sure how many people heard me because I was turning away from the audience and from my own microphone.
Q: So you told Mr. Buckingham why didn't you tell me you were going to make this criticism?
A: I asked him.

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Q: Did he respond?
A: No, he did not.
Q: Here we are talking again about the public session of this meeting. Did any other Board members respond to Mr. Buckingham's criticism of the text?
A: If there were comments, they do not stand out in my mind at that moment in time.
Q: How about public reaction or reaction on the part of persons in the public?
A: I can't recall specifics. I know there was criticism, but there was often that.
Q: Can you recall who made the criticism?
A: I would be guessing and attributing without being absolutely certain.
Q: I appreciate that. All right. Now was there an executive session? I am not sure I got your answer. Did any other Board members speak to the text issue, the biology text?
A: I think there were a couple of comments. I will be honest. It might have been Mr. Wenrich, and it might have been across the way. I think one said we have been putting this off quite a while, but nothing that really stands out in my mind. I am sorry.
Q: How about Sheila, Sheila Harkins?
A: I don't recall.

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Q: Was there an executive session after this Board meeting?
A: Not that I recall, but there could well have been. You would have to confirm it from the minutes.
Q: Do you recall anything for the rest of June in terms of discussions among Board members about the biology text?
A: I know that there were discussions most of which I was not privy to. There are always rumors. Human beings are human beings.
Q: Tell me what you are referencing there.
A: I believe as I stated that that was the time period when there really began to be fairly strong divisions among Board members. There were telephone conversations of various types, various meetings. And just concerns were being expressed about what was going on in the District.
Q: Let me get a sense for those. Apparently you say you were not privy to these?
A: A lot of conversations, I was not privy to. I heard about them third hand I believe. Is that hearsay? I don't know. I am not a lawyer.
Mrs. Yingling would occasionally tell us she had been hearing so and so.
Q: Can you recall the specifics?
A: No, I would have said.
Q: How about the thrust of what she was hearing?
A: It was negative. Occasionally, we were hearing things

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from community members as well. My husband more so than I.
Q: We are looking now just at June. Can you recall any community members approaching you in June to discuss the biology text?
A: No, not me personally.
Q: Do you recall anyone telling you about conversations that they had with community members relating to the biology texts?
A: Not specifics, no.
Q: You mentioned some telephone conversations. Are those conversations you had heard about through Angie Yingling?
A: No.
Q: What do you recall?
A: I spoke with Dr. Nilsen several times.
Q: What did Dr. Nilsen have to say?
A: I don't recall specifically. I was expressing my own concerns at that point.
Q: How did you express those at that time, Mrs. Brown? What did you tell Dr. Nilsen?
A: I told you so.
Q: That's a loaded observation. What were you getting at when you told Dr. Nilsen that you had told him so?
A: I told him that I thought it was ill advised to follow

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up on what Larry Snook had proposed back in the fall of 2003 as regards the Pledge of Allegiance.
Q: Okay. And I take it —
A: Because I felt then we could be opening up a can of worms.
Q: And you see these two as connected. Tell me how exactly.
A: The last time we mixed politics and religion in this country, people got hurt and people died. My family came here because of religious persecution, because this country afforded freedom of religion, freedom from religion, freedom of choice. I don't have a lockstep on the truth. No human being does. I can only perceive with my limited physical senses.
I don't believe that I have the right to impose my beliefs, religious, social or otherwise on other people. Nor do they have the right to do it to me. I don't believe there is one path to the truth.
What I do believe is the golden rule, do unto others as you would have them do unto you. And that is what we have been teaching our children, not by that name, because of the religious connotation, teaching our children in our classes. And I was seeing us move away from that, and it frightened me once again.
We are here when we are members of the Board to

represent every individual in the community, whether he or she votes, whether he or she is black, white, green, purple, whether he or she — perhaps I should include it — is Muslim, Roman Catholic, atheist, agnostic, deist, or one of the other 2,001 — and I am guessing — religions in the world.

Q: Okay. And I can see that when Mr. Buckingham indicated he thought this biology text was laced with Darwinism, you see him as —

A: He was also making religious references to the crucifixion of the Christ.

Q: This is the June meetings?

A: As I recall. I am not sure. I think it was in the second one I believe.

Q: And this is what is implicating your concern for he has crossed the line?

A: Yes.

Q: Let me ask you now —

A: And he was using the term Creationism, sir.

Q: That is what I was going to ask you. Looking at these June meetings, do you recall Bill Buckingham using that term?

A: Yes, I do.

Q: Do you recall him teaching Creationism?

A: Bringing it back into the school. I cannot recall and

quote him directly by saying that I absolutely remember him using the term teach. I remember him saying bring it back into the school.

My inference of that may be different than someone else's.

Q: Let's look at the June meetings here, and I ask you do you recall him mentioning Intelligent Design during this period?

A: Never.

Q: Do you recall him mentioning the text Of Pandas?

A: Not at that point in time.

Q: Do you recall him discussing the biology text in terms of balance?

A: No. I don't recall him using that word.

Q: Do you recall him saying anything else about the biology text during these June meetings?

A: As I mentioned, there were religious statements made.

Q: How about were there any references to other scientific theories?

A: No.

Q: Do you recall anyone speaking at the public portion of the meetings in June addressing Creationism, teaching Creationism?

A: Here again, I can't be sure which meeting it occurred at, but Mrs. Buckingham did make a twenty minute speech.

Q: Did you recall anyone else speaking during the Board meetings?

A: Not to that extent. Although if memory serves, and I will be honest, I am not sure if it was June or August, Mr. Bonsell's mother spoke at one point. But I will not say specifically I recall it was at June. It may well have been August.

Q: You say that Mr. Buckingham used the term Creationism?

A: Yes, he did before, during and after the meeting.

Q: Let me ask you about that. We talked about executive sessions occurring before the meetings or after?

A: This was not part of that.

Q: Tell me when did you have the conversations you are referencing?

A: I didn't. I overheard him speaking to the media.

Q: Were the discussions you are referencing now comments to the media after the June Board meetings?

A: At least one of them was, yes.

Q: Do you recall who Mr. Buckingham was speaking with?

A: One of the newspapers definitely, and I am not sure whether it was The Record or The Dispatch. I don't know everyone. And it was at least one television crew there. I don't watch very much television so I am sorry.

Q: That is fine. Obviously, you are recalling some things

here about June. Let me ask you: How about the other Board members, do you recall them responding to these comments?

A: I think there was some upset. I know my husband was upset, and Mr. Buckingham had directed a couple of comments his way.

Q: During these June meetings?

A: And later.

Q: Let's look at the June meetings. I am trying to get a sense for how the process unfolded here. Can you recall anything that Mr. Buckingham said to your husband during the June meetings?

A: I should prefer you ask my husband directly.

Q: I am just asking you can you recall anything?

A: Yes.

Q: Tell me what you can recall.

A: I can't recall specifics. That is why I am saying you should ask the person to whom it was directed really.

Q: Can you recall any response your husband gave to Mr. Buckingham's statements?

A: I think he was somewhat upset.

Q: Did he say so?

A: How do you mean that, sir?

Q: I mean I am asking you for your recollection of these June Board meetings.

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A: I can't give you specific words, but I can tell you that there were some emotional confrontations.
Q: On the subject of the biology text?
A: On what had happened with the biology text and some of Mr. Buckingham's comments to my husband and on the subject in general.
Q: Okay. Now did these exchanges or comments take place during the June Board meetings?
A: Yes, they did, and then beyond. But I can't tell you specifics. I really don't recall. I am going to explain one, obviously, I am emotionally invested in this because I care very much about this School District and what happens to it. And what I was perceiving was a disaster for the School District. So one tends to become very narrowly focused, at least I do.
Secondarily, during that time period, in addition to that, I was going through some very serious medical issues so I was in constant pain. I did not take pain medication because I did not wish it to affect my ability to make good decisions. But as a result, I was very focused on certain things. I am sorry I cannot answer, but I am telling you why.
Q: Yes. Please understand, I am not doubting you in any way. I just know as we go through this process, sometimes you tend to remember more.

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A: I will tell you what I remember to the best of my ability. And there again because my husband and I served together, it is probably helpful because I look at it from one viewpoint, and he looks at it from a little different stance. And he will remember differently, perhaps the same things that I remember.
It will be in essence the same memory just from a different standpoint or viewpoint, the trees, the forest.
Q: Sure.
A: Certain things do stand out in my mind, statements that were made. I have been asked were the statements — and I believe you asked me — reported by the newspapers accurately? Yes, they were.
Have I looked back on all of those clippings? No, I have not because I can't read them. Okay? So any review I have done really has been verbal.
Q: In terms of verbal review, have you done any verbal review with anyone?
A: With my husband to try and remember when did that happen, you know, trying to place things in context. And, of course, Mr. Rothschild and Chris were there yesterday. I will get his name eventually. My apologies. And we were not always sure.
Q: That's fine.

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A: When I look at this, when I can read it, yes, sometimes it jogs. But I may be off on the dates here and there.
Q: Sure. I am not going to hold you to the dates.
A: Thank you.
Q: I am just trying to get the story line. Just in terms before we move on, June, we are talking about June. We know the text has come up. Bill has made some comments that have attracted notice and criticism. There has been tension on the Board.
If we look at June — and I am going to ask you to look across the Board at the other Board members here at your chart, do you recall them responding to Mr. Buckingham's comments during the meetings or afterward? Do you recall Angie Yingling in June of 2004 how she responded to Bill's comments?
A: Good grief. With Angie, it is always hard to tell when she said what. Angie was concerned, I know that, about response from the community. She would get frustrated, but Mrs. Yingling did do that from time to time.
Again, I am trying to be honest. I was very narrowly focused. And nothing specific stands out other I was concerned for — my husband was very upset, and so was I.
Physical assault is always a bad thing. But one has to admit that occasionally, one would like to pop

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someone else in the nose. And I am sure that I was not the only one feeling that towards other people.
Q: Are you referencing Mr. Buckingham?
A: Yes.
Q: How about Angie just in June of 2004 in terms of whether she is with Bill or doesn't agree with him; do you have any sense of that?
A: I am not sure. I am not sure.
Q: How about Jane Cleaver, did she react to Bill's comments?
A: Jane was very much in agreement with Mr. Buckingham.
Q: When you say in agreement, on what score? What do you mean in agreement, at what point?
A: Mrs. Cleaver and Mr. Buckingham — I know — I have personal knowledge; how is that — of the fact that they attended the same church and were friends of many years standing. And based on my personal knowledge and personal experience, they tended to vote the same way and express similar opinions.
Q: Now we are talking about the biology text in June. Is there anything that sticks out now as you think about it that Jane said?
A: Nothing specific other than she voiced support. I couldn't give you exact language.
Q: Voiced support for?

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A: For Mr. Buckingham's viewpoints.
Q: On the biology text?
A: Yes.
Q: How about Mr. Bonsell, do you remember him saying anything when —
A: Mr. Bonsell's reference point I believe was Intelligent Design. I may be in error. I believe from what I heard that Mr. Bonsell favored — favored giving the two viewpoints of Intelligent Design and as they termed it Darwinism.
Q: Do you recall Mr. Bonsell referencing the text Of Pandas during the June meetings?
A: No, I don't.
Q: How about Dr. Nilsen? You indicated you had some conversations with him during this period. How about at the Board meetings, did he react to Mr. Buckingham's statement about the biology text that had been recommended by the teachers?
A: The administration also made the recommendation.
Q: Right.
A: Which meant that approval of the text required five votes rather than six to pass.
Q: I see.
A: He had also recommended approval of the recommendations of the teachers' Department heads. Beyond that, I don't

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remember him making specific comments. He may well have.
Q: How about Noel Wenrich?
A: No one comment stands out. I know that Mr. Wenrich favors the viewpoint of Creationism, but I do not recall whether or not he spoke in favor or in opposition at that point in time.
Q: Do you recall Mr. Wenrich discussing Intelligent Design?
A: Not really.
Q: When Mr. Bonsell mentioned Intelligent Design, did anyone else speak to that theory or point? Did it spark a conversation?
A: I don't recall. And there was no definition of the term.
Q: At the Board meeting — in other words?
A: I have never heard a definition of Intelligent Design or a specification of whether Intelligent Design referred to a single concept as in a single theory, in which case Intelligent Design would have initial capitalization, or an overall general concept in which case it would have small letters.
I have never heard in Board meetings a definition.
Q: All right.
A: So it would be a little difficult to make a decision how you believe.

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MR. SCHMIDT: Can you clear something up? Did Mr. Bonsell discuss Intelligent Design and refer to it during the June meeting?
A: I believe Mr. Bonsell referred to Intelligent Design, but I cannot recall him defining what he meant by Intelligent Design. That is why I explained I don't have a reference.
MR. SCHMIDT: I just wanted to try to keep the chronology straight.
A: My apologies.

BY MR. GILLEN:

Q: Were you talk about at the time June meetings?
A: I believe.
Q: I have asked you about Board meetings, and to make sure I don't miss anything, I know you have a distinction which you see in the law and custom between the executive sessions and so on.
Is there any other discussion that took place in the executive sessions relating to the biology text or Intelligent Design that you haven't told me about so far in June?
A: Not that I recall.
Q: Now at this time, you are on the Board curriculum committee. Let me ask you looking through June, do you recall any meetings of that committee? And I recognize

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the difficulty of trying to pinpoint it precisely.
Think of it in relation to the May meeting. Do you recall any meetings in June?
A: We had a second meeting. I will be honest, and I was looking. I believe there was another meeting between June and July. Whether it was in June or whether it was in July, I will be honest and for some reason, I don't have it down. I admit I miss things.
There was another meeting at which point we discussed in depth Mr. Buckingham's objections to the text. If memory serves, his objections numbered 14 in a 1200 page text. We went through the objections one by one and discussed them.
I do recall his first objection was to the timeline of science history wherein mention was made of the time at which — or during which — the time period during which Mr. Darwin's theories of natural selections were first published, not of the descent of man.
And we were talking about evolution with small "e" which is what we have taught. We, I say we advisedly, the School District has taught.
Primarily, the mentions were related to information in Chapter 15 or thereabouts of the text from Prentice Hall.
In talking about natural selection, I believe one

of Mr. Buckingham's objections dealt with the fact that comparisons were made between the basic bone structures and function of different species, how the development — well, showing the development of various species.

What comes to mind was similarity of bone structure in dinosaurs and what became birds does stick out, similarity in function of leg bone in some animals and man. But it was not — we were not evolved from them, but comparing how the bone structure is developed and the similarities and differences in function.

That section — and it is the only section in the text that deals in any way with the issue talks about species living and dying, natural selection. Why do some species survive and why does some of them not? Why do they go extinct?

One of the other objections Mr. Buckingham had was to a picture of a finch which was named for Charles Darwin. It is called Darwin's finch. It was a particular family of finch or subspecies of the finch family that Mr. Darwin discovered I believe when he was on his voyages on the Beagle. Don't ask, I have no idea how it is spelled. I don't remember, the ship, the Beagle.

MR. SCHMIDT: Like the dog.

Q: I couldn't see it in my mind's eyes so I don't remember. But this was part of the reference, discussing what he had found, the changes in the family of finches along the islands, how they adapted to the conditions on the islands and what changes that caused in the birds themselves.

BY MR. GILLEN:

Q: This is very interesting. Let me ask you, you have a specific meaning in mind. Who was at the meeting?

A: Meeting? I thought you said meaning.

Q: I am sorry.

A: There again, I recall Mrs. Spahr, Bert Spahr, Mrs. Miller, Mr. Eshbach, Mrs. Harkins, Mr. Buckingham, myself, Mr. Baksa. And I know Mr. Bonsell was at some of the meetings, but I can't recall if Mr. Bonsell was at that particular meeting. I really don't remember.

Q: It seems evident that Mr. Buckingham took issue with certain parts of the text during this meeting?

A: Right. And the way things were presented. That was the first mention he made of a mural that had been painted by a student some years ago and was donated by that student to the school and was subsequently destroyed by a school employe, a School District employe.

Q: If you look at that mural, what did Mr. Buckingham say about that?

A: He objected to the mural. It was the student's depiction — his thoughts based on his reading of various materials of the ascent of man, ascend not descent.

Q: And had the mural been destroyed by this time?

A: Yes, it had.

Q: So what was Mr. Buckingham's —

A: He felt that it presented a false picture of the origins of life. And he objected to the nudity because the young student had depicted the development of man, and some of the figures were unclothed and anatomically correct. Would that be okay?

Q: That will do. I think he has described it as a graphic portrayal?

A: He was a little more — he was stronger than that.

Q: You have mentioned that Mr. Buckingham spoke to the origins of man. Can you recall what he said on that point?

A: He used the term creation. I did not.

Q: What did he say there?

A: He referred to the Biblical — and he was very specific. He was referring to Biblical creation as put forth in the Book of Genesis, the story of Adam and Eve in the Garden of Eden and so forth.

Q: And what did he say about that?

A: He objected very strongly because he felt that the message in the text was portraying an untruth.

Q: And did he specify exactly how he saw it as misleading, the text that is?

A: Because he looked at it as saying that — what the book was saying was man was descended from a lower form of being, and that God was responsible for creation, and we should be teaching our students the truth.

Q: Now during this meeting, did Mr. Buckingham — it is evident he had learned a great deal about what was in the text by that time. Did he reference other materials during this meeting?

A: The mural and the text. And I personally would take exception to your characterization of his learning the material, because the only mentions that he made in terms of objecting to the text were listed in the index of the textbook.

Q: Do you recall mention of any DVD's or text during this meeting?

A: In what context?

Q: Well, I mean you are having a discussion about the biology text. Do you recall Mr. Buckingham bringing to the meeting any materials or referencing DVD's or videotapes that spoke to Evolutionary Theory?

A: No, I don't.

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Q: Do you recall the teachers discussing any materials that Mr. Buckingham had provided?
A: I don't recall that. Not to say it didn't happen. I just don't recall it.
Q: I understand. How about the text Of Pandas, do you recall that coming up during that meeting?
A: No.
Q: How about Intelligent Design, the term?
A: No. It was still Creationism, sir.
Q: All right. Let me ask you about that. When Mr. Buckingham is discussing Creationism as you recall, is he saying we should teach it?
A: As I said to you before, I cannot with sworn accuracy state that he used the term teach. I can however with sworn certainty say to you he wanted it back in the schools, and he so stated that.
Q: And you say he stated that when?
A: He stated it both in meeting, public School Board meeting, and he stated it in private committee meetings. Private is the wrong word, nonpublic.
Q: Okay.
A: Curriculum committee meetings.
Q: This is the meeting we are talking about now, this June meeting?
A: Now we are talking about — you asked me, and I can't

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tell you if it was June or July because we were on hiatus as far as Board meetings in July. We did have a curriculum meeting in that time period.
Q: Let me ask you: If Mr. Buckingham makes these statements at these meetings, what sort of response is he getting from the teachers?
A: What we did was talk it out step by step, page by page, reference by reference. All right? The individual who destroyed the mural was reprimanded. He subsequently retired from the School District.
I don't think there are too many people who would say he had the right to do it. He destroyed school property, a donation from a student. Content aside, he did not have the right to make that decision.
It offended him personally, and it offended in particular his religious beliefs. I know that for a fact because the individual in question told me that face to face. But he took it upon himself to destroy that mural.
Mr. Buckingham stated in that meeting that he thought he had done — the individual had done the right thing, that we should have never had it in the school.
Q: And did he say why? Did he go into detail?
A: It offended him. It was the wrong message. It was obscene, and that is the term he used.

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Q: How about the teachers when Mr. Buckingham comes into this meeting, how are they responding to the notion that —
A: We had a situation where two of the teachers Mrs. Miller and Mr. Eshbach happened — still are to the best of my knowledge — ninth grade biology teachers among other things. And when going through Mr. Buckingham's objections, we discussed — and I mean all of us — it was sort of a round robin discussion of how they handled questions, and to the best of my recollection, Mrs. Miller and Mr. Eshbach indicated that in their combined teaching experience of some twenty odd years, they had perhaps had a half dozen questions from students regarding the origins of life.
And their custom was and remained to that point in time to tell the students this is a subject area you need to talk with your parents, your family members about and your Pastors. And it was not a policy promulgated by the School District, School Board. This was just their way of dealing with it.
Mrs. Spahr indicated that this was more than acceptable to the Science Department, that they did not feel that they were qualified to get into those areas. We did not teach the origins of life, religious or nonreligious theories.

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Mr. Buckingham indicated he could deal with that. And I think personally — my personal opinion is what made the difference was that Mr. Buckingham learned that Mrs. Miller is the daughter of the Pastor of the Shiloh United Church of Christ so she grew up in the faith. Mr. Eshbach is the son of Reverend Warren Eshbach, a retired Church of the Brethren Pastor and adjunct Professor at the Gettysburg I believe Theological Seminary. And this is their faith, and this is how they handled it.
So we went through the issues. We discussed them. And Mr. Buckingham indicated that he could live with it.
I also personally made the statement if he wished, because he was so concerned about the donations to the School District, that we would revisit in policy the policy relating to donations and gifts made to the School District.
And at the Superintendent's discretion, we would insert this into the policy, that at the Superintendent's discretion, the Superintendent — please be clear, not the Board — the Superintendent's discretion, a gift or donation would be either accepted or rejected. But it would be required that if the Superintendent chose not to accept a gift or donation, a written explanation must be provided to the individual

wishing to donate, etcetera.
Obviously, it doesn't go with money. We take any money somebody wants to offer. Sorry.
And I said that we will take it up in policy committee so that we can really zone in on this because we have confidence in our Superintendent, in his evaluation. But the acceptance of a gift would be centralized. It would be the Superintendent who makes the decision. And we did subsequently make those changes to policy.
And based on that and the other discussions that had gone on, how things are handled, have been handled, there was a mention of a science teacher who had been employed by the District for some years, whose name escapes me, who kind of went off on his own once or twice and was severely reprimanded for it. But he was the exception. I couldn't even tell you what he did say, except he was a bit of an eccentric.
And Mr. Buckingham said he could live with this, and we were comfortable with it.
One thing that was brought up, Mr. Baksa had as part of review process gotten comments on some of the textbooks prior to this from different school districts, public school districts.
He volunteered at that particular meeting to find

out if there were any other texts out in the marketplace that were being used by non parochial — not public, I am sorry — parochial schools, meaning nonpublic. He said he would check it out.
There was no discussion as I recall of any other theories, specific theories. And at that point, we didn't have any other discussion related to any specific textbooks.
Q: Okay.
MR. SCHMIDT: While you are digesting all of that, may we take a five-minute break?
MR. GILLEN: Sure.
A: Sure.
(A recess was taken.)

AFTER RECESS

BY MR. GILLEN:

Q: We were talking about this curriculum committee meeting.
A: Yes.
Q: In June of July or somewhere in there.
A: Right in there.
Q: And you have told me a great deal about it. I want to just ask you a few other things just to make sure I am understanding you.
You mentioned that Bert Spahr was there. Do you recall anything that Bert Spahr said about teaching

origins, whether origins were taught?
A: All three of the teachers who were there were very clear about the fact that we have never taught origins of life. Ninth grade biology is physical science. It deals with the physical world around us.
Here I am basically quoting curriculum guide for Dover, as well as state standards. We are teaching our children how to perceive and to understand the physical properties of the world around them, the things that they can taste, touch, see, feel, smell. And that is the province of biology. It is a physical science.
Q: Okay. How about you mentioned teaching evolution with a small "e"?
A: Yes.
Q: What was your understanding of that?
A: Evolution with a small "e" as I understand it as I have learned in my years is really adapting, surviving. You either adapt to conditions, or you don't survive as a species or as an individual.
A native of Africa, to give you an example, obviously is a survivor by adaptation to the climate conditions. I as an American Caucasian could not survive in Africa. I burn hanging a load of wash outside. My skin, my eyes are not adaptable to the severe conditions of heat and sunlight that exists in

Africa. But that didn't happen in one generation. That happened over time. Just to give you a small example of what I see as evolution in the human terms.
Q: Is that what you understood the teachers to mean when they said evolution with a small "e"?
A: Not so much dealing with human beings. I used that as an example because it would be familiar.
But theirs is instruction in the adaptations more of the animal world, animal and plant world.
Q: How about Bert Spahr, did she say anything else at the meeting that sticks out?
A: Nothing specific that stands out. I mean we talked a lot about the need for the text because the textbooks in use at that time were just not compatible with either our curriculum guidelines or with the state standards.
Q: You indicated Sheila was there. Anything that Sheila Harkins said that sticks out?
A: The only thing that I recall is Sheila's asking what other textbooks are out there. That was fairly early in the discussion when — after Mr. Buckingham had come up with all of these objections.
Q: Mike Baksa, what was his role? What do you recall about Mike's participation?
A: Mike is a very good mediator, conciliator, if you will, very knowledgeable. He had volunteered as I said to

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check out what some of the parochial or nonpublic schools were using in terms of texts.

I will give you an interesting note to that.

Q: Okay.

A: The Christian School of York uses Modern Biology by Prentice Hall without statement or comment. Just a side light.

Q: Okay. Let me ask you this: When you came away from this meeting in June, it seems like —

A: June or July.

Q: June or July, thank you. It seems like Bill said I am comfortable with that or I can live with that; am I correct?

A: My understanding is that we were good to go, we were going to get our text. I was very, very concerned about the time at that point because by state code, we must have text approval by the 31st of July for the coming school year. And we were having no meetings in July.

We queried that. And we were to use the term grandfathered clause in the sense that we were in process. We hadn't taken a final vote, but we did have recommendations for an approved text. That concerned me. I was okay once it was made clear we weren't going to get fined for it.

My other concern was whether or not we were going

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to be able to get our textbooks in time to begin the school year. And, you know, you are talking about school districts all over the country. Good grief! We have got 501 school districts in the Commonwealth of Pennsylvania alone. Multiply that by 50 and think about the number of textbooks being ordered, and you begin to sweat whether or not the publishers can meet the needs. So that was another big concern for me.

Q: You have mentioned, Mrs. Brown, Bill talking about Creationism during this meeting; am I right?

A: Yes.

Q: How is that being received by the teachers? Are they responding to that, or is it just kind of ignored, or what?

A: All right. There is no single comment that stands out in my mind from any one of the three. The general consensus from my point of view was a concern, which was why they explained how they handled questions related to origins of life. That was to respond to I believe Mr. Buckingham's comments about the need to teach Creationism.

They made it clear that they felt they were not in the position to discuss the religious aspects or religious — possible religious hypotheses.

Q: Okay.

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A: They deal with proven scientific theories and the most accepted scientific theories as required by the state.

Q: Okay. So they had a concern. Anything else? Did they say anything else? Did anyone say hey, Bill, that is illegal or anything like that?

A: I don't believe they did. I did.

Q: You did? During this meeting here in June?

A: June or July. I don't think I used the term illegal. I believe I basically said I am not sure we can do this.

Q: Anyone else speak to that point?

A: Not that I recall.

Q: Let's look at July now. As you indicated —

A: There were no regular meetings for the School Board. We weren't supposed to have any meetings, anyway. Looking at my calendar, I had things for the York County School of Technology. There was a cyber education committee meeting — task force rather than committee. I was not involved with that, but my husband was.

In 2004, I also served as chairperson of the personnel committee, and I had a meeting with Dr. Nilsen to discuss the Board evaluation results. Each year, the Superintendent is evaluated by members of the Board individually via a survey questionnaire type of thing. And then the results are presented to him as part of a review process. And that is done by the committee chair

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for personnel unless the President of the Board chooses to do likewise — otherwise. Excuse me.

Q: So am I understanding that you did Dr. Nilsen's review in 2004?

A: Yes, I did.

Q: To the extent you can recall, was that a satisfactory review?

A: Very satisfactory.

Q: Did you do Trudy Peterman's?

A: No, I did not because I was not Trudy Peterman's supervisor. Dr. Nilsen was. The only Board evaluation is for the Superintendent because he is directly responsible to us.

The building administrators, in the case of buildings that have an Assistant Principal, the Assistant Principal would be evaluated and reviewed by the Principal of the building. In the case of Building Principals, the review is by the Superintendent.

Q: Let me just stop for a minute and ask you about Trudy Peterman. Do you recall Trudy Peterman speaking to the biology text issue while you were on the Board?

A: Yes, she did.

Q: What do you recall about that, Mrs. Brown?

A: Nothing terribly specific. I know that she was upset about it, but then Dr. Peterman was upset about a lot of

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things.
Q: Give me a sense for that. As a Board member looking at Dr. Peterman, what was your appraisal of her conduct as a Principal? And let me —
A: It is not often that I am guilty of such misjudgment of an individual as I was of Dr. Peterman. I had very high hopes when we hired her. And by last summer, I could hardly wait for her to leave. Is that blunt enough?
Q: It is certainly very straightforward. What was it that produced your — what shall I say — disapproval of Dr. Peterman?
A: Dr. Peterman does not take criticism well. She is not big on chain of command. When working with Dr. Peterman, if you wanted to get something done, want her to do something, it takes combined efforts probably of a dozen or more people to get it through to her you are going to do this now.
I know that she consistently argued with Dr. Nilsen, was constantly second guessing everything that she was expected to — he asked her to do, anybody asked her to do. And she liked to play people against one another.
Q: How about in her public demeanor at Board meetings?
A: Do you remember earlier I made the comment that sometimes when one wants to physically pop someone in

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the mouth or nose? I would have to say I am fairly certain I was not the only one who had that desire in meetings at times.
She often spoke of things that were better discussed in a different situation, and she openly went against her boss.
Q: Dr. Nilsen?
A: Yes.
Q: So am I understanding you correctly that she would contradict positions or statements —
A: Very much so.
Q: Of Dr. Nilsen?
A: Now on the positive side, I must say Dr. Peterman is one of the most brilliant women I have ever met.
Q: How about just in the sort of the mechanics of her presentation, was she respectful to the Board —
A: No.
Q: — when she addressed them? Do you recall any occasions where she spoke to the public rather than to the Board?
A: Constantly.
Q: Do you recall any occasions where she either gestured violently or pounded the podium in speaking?
A: Occasionally.
Q: Let me see if I understand you. Did you provide input to Dr. Nilsen that went into the review of Dr. Peterman?

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In other words —
A: As part of being personnel chair?
Q: Yes.
A: No. Here again, I am not sure of confidentiality here. Dr. Nilsen and I discussed. Beyond that, I don't think I can tell you what.
Q: And I don't want to violate anything you have. I just want to get the sense for it. Let me ask you this: Were you party to discussions on the Board about Dr. Peterman's conduct at public Board meetings?
A: Yes.
Q: Did you express disapproval of Dr. Peterman's comportment to at the Board meetings?
A: Yes.
Q: Were you party to directives that the Board communicated to Dr. Nilsen to Dr. Peterman with respect to her conduct at the Board meetings?
A: Not beyond discussion at the Board level with Dr. Nilsen. It was Dr. Nilsen's place and right and responsibility to deal with the situation. And he did.
He talked with us as a Board in executive session regarding Dr. Peterman, as he did with various personnel issues. But it was his final decision how to deal with the issue. He was kind enough to keep me in the loop as chairperson of personnel, but it was his decision, not

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mine.
Q: Let me ask you: Did he communicate to you at some point a set of guidelines he had given Dr. Peterman about her conduct at Board meetings?
A: Yes.
Q: When you heard those guidelines, did you agree with them in essence?
A: I didn't think they were strong enough.
Q: Okay.
A: No. Very seriously, I did a agree. I thought they were very appropriate. Dr. Nilsen was more constrained than I probably would have been.
Q: Thank you. It just occurred to me that I hadn't asked you about her.
The June meeting we have discussed, the Board curriculum committee where you come out of that meeting and you have the sense —
A: We are okay.
Q: We are okay. We are in July of 2004. And it is your recollection there is no Board meetings set for July?
A: Yes. And we may have had one, but I don't —
Q: Either way, does anything stick out in your memory today occurring in July of 2004 that relate to the biology text?
A: Okay. The latter part of July — and I didn't mark the

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day — but in the latter part of July, the first mention of Of Pandas and People came about. But I didn't get it from Mr. Buckingham.

Q: Okay. Tell me, plainly remember it and sort of the time specifically, how did it come to your attention? How did the text of Of Pandas come to your attention?

A: Mr. Baksa.

Q: And how exactly? Did he give you a call?

A: Yes.

Q: Was it in connection with another contemplated meeting of the Board curriculum committee?

A: We were talking about curriculum, setting up meetings. He mentioned that Mr. Buckingham had gotten the text, and he and Dr. Nilsen had gotten one or more copies of it. I don't recall how many. And it was going to be brought up.

Q: And you say it was going to be brought up when?

A: As part of a discussion. I can't tell you a specific date was mentioned at that point. We are getting into August, and I may be a month off there.

But I only learned of Of Pandas and People second hand because Mr. Baksa told me about this. Mr. Buckingham never did me the courtesy of letting me know what was happening, even though I was a member of the curriculum committee.

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And my husband subsequently went to Mrs. Harkins's house because she had a copy I think through the District — in fact, I am pretty sure it was through the District — Of Pandas and People. May I just say the Pandas book?

Q: Yes.

A: Thank you. Of the Pandas book. And brought it home.

Q: Okay. You said Mike said it was going to be brought up. Tell me can you recall was it at a Board curriculum meeting or a meeting of the Board itself?

A: A meeting of the Board.

Q: So that would mean I believe the first meeting in August; does that sound right?

A: Something like that. Or it could have been the first meeting in September. In that time frame. As I said to you earlier, some of this runs together. And then everything was happening very quickly.

I can tell you — and I will try to cut to the chase here. We received the text on a Thursday at the end of the month. My husband and I read it from cover to cover through the weekend, and we discussed it.

And in essence, Mr. Buckingham brought it up at the meeting without having discussed it with us at a regular curriculum meeting. Whether or not he discussed it with any other member of the Board, I know that he

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did not discuss it ahead of time with my husband, with myself, with Mr. Wenrich or with Mrs. Yingling. I cannot speak to the rest of the members of the Board as to their fore knowledge of the text itself or what Mr. Buckingham planned to propose.

Q: Okay. I want to make sure I am following you. When Mike said it was going to be brought up, you said it wasn't discussed at a curriculum committee meeting prior to it being brought before the whole Board?

A: That's correct.

Q: And that in fact you had to call Sheila, or did your husband have to stop by?

A: My husband talked with Sheila.

Q: And then it seems like there is a very short space of time between your actually getting the book, reviewing it, and it being in front of the Board?

A: That's correct.

Q: Tell me what was your sense of the text when you read it?

A: I researched the text online. It is published by an obscure publisher in Texas that is not a regular textbook publisher. The text itself was written for a college level, not for a high school level.

To my knowledge, based on my research — and I am only talking about my personal research — I could not

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find any references to it being used in any high school, public or private, in the United States of America.

And the brief worldwide search that I did in terms of its usage, the only reference I could find to it was the fact that it is indeed contained in the reference section of the University of Oxford in England.

Now my research was not in any way exhaustive. I had a fairly short space of time when my vision allowed me to even be on the computer. So I would say I spent know more than eight hours. So I do not pretend to have exhaustive answers or definitive answers on where.

But the text was not written for anything but college and beyond in terms of level of understanding. It was not written for high school, and most definitely not for ninth grade students.

I am fairly well educated, and I had to get the dictionary out to inform myself as to the meaning of some of the vocabulary used.

Q: Okay. When I look at the course of action you have described, it seems consistent with the diligence you showed earlier in the year regarding the other texts?

A: I tried.

Q: And you have mentioned the readability scale, sort of the intelligibility for the grade level. Did you compare the text against the PA standards or the Dover

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curriculum standards?
A: Yes, I did.
Q: What did you conclude in that regard?
A: Because of its content and the way in which it is written, I would not say it fulfilled the standards of either.
Q: Okay. And just give me a little more detail. Let me ask you this: At the time that you received word of the text from Mike Baksa, did he say the purpose for which the text was being proposed by Mr. Buckingham? More specifically, did he say Bill has come up with a book Of Pandas that he wants to use as a supplementary text?
A: My understanding at that point in time, my own understanding alone, was that Mr. Buckingham wished to propose this as a side by side text.
Q: Okay. And so you reviewed it with that in mind I take it?
A: I reviewed it first and foremost as to its understandability for our students. And once I had really gotten into the main portion of the text, I stopped — well, my husband was reading it too. We did kind of take turns.
But I really stopped and started pulling out my standards requirements. And then I was also reading with those in mind.

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Q: Okay. Any other conclusions that you reached as a result of that review in this little short window relating to that text?
A: Just that I didn't feel that it was appropriate. I am not sure what you are asking.
Q: Well, I mean you have referenced some specific defects as you saw it in the text. It was not age appropriate. Difficult to read, made for college level. It didn't dovetail readily with the state standards?
A: Or our own curriculum guide.
Q: Did you look at it and just think it was not legitimate — a legitimate supplementary text?
A: Absolutely.
Q: What led you to that conclusion?
A: In my research, I accessed reviews by various people in the educational field, specifically in the educational field of science, the sciences rather than English or Spanish. And the reviews I was able to read were not favorable. And they really dovetailed with what I was coming away with just reading it. I —
Q: I am sorry.
A: I am not sure what you want here.
Q: I am just trying to get a sense for the reservations that you had about the text. Let me ask you: As a science text when you read it prior to looking at the

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reviews, did you look at this and say this isn't science?
MR. SCHMIDT: Object to the form.
A: I am not a scientist. I could only look at it from the viewpoint of my own experience and understanding. I looked at it from the viewpoint of whether or not it was understandable.
Besides the fact, I would think it would put most people to sleep within ten or fifteen minutes if you even got through the introduction. I looked at it from the viewpoint of our students, and I felt this was going to give them nothing but headaches and questions.
Q: Okay. And then you said you got out on the Net and read some reviews?
A: Yes.
Q: It seemed like the reviews were consistent with your opinion; did I understand you correctly?
A: Yes.
Q: Tell me what criticisms of the text you took from the reviews.
A: Basically, what I have already said. That it was not a good text in either content or understandability for students of any age. And they were talking more the college level, not the high school level because that was the level for which it was written.

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I don't recall that I read any reviews as to the impact on high school students. It was related to the college level.
Q: And let's speak to the content. Did you find reviews that were criticizing its content as science?
A: Yes.
Q: What do you recall about those reviewers? Just give me a sense.
A: One word I do recall gobbledygook.
Q: Did you have a sense it was religion when you read it?
A: I read it and viewed it, and still view it, as a way to try and bring religious views in the back door.
Q: Okay. Just looking at the text and based on your review at this time, what was it? Just tell me in general what gave you that impression.
A: The authors of the text attempted to take known scientific theories that have been proven and bend them to fit a certain set of values.
Q: Okay. Just give me a sense, what set of values do you see them trying to bend?
A: Values is probably the wrong word. A certain mindset, a certain viewpoint that one cannot question, but there is some sort of supernatural agency beyond all life on earth and the universe. Now nowhere in the text is God mentioned by name. Okay? It doesn't say God got us,

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Mohammed or anything like that. I'm not saying that.
Nowhere does it say in the text that all life started with Adam and Eve in the Garden of Eden. It is not that blatant.
Q: Okay. Let me ask you though: Based on your reading, did you come away with that impression?
A: That was my impression of the author's intent.
Q: As distinct from the contents of the text?
A: It was my impression after reading the text that the author's intent was to bring a certain religious viewpoint into the classroom by the back door.
Q: And that religious viewpoint is? Just give me your sense for it.
A: My feeling, my personal feeling is that the viewpoint the authors were espousing or attempting to espouse was that of one belief system and one belief system only.
Q: What is that belief or what belief system do you see them espousing?
A: I can't read their minds, but I believe it was a Christian belief system.
Q: Was there anything in the text specifically that pointed you in that direction you thought?
A: The overall. Not one specific thing. As I have already stated, there is no mention of God or Creationism or the

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Garden of Eden or Adam and Eve. There is not a literal Biblical interpretation mentioned.
It was the overall tone to me. One specific — no, I couldn't give you one specific thing. The approach seemed to be that the authors wanted to provide a supernatural explanation for everything.
Q: Did you see the book as a Creationist text?
A: Yes, I did. Intelligent Design, Creationism by another term.
Q: Is that how you see it?
A: Still do.
Q: So you get this book sort of here in July, and do you recall anything else that Mike Baksa said to you about the book when he talked to you?
A: Not really.
Q: Did he say anything about the book being made available to Board members?
A: I asked. I asked. I tend to do that.
Q: What did he say, or what did Mike tell you about that?
A: I'm not exactly sure of his wording, but to the effect they had one or more copies. He thought that Sheila Harkins had the one copy. It turned out that she did.
Q: Let's look then at the August meeting. This is plainly a contested meeting. What do you recall about that, Mrs. Brown?

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A: We get — again, we thought we were in good shape.
Q: What do you mean? Go ahead.
A: That everything was okay, was going to be okay. It was not a good situation. The contention was very open. The contention among — contentiousness among Board members was very open. Here again, I may be off a little bit time wise.
Q: Let me ask you: When you said you thought it was going to be okay, you thought that the Miller and Levin text would be approved?
A: We really did.
Q: And then as the meeting unfolded, you get to the curriculum part. Tell me then as best you can recall what happened next? Was there a motion to approve that text?
A: Yes.
Q: Then what happened?
A: It was defeated. It was defeated by a tie because one member was absent. Mrs. Cleaver was not at the meeting.
Q: Do you recall discussion surrounding the text at that time?
A: Yes.
Q: Tell me what you recall. What did Mr. Buckingham say about the vote on the Miller and Levin text?
A: Let's see if I can put it in brief. Essentially what he

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said was that he would give us our textbook if we gave him his. In essence, he held it up for blackmail.
If we didn't approve Of Pandas as an adjunct text, he had the votes to see that we didn't get our biology book.
Q: Okay. Do you recall him stating the reasons for his position at that time?
A: I don't recall the exact language. But there again, he was referring to the death of Christ on the cross 2000 years, and people taking a stand for him.
Q: Tell me how that came up. Did you see that as connected to the biology text?
A: Yes.
Q: Why is that? Did he say something?
A: That's what we were talking about.
Q: What engendered that comment, or what produced that comment; can you recall?
A: We were discussing it. He wanted the School District to buy the texts with taxpayer funds. I know I made a comment. I believe Mr. Wenrich might have. Mr. Bonsell was also concerned about this and expressed concerns. And there was quite a discussion related to that.
Q: Okay. Tell me what you recall Mr. Bonsell saying about the text and Mr. Buckingham's effort to —
A: Mr. Bonsell's approach was from the Intelligent Design

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standpoint. My impression was that he was very much opposed to the way Mr. Buckingham was handling it. Beyond that, you would have to ask Mr. Bonsell.
I can only interpret it from my own viewpoint. I know he was upset about it.
Q: Upset about what Mr. Buckingham was doing?
A: Yes.
Q: How about Sheila Harkins?
A: Mrs. Harkins voted with Mr. Buckingham.
Q: Did she speak to why she was voting that way; did she say?
A: She refused to give a reason. I can say that for certainty because I was one of three Board members who asked her.
Q: How about Noel Wenrich, do you remember him addressing Mr. Buckingham?
A: Yes, I do.
Q: Tell me what —
A: He was also in opposition to what Mr. Buckingham was trying to do. And Mr. Wenrich has publicly stated his support of Creationism, but he did not like the way that Mr. Buckingham was going about things.
Q: How about Intelligent Design? Did Mr. Wenrich speak to that during this August Board meeting?
A: I don't recall any specific comments, not to say he did

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not make any. I know that he stood in vocal opposition to the way Mr. Buckingham was approaching things.
Q: Did he say why? Did he discuss the teachers or their position?
A: I don't recall specifics necessarily. Not one thing — not one single thing stands out in my mind.
Q: Sure. I understand. How about Heather Geesey, do you have a sense for her reaction to Bill Buckingham's —
A: She was in support of it.
Q: Did she say why?
A: Not anything specific that I recall.
Q: And you said Jane Cleaver was absent?
A: Yes.
Q: Was there heated discussion during this meeting?
A: Yes, there was and following the meeting.
Q: Tell me what you can recall about that discussion.
A: The discussion following the meeting or during?
Q: During.
A: As I stated, Mr. Buckingham was very vocal. His stand was that we should be doing this. There should be no question that we should be doing it because it is the right thing to do.
As he had stated in earlier meetings, including the June meeting, there is no separation of church and state. I am quoting him, not myself. That this is a

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myth. And we are a Christian nation founded on Christian values, and anybody who doesn't like it should go home. My quote is not direct, but the gist is there.
Q: Okay. How about Angie Yingling, did she respond to Mr. Buckingham's comments?
A: Angie initially voted with Mr. Buckingham. She told me afterwards that she felt a great deal of pressure to do so.
Yes, our discussion got very hot and contentious. Members of the audience both pro and con spoke at some length. Angie changed her vote stating we need to give our kids their books.
And because she changed her vote and we were able to do a revote, we did approve the Prentice Hall text. And as everyone knows, we actually did get it in time to open the school year.
The teachers — let me be a little more specific. To the best of my recollection, Mrs. Spahr and Mrs. Miller, in particular, spoke at some length about their concerns about getting the text. They weren't speaking necessarily to the issue of Of Pandas and People. It was the concerns for the well being — well being is perhaps the wrong — but being able to meet the needs of the students.
They did object — I cannot give you exact

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wording; I am sorry — as to what was said. The tenor I recall. And I recall very clearly what Mrs. Geesey said in response to the teachers' objection.
Q: Tell me that. What did Mrs. Geesey say?
A: Anyone who disagrees with the Board publicly and is an employe of the District should be fired.
Q: And —
A: She was looking at the teachers when she said it. And I turned to her and I said Heather, you cannot say that. And she did not respond to me. Nor did she respond after the meeting to the reporter who asked her about it.
Q: You told me that Angie said to you afterwards she felt she was under pressure or she felt pressure?
A: Yes, very much so.
Q: What did she say in that regard?
A: All right. Do you want to get into this now, finish the meeting, or which? Because we are going to have to back up.
Q: Back up in —
A: The comments — what happened after the meeting, okay, I did not hear the conversation Mr. Buckingham had with Angie. I shouldn't call it a conversation, rather I should call it confrontation and attack on Mr. Buckingham's part.

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The people who were privy to that were Mr. Brown, my husband, and Mr. Maldonado, the reporter from the York Daily Record.

I am reporting only what I was told as regards that. If you would prefer, you can get it from the horse's mouth from Mr. Brown tomorrow.

Q: Okay. I think I am understanding you better now. Are you saying that Angie Yingling's statement about feeling under pressure was made with your husband and Mr. Maldonado present, not you?

A: No. What I am saying is what caused that was what happened when Mr. Buckingham verbally attacked her after the meeting. I was not privy to that conversation.

My conversation to her was after the meeting was long over, like a day later. I spoke with her by phone, and she was an emotional wreck.

I am sorry. May I get some water?

Q: Most certainly. Now I see where you are coming from. Let's stay with the meeting and just in August. We have got this contentious vote on the text. Angie switches.

I am not so much interested in the comments from the public, but the other Board members. Is there anything else you recall them saying?

A: Mrs. Harkins — Mr. Buckingham's comments to the effect that he would give us our text if we gave him his,

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everything comes out of that. I made the statement to the effect that we needed to have our texts approved by the 31st of July, and we were beyond that now, our primary text.

Mrs. Harkins stated that a supplemental text could be approved at any time of year. And that is the truth. By Code, we are allowed to approve a supplemental text. But you cannot approve a supplemental text unless you have a primary text. And that was my response to her.

Her response to me was you can approve a supplemental any time, and mine was not if you don't have a regular one first, if you don't have a main text.

There was discussion about bringing it in as a supplemental text, a discussion of it being a reference, a discussion on whether it should be in the library or the classroom.

Q: What do you recall? Let's run through those topics because that is kind of what we are discussing here.

Did Mr. Buckingham advocate using Of Pandas as a supplemental text?

A: Yes, and he wanted it in the classroom.

Q: Did other Board members agree with him on that point, that it should be a supplemental text?

A: It was mixed.

Q: Tell me if you can, Alan Bonsell, can you recall whether

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he stated a position on the use Of Pandas as a supplemental text?

A: I can't be certain. I believe Mr. Bonsell — and I apologize. This is to the best of my recollection Mr. Bonsell favored it as a reference text — a reference material.

I think what I recall is it was back and forth. I can't be certain of where everyone stood to be very honest. I know where a few people stood on the material, but not where everyone stood.

I know that I was one of the few who vehemently objected to it in the classroom. My stated position was if you are going to offer this viewpoint, you must offer all the rest. If you are going to offer this hypothesis or theory of the origins of life, then we must offer all of them or we start getting into trouble.

Q: And is that because you saw it as a religious hypothesis?

A: Yes.

Q: Was there any discussion of teaching Creationism at this August Board meeting?

A: Not at this point. By now, we had reached a point where the term Intelligent Design was used, but the content remained Creationism.

Q: And when you say that, Mrs. Brown, is that based on your

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assessment of the content of Of Pandas?

A: Not just my assessment, if you will, of the content of the text itself, but my assessment of what was being put forth in terms of what we should be teaching.

The content did not change. The viewpoints did not change. Only the name for it changed. We no longer heard the term Creationism. We now heard the term Intelligent Design. There again, though, it was never defined as lower case or capitalized.

Q: So do you recall anyone making that connection during the August Board meeting; do you recall any of the Board members making that?

A: Making what connection?

Q: Between Intelligent Design and Creationism.

A: I have the sense based on the content of what was being said.

Q: Okay. Tell me what —

A: The viewpoints were still the same. We bring God back into the schools. We bring prayer back into the schools. We bring the religious viewpoint back into the schools — one religious viewpoint into the schools.

And my sense of that viewpoint was that it was the viewpoint of a portion of the Christian community.

Q: If we look at the Board members though, I mean you have attributed that view to Bill Buckingham, and you had

some concern.
A: Six of our nine Board members at that point in time were members of the Evangelical Christian faith. A variety of churches, I am not saying one church, but that portion of the Christian faith.
Mrs. Harkins as I understand is a member of the Quaker faith. My husband is Lutheran Reformed, United Church of Christ because they merged together there, and I am Episcopalian.
Q: So what are you saying? Are you saying that you saw six of the nine Board members as religiously motivated?
A: I think that we all have very strong beliefs. What I am saying is that the viewpoint of the majority of the Board members was centered in one area of the Christian faith.
We were all members of Christian faiths who were members of the Board. I am just stating — saying — forgive me — that six of the Board members happened to be members of what is termed the Evangelical portion of the Christian religion.
Q: And I do understand you there. What I am trying to understand is you seem to have some sense that there was a religious motive here. Perhaps I am misunderstanding you.
Why do you see that as relevant, their religious

affiliation to our discussion of this August Board meeting?
A: This goes back to what I spoke about earlier. The separation of church and state, whatever your personal beliefs are, it is important in order to be a good member — a satisfactory member, a responsible member, however you want to term it —
Q: Sure.
A: — of a School District such as ours in which you were there to represent — you are there not to represent, but you are supposedly representing all of the viewpoints, all of the belief systems.
Q: I do understand.
A: All of that. You cannot espouse your own belief as the one belief. No one of us has that right.
Q: Let me see if I am understanding you. Do you see the support for adding Intelligent Design, adding an Intelligent Design text as advocating a specific Christian viewpoint?
A: Yes, I do.
Q: And that is why you have this sense that the Board members if they support Of Pandas are supporting that religious value; is that correct?
A: Almost without exception.
Q: Who is the exception?

A: Sheila Harkins.
Q: So you see her as supporting Of Pandas but not because of her Evangelical Christian view?
A: She isn't Evangelical Christian. She is a Quaker — or she was. Forgive me. That is my past knowledge. I do not know her beliefs at this point in time.
I believe she had different reasons. I do not know what they were or are because she has stated in point of fact publicly and repeatedly that she believes in Evolution with a capital "E".
She has stated publicly, been quoted publicly in more than one media source, and she is on film, that she supports Darwin and the descent of man, etcetera.
Why she chose to support this, I don't know. I don't know if she chose to support it because she believed it would offer some other viewpoint or what.
At the same time, Mr. Noel Wenrich —
Q: Right.
A: — who is a very strong Evangelical Christian and supports Creationism, supports Intelligent Design, did not support its inclusion in the curriculum because he believed — and I am only quoting what he has stated to me, to others, to the media — that it violates the separation of church and state. There is a time and a place.

Q: Okay. Let me move on, and perhaps I will get a better sense for your position. The text is approved. As you know, Of Pandas is not voted in in August as a supplemental text. The Miller and Levin text is approved.
Now we move into September. You are on the Board curriculum committee. When is the next time that the issue of Intelligent Design Theory comes to your attention?
A: Okay. We were scheduled to have a curriculum meeting on the 28th of September. It didn't happen. I can't tell you why, but it didn't happen.
In September, we were informed that there had been private donations of 50 to 60 — I am not sure which, in that ballpark — numbers of texts. They were anonymous contributions, which I have no problems with.
We had already put in place by a policy under my aegis as chair of the policy committee, approved it, put it into place to give the Superintendent the discretion to accept donations on his own hook without sitting down and hashing everything else.
So that is what happened. Dr. Nilsen in his office as Superintendent, his position, chose to accept the donations of 50 to 60 copies of Of Pandas. And they were placed in the classroom.

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Q: Do you remember any discussion of Intelligent Design as it relates to the biology curriculum during September?
A: No, I don't.
Q: When do you recall — or do you recall plainly it came to your attention in October. How did it come up?
A: It came to my attention prior to the beginning of October, and I don't know who instigated it. I know there had been discussion, very informal, about making it part of the curriculum.
And the viewpoint — part of the problem was we had an executive session in September. It was prior to the first Board meeting we think. And here I will be honest, my husband and I have hashed this over. Neither of us can remember which meeting it preceded.
We had an executive session dealing with problems with the high school construction. It was the only time we met in the high school conference room. We met with the people involved. I am trying to — because of confidentiality, beyond that, I won't go.
Extraneous to that — and I can't tell you who brought it up — but we got into the issue of the biology texts and teaching Intelligent Design. I was on the left of Mr. Bonsell. My husband Jeff was on the right. We were kind of arrayed around the conference table.

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It was brought up. And I made the point that if we are going to teach one, we have to teach all in order to remain in compliance with the law.
I believe that that was the first time I brought up the Supreme Court decision of 1987. I am not certain. I may have brought it up at a prior meeting, but I believe that was the first time.
And I stated I think we're going to get into trouble. And Mr. Bonsell stated we didn't have to present any other viewpoints. And I would very much appreciate it if you asked my husband this same question —
Q: Okay.
A: — as relates to this meeting in the conference room. It was not part of our stated objective for the executive session, and it was never mentioned as having taken place.
Q: Is there anything else you recall that related to this teaching of Intelligent Design at the executive session in September? Did Bill Buckingham say anything?
A: He was in favor of it, as was Mrs. Cleaver, and Mrs. Geesey. Those three I am aware were vocal in their support for the concept. I cannot give you specifics, and I don't recall comments by anyone else.
Q: Are you saying that you can't recall the specific

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statements that they made during this?
A: That's correct. Not exact statements, only the gist.
Q: What was the gist as you recall it?
A: I just said it. The gist was that we should be teaching this.
Q: Let's get through September and go to October. What was the next development after this meeting? Plainly, it wasn't an agenda item?
A: No. The proposed changes to the curriculum.
Q: Tell me what you recall, how they came up.
A: As I started to state before, I am not sure who instigated them, who was responsible for making the initial suggestion.
I did miss part of a meeting at that point. I was there for part of the meeting. We got into the curriculum. It was a curriculum meeting; I apologize. I was not able to stay.
Mr. Baksa was kind enough to send me a copy of what was then being proposed as possible wording changes for the curriculum. And it included words to the effect that students would be made aware of gaps in Darwin's Theory, and that there are other theories out there.
That's verbatim. It's not exact. I can't quite see it, but that was pretty close. And I was a little concerned and offered, which I am sure you have, two

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alternative wording suggestions for that.
I didn't like — Intelligent Design was in there. I was still very concerned. Both my suggested changes included gaps in Darwin's Theory, but were more general and did not include Intelligent Design.
I was still trying to remain within the framework of the law. I wanted to keep us out of trouble. And I believe my wording was to the effect that there are a variety of explanations for the origins of life, but I didn't use origins of life to my recollection. I am not sure. I may have used evolution. I don't recall.
Q: But did you have an understanding that under the change you proposed Intelligent Design Theory would still be sort of — the students would still be made aware of it?
A: I didn't know at that point in time.
Q: Okay.
A: These were just discussion points as far as I knew. Mr. Baksa called me. He sent me the material. He indicated that there were discussions on making changes to the curriculum guide.
Q: And am I understanding you correctly that you didn't make the meeting at which those proposed changes were discussed?
A: The meeting at which the changes were made. I don't know anything about the discussion.

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Q: Let me ask you: You have referenced a Board curriculum meeting in October relating to these —
A: That was between the first and second meetings in October.
Q: Okay. And that was a Board curriculum committee meeting?
A: That was indeed a Board curriculum committee meeting.
Q: Did you attend that meeting?
A: No, I did not. I had an doctor's appointment, and I was not able to get back in time.
Q: Sure. I understand.
A: It was at that meeting to the best of my understanding that the changes were made. I was also told that there were no teachers involved in that, and there was no citizen advisory curriculum meeting called for the citizen advisory committee to give their input prior to any Board decision. And no teachers were asked either.
Q: Who told you that?
A: Mr. Baksa. It was confirmed later by Mrs. Spahr.
Q: Let me ask you: Then was the first time you saw the proposed curriculum change language that was offered by the curriculum committee at the second Board meeting in October?
A: That is correct.
Q: And tell me what you recall about that meeting. Just

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give me your overview. I have to get a sense for what you saw was in play and what the positions were.
A: The three different versions were offered. I was told by Mrs. Spahr after the meeting that they had only received the information of what the Board was proposing to do that morning, and they managed to get together at some point during the day and offer and make suggestions, four changes, and their own addition to wit, the origins of life will not be taught. They offered that revision.
And, of course, that was simply putting into policy what had been custom. I believe there were 18 separate — very close to that, if not 18 — amendments offered to change the proposed wording. And with the exception of the addition of the words the origins of life will not be taught, every proposed revision was voted down.
Q: And give me your sense what do you think was at play at the meeting there?
A: I don't understand.
Q: Well, I mean there's a whole bunch of votes as you and I both know with people differing. How did you see the purpose of all of the various amendments that were being offered by certain Board members?
A: To circumvent the law of the land.

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Q: How do you see the problem? Just tell me. Is it because you see Intelligent Design as religion?
A: Yes, I do.
Q: Let's look at some of the discussion that was had by Board members about the changes that were being voted upon.
Do you recall Mr. Bonsell making statements about the proposed curriculum change?
A: Specific statements, no. I couldn't quote anything.
Q: Do you recall the gist of his statements?
A: No.
Q: How about Sheila Harkins, do you recall her expressing a view as to the proposed curriculum change?
A: No.
Q: Bill Buckingham?
A: What I recall is his reiteration of past positions.
Q: What do you mean by that, Mrs. Brown?
A: He didn't use exactly the same wording, but to the effect that someone died on the cross 2,000 years ago for us; it was time for us to take a stand for him.
It was simply as I recall a reiteration of what he had said before. My words are not exact.
Q: Let me ask you about Heather Geesey. Do you recall her saying anything on the issue of the proposed curriculum change?

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A: No one comment stands out, but her support was for Mr. Buckingham's position.
Q: Did she say why?
A: Her support was for Mr. Buckingham's position and reasoning. Is that better?
Q: How do you know that? Did she say anything that led you to believe that?
A: Does the expression yes, thank you, God apply every time we lost the revision vote?
Q: You recall her saying that I take it?
A: Every time.
Q: How about Jane Cleaver, do you recall her saying anything?
A: I couldn't hear Jane. She is across the table from me. Ask my husband.
Q: Now earlier you mentioned a discussion you had with Angie Yingling after the August Board meeting. Tell me about that.
A: What she spoke to me about — and this was just a phone conversation we had — was that she felt she was concerned about her own position, how she would be perceived in the county — in the community, my apologies, if she didn't go along with this.
Angie is a strong believer. But at the same time — and here I am injecting my own opinion based on the

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four plus years I have known her. Angie has a very strong belief system and a very strong faith in God, but she is also aware of her responsibilities and obligations when she served as a Board member. And for her first and foremost, it was her responsibility to the students.

At the same time, no one wants to be hated. And those of us who opposed the effort were already, had already been called a variety of names publicly and privately. We had received some not nice phone calls.

I am grateful to say that the vast majority however were very supportive of our position. But I think that Angie could not stand up to the pressure.

Q: So the conversation you were referencing after the August Board meeting, was that the pressure she was referring to?

A: Yes, she was. And the things that Bill had said to her must have been pretty bad.

Q: Those things you are referencing are statements she made to — Bill Buckingham made to Angie after that August Board meeting?

A: Mr. Buckingham made to her, at her. And I was not privy to those statements. Mr. Joe Maldonado, as I said before was, as was my husband. So I only have the smallest understanding of what was actually said, which

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was that it was very hurtful, and he was very accusatory towards Angie.

Q: Okay. So now we are at this October 18th Board meeting?

A: 16th.

Q: Whatever. The second Board meeting in October?

A: I remember the date. I resigned.

Q: And the curriculum vote is up. Did Angie make statements about the proposed curriculum change?

A: Not really, but she did go along with it.

Q: Did she ever talk to you about going along?

A: Yes, she did.

Q: What did she tell you?

A: She was afraid that her business and personal life would be affected if she didn't go along with what the majority of the Board wanted.

Q: She mentioned her business. What was that? Does she have a business in the community?

A: She does a variety of things. She inherited her late husband's business, which is Yingling's Garage. I don't think she runs it anymore. Please excuse me. She had some legal issues. There were some problems with that, some things that she had been called to account for.

But she is involved with some other things. I know there is real estate and so forth.

Q: Was it your understanding of her comment that she meant

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her business income and so on might suffer?

A: Yes.

Q: How about her personal life, was she any more specific about that?

A: Just that some people — she wasn't specific as to the names of individuals, but she did state that she had been called some fairly nasty names, and that she was being snubbed by people.

Q: Did she attribute any comments to other Board members?

A: Yes.

Q: I know that you have mentioned Bill Buckingham. Anyone else?

A: Not that I am personally aware of.

Q: I know there was this period here in October where this contemplated curriculum change is in front of the Board curriculum committee and then going up in front of committee.

Do you recall any of the Board members calling you at home during that period?

A: No, not who were members of the curriculum.

Q: How about just the Board generally? Do you recall Mr. Bonsell calling you and asking?

A: Mr. Bonsell did call me, and he wanted to talk with my husband, too. I passed the information along to my husband. At that point, I did not know what my own

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actions were going to be, and I didn't go beyond that point with Mr. Bonsell.

Q: Just let me make sure I understand you. You are saying at this point in October, you didn't know what action you would take on the curriculum item?

A: Yes.

Q: You said you didn't go further with Mr. Bonsell. You didn't discuss the matter?

A: Correct.

Q: How about your husband, do you know whether he discussed the matter with Mr. Bonsell?

A: No, I don't. At this point, my husband and I were not — we were not discussing some things.

Q: With other —

A: With each other.

Q: And am I correct in understanding that you were not discussing certain Board matters with each other?

A: Yes.

Q: And the biology curriculum change that was up?

A: Yes.

Q: You weren't discussing that?

A: No.

Q: Was there a particular reason? Did you have a difference of opinion?

A: Not at all.

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Q: Was there a particular reason you just decided not to discuss it?
A: Because I wouldn't discuss it.
Q: I think you said you resigned at the end of this second meeting?
A: Yes, I did. So did my husband.
Q: Let me ask you about that. Did you go into that meeting on the Board curriculum with the sense that if the curriculum change was approved, you would probably resign?
A: No.
Q: You didn't?
A: No. I went into that meeting knowing I was going to resign. I had made up my mind. Monday, the 18th of October, I mailed my formal resignation to the York County School of Technology and the York County School of Technology Authority. I mailed those noontime actually to be precise.
It was the same resignation I presented that night to the Dover Board, the one you have in your hand.
Q: Let me just ask you to look at that.
A: Do you want me to read it into the record?
Q: No, it will be part of the record.
(Carol Brown Deposition Exhibits 2, 3 and 4 were marked.)

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BY MR. GILLEN:
Q: Mrs. Brown, I just will get this over with quickly I hope. I have asked the reporter Vicki to mark this Carol Brown 2. I believe that is a copy of your resignation speech?
A: Yes, it is.
Q: Is it a true and accurate copy of your resignation speech?
A: It most certainly is.
Q: While we are at it, something has been marked Carol Brown 3. I believe that is a copy of the document —
A: Yes, it is.
Q: — you provided that is comments you made when the Pledge issue was up?
A: That's correct. And the date is at the top. And it is a correct and true copy if on the final page, there is a correction.
Q: Yes. Are those comments you made at a public Board meeting?
A: Yes, they are.
Q: Number 4, you brought it, I have marked. It is a copy of the Treaty of Tripoli?
A: Yes, it is.
Q: Good enough.
A: Signed by President John Adams.

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Q: Let's look at Carol Brown 2, and let me ask you a few questions.
You indicated that you knew you were going to resign when you came to this Board meeting?
A: Yes.
Q: And I think I know why. I just want you to explain to me what had brought you to the point of resignation.
A: I will go back two days prior to that. Saturday, the 16th of October was my husband's and my 20th wedding anniversary. We had planned to go out that night, and neither of us felt so inclined. It was a rare night when we had the house to ourselves.
And I had been avoiding discussing the situation for awhile because I was very conflicted. One doesn't give close to ten years of one's life on an average of 30 hours a week to something if one does not care a great deal about it.
And I particularly cared about my kids and their well being, and I felt that we were heading into a situation — I felt it so strongly — that we were heading into a situation in which there would be no winners, except maybe the lawyers. No offense. No offense.
MR. SCHMIDT: None taken.
A: And because I didn't even know where to start to talk

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about it, for the first time in our relationship, I wouldn't open to my husband about it. And that night, we talked.
And it turned out that just as I had been contemplating resigning, so had my husband. And neither of us wanted to influence the other. And we talked all night basically. We talked about why we were on the School Board, what we felt we had accomplished, what we still wanted to accomplish, what we saw had been happening within the School District itself, the great things our kids have been doing.
And the incredible, I mean my gosh, our teachers have just been phenomenal. They work for the lowest pay, and they give us everything. And our administrators go so far beyond the call of duty, it is not funny.
We talked about all this and realized that neither of us was able to properly represent the people we cared about the most because our fellow Board members, with one, possibly two exceptions, didn't even want to hear what we had to say anymore.
And I say this without pride or egotism, but I was the most senior Board member, not just in terms of length of service, but in terms of experience, expertise across the Board. I had been the policy chairperson for

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almost ten years. I had studied every aspect, or as much as a layman can, of school law. I kept myself apprised of every court case that related to things in which we were involved, and I gave the same attention and involvement to the York County School of Technology. I participated in negotiations at all levels at both School Districts.

My husband was directly and very seriously involved with all aspects of the building project. He was then chairperson of Buildings and Grounds and also the chair of the Buildings and Grounds Task Force which was a task force instituted every three to four years to just do a basic review of all of our buildings and our needs.

He was head of Transportation, had just concluded a very successful transportation contract that was extremely favorable to the School District for — it was for a five-year period.

But no one believed that we had anything to offer anymore in terms of what we were saying because we were saying what the majority of the Board did not want to hear from my viewpoint, my belief.

They repudiated anything we had to say or anything we offered to do. And this was I think felt by both of us.

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But I didn't make my final decision — even though I wrote out my resignation speech on Sunday night, as did my husband — his was a little more informal. I have got to have it in black and white and big enough so I can read it — until noontime Monday when I took the letters to the Post Office.

Q: Okay. Let me see. To understand you, you say you were saying something to the Board they didn't want to hear. It seems from the thrust of your comments, it is something that related to this issue, what we have been discussing here?

A: And related in greater measure to the limits of what a School Director or School Board member is allowed to do by code, custom, law.

Q: Tell me if you can what — as you see it now, you are on the point of resigning. What is it you said don't do this, this curriculum change is imprudent, is that the thrust of the comments that you are referencing in your testimony?

A: More than that. That was simply the tip of the iceberg. The proposed curriculum change was a manifestation of personal desire on the part of the majority of the Board I believe.

Q: Personal desire in what way?

A: Personal desire to institute — no. To take the School District on to a path that was very different from the path we had been on.

Q: Just give me your sense for what path you thought the Board was interested in.

A: Everything I say is based on my personal opinion, belief. I feel the need to repeat that. I am not God, Goddess or even a demi God. But I saw the Board wanting to go far beyond what we are mandated to do by Code or custom.

Q: Tell me in what ways specifically.

A: Okay. You can make the arguments through the years. In 1987, the Supreme Court brought it to a head with their ruling against Louisiana — and I have forgotten now if it is a state or a Commonwealth. Put in whatever is appropriate.

Essentially what the Louisiana people were attempting to do was to head off modern science and take us back into the 19th Century. One can make the argument that the state of Kansas in 1999 attempted essentially the same thing, specifically the State Board of Education of the state of Kansas attempting to get rid of Evolution.

Q: Okay.

A: And in both cases, in the first case with Louisiana, the Supreme Court said no, no, no, you may not do that.

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There is a separation of church and state, 1987.

In 1999, the state legislature and the voters — the good voters of the state of Kansas — told the state Board of Education the same thing, no, no, no, you may not do that.

And what I saw our Board doing is attempting to take that same path again. Whether or not it was called Creationism or Intelligent Design, I saw and still see the Board attempting to break that separation between church and state, to break the law, to go beyond our mandates.

Q: Okay. And now I see plainly that this curriculum issue, Intelligent Design, that's the basis for your stated concern.

Apart from that, was there anything else that you saw?

A: That was one of the biggest things. One of the last things I did before I resigned, because it was part of my resignation, and the first thing I did at the meeting after I resigned was to beg the Board once again to rethink their position; to take this out of curriculum; to take it out of biology and instead offer a separate class in comparative world religions.

And I had been suggesting that for many months since very early in the year when it first came up

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because I believed then and I believe now this issue is a matter of faith. It is a matter we cannot touch, taste, feel, smell, see, hear. It is a matter of faith.

And if we are going to talk about faith and matters of faith, then open our students' minds to the faiths of the whole world, not just one. Open our students to the viewpoint of the Buddhists that the universe always has been. Open them up to the Native American, whatever. I am going beyond. What else?

Q: That's fine. I understand your position here. Again, that relates to the curriculum issue and so on. I am trying to get a sense if there is any other issue you saw that gave you concern.

Let's put it this way: You said you felt — you and your husband after speaking felt that the Board wasn't interested in listening to what you had to say?

A: What I felt was that the Board was not interested — and unfortunately, I am sorry to say I feel it even more strongly today — they were not interested in viewpoints, opinions or any information, factual or otherwise that does not agree with what they believe or want to see done or want to do.

Q: So sort of —

A: They are not responsive to the community. They don't want to hear what the community has to say unless it is

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that portion of the community that absolutely agrees with their viewpoints.

Q: It seems like in this way, we have almost come full circle in that you have a sense of lack of accountability which sort of brought you on the Board in the first place?

A: That is not what brought me on the Board in the first place.

Q: Okay.

A: I ran as a parent of a special needs child because I saw a lot of problems and comments. Special needs children in that time were still kind of being shunted to one side.

What the law mandated, they got in services. But if you didn't know what to ask about, you didn't get anything. That is why I ran for the Board.

It wasn't until my third term that fiscal accountability came up. To cut to the chase, I was in the minority when I came on the Board. I was in the majority, if you will, at the beginning of my third term for approximately two years.

When I say in the majority, simpatico. All of the Board members for the one and only time were on the same wavelength. We were focused on certain things. We got a lot done.

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Now in that time period, the first thing I did when I was elected President was to take the show on the road to make us responsible to the community in which we served. Every meeting was at a different school. I made it policy as Board President because we needed to have that accountability.

You called them Board retreats. What we had were a series of meetings with various building administrators and staff members so that they could express their concerns, their needs. That is part of accountability.

We listened to the students. We heard what the community had to say. Okay. That was not present when I was first on the Board.

However, in that same time period, whether or not my fellow Board members agreed with me, there was always a respectful hearing. I don't mean listening. I mean hearing, and listening, and a response.

That changed. And when Mr. Bonsell became President, we didn't take our show on the road anymore. We stopped listening. We stopped hearing what our people had to say. And I say we, because I was a member of the Board. I was as guilty as anyone else. And then we stopped listening to each other.

Q: And I think that is what you said led you to this point

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of resignation?

A: That's right.

Q: The sense, they didn't want —

A: And I could no longer properly represent the people. I couldn't be an advocate for either my fellow members of the community or for my kids.

Q: You felt you couldn't be effective as a Board member?

A: That's correct. Also, I felt it was important I have some credibility because I have served long and I believe honorably to the end. People do listen, and the media listens.

I felt that the only way the community would be made aware of exactly what was happening was by stepping down.

Q: So you were indicating your disapproval of the Board's —

A: More than that. All I was trying to do was wake people up. If you don't know what is going on, how do you change it, or how do you prevent it from happening?

If you are aware of what is going on and choose to do nothing, then it is on your head. The old Scottish verdict not proven or the old expression silence implies consent.

If you know about it and you don't do anything, then you deserve what you get.

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Q: Okay.
A: But you have to know about it first. And even though there had been some attention, there wasn't enough. And we had to make sure the people understood. I felt I had to. I owed them that.
Q: If we look at this exhibit, Carol Brown 2, that is your resignation speech. Do you see that as kind of your effort to wake people up?
A: It was my last attempt to wake the Board up.
Q: I glanced —
A: It was also to say thank you to our teachers and administrators.
Q: I noticed that.
A: And our students.
Q: I did notice that. Let me just ask you, Mrs. Brown, there's one, two — on the third page there, three paragraphs down —
A: However, it has become increasingly evident; is that the one?
Q: No. The third paragraph down.
A: A measure of that?
Q: Yes.
A: I have already indicated who did it and when it happened.
Q: That is what I was going to ask you.

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A: Mrs. Cleaver and Mr. Buckingham, and I know that it is in this.
Q: And the thing when I read it, there is this sense of a person's beliefs be used as a yardstick to measure the value of that service?
A: Absolutely.
Q: Why did you have that sense, that your beliefs were being — or did you have a sense that —
A: I had said —
Q: I am sorry, Mrs. Brown. Vicki is saving me from a very imprecise question. You have served a long time, and you have achieved a lot. What struck me when I read this over the lunch is I think you had told me about these comments, but this last sentence is quite stark.
A: It was meant to be.
Q: Is there anything else that was said to you that contributed to this statement here that a person's beliefs be used as a yardstick to measure the value of that service?
A: Yes.
Q: Tell me what.
A: I have stated — and I believe it is part of the record — I am an Episcopalian. I will not give you the name of the individual, I am sorry, because of that individual's family, not because of the individual who said it.
I was told that the Episcopal Church is in the same league as that of the Roman Catholic Church, and that anyone who follows those practices is doomed to hell.
Q: Do I take your meaning that a Board member made this statement to you?
A: Yes, you do. I am sorry. You can find me in contempt or anything else, but I will not tell you who said it.
Q: Hopefully, there is another way to address this. Let's go off the record.
(An off-the-record discussion was had.)

BY MR. GILLEN:

Q: Mrs. Brown, you have indicated you don't want to give me the name of the Board member who made the statement to you. Let me ask you: Is this person still on the Board?
A: Yes, that person still is.
Q: Was the person on the Board beginning in January of 2004?
A: Yes, that person was.
Q: Tell me a little bit where the conversation took place and how it came up, taking care for present purposes to avoid giving me the person's name?
A: And sex.
Q: Fine.

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A: The conversation took place in January of 2005.
Q: Can you tell me —
A: The night of a Board meeting.
Q: I take it it was a conversation that took place after the Board meeting?
A: It took place outside of the Board meeting.
Q: And can you just tell me how that — how this topic arose?
A: There was an accidental meeting with the individual during a recess.
Q: All right. And during that accidental meeting, were you — what were you discussing?
A: We weren't.
Q: You weren't?
A: We weren't discussing anything.
Q: Okay. Some communication was had apparently?
A: Yes. I did not instigate the communication.
Q: It was at a recess of the January, 2005 Board meeting. Was it a recess during the Board meeting?
A: Yes, it was.
Q: When the Board recesses, does it step out of the room where the public Board meeting is?
A: It depends on the individual's preference. If the presiding officer calls a recess, it is strictly up to the individual Board member whether he or she chooses to

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take advantage, go outside for a cigarette, go to the bathroom, or stay put and read notes.

Q: Where did this particular conversation take place?

A: It took place in the hall of the North Salem Elementary School outside of the cafeterium where most of our meetings are held.

Q: What sort of exchange produced this observation?

A: The exchange was on the other individual's part. I wouldn't call it an exchange. The individual indicated that my husband and I were responsible for causing destruction within the Board and the District, and it went on from there. At which point, I walked away.

Q: And causing destruction, was he referencing to this dispute and conflict over the curriculum change?

A: He or she, I believe was.

Q: Thank you. And just give me a sense for how your church membership came up.

A: I did not bring it up. I have no understanding of why the individual chose to bring that particular standpoint up or belief. I have never made any secret of my church membership. None of us really has.

Q: Sure. Apart from this comment which you have mentioned in January of 2005, were there any other comments?

A: By this individual?

Q: Well, from Board members directed to your religious

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beliefs.

A: Yes.

Q: You have mentioned two, one by Mr. Buckingham, and one by Mrs. Cleaver. Besides those, any additional ones?

A: Just the meeting in the hallway.

Q: Are you running for School Board?

A: No, I am not.

Q: Is your husband running?

A: Yes, he is. Tomorrow is Election Day, and he will be here talking with you.

Q: I saw the signs coming in. Is he running with Angie Yingling?

A: No. She has chosen —he has nothing to do with the signs.

Q: You mentioned that there were two votes that you had —

A: The other vote occurred, it would have been in the first year of my second term. And the Honeywell people, Honeywell Energy Systems, etcetera, came and made a proposal to retrofit schools within the District to make not just our lights, but our energy systems more energy efficient.

And even though my husband is an electrician, I don't know that much. I was a little concerned because it seemed a bit pricey, but they promised us we would realize "x" amount of money in energy savings. I voted

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for it. I came to deeply regret that vote because we didn't realize the energy savings. Okay? I still feel very guilty because I think it cost the School District about a million dollars overall.

So yes, that is my other vote that I deeply regret.

Q: You mentioned too that you recall at some point Alan Bonsell's mom making a comment at the public —

A: She made a speech.

Q: Tell me just if you can quickly what the tenor of her comments was.

A: The tenor of her comments to wit was we should be — she was willing to support the District in spending any amount of money to see this all through and bring faith back into the School District, into the schools. She didn't say School District. She said back into the schools. And she used the term God.

Q: Anything else you recall from her statement?

A: I belief that was the gist.

Q: You resigned at this meeting. Have you spoken with any of the other Board members who have resigned? Let me ask: Have you talked to Angie Yingling about these events since this lawsuit was filed?

A: We didn't really talk about it until — I am just trying — I want my timeline to be fairly accurate. I

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believe we spoke in November. When precisely in November, I will be honest I can't really tell you.

Angie is a dear friend. My friendship with her predated her being elected to the Board. And even though we didn't vote the same, it didn't affect our friendship. Unfortunately, that was not the case with most of the Board.

Q: Did you discuss this, the curriculum change and the controversy?

A: We actually didn't discuss it before because I wasn't discussing it at the end. We discussed it afterwards. I told her prior to the filing of the suit that I was regretfully convinced that before the new year, we would be in a lawsuit.

Q: Have you discussed the curriculum change with Noel Wenrich since you resigned?

A: Yes.

Q: When did you discuss it with him?

A: We discussed it many times. Noel and his wife Nancy are long time friends. In fact, I have taken care of their daughter since she was born. She was a premie, and I do have that strange medical background.

We have shared some of the same media interviews, if you will, not necessarily together. But did you get a call from so and so, like that. And many of the same

media people have contacted Mr. Wenrich as have contacted us.

Q: Did he give you his position on these events, the curriculum?

A: Yes.

Q: What did he tell you?

A: He was very upset about what happened. I didn't hear all of the contretemps that occurred between Mr. Wenrich and Mr. Buckingham. I heard about it from the teachers who witnessed it, from Mr. Wenrich himself, and from my husband who overheard part of it.

Mr. Wenrich's beliefs coincide with the majority of the Board, but Mr. Wenrich, like myself, believes in following the law, following procedure and living up to one's sworn oath and responsibilities to one's office. He felt as we did, that this was not the proper way to go.

And we have agreed to disagree on a number of things. It doesn't affect our friendship. He voted with Mr. Brown and myself against this. And it was Mr. Wenrich, who has an extraordinary background in Parliamentary procedure — he knows more about procedure than I can't imagine any ten people do — who made the proposals, tried to offer amendments, to amendments, to amendments. And he does it so beautifully.

Q: It is an impressive record at that meeting. When you say his beliefs are those of the majority of the Board, what are you referring to exactly?

A: Mr. Wenrich, like the majority of the Board, is a member of one of the Evangelical Christian churches.

Q: How do you see their beliefs?

A: I beg your pardon?

Q: I mean you are saying that his beliefs are the beliefs of the majority of the Board, and you are saying that he is a member of the Evangelical Christian Church.

I am trying to get a sense in what way you see the beliefs of the Evangelical Church; what are you getting at there?

A: To my understanding, my personal knowledge and experience, a member of Evangelical Church — and a couple of examples of the churches that fall within that position or range would be the Assembly of God Church, the Church of the Nazarene —

Q: I am sorry. My question was imprecise. What beliefs as they touch on the biology curriculum, what are you getting at there?

A: And I cited the examples to explain why. These are churches that believe in a literal acceptance, belief in the King James version of the Bible; that every word of the King James version of the Bible is written in stone,

that is God given. You must accept and believe exactly, a literal interpretation.

Q: All right.

A: And I am not standing in judgment. I want that clear because I don't have the right.

MR. GILLEN: I have no further questions.

MR. SCHMIDT: No questions.

A: Thank you.

(The deposition was concluded at 5:47 p.m.)

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CUMBERLAND :

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

CAROL H. BROWN

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

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

Dated at Camp Hill, Pennsylvania, this 1st day of June, 2005.

Vicki L. Fox
Reporter - Notary Public

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