

1 APPEARANCES:

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4 -and-
5 ACLU OF PENNSYLVANIA
6 By: WITOLD WALCZAK, ESQ.

7 For - Plaintiffs

8 THOMAS MORE LAW CENTER
9 By: PATRICK T. GILLEN, ESQ.

10 For - Defendants

11 ALSO PRESENT: David Depew
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I N D E X
WITNESS

Examination

WILLIAM BUCKINGHAM

By Mr. Harvey

4, 138

By Mr. Gillen

137, 139

EXHIBITS

Plaintiff's Deposition
Exhibit Number

Page
Marked

6. Verbatim Discussion at the 10/18/04
Board Meeting Under Curriculum

127

1 A. Once or twice as a police officer.

2 Q. How long ago?

3 A. Going back 25 years.

4 Q. Let me briefly review the rules of a deposition.

5 I'm going to ask you a series of questions, and
6 you are required to answer my questions to the
7 best of your knowledge and ability subject to
8 the oath that you have taken. Do you understand
9 that?

10 A. Yes, I do.

11 Q. If you do not understand one of my questions,
12 will you please let me know and I'll rephrase
13 the question?

14 A. Absolutely.

15 Q. And if you don't hear one of my questions,
16 likewise ask me to speak up, and I will do so.
17 Understood?

18 A. Yes, I understand.

19 Q. It's necessary that you give audible responses.
20 The court reporter who is sitting to your left
21 cannot record gestures, nods, grunts, the kind
22 of things we use in ordinary conversation.

23 It is also necessary that you let me finish
24 my question before you answer it, and I likewise
25 will endeavor to let you finish answering my

1 question before I ask the next one because she
2 can't write down when we're speaking both at the
3 same time. Do you understand?

4 A. Yes, I do.

5 Q. Have you done anything to prepare yourself to be
6 deposed today?

7 A. Done anything today?

8 Q. Done anything at all to prepare yourself to be
9 deposed, whether today or any other time.

10 A. Met with the attorneys last night.

11 Q. Did you do anything else other than meet with
12 the attorneys to prepare yourself to be deposed?

13 A. No.

14 Q. How long did you meet with the attorneys?

15 A. Maybe an hour and a half, two hours. I'm not
16 sure.

17 Q. Who was present?

18 A. Mr. Thompson, this gentleman here.

19 MR. GILLEN: Pat Gillen.

20 A. Pat Gillen, I'm sorry, myself, Dr. Nilsen,
21 Mr. Baksa.

22 BY MR. HARVEY:

23 Q. Did you review any documents in the course of
24 that preparing?

25 A. We reviewed the lawsuit.

1 Q. You reviewed the complaint?

2 A. Yes.

3 Q. Did you review any other documents?

4 A. We reviewed was it the response?

5 MR. GILLEN: Answer.

6 A. Answer to questions.

7 BY MR. HARVEY:

8 Q. Did you review any other documents?

9 A. No.

10 Q. Now, do you have any documents in your
11 possession -- by possession I don't mean just
12 necessarily with you today but at your home or
13 office or other place that belongs to you --
14 documents in your possession that relate to the
15 subject matters of this lawsuit such as the
16 board's resolution, intelligent design?

17 A. No, I don't.

18 Q. Do you use a personal computer?

19 A. My wife has one.

20 Q. Do you use it?

21 A. I play games with it.

22 Q. Do you use it to send e-mails?

23 A. On occasion.

24 Q. Did you ever use it to send e-mails that related
25 to the subject matter of this lawsuit such as

1 the board's resolution of October 18,
2 intelligent design, creationism, or any other
3 related topics?

4 A. It sounds reasonable that I might have, but I
5 can't tell you. I don't know.

6 Q. Do you ever use that computer to access
7 websites?

8 A. Yes.

9 Q. Did you ever use it to access websites that have
10 information, material that would be relevant to
11 this subject matter of this lawsuit such as
12 intelligent design or creationism, evolution?

13 A. I have used the computer to contact the Thomas
14 More Law Center on occasion, and I received
15 e-mails from Seth Cooper from The Discovery
16 Institute. On occasion I replied to those.

17 Q. Do you have copies of those?

18 A. No, I don't.

19 Q. Are they saved on the computer?

20 A. No, they're not.

21 Q. Were they erased?

22 A. I didn't save them. I'm not a computer expert.
23 All I know is I didn't save them.

24 MR. HARVEY: Counsel, I'm going to ask that
25 those be retained for use in this litigation in

1 that if they're still available on the computer,
2 and I suspect that they are, that they be made
3 available.

4 MR. GILLEN: To the extent we can recover
5 and identify them, I'll be glad to make them
6 available to the extent they don't reflect
7 attorney-client communication.

8 BY MR. HARVEY:

9 Q. Are you presently employed, Mr. Buckingham?

10 A. I'm retired.

11 Q. How long have you been retired?

12 A. Since '89. I was injured at work. I've had six
13 back surgeries.

14 Q. What did you do before you were retired in 1989?

15 A. At that time I was a supervisor to York County
16 Prison.

17 Q. Have you worked at all since 1989?

18 A. No.

19 Q. What's the highest level of education, formal
20 education, that you've had?

21 A. I graduated from high school.

22 Q. Do you have any formal education in science
23 other than the standard science classes in high
24 school?

25 A. No.

1 Q. Do you have any formal education in education?

2 A. No.

3 Q. Do you attend church?

4 A. Yes.

5 MR. GILLEN: Objection, relevance.

6 BY MR. HARVEY:

7 Q. You may answer the question.

8 A. I didn't hear what you said. You had your hand

9 up to your mouth.

10 Q. Do you attend a church?

11 A. Am I to answer that?

12 MR. GILLEN: Yes.

13 A. Yes.

14 BY MR. HARVEY:

15 Q. What church do you attend?

16 A. Harmony Grove Community Church.

17 Q. Do you have a family?

18 A. Yes.

19 Q. Can you tell me who is in your immediate family?

20 A. My wife. You mean lives in my house?

21 Q. Well, do you have children as well?

22 A. I have three children.

23 Q. What are their ages?

24 A. I have a girl 39, twin boys 40.

25 Q. Did any of them attend the Dover School

- 1 District?
- 2 A. They all did.
- 3 Q. Were you on the board at the time?
- 4 A. No.
- 5 Q. What's your wife's name?
- 6 A. Charlotte.
- 7 Q. How long have you been on the school board?
- 8 A. Approximately two years.
- 9 Q. Had you ever been on the school board before
- 10 that?
- 11 A. No.
- 12 Q. Why did you run for the school board?
- 13 A. I ran for the school board because there were
- 14 vacancies, and I feel that it's every citizen's
- 15 duty to help out in government to the extent
- 16 that they can.
- 17 Q. Have you held any positions on the school board
- 18 such as heads of committees?
- 19 A. I was chair of the curriculum committee.
- 20 Q. Have you ever had any other positions other than
- 21 that on the school board?
- 22 A. I was head of the-- I can't think how it's
- 23 worded. I'm chair of a committee that --
- 24 student affairs.
- 25 Q. You're wearing a very prominent pin on your

1 lapel that's the cross, the crucifix, with the
2 American flag in the background, correct?

3 A. Yes.

4 Q. I take it that that reflects your beliefs.

5 (Interruption)

6 BY MR. HARVEY:

7 Q. The pin that you're wearing, the cross, the
8 crucifix, with the flag on it, that is a
9 representation of your personal beliefs?

10 MR. GILLEN: Objection, relevance.

11 MR. HARVEY: I think his personal beliefs
12 are very relevant to this litigation.

13 MR. GILLEN: You think that. I'm objecting
14 on the grounds of relevance.

15 BY MR. HARVEY:

16 Q. Please answer the question.

17 A. Answer?

18 MR. GILLEN: Yes.

19 A. What beliefs?

20 BY MR. HARVEY:

21 Q. The ones that are reflected-- Does the crucifix
22 with the flag on it that you're wearing reflect
23 your personal beliefs?

24 A. In what?

25 Q. In anything.

- 1 A. I believe a lot of things. I believe we have
2 the greatest country in the world.
- 3 Q. I'm wondering if you can tell me what beliefs of
4 yours that reflects.
- 5 A. To me this means God bless America.
- 6 Q. Good. Fair enough. Are you familiar with the
7 scientific theory of evolution?
- 8 A. Yes, I am.
- 9 Q. Can you tell me what it is in general terms?
- 10 A. I'm not an expert in it, but I know it has to do
11 with evolution within a species.
- 12 Q. Is it your understanding that it teaches that
13 life forms evolved from a common ancestor?
- 14 A. I've heard that.
- 15 Q. Is the theory of evolution offensive to your
16 personal religious beliefs?
- 17 A. No.
- 18 MR. GILLEN: Objection, relevance.
- 19 A. I'm sorry.
- 20 MR. GILLEN: Go ahead, you can answer.
- 21 BY MR. HARVEY:
- 22 Q. It does not offend your personal religious
23 beliefs?
- 24 A. No, it doesn't.
- 25 Q. Do you believe in a literal reading of the book

1 of Genesis?

2 MR. GILLEN: Objection, relevance.

3 BY MR. HARVEY:

4 Q. Please answer the question.

5 A. I don't know-- What was it?

6 Q. Do you believe in a literal reading of the book
7 of Genesis as it relates to the story of
8 creation?

9 A. My faith?

10 Q. I'm asking whether you believe in a literal
11 reading of the book of Genesis in so far as it
12 relates to the creation story.

13 A. That's one of the foundations of my faith.

14 Q. I'm just trying to understand here that you do
15 believe in that literal reading.

16 A. That's one of the foundations of my faith.

17 Q. Do you have a belief about how long God took to
18 create the Heaven and the earth and the--

19 MR. GILLEN: Objection, relevance.

20 BY MR. HARVEY:

21 Q. Do you have a belief about how long it took God
22 to create the Heaven and the earth and the
23 living species including man?

24 A. Yes.

25 Q. What is that belief?

1 A. My faith is based on the book of Genesis. It
2 says in there six days.

3 Q. Is it your belief that those are six 24-hour
4 days or six -- or something else?

5 A. I have no opinion on that because it's in
6 dispute.

7 Q. Do you believe that teaching of the scientific
8 theory of evolution that life forms including
9 man descended from a common ancestor?

10 MR. GILLEN: Objection, ambiguous.

11 A. Something for me, I have somewhat of a hearing
12 loss, and when you talk like this, I don't get
13 your question. I don't mean anything by it, but
14 I just don't.

15 MR. HARVEY: I'm sorry, can you please read
16 back my question.

17 (The court reporter read back the previous
18 question.)

19 A. I don't really have an opinion on that because
20 I'm not a scientist. I know it's a theory.

21 BY MR. HARVEY:

22 Q. But in any event, you don't view that as
23 inconsistent with your own personal religious
24 beliefs?

25 A. Do I believe it's inconsistent?

1 Q. Yes.

2 A. Yeah.

3 Q. I'm going to rephrase that just because I think
4 maybe it was unclear before. It's your view
5 that the scientific theory of evolution in so
6 far as it teaches that the life forms including
7 man evolved from a common ancestor is
8 inconsistent with your personal religious view
9 about how God created life?

10 MR. GILLEN: Objection to the
11 characterization of his testimony. I don't
12 believe that's what he testified to.

13 MR. HARVEY: But he can tell me if that's
14 correct or not.

15 A. I don't understand the question.

16 BY MR. HARVEY:

17 Q. Sure. I just want to be clear here. Am I
18 correct in understanding that the theory of
19 evolution in so far as it teaches that man
20 evolved and life forms evolved from a common
21 ancestor is inconsistent with your personal
22 religious views?

23 MR. GILLEN: Objection, relevance.

24 A. The first part-- I'm missing part of the
25 question. Are you saying that evolved from a

1 common ancestor?

2 BY MR. HARVEY:

3 Q. I'll be happy to rephrase the question. I want
4 to make sure we completely understand. It's my
5 understanding, and I'm not a scientist either,
6 that among other things that the theory of
7 evolution teaches that the life forms including
8 man evolved from a common ancestor. And I am
9 asking you whether that view, that theory that
10 the evolution of -- that the theory of evolution
11 teaches is inconsistent with your personal
12 religious beliefs?

13 MR. GILLEN: Objection, relevance.

14 A. The way you stated the question that is not
15 inconsistent with my personal beliefs.

16 BY MR. HARVEY:

17 Q. Why not?

18 A. Common ancestor, what is a common ancestor?

19 Q. What do you understand that to mean?

20 MR. GILLEN: Objection, foundation.

21 A. It can be what scientists consider two tiny
22 amoeba way back zillions of years ago if you
23 want it to be. It can be-- For some people it
24 can be Buddha. For somebody else it can be
25 Allah. For a Christian it can be a Christian

1 god, whatever.

2 BY MR. HARVEY:

3 Q. I think you need to spell a couple of those
4 things. You said boo?

5 A. Buddha.

6 Q. And the other one was Allah?

7 A. Allah.

8 Q. I'm sorry, I had a hard time hearing you that
9 time.

10 A. I'm sorry.

11 Q. But let's just take it for a second that the
12 common ancestor let's say is some single-celled
13 organism many millions of years ago and that if
14 that's what the theory of evolution teaches that
15 that's the common ancestor, does that violate or
16 is that inconsistent with your personal
17 religious beliefs?

18 MR. GILLEN: Objection, relevance. Steve,
19 I'm not going to let you keep asking him about
20 his religious beliefs. It's not relevant, and
21 it's harassing him. If you persist in this line
22 of questioning, then I'll instruct him not to
23 answer.

24 MR. HARVEY: Patrick, I am-- I do believe
25 it's relevant. I do not in any way mean it to

1 be harassing. I'm just trying to understand
2 what his beliefs are, and I think it is directly
3 relevant to this litigation.

4 MR. GILLEN: We'll find out from the judge
5 if necessary.

6 MR. HARVEY: That's fine. But I'm just
7 trying to understand here, and the testimony is
8 a little unclear here, and we've just started
9 this deposition. And I want to be very
10 respectful of this gentleman's religious views,
11 but I think they are, as we say, in play in this
12 litigation to a certain degree. I'm going to
13 ask you about them.

14 MR. GILLEN: No. You've asked him many
15 times, and I'm not going to permit this line of
16 questioning to go on indefinitely, and I don't
17 think it's relevant. Go ahead.

18 MR. HARVEY: If you would like to instruct
19 the witness not to answer on relevance grounds,
20 you will be at your peril in this district.

21 MR. GILLEN: That's right. That's fine.

22 BY MR. HARVEY:

23 Q. Now, do you remember my question?

24 A. No.

25 MR. HARVEY: Can you read that back,

1 please.

2 (The court reporter read back the previous
3 question.)

4 A. Ancestor to what?

5 BY MR. HARVEY:

6 Q. To all life forms including man.

7 A. The question was is that inconsistent with my
8 beliefs?

9 Q. Yes.

10 A. Yes.

11 Q. Why is that inconsistent with your beliefs?

12 MR. GILLEN: Objection, relevance.

13 A. Why is it inconsistent with my beliefs?

14 BY MR. HARVEY:

15 Q. Yes.

16 A. My faith is founded on the book of Genesis.

17 Q. Can you explain further?

18 A. They're different.

19 Q. How are they different?

20 A. Do you want to do this again?

21 Q. I would like to make sure that the record is
22 clear on this point.

23 A. Again, I'm not a scientist, but it's my
24 understanding that in the theory of evolution
25 where it goes back to the beginning of man it's

1 happenstance, it just happened, and that is
2 inconsistent with my faith.

3 Q. Let's see if we just can agree on who was on the
4 board on October the 18th just so we're on the
5 same common frame. We have you, we have
6 Ms. Harkins, Ms. Geesey, Mr. Wenrich,
7 Mr. Bonsell, Mr. and Mrs. Brown, Ms. Yingling,
8 and Ms. Cleaver.

9 A. That sounds right.

10 Q. Now, have you ever had a discussion with any of
11 those people about their beliefs, their
12 religious views as they relate to the subject of
13 evolution?

14 MR. GILLEN: Objection, relevance.

15 A. The answer is not that I recall.

16 BY MR. HARVEY:

17 Q. Have any of them ever shared their religious
18 views with you as it relates to the subject of
19 evolution?

20 A. Not that I recall.

21 Q. Now, I'm sure you're aware that the
22 deliberations of the Dover Area School Board as
23 it relates to the subject of intelligent design
24 and the biology textbook has created a great
25 deal of press attention.

- 1 A. Yes.
- 2 Q. Do you read a paper daily?
- 3 A. No.
- 4 Q. Do you read any paper on a regular basis?
- 5 A. No.
- 6 Q. Do you get any papers delivered to your house?
- 7 A. Yes.
- 8 Q. Which ones?
- 9 A. The York Dispatch and York Daily Record.
- 10 Q. Does your wife read them?
- 11 A. I don't know.
- 12 Q. Do you ever discuss those?
- 13 A. Discuss what?
- 14 Q. The things that are in the newspaper.
- 15 A. The obituaries.
- 16 Q. Do you read what's written in there about the
- 17 Dover school board?
- 18 A. I did at first. I don't anymore.
- 19 Q. Have you ever disputed anything that's been
- 20 written in either The York Dispatch or the York
- 21 Daily Record and attributed to you or the Dover
- 22 school board?
- 23 MR. GILLEN: Objection, relevance.
- 24 A. Disputed with who?
- 25 BY MR. HARVEY:

1 Q. Disputed it with the newspapers like write a
2 letter to them or call them up and say you've
3 got it wrong?

4 A. Yes.

5 Q. How many times?

6 A. I don't know, several.

7 Q. Did you in writing or by phone?

8 A. I usually talk to the reporter that comes to the
9 meetings.

10 Q. Who's that?

11 A. Joe Maldonado.

12 Q. Now, are you aware of any inaccuracies in the
13 reporting of the York Daily Record or The York
14 Dispatch over the last year as it relates to the
15 subject of intelligent design, the board's
16 resolution, or its deliberations?

17 MR. GILLEN: Objection, relevance. Please
18 answer.

19 A. Could you ask that again.

20 BY MR. HARVEY:

21 Q. Sure. Are you aware sitting here today of any
22 inaccuracies in the reporting of The York
23 Dispatch or the York Daily Record over the past
24 year as it relates to the subjects that are at
25 issue in this lawsuit, the biology curriculum in

1 particular?

2 MR. GILLEN: Objection, foundation.

3 A. Yes.

4 BY MR. HARVEY:

5 Q. What inaccuracies are you aware of?

6 A. You're going back over a year. I don't remember
7 everything.

8 Q. Completely understand that you wouldn't remember
9 everything. Do you remember anything?

10 A. Yes.

11 Q. Tell me what you remember that was inaccurate.

12 A. Well, just recently, I think it was last week,
13 last week Mr. Maldonado put in the newspaper
14 that I was back from my -- where I was and
15 indicated that I wouldn't say where I went
16 because my attorney told me not to, and that's
17 not true.

18 Q. How about other than that, are you aware of any
19 other-- Can you tell me any other inaccuracies
20 sitting here today that you remember?

21 MR. GILLEN: Objection, foundation.

22 A. I know there were various and assorted
23 statements attributed to me that were let's just
24 say less than accurate.

25 BY MR. HARVEY:

1 Q. Any that you're aware of right now that you can
2 tell me about?

3 A. I can just tell you that I know over the course
4 of the year there were things attributed to me
5 that weren't accurate. If you have something
6 for me to see, I'll look at it and tell you.

7 Q. We're going to get to that in just a second. I
8 just want to know you can't sitting here right
9 now think of what those things were?

10 A. Well, it's been a while. Like I told you, I got
11 tired of reading it. I don't read what they say
12 anymore. I check the obituaries. I look at the
13 sports and that's it. I don't care what people
14 want to say. It's usually nothing relevant
15 anyway.

16 Q. Sitting in front of you is a series of exhibits
17 that we used this morning, and we're going to
18 use the same ones this afternoon plus maybe some
19 more. Right now I've got in front of you
20 Deposition Exhibit 5 which is a compendium of
21 articles from The York Dispatch and the York
22 Daily Record.

23 MR. GILLEN: Did you say four or five?

24 MR. HARVEY: I meant four.

25 BY MR. HARVEY:

1 Q. I'm not going to ask you to look at this entire
2 thing because that would take you the rest of
3 the day, but I am going to ask you to look at
4 some portions of it.

5 Now, if you turn to the June the 8th --
6 it's in chronological order -- York Dispatch,
7 June the 8th, do you see the headline is Dover
8 Debates Evolution in Biology Text, Book on hold
9 Because it Doesn't Address Creationism. That's
10 The York Dispatch June the 8th?

11 A. Apparently.

12 Q. Let me ask you, at or about this time, June the
13 8th, 2004, was the biology textbook for the
14 ninth grade on hold because it didn't address
15 creationism?

16 A. No.

17 Q. Was it ever on hold because it didn't address
18 creationism?

19 A. No.

20 Q. Was it ever on hold?

21 A. Now we got to play with dates here. At first
22 the science department wanted a book that was a
23 2002 model. We later found out there was one
24 that came out that was dated 2004. So I don't
25 know which book we're talking about because we

- 1 put the 2002 on hold to see if we could get the
2 2004.
- 3 Q. What about in or about June of 2004 of this
4 year?
- 5 A. I don't know what the date was, but.
- 6 Q. Do you remember that the school faculty and
7 administration recommended that the book Biology
8 by Kenneth Miller be purchased?
- 9 A. The 2004 model?
- 10 Q. Yes.
- 11 A. Yes.
- 12 Q. Do you remember if that decision was put on hold
13 for any reason by the board?
- 14 A. I know at that time we didn't have a full board.
15 Somebody was on vacation. And I think the
16 thought was to put it on hold until that person
17 came back.
- 18 Q. Was that the only reason -- only time it was
19 ever on hold?
- 20 A. That was when it was on hold, as I recall.
- 21 Q. Was it ever put on hold because of the way it
22 addressed evolution?
- 23 A. Because of the way-- I don't understand the
24 question.
- 25 Q. Well, let me-- Let's look at this article right

1 here. If you turn to the second page of the
2 article, please, the fourth paragraph down,
3 Buckingham said -- I'm reading from it,
4 Buckingham said although the book had been
5 available for review since May 2003, he had just
6 recently reviewed the book himself and was
7 disturbed that the book was laced with
8 Darwinism.

9 MR. GILLEN: Objection, hearsay.

10 BY MR. HARVEY:

11 Q. Do you see that?

12 A. I see it.

13 Q. Did you say that?

14 A. In May of 2003?

15 Q. No, it doesn't say you said it in May of 2003.

16 This is a story from June the 8th, 2004.

17 A. I know I was concerned that the only thing it
18 talked about was Darwinism, and whether or not I
19 used that exact statement, I don't know. But I
20 know that was a concern.

21 Q. Did you say something like that?

22 A. I don't know what I said. I know I expressed a
23 concern about it, but I don't know what the
24 words were.

25 Q. What was the concern you expressed, please?

1 A. Pardon?

2 Q. Please tell me what it is the concern that you
3 expressed.

4 A. My concern that the book taught Darwin's theory
5 of evolution and there are other scientific
6 theories out there that I thought should be
7 considered, also.

8 Q. If you go down three more paragraphs, it says,
9 opposes separation of church and state:
10 Buckingham said he believes the separation of
11 church and state is mythical and not something
12 he supports.

13 MR. GILLEN: Objection, hearsay.

14 BY MR. HARVEY:

15 Q. Did you say that?

16 A. I said in my opinion that is what I believe.

17 Q. Now, if you turn to the next page which is an
18 article from The York Dispatch dated June the
19 9th. Are you at that section, that page?

20 A. Yes.

21 Q. This one says in the second paragraph, William
22 Buckingham, a board member and head of the
23 curriculum committee, said this week he was
24 disturbed by a proposed high school biology
25 textbook, the 2002 edition of Prentice Hall

1 Biology, because it was laced with Darwinism.

2 MR. GILLEN: Objection, hearsay.

3 BY MR. HARVEY:

4 Q. Did you say that?

5 A. Not to my knowledge. I expressed a concern.

6 Q. Who did you express that concern to?

7 A. I guess-- I'm not sure.

8 Q. Did you say it at a board meeting?

9 A. I'm not sure.

10 Q. Did you say it to a reporter?

11 A. Did I say that to a reporter?

12 Q. You said you expressed concern about the biology
13 text. Am I correct in understanding that's your
14 testimony?

15 A. Yes.

16 Q. You don't remember whether you said that in a
17 board meeting, correct?

18 A. No, I don't.

19 Q. Do you know if you said that to a reporter?

20 A. Possibly. I don't know, though. When you say
21 that, you don't mean this, you mean my concern.

22 Q. What you said. Now, if you look three
23 paragraphs down in this same article, it says, a
24 recommendation on the book will come from the
25 curriculum committee which also includes board

1 members Sheila Harkins and Casey Brown.
2 Buckingham said the committee would look for a
3 book that presented both creationism and
4 evolution.

5 MR. GILLEN: Objection, hearsay.

6 MR. HARVEY: You can have a continuing
7 objection on hearsay and relevance. You can
8 have it to every question I ask.

9 MR. GILLEN: Okay. But I just want to make
10 sure I've got a record on the newspaper reports.

11 MR. HARVEY: Understood. You can have that
12 continuing objection all day long.

13 BY MR. HARVEY:

14 Q. Did you say that?

15 A. No.

16 Q. Did you say anything like that?

17 A. No.

18 Q. Do you have any explanation why this reporter
19 would report this inaccurately?

20 A. I'd like to know why. I don't know. It's an
21 ongoing problem.

22 Q. Do you ever use the word creationism?

23 A. In what context?

24 Q. In the context in referring to the creation of
25 life.

- 1 A. At church?
- 2 Q. Yeah, sure.
- 3 A. Yeah.
- 4 Q. Have you ever used it outside of church?
- 5 A. I'm 58 years old. I'm sure I did.
- 6 Q. That's very good. I would hope the answer to
7 that was yes. Did you ever use it at any board
8 meetings? Did you ever refer to creationism?
- 9 A. Not to my knowledge.
- 10 Q. Now, you told us you were concerned about the
11 biology textbook. You just explained that to us
12 a minute ago. Was the purchase of the new
13 biology textbook held up because of your
14 concern?
- 15 A. No.
- 16 Q. Was the purchase of a new biology textbook
17 approved at one of the meetings of the board in
18 June of 2004?
- 19 A. It was approved, but I'm not sure when.
- 20 Q. I think it was approved in August.
- 21 A. Could be.
- 22 Q. We'll get to that, but I'm sure. Did you vote
23 for it? Did you vote for that?
- 24 A. In August?
- 25 Q. Yes.

- 1 A. Yeah.
- 2 Q. You voted for the new biology textbook?
- 3 A. Absolutely. To the best of my knowledge, I did.
- 4 It was always our intent to buy that book.
- 5 Q. Please turn the page two pages up to the York
- 6 Daily Record, June 9th. This is another article
- 7 from the York Daily Record. And this one says
- 8 third paragraph down, board member William
- 9 Buckingham who sits on the curriculum committee
- 10 said a book had been under consideration but was
- 11 declined because of its one-sided references to
- 12 evolution. Do you see that?
- 13 A. I see it.
- 14 Q. Did I read that correctly?
- 15 A. That's what it says.
- 16 Q. Is that what you said?
- 17 A. No.
- 18 Q. Did you say anything like that?
- 19 A. No.
- 20 Q. Next paragraph says, quotes, it's inexcusable to
- 21 teach from a book that says man descended from
- 22 apes and monkeys. We want a book that gives
- 23 balance to education. Did you say that?
- 24 A. Not to my knowledge.
- 25 Q. The next one says, Buckingham and other board

1 members are looking for a book that teaches
2 creationism and evolution. Do you see that?
3 A. I see it.
4 Q. Did I read that correctly?
5 A. You read what it says there.
6 Q. Is that true that you and other board members
7 were looking for such a book?
8 A. No.
9 Q. What kind of book were you looking for?
10 A. A book that would give other theories,
11 scientific theories.
12 Q. Such as?
13 A. You mean a book title?
14 Q. No, I'm sorry, such as what other scientific
15 theories?
16 A. There are a lot of scientific theories. You
17 know, it's not-- You know, whatever theories
18 that teachers are interested in teaching, you
19 know, we don't have a problem with.
20 Q. Right. But you just said you wanted one that
21 teaches other scientific theories, and I just
22 want to know what other scientific theories as
23 it relates to this--
24 A. There's the big bang theory. There's
25 intelligent design, whatever.

1 Q. Well, the big bang theory wouldn't be covered in
2 the biology textbook, would it?

3 A. I don't know.

4 Q. Any other theories that you wanted covered other
5 than the big bang or intelligent design?

6 A. I don't have any on the top of my head.

7 Q. But I meant back then, not referring to now, but
8 back then in June when you were considering this
9 subject, were there other theories that you
10 wanted considered other than evolution?

11 A. Any theories that teachers thought plausible to
12 teach, scientific theories.

13 Q. Do you have any specific ones in mind?

14 A. Did I then?

15 Q. Yes.

16 A. I was interested in the scientific theory of
17 intelligent design.

18 Q. Any others other than intelligent design?

19 A. Any other theory that the teachers thought
20 plausible to teach, you know, scientific theory.

21 Q. I guess I want to know do you have anything
22 specific other than intelligent design?

23 A. I'm not a scientist. I just want the students
24 to get a well-rounded education scientifically.

25 Q. Now, the next-- If we go to that article, the

1 next paragraph says -- I'm sorry, the last
2 paragraph on the page, the one that carries over
3 to the next page says, board president Alan
4 Bonsell disagreed, saying there were only two
5 theories, creationism and evolution, that could
6 possibly be taught. He said as long as both
7 were taught as theories, there would be no
8 problem for the district. Do you see that?

9 A. I see it.

10 Q. Do you ever remember him saying that?

11 A. I don't remember him saying that.

12 Q. Do you remember him saying anything like that?

13 A. No.

14 Q. Then if you continue down the next paragraph it
15 says, quotes, have you ever heard of
16 brainwashing, Buckingham asked Pell, if students
17 are taught only evolution, it stops becoming
18 theory and becomes fact. Did you say that?

19 A. Who's Pell?

20 Q. I think he's a person that's referred to in this
21 article. Feel free to just refer to the
22 previous page.

23 A. I did say something like that but in the context
24 that if you teach one thing over and over-- I
25 mean, it can be four and four is seven. If you

1 teach it over and over, it becomes fact to
2 somebody. It was in that context. I wanted
3 other theories, other scientific theories, to be
4 presented in the classroom alongside of Darwin's
5 theory of evolution.

6 Q. So you do recall -- you did make the statement
7 that's reported over there in the paper, the one
8 about brainwashing?

9 A. That's not what I said.

10 MR. GILLEN: Objection to the
11 characterization of his testimony.

12 BY MR. HARVEY:

13 Q. I'm sorry, what did you say?

14 A. Could you repeat what I said.

15 (The court reporter read the referred-to
16 portion of testimony.)

17 A. I'll stand by that.

18 BY MR. HARVEY:

19 Q. That's what you said at the time. I'm asking
20 you what you said at the time.

21 A. I said something similar, but I won't say I said
22 those words.

23 Q. You said something similar to what is on the
24 page here about brainwashing--

25 A. Yes.

- 1 Q. --this paragraph? Okay. Now, you referred to
2 you wanted other theories taught. You just said
3 that, correct?
- 4 A. Other scientific theories.
- 5 Q. Other scientific theories. When you say theory,
6 what do you mean?
- 7 A. Something that's scientifically debatable.
- 8 Q. Do you understand that the theory of evolution
9 and the word theory as used in that context
10 refers to an explanation that is commonly
11 accepted and generally accepted in the
12 scientific community that explains a wide range
13 of phenomena?
- 14 A. No.
- 15 Q. So that's not what you mean when you say theory,
16 correct?
- 17 A. That's not what you asked me.
- 18 Q. Fair enough. Next paragraph says, after the
19 meeting, Buckingham said all he wants is a book
20 that offers balance between what he said are
21 Christian view of creationism and evolution.
- 22 A. Never said it.
- 23 Q. Next he said you said, he said there needn't be
24 consideration of the beliefs of Hindus,
25 Buddhists, Muslims, or other faiths and views.

1 And then this purports to be a direct quote,
2 this country wasn't founded on Muslim beliefs or
3 evolution, close quotes, he said, open quotes,
4 this country was founded on Christianity, and
5 our students should be taught as such, close
6 quotes. Did you say that?

7 A. I said-- That goes back to a debate we had on
8 taking under God out of the Pledge, and the
9 reason I said that is because the Pledge doesn't
10 refer to a specific God. It can be the Hindu
11 God, it can be the Buddhist God, whoever they
12 want it to be. In that context I said something
13 similar to that.

14 Q. You didn't say it at or about this time,
15 June 9th, as reported?

16 A. No, did not, no.

17 Q. Have you said that more than one time in your
18 life?

19 A. Not that I know of.

20 Q. Well, one of the plaintiffs in this lawsuit,
21 Ms. Eveland, wrote a letter to the editor of the
22 York Sunday News on June the 20th in which she
23 said she was upset that you said, quotes, this
24 country wasn't founded on Muslim beliefs or
25 evolution, this country was founded on

1 Christianity, and our students should be taught
2 as such, close quotes.

3 MR. GILLEN: Objection, hearsay to her
4 statements, to the letter, and to the newspaper
5 piece. Go ahead.

6 MR. HARVEY: Continuing objection granted
7 again.

8 A. That was 11 days after that was in the paper. I
9 don't know if she got that from that or where it
10 came from, but I'm telling you that was the
11 context it was used in.

12 BY MR. HARVEY:

13 Q. Did you write a letter to the paper in response
14 to Ms. Eveland's letter?

15 MR. GILLEN: Objection, relevance.

16 A. Not that I remember. I don't usually give them
17 fodder.

18 BY MR. HARVEY:

19 Q. Did you ever respond at all to her letter?

20 MR. GILLEN: Objection, relevance.

21 A. I never saw it that I recall.

22 BY MR. HARVEY:

23 Q. Let's turn to the next page of this exhibit,
24 June the 10th. By the way, did anybody report
25 to you at the time? Did you see any of this in

1 the paper at the time, the things that we've
2 looked at?

3 A. I stopped reading that stuff in the paper. It
4 got to be-- I never thought it would get like
5 this, and I just got tired of looking at it.
6 Like I say, I would open the paper, read the
7 obituaries, see how my fighting Phils did, and
8 that was about it.

9 Q. Did anybody come up to you and say in the
10 community, your wife, your friends, anybody come
11 up to you and say -- tell you that these things
12 are being written in the paper?

13 A. Not that I recall, no.

14 Q. Nobody at your church mentioned it to you?

15 A. Not that I recall.

16 Q. If you look at the third paragraph of this
17 article which is in the York Daily Record on
18 June the 10th, it says, quotes, during this past
19 Monday night's board meeting, board members Alan
20 Bonsell, Noel Wenrich, and Buckingham spoke
21 aggressively in favor of having a biology book
22 that includes theories of creation as part the
23 text, close quotes. Do you see that?

24 A. I see it.

25 Q. Is that true?

1 A. No.

2 Q. Next paragraph says, all I'm asking for is
3 balance, Buckingham said. Did you say that?

4 A. With regards to teaching other scientific
5 theories along with Darwin's theory of
6 evolution, I could have said something like
7 that.

8 Q. And then the next paragraph says, asked if he
9 thought this might violate the separation of
10 church and state, Buckingham called the law,
11 quotes, a myth, close quotes. Did you say that?

12 A. Whenever I say that, it's my opinion. It's not
13 the opinion of the school board. It's my
14 opinion. That's true.

15 Q. Do you believe your opinion is correct?

16 A. I believe it's my opinion. It doesn't have to
17 be correct.

18 Q. Well, you try to hold opinions that are at least
19 in your mind correct, I would hope.

20 MR. GILLEN: Objection, calls for
21 speculation.

22 BY MR. HARVEY:

23 Q. Isn't that true?

24 A. I don't understand the question.

25 Q. Do you hold opinions that you do not believe to

1 be correct?

2 A. Do I hold opinions I think might not be correct?

3 I'm not perfect. As life's evolving, opinions

4 change with time and knowledge.

5 Q. More or less theory of evolution.

6 Mr. Buckingham, I don't want to get into your--

7 A. But you will anyway, right? I'm sorry. I'm

8 sorry. I was just trying to be funny.

9 Q. I didn't even hear it. Understand, my purpose

10 is not to embarrass you here in any way today,

11 but I have to ask you this, there was a report

12 in the paper that you were -- went to the

13 hospital earlier in the year for some problems

14 that you were having with Oxycontin.

15 A. That's true.

16 Q. Then there was an editorial in one of these

17 papers that I would say applauded you for your

18 forthright manner in which you dealt with that

19 situation. Were you aware of that?

20 A. Yes.

21 Q. Let's take a look at that. It's June the 20th,

22 York Sunday News. Please take a moment to read

23 that. Have you had a chance to read that

24 editorial of June the 20th, 2004 in the York

25 Sunday News?

1 A. Yes, I have.

2 Q. Had you read it before today?

3 A. I don't remember reading this.

4 Q. Did anybody mention this to you?

5 A. I would have to say no. I remember-- I would
6 have to say no.

7 Q. It says here that in addition to applauding you
8 for the forthright way in which you dealt with
9 your personal issue relating to Oxycontin, it
10 says that you had made the following statements,
11 quotes, this country wasn't founded on Muslim
12 beliefs or evolution. This country was founded
13 on Christianity, and our students should be
14 taught as such, close quotes. And it also says,
15 quotes, 2,000 years ago someone died on a cross,
16 can't someone take a stand for him, close
17 quotes. Do you see that?

18 A. Yes, I do.

19 Q. Did you make either of those statements?

20 A. Not at this time. The this country wasn't
21 founded on Muslim beliefs or evolution, this
22 country was founded on Christianity, I never
23 said that.

24 Q. You never said that at all.

25 A. Not to my knowledge.

- 1 Q. You never said the statement about Muslim
2 beliefs or evolution, you never said that at
3 all. Is that your testimony?
- 4 A. I don't recall saying that, no.
- 5 Q. How about back in 2003 in relation to the Pledge
6 of Allegiance, did you say it then?
- 7 A. I don't think I did.
- 8 Q. The other one, 2,000 years ago someone died on a
9 cross, can't someone take a stand for him, did
10 you say that?
- 11 A. That goes back to taking it out of the Pledge.
- 12 Q. So it's your testimony that you didn't make
13 either of these statements at any time in the
14 period of June of 2004?
- 15 A. That's correct.
- 16 Q. Did it ever come to your attention that the
17 paper was reporting that you had said these
18 things in June of 2004?
- 19 A. Not that I recall.
- 20 Q. So you were totally unaware-- When did you
21 learn-- I mean, you know now sitting here
22 today, you know now that the paper was reporting
23 that you said these things in June of 2004. Did
24 you know that before today, before this
25 deposition?

- 1 A. I don't think I did.
- 2 Q. Did you read the complaint in this matter?
- 3 A. Yes, I did.
- 4 Q. It's in there. Did you see it in there?
- 5 A. Yes.
- 6 Q. So you must have known it then, right?
- 7 A. Well, I didn't see this until today. I thought
8 you meant this.
- 9 Q. So that's amazing. Before today you didn't even
10 know that these things were being reported about
11 you. Is that correct?
- 12 A. That's true. That's true.
- 13 Q. Now, do you remember there was a board meeting
14 on or about June the 7th of-- I'm always asking
15 about--
- 16 A. That sounds right.
- 17 Q. Do you remember that there were two meetings in
18 June?
- 19 A. Yes.
- 20 Q. Do you remember what happened at those meetings?
- 21 A. No.
- 22 Q. Do you remember anything what happened at those
23 meetings?
- 24 A. Nope.
- 25 Q. Well, please turn to York Dispatch article of

1 June 15th, 2004.

2 A. Okay.

3 Q. It says here at the top, nearly a hundred Dover
4 residents and teachers attended last night's
5 school board meeting to continue debating
6 whether creationism should be taught alongside
7 evolution in the high school biology curriculum.
8 Do you see that? Do you see where it says that?

9 A. I see where it says that.

10 Q. In fact, why don't you take a second and read
11 that article.

12 A. Oh, you want me to read it?

13 Q. Yes, please, to yourself. Now, do you remember
14 after reading that the June 14th meeting? I'll
15 tell you I looked at the calendar, and I know
16 that -- I believe anyway that the meetings were
17 on June the 17th and June the 14th. Do you
18 remember anything about that June 14th meeting?

19 A. To sit here and say do I remember it, no.

20 Q. Do you remember a meeting at which a hundred
21 people showed up?

22 A. We've had several meetings where a good many
23 people showed up.

24 Q. Do you remember a meeting in June where there
25 was an intense discussion about the biology

1 curriculum and the biology textbook?

2 A. Do I remember it specifically, no. We had
3 different meetings where there were intense
4 discussions about the textbook.

5 Q. Which ones do you remember?

6 A. The particulars of?

7 Q. In general.

8 A. I can just tell you there were several meetings
9 where we had discussions about the textbook.

10 Q. What do you remember about those discussions?

11 A. Pardon?

12 Q. What do you remember about those discussions?

13 A. I just remember that we had a debate on it.

14 There were questions about the 2002 over the
15 2004 book and vice versa and the thought that we
16 would like to have other scientific theories
17 brought into the classroom in addition to
18 Darwin's theory of evolution.

19 Q. Did anybody mention any theories other than
20 intelligent design?

21 A. I don't remember.

22 Q. You've already said nobody mentioned creationism
23 at all in that context. Isn't that correct,
24 that's your testimony?

25 A. To the best of my knowledge and belief, that's

1 true.

2 Q. Well, if you turn the page, this says that, and
3 I'm looking at the fourth paragraph, opponents'
4 position: William Buckingham, a board member
5 and head of the curriculum committee, who
6 brought up the issue last week stood by his
7 opposition of the book and the separation of
8 church and state and then again that quote,
9 nearly 2,000 years ago someone died on the cross
10 for us; shouldn't we have the courage to stand
11 up for him, close quotes. Do you remember
12 saying anything like either of those things?

13 A. Absolutely not.

14 Q. Did you stand by your opposition to the biology
15 textbook as it says there?

16 MR. GILLEN: Objection, foundation.

17 A. I don't recall the particulars of the meeting.
18 It's possible.

19 BY MR. HARVEY:

20 Q. The next paragraph says, board members Alan
21 Bonsell and Noel Wenrich agreed with Buckingham
22 saying creationism should be taught to balance
23 evolution.

24 A. Never happened.

25 Q. Next paragraph says, Buckingham apologized for

1 offending any teachers or residents of the
2 community with his remarks but was unapologetic
3 about his beliefs that the country was founded
4 on Christianity and not other religions and that
5 a, quotes, liberal agenda was chipping away at
6 the rights of Christians in this country, close
7 quotes. Did you say anything like that?

8 A. I did apologize for offending any teachers or
9 residents at a prior meeting because we're all
10 human, things -- you say things you don't want
11 to say. But to the rest of it, no.

12 Q. What did you apologize for? What had you said
13 that you were apologizing for?

14 A. I don't know. It kind of-- Sometimes people
15 come to the podium and get personal about
16 things, and I'm a person that defends myself. I
17 won't-- I don't say that it had anything to do
18 with the issue here at all. I don't know that
19 it did or didn't. I don't know.

20 Q. In other words, you don't remember what you were
21 apologizing for, but you remember that you did
22 apologize, correct?

23 A. I think it wasn't so much what I might have said
24 but that I didn't act very professional when I
25 said it.

- 1 Q. But you don't remember the manner in which you
2 did that. Am I correct?
- 3 A. The manner in which I did it.
- 4 Q. Well, you said that you were -- it's not what
5 you said but you didn't do it in a very
6 professional way, right?
- 7 A. That's what I'm thinking it might have been.
- 8 Q. What was about it that wasn't professional?
- 9 A. I think I might have spoke a little loud.
- 10 Q. Anything else?
- 11 A. I don't think so.
- 12 Q. So just raising your voice?
- 13 A. Yeah.
- 14 Q. Now, this next paragraph here says-- Well,
15 first I'll just be clear. It's your testimony
16 that you didn't say anything about a, quotes,
17 liberal agenda chipping away at the rights of
18 Christians in this country?
- 19 A. I don't remember saying that.
- 20 Q. Do you think it's something you would have said?
- 21 MR. GILLEN: Objection, speculation.
- 22 A. I would have to put myself in the mind-set of
23 the time and was there a -- did it call for a
24 response. I don't know. I don't know.
- 25 BY MR. HARVEY:

1 Q. This next one says, his remarks were echoed by
2 his wife, Charlotte Buckingham, who said that
3 teaching evolution was in direct opposition to
4 God's teaching and that the people of Dover
5 could not in good conscience allow the district
6 to teach anything but creationism. Do you see
7 that?

8 A. I see it.

9 Q. Do you remember did she say that at the meeting?

10 MR. GILLEN: Objection, foundation,
11 characterization of what the passage purports to
12 demonstrate, but go ahead.

13 A. I would say she said something similar to that.
14 I don't know that it was those words.

15 BY MR. HARVEY:

16 Q. Now, if you go down to the second paragraph up
17 from the bottom, it says, Assistant
18 Superintendent Michael Baksa said the curriculum
19 committee made up of Brown, Buckingham, and
20 Sheila Harkins is scheduled to meet tomorrow to
21 look for a book that will make everyone happy.
22 Do you see that?

23 A. Yes.

24 Q. This was June the 15th. That's suggesting that
25 there was to be a meeting on June the 16th. Was

1 there a meeting of the curriculum committee on
2 June the 16th?
3 A. I don't know.
4 Q. Can't remember?
5 A. I can't remember.
6 Q. At this meeting was there any reference to
7 creationism by any of the board members?
8 A. I can't remember the meeting.
9 Q. Well, we just-- You said you did remember your
10 wife saying something along the lines--
11 A. Oh, I thought you were talking about the next
12 day.
13 Q. Apologize. We're back to the board meeting now.
14 Do you remember anybody at that board meeting on
15 the board saying anything about creationism?
16 A. They could have said something to the effect
17 that we're not teaching creationism. I don't
18 know.
19 Q. So you don't remember anybody saying anything
20 about creationism?
21 A. No.
22 Q. In other words, I'm correct?
23 A. You're correct.
24 Q. Do you believe that your wife used the word
25 creationism?

1 A. I don't know if she did or not.

2 Q. If you turn the page, there's another article on
3 the same subject. It's the York Daily Record of
4 June the 15th.

5 A. Okay.

6 Q. The third paragraph down it says that -- it says
7 that you said that, quotes, nowhere in the
8 Constitution does it call for separation of
9 church and state, close quotes. And my question
10 is, did you say that?

11 A. No.

12 Q. Two paragraphs down it said, quotes, Buckingham
13 said while growing up his generation prayed and
14 read from the Bible during school. Then he
15 said, liberals in, quotes, black robes, close
16 quotes, were taking away the rights of
17 Christians, close quotes. Did you say that?

18 A. I remember saying something like that while we
19 were growing up my generation prayed and read
20 from the Bible and I don't remember it hurting
21 anyone. I don't--

22 Q. But you didn't say anything about liberals in
23 black robes taking away the rights of Christians
24 or did you?

25 A. I don't remember saying anything like that.

1 Q. Further on down, the second paragraph from the
2 bottom it says, but in reference to its teaching
3 of Darwinism he said, quotes, I challenge you,
4 the audience, to trace your roots to the monkey
5 you came from, close quotes. My question is,
6 did you say that?

7 A. I might have.

8 Q. I missed one. Two paragraphs up is the quote,
9 2,000 years ago someone died on a cross, he
10 said, can't someone take a stand for him.
11 Again, not something you recall saying?

12 A. I didn't say it then.

13 MR. GILLEN: Objection to the
14 characterization of his testimony. Go ahead.

15 BY MR. HARVEY:

16 Q. That's good, maybe a clarification. I can't
17 remember, is it your testimony that you remember
18 you didn't say that or you don't remember saying
19 that?

20 A. I didn't say it.

21 Q. Understood. Then if you turn the page still on
22 this June the 15th article of the York Daily
23 Record it said, this is the fourth paragraph,
24 quotes, also during public comments Buckingham's
25 wife, Charlotte Buckingham, argued that

1 evolution teaches nothing but lies. After
2 quoting several verses from the book of Genesis
3 in the Bible, she asked how can we allow
4 anything else to be taught in our schools.
5 During her time, she repeated gospel verses
6 telling people how to become born-again
7 Christians and said evolution was in direct
8 violation of the teachings of the Bible. Do you
9 remember your wife saying those things that are
10 attributed to her there?

11 A. I know she got up and talked. I don't
12 remember-- I can't tell you exactly what she
13 said. I really can't.

14 Q. Do you remember her quoting from the Bible?

15 A. No. I'm not saying she didn't. I'm just saying
16 I don't remember.

17 Q. Then a little bit further down three more
18 paragraphs it says, during the meeting,
19 Buckingham told those in attendance that he had
20 been asked to tone down his Christian remarks,
21 quotes, but I must be who I am and not
22 politically correct, he said, close quotes. Did
23 you say that?

24 A. Not all of it.

25 Q. What part did you say?

- 1 A. What I said was I must be who I am and I'm not
2 politically correct.
- 3 Q. You didn't say anything about being asked to
4 tone down your Christian remarks?
- 5 A. Not to my knowledge. And I think I must be who
6 I am and not politically correct was in response
7 to something somebody said to me. That was an
8 answer. And I don't remember what led to that.
- 9 Q. The school district received a number of copies
10 of the book *Of Pandas and People*, correct?
- 11 A. Yes.
- 12 Q. Do you know how many copies?
- 13 A. I've been told there were 60. I haven't seen
14 them.
- 15 Q. Do you know where that came from, who donated
16 them?
- 17 A. No, I don't.
- 18 Q. You have no idea?
- 19 A. I have thoughts, but I don't know.
- 20 Q. What are your thoughts?
- 21 A. I think it could have a tie to Alan Bonsell who
22 was board president at that time.
- 23 Q. Why do you think-- I know you're not saying it
24 was, but why do you think it might have ties to
25 Mr. Bonsell?

- 1 A. Because he was the president of the board at
2 that time, and I just deduced from that that.
- 3 Q. Have you read Of Pandas and People?
- 4 A. I glanced through it.
- 5 Q. How much time did you spend glancing through it?
- 6 A. A day, maybe two.
- 7 Q. Can you tell me what you can remember from the
8 book?
- 9 A. I looked at that book a long time ago and, no, I
10 can't.
- 11 Q. When was it that you glanced through it?
- 12 A. It was a couple months before we got them.
- 13 Q. Where did you get a copy of it?
- 14 A. I ordered one.
- 15 Q. From where?
- 16 A. You know, I don't even know. It was over the
17 computer. I think Amazon.com maybe. I know
18 there were scientific theories in there, but to
19 recall what the theories were, no, I don't.
- 20 Q. It discusses intelligent design primarily,
21 doesn't it?
- 22 A. I guess that would be a fair characterization,
23 scientifically discussing intelligent design.
- 24 Q. Were you ever at a board meeting where someone
25 asked who donated the book to the school, in

1 fact, Larry Snook, a former board member, asking
2 who donated it?

3 A. I think he expressed a wonder type thing over
4 where they came from. I don't think-- I don't
5 remember anybody asking directly where they came
6 from.

7 Q. Were you curious to know where it came from?

8 A. I know they came from someone in the public
9 sector. I know we didn't use taxpayer funds to
10 pay for it.

11 Q. Did you ask where it came from?

12 A. No.

13 Q. Why didn't you ask?

14 A. Didn't want to know.

15 Q. Why didn't you want to know?

16 A. What purpose would it serve?

17 Q. Well, because you're a board member and the
18 school district is part of your responsibility
19 as a board member, and maybe knowing where these
20 books came from would be something that you
21 should know.

22 A. No. I think it was a wonderful gesture, and I
23 didn't concern myself with where they came from.

24 Q. What is intelligent design? Can you describe it
25 for me?

1 A. It's a scientific theory relative to the
2 complexities of life.

3 MR. HARVEY: Can you read that back. I'm
4 sorry, I didn't get that.

5 (The court reporter read back the previous
6 answer.)

7 BY MR. HARVEY:

8 Q. What does the scientific theory state or hold or
9 say?

10 A. I'm sorry, I didn't-- There's noise out there.

11 Q. What does this scientific theory of intelligent
12 design according to you what does it stand for?

13 A. It could come from a tiny amoeba that generated
14 a process whereby complex things evolved.

15 MR. HARVEY: I'm sorry, could you read that
16 back.

17 (The court reporter read back the previous
18 answer.)

19 BY MR. HARVEY:

20 Q. What could come from a tiny amoeba?

21 A. I'm not a scientist.

22 Q. I'm just trying to understand so we can have a
23 working understanding here of what intelligent
24 design is if we can. Do you have an
25 understanding in very simple terms of what

1 intelligent design stands for? What does it
2 teach?

3 A. Other than what I expressed, that's--
4 Scientists, a lot of scientists-- Don't ask me
5 the names. I can't tell you where it came from.
6 A lot of scientists believe that back through
7 time, something, molecules, amoeba, whatever,
8 evolved into the complexities of life we have
9 now.

10 Q. That's the theory of intelligent design?

11 A. You asked me my understanding of it. I'm not a
12 scientist. I can't go into detail and debate
13 you on it.

14 Q. I don't want you to debate me on it. I don't
15 want you to debate anybody on it.

16 A. It's a scientific theory.

17 Q. How is it different from evolution to your
18 understanding?

19 A. I don't understand the question.

20 Q. Do you understand the theory of intelligent
21 design to be different from the theory of
22 evolution?

23 A. Yes.

24 Q. You do?

25 A. Yes.

1 Q. Just to be clear, we're using theory now in the
2 same way that you defined it earlier in the
3 deposition.

4 A. Okay.

5 Q. Just refresh my recollection, how did you use
6 the term theory?

7 A. Can you tell me how I defined it?

8 Q. No way she's going to be able to go back.

9 A. I don't remember what I said.

10 Q. I think you said something about something
11 that's not proven.

12 MR. GILLEN: Something scientifically
13 debatable is what my notes reflect, Stephen.

14 A. I'll stand by that.

15 BY MR. HARVEY:

16 Q. So when we say-- I'm using it the way you used
17 it. So my question is, how is intelligent
18 design different from evolution, if at all?

19 A. They're different theories in that some
20 scientists believe that-- We're going back over
21 the same ground, I think. Some scientists
22 believe that it could be tiny amoeba again --
23 I'll go back there -- generated a process where
24 the complexities of life occurred, not as random
25 I'll say as what the process of evolution would

1 dictate.

2 Q. I'm still-- Maybe I'm confused because I had my
3 own idea of what it meant because I just glanced
4 at Of Pandas and People. But let me just tell
5 you a few things that I was under the impression
6 that intelligent design, some ideas that it
7 advanced, and you can tell me whether you
8 understand me to be correct or not.

9 One, I understood that intelligent design
10 said that life and living things were created or
11 begun by some intelligent designer, some
12 intelligent being. Is that your understanding?

13 A. No.

14 Q. Do you have any understanding like that?

15 A. No. Do you suppose we could soon take a break?

16 Q. Sure.

17 (Recess taken)

18 BY MR. HARVEY:

19 Q. Mr. Buckingham, does intelligent design teach
20 that lifelike a manufactured object is the
21 result of intelligent shaping of matter?

22 A. I think one-- I think intelligent design
23 expresses an order as opposed to the theory of
24 evolution which talks about chance.

25 Q. It expresses an order you said?

- 1 A. An orderly process to things.
- 2 Q. Who or what directed that order?
- 3 A. I don't know.
- 4 Q. But my question was, does intelligent design
5 teach that life like a manufactured object is
6 the result of intelligent shaping of matter?
- 7 A. I don't know about shaping. I think there's an
8 order in intelligent design that's not in
9 evolution. Whether or not it's shaping, I don't
10 know.
- 11 Q. Does intelligent design teach that life itself
12 owes its origin to a master intellect?
- 13 A. A master intellect?
- 14 Q. Yes.
- 15 A. I won't say that, no.
- 16 Q. Is that something you would want presented to
17 the students at Dover High School?
- 18 MR. GILLEN: Objection, calls for
19 speculation.
- 20 A. A master intellect?
- 21 BY MR. HARVEY:
- 22 Q. Yes. Would you want the students told that life
23 itself owes its origin to a master intellect?
- 24 A. No.
- 25 Q. Would you want the students told that

1 intelligent design locates the origins of new
2 organisms in an immaterial cause, in a
3 blueprint, a plan, a pattern devised by an
4 intelligent agent?

5 MR. GILLEN: Objection, calls for
6 speculation.

7 A. I don't even understand what that means.

8 BY MR. HARVEY:

9 Q. Do you want me to read--

10 A. Is there a way to simplify the question?

11 Q. Okay, sure. Would you want the students taught
12 that intelligent design teaches that new
13 organisms were caused by or created in
14 accordance with a plan devised by an intelligent
15 agent?

16 A. No.

17 Q. Does intelligent design teach that various forms
18 of life began abruptly through an intelligent
19 agency?

20 MR. GILLEN: Objection, foundation.

21 A. Could you repeat the question.

22 BY MR. HARVEY:

23 Q. Does intelligent design teach that the various
24 forms of life began abruptly through an
25 intelligent agency?

1 A. I don't believe so.

2 Q. Was that something you would want the students
3 taught?

4 MR. GILLEN: Objection, calls for
5 speculation.

6 A. That's not up to me. I don't think so, no.

7 BY MR. HARVEY:

8 Q. But personally you wouldn't want that, right?

9 A. No.

10 Q. I mean, in other words, I'm correct?

11 A. Yes.

12 Q. Does intelligent design teach that similarities
13 between organisms are explained because there
14 was a common designer as opposed to a common
15 ancestor?

16 A. I don't believe it says that.

17 Q. Would you want students taught that similarities
18 between organisms are explained as being due to
19 a common designer?

20 MR. GILLEN: Objection, hypothetical and
21 calls for speculation.

22 A. So I'm supposed to answer that?

23 MR. GILLEN: Yes.

24 MR. HARVEY: Yes.

25 A. I hate to-- Can you say it one more time,

1 please.

2 BY MR. HARVEY:

3 Q. Sure. Would you want the students taught that
4 similarities between organisms are explained as
5 being due to a common designer?

6 A. No.

7 Q. Where did the school district board of directors
8 get the idea to include intelligent design in
9 the curriculum?

10 MR. GILLEN: Objection to the extent the
11 question calls him to answer for other board
12 members.

13 A. I first heard of it from the board president,
14 Alan Bonsell.

15 BY MR. HARVEY:

16 Q. When was that?

17 A. When I first came on the board. That would have
18 been approximately two years ago.

19 Q. What did he say about it then?

20 A. I can't give you a quote on what he said. I
21 just know it was mentioned.

22 Q. When is the next time you heard of it?

23 A. I don't know.

24 Q. Well, we know that it made its way into the
25 board resolution of October 18, correct?

1 A. Yes.

2 Q. Do you know how it got its way into the board
3 resolution? Where did it first come from?

4 A. First came-- It was mentioned to me by Alan
5 Bonsell.

6 Q. Then after that, was it ever mentioned again?

7 A. I don't know that it was.

8 Q. Well, you were on the curriculum committee in
9 the summer of 2004?

10 A. Yes.

11 Q. And the curriculum committee looked at it,
12 didn't they?

13 A. I won't say the curriculum committee did. I
14 did.

15 Q. What did you do to look at it?

16 A. I researched through-- I looked it up on a
17 computer.

18 Q. Where did you look?

19 A. I probably just put intelligent design, and it
20 went where it took me. I couldn't tell you
21 where that was.

22 Q. Do you remember what websites you went to?

23 A. No.

24 Q. Did you end up talking to anybody in person
25 either -- I mean live over the phone or in

1 person about it?

2 A. About intelligent design?

3 Q. Yes.

4 A. My attorneys.

5 Q. When was that?

6 A. It's several months ago anyway. I don't know.

7 Q. Who were your attorneys?

8 A. It was Thomas More Law Center, people there.

9 Q. Who at the Thomas More Law Center?

10 A. Richard Thompson.

11 Q. Anybody else?

12 A. I believe he's the only one I talked to there.

13 Q. Let's see if we can just get a little bit of a

14 time frame. Please go to Plaintiff's Exhibit 5.

15 It's in front of you. Go to Page 42. Do you

16 see that?

17 A. Yes, I do.

18 Q. Have you ever seen it before?

19 A. Yes.

20 Q. What is it?

21 A. It's a paper I transmitted to the superintendent

22 of schools.

23 Q. In it you were asking the superintendent to

24 purchase 220 copies of, Of Pandas and People?

25 MR. GILLEN: Objection to the

1 characterization.

2 A. What was the question?

3 BY MR. HARVEY:

4 Q. Were you asking that 220 copies of, Of Pandas
5 and People be purchased?

6 A. Yes.

7 Q. Was that request granted?

8 A. It never got to that stage.

9 Q. Was it the subject of discussion at a board
10 meeting?

11 A. I don't believe it was. As I recall, I talked
12 this through with Dr. Nilsen and Mr. Baksa, and
13 to my recollection it was agreed that this
14 wasn't a good idea.

15 Q. Why wasn't it a good idea?

16 A. The funds that would be expended. And in
17 hindsight it shouldn't be taught from. I used a
18 bad choice of words.

19 Q. When was that conversation with Mr. Baksa and--
20 Who did you say it was with, Mr. Baksa and
21 Mr. Nilsen?

22 A. Yes. It would have been the 25th of July.

23 Q. Now, why shouldn't it be taught from?

24 A. Well, we feel better with it being used as a
25 supplement to a regular textbook, a regular

1 biology textbook. This book in and of itself
2 doesn't cover everything that is in a regular
3 biology textbook. And as a supplement, we felt
4 better about it, I felt better about it as
5 opposed to just having it, period.

6 Q. Now, there was a meeting of the board on August
7 the 2nd. Do you remember that?

8 A. I don't know dates. It could be.

9 Q. Please take Exhibit 4 which is the compendium of
10 articles and turn to The York Dispatch article
11 of August the 3rd, 2004.

12 MR. GILLEN: I take it I have a standing
13 objection as hearsay to all the newspaper
14 articles?

15 MR. HARVEY: Yes.

16 A. August the what?

17 BY MR. HARVEY:

18 Q. August the 3rd of 2004.

19 A. The one from The Dispatch?

20 Q. Yes, York Dispatch.

21 A. Okay.

22 Q. It says in the first paragraph it said, a
23 divided Dover Area school board approved a ninth
24 grade biology textbook last night, but the
25 debate over teaching creationism alongside

1 evolution in the district is far from over. Do
2 you see that? Why don't you take a moment to
3 read that article.

4 A. Okay.

5 Q. Does that refresh your recollection about the
6 meeting that was held on August the 2nd, this
7 board meeting of 2004?

8 A. I don't agree with what is stated on that paper,
9 but it refreshes my recollection about the
10 meeting.

11 Q. Tell me what you remember about the meeting.

12 A. Well, for one thing we didn't have a debate over
13 teaching creationism.

14 Q. Just tell me what you remember about the
15 meeting.

16 A. Without this, not much.

17 Q. Does this help you remember some things about
18 the meeting?

19 A. Yes.

20 Q. What does it help you remember?

21 A. I can see the errors in here, and it comes to my
22 mind as I see the errors as to what actually
23 transpired.

24 Q. Tell me what actually transpired.

25 A. Going by this?

1 Q. According to your memory, yes, as refreshed by
2 this document.

3 A. The third paragraph, the reason that happened is
4 because we had a school board member that wasn't
5 there that was a part of this process. And I--

6 Q. The reason that what happened? I'm sorry, I
7 didn't mean to cut you off. Go ahead.

8 A. We're talking about the-- It says, William
9 Buckingham, the head of the school board
10 curriculum committee, who brought up the issue
11 of teaching creationism in June, said he would
12 approve the biology textbook, the 2004 edition
13 of Prentice Hall Biology only in conjunction
14 with a companion text that teaches intelligent
15 design. I never spoke about teaching
16 creationism.

17 Q. Is the rest of that statement true?

18 A. I would say it's not because I don't-- I didn't
19 say that it taught intelligent design. I
20 indicated the book leading toward intelligent
21 design. I don't think I said it taught it.

22 Q. Right. But, in other words, you indicated at
23 that meeting that you weren't going to vote in
24 favor of approving the biology textbook unless
25 there was a companion text that covered the

1 subject of intelligent design, correct?

2 A. On the proviso that we didn't have a remaining
3 board member that was on vacation in Florida and
4 I wanted her to be a part of the process.

5 Q. Why did you want her to be a part of the
6 process?

7 A. Because she's a school board member and she
8 should have a vote.

9 Q. Well, it says in the first one it reports that
10 there were two votes on the subject and the
11 first one was deadlocked four-four and you were
12 against approving the biology textbook. Is that
13 correct?

14 A. Without the presence of the other school board
15 member, that's true.

16 Q. And then it was voted on. One board member
17 changed their mind. That was Angie Yingling.
18 And then it was passed. Is that correct?

19 A. Essentially that's correct.

20 Q. Is there any part of that that's incorrect?

21 A. I'll let it go at that.

22 Q. Now, there's an article a little further on, on
23 August 4 where it says -- you're quoted as
24 saying-- It's August 4 in the York Daily
25 Record.

- 1 A. I have an August 4th-- Okay, I've got it.
- 2 Q. Six paragraphs down it says that you said, if we
3 don't get our book, you don't get yours.
- 4 A. I don't remember saying that.
- 5 Q. Did you not say that or you don't remember that?
- 6 A. I don't remember it.
- 7 Q. Then if you turn to the next page, the fourth
8 paragraph down it says, but as Buckingham
9 approached her, Mrs. Yingling, he said I can't
10 believe you did that. Do you know what you've
11 done. And then to that Yingling replied, I feel
12 you were blackmailing them. I just want the
13 kids to have their books. Do you remember that
14 exchange between you and Ms. Yingling?
- 15 A. I remember an exchange. I don't remember the
16 blackmailing thing. I know she wanted the kids
17 to have their books, and I told her they're
18 going to get their books. That wasn't an issue.
- 19 Q. Did you say I can't believe you did that, do you
20 know what you've done?
- 21 A. Yes.
- 22 Q. What did you mean by that?
- 23 A. What happened was we had the four to four vote.
24 Another board member who sat two chairs away
25 from her threw a tantrum and scared her, and she

1 changed her vote.

2 Q. Who was that?

3 A. Jeff Brown.

4 Q. How did he throw a tantrum?

5 A. He was pounding on the table and screaming, and

6 he even stood up once, and she felt intimidated.

7 Q. What did he scream, anything in particular?

8 A. I don't remember what he screamed. I know it

9 was just extremely loud and it was like a temper

10 tantrum.

11 Q. So in the end the book, the biology textbook,

12 was approved for purchase, correct?

13 A. Yes.

14 Q. Without the companion text--

15 A. Yes.

16 Q. --Of Pandas, right?

17 A. Yes.

18 Q. But Of Pandas was later donated to the board --

19 excuse me, to the school district?

20 A. That's correct.

21 Q. Now, when you said in that exchange with

22 Ms. Yingling you said do you know what you've

23 done, what did you mean by that?

24 A. She left herself be intimidated by another board

25 member.

- 1 Q. Now, if you look-- Go back to The York Dispatch
2 of August 3. It's just a couple articles back.
- 3 A. York Dispatch of August 3?
- 4 Q. York Dispatch Of August 3, the one that begins,
5 Michigan law center offers a defense of
6 creationism. In the second paragraph it said,
7 William Buckingham said he has received a letter
8 from Americans United threatening to sue.
- 9 A. Yes.
- 10 Q. Did you receive such a letter?
- 11 A. I received a letter, but the word creation is--
12 I don't know if they said that or if they said
13 intelligent design.
- 14 Q. Where is that letter today?
- 15 A. I don't even think-- I don't have it anymore.
- 16 Q. Did your counsel ask you to give them any
17 documents that you had that related to this
18 lawsuit?
- 19 A. No.
- 20 Q. Do you have any documents in your possession?
- 21 A. I don't keep things anymore. We get so much
22 paperwork you just can't keep it. You just
23 can't.
- 24 Q. Then two paragraphs down there's a reference to
25 a letter from Richard Thompson of the Thomas

- 1 More Law Center in which he said, quotes, a
2 textbook adopted by the school board that
3 presents an alternative theory to evolution does
4 not violate the Constitution as long as the
5 alternative theory is appropriately presented,
6 close quotes. Do you see that?
- 7 A. I see it.
- 8 Q. You did, in fact, get such a letter from
9 Mr. Thompson?
- 10 A. I got letters from him. I don't know if he said
11 that or not. I honestly don't.
- 12 Q. A little further down it says, Buckingham said
13 that the Thomas More Law Center had recommended
14 the text Of Pandas and People. Do you see that?
- 15 A. Yes, I do.
- 16 Q. Did you say that?
- 17 A. No.
- 18 Q. Is it true?
- 19 A. No.
- 20 Q. Thomas More Law Center didn't recommend the
21 text?
- 22 A. No. They just told me the book was there. They
23 didn't recommend it yet.
- 24 Q. Had you ever heard of it before?
- 25 A. No.

1 Q. Now, did you do any research about the text Of
2 Pandas and People?

3 A. What do you mean research?

4 Q. Check it out to make sure it's a good book.

5 A. I ordered it.

6 Q. But other than that, did you do anything? Did
7 you talk to anybody about it?

8 A. No.

9 Q. Did the school board look at the book other than
10 you?

11 A. Eventually.

12 MR. GILLEN: Objection, foundation.

13 MR. HARVEY: When?

14 A. It was a way down the road.

15 BY MR. HARVEY:

16 Q. When was that?

17 A. I don't know.

18 Q. How did the school board look at it?

19 A. What do you mean how did they look at it?

20 Q. I mean, did you give them copies, or how did the
21 other school board members come to learn about
22 Pandas?

23 A. As I recall, I gave my copy to Dr. Nilsen to
24 read, and they got a couple more copies, and
25 they were passed around.

- 1 Q. Did the school board consult with anybody about
2 the text Of Pandas and People?
- 3 A. I don't understand the question.
- 4 Q. Well, the school board asked the teachers what
5 it thought about the text Of Pandas and People,
6 right?
- 7 A. Yes.
- 8 Q. And they were against it, correct?
- 9 A. Yes.
- 10 Q. So there's a set of professional educators that
11 you talked to about this. Were there any other
12 professional educators that you talked to about
13 this book?
- 14 A. Not that I recall. And their objection wasn't
15 over what the book was about. It was about they
16 thought it was written over the heads of some of
17 the students.
- 18 Q. Did you talk to anyone else about this book,
19 professional educators, scientists, anyone?
- 20 A. No.
- 21 Q. Now, a few minutes ago you said that you talked
22 to the Thomas More Law Center about intelligent
23 design. Do you remember that?
- 24 A. Yes.
- 25 Q. You said you spoke to Mr. Thompson about it?

1 A. That's true.

2 Q. Was that conversation before or after this
3 meeting in August?

4 A. I'm not sure.

5 Q. Did you talk to Mr. Thompson for the purpose of
6 finding out information about intelligent
7 design?

8 A. I think I probably asked him what he knows about
9 it and what our standing would be.

10 Q. When was the first time you talked to
11 Mr. Thompson?

12 A. I don't know.

13 Q. Was it on the phone?

14 A. Oh, yeah.

15 Q. Well, this meeting here on August the 2nd of
16 2004, was it in 2004 that you talked to
17 Mr. Thompson?

18 A. Yes.

19 Q. Was it around the same time as the meeting in
20 August?

21 A. I don't know.

22 Q. Do you remember why you spoke to him the first
23 time, what was your purpose in talking to him?

24 A. To see if he had any experience with the
25 scientific concept of intelligent design and

1 what that might be.

2 Q. Did you call him?

3 A. Yes.

4 Q. Did you speak with him about that subject?

5 A. Yes.

6 Q. Did you tell him why you were calling?

7 A. I'm sure I did.

8 Q. What did you tell him about why you were

9 calling?

10 A. I imagine I explained to him that it was--

11 MR. GILLEN: I just want to make sure to

12 the extent that communications occurred in

13 connection with your call requesting legal

14 advice and the legal standing on the issue,

15 don't provide that information.

16 BY MR. HARVEY:

17 Q. You can answer the question.

18 A. I can't.

19 Q. Why not?

20 A. That's why I called.

21 Q. I thought you just told me it was to ask him

22 about intelligent design.

23 A. I told you I called to ask him if he had

24 experience in the scientific concept of

25 intelligent design and where he thought we would

1 stand if we used it.

2 Q. Did you tell other people on the board that you
3 were going to make that call?

4 A. No.

5 Q. So this was a call that you just made on your
6 own?

7 MR. GILLEN: Objection to the
8 characterization of how he was acting, in what
9 capacity.

10 A. I was gathering information.

11 BY MR. HARVEY:

12 Q. Did you report this information to the board?

13 A. Yes.

14 Q. When did you report it to the board?

15 A. After I talked to the Thomas More Law Center.

16 Q. What did you tell the board?

17 A. Told them I talked to the Thomas More Law
18 Center.

19 Q. What did you tell them about that?

20 MR. GILLEN: Objection to the extent that
21 you sought and obtained legal advice from anyone
22 at the center and communicated that legal advice
23 to the board. Don't communicate that
24 information.

25 MR. HARVEY: Patrick, I don't think under

1 any conceivable theory was the board a client of
2 the Thomas More Law Center at that time. He
3 might conceivably himself. Arguably there was
4 an attorney-client relationship there, but that
5 did not extend to the board at that time on
6 whose behalf he was not acting. And his
7 communications to the board, therefore, waived
8 it, and I'd like to know what he told them.

9 MR. GILLEN: I don't know. I'm not sure.
10 I don't know what the understanding of all the
11 board members was at that time. It's my
12 understanding he was acting in his capacity as a
13 board member seeking legal advice for the
14 benefit of the board.

15 MR. HARVEY: He just told me that he didn't
16 talk to anybody about it before he did that, so
17 I think the question is answered.

18 MR. GILLEN: I'm not sure that's what he
19 said.

20 MR. HARVEY: I'm quite sure that's what he
21 said.

22 MR. GILLEN: I'm going to instruct him not
23 to answer to the extent he sought legal advice
24 in his capacity as a board member and
25 communicated that legal advice to the board.

1 Q. What did you tell the board about your
2 conversation with Mr. Thompson?

3 MR. GILLEN: Don't answer to the extent
4 it's legal advice you were given and
5 communicated to the board members as board
6 members meeting as a board.

7 A. That's all it would have been. It would have
8 been an executive session. It wouldn't have
9 been in the board meeting.

10 BY MR. HARVEY:

11 Q. When was that executive session?

12 A. I don't know.

13 Q. Do you remember what you told the executive
14 session of the board?

15 A. Not exactly, no.

16 Q. Do you remember generally?

17 A. No.

18 Q. Take a look at Plaintiff's Deposition Exhibit 7.
19 That's a page from the Thomas More Law Center
20 website. Have you ever seen it before?

21 A. I don't know that I have or haven't to be honest
22 with you.

23 Q. The second sentence says, quotes, our purpose is
24 to be the sword and shield for people of faith
25 providing legal representation without charge to

1 defend and protect Christians and their
2 religious beliefs in the public square. Do you
3 see that?

4 A. Yes.

5 Q. Did you understand that to be the purpose of the
6 Thomas More-- Sitting here today, do you
7 understand that to be the purpose of the Thomas
8 More Law Center?

9 MR. GILLEN: Objection, relevance.

10 A. Do I understand that to be the purpose?

11 BY MR. HARVEY:

12 Q. Yes.

13 A. I understand that's what it says.

14 Q. Did you understand that that was the purpose of
15 the Thomas More Law Center when you first
16 contacted them?

17 A. No.

18 Q. What did you think it was?

19 A. I thought it was a group of attorneys that I
20 could get some legal advice from.

21 Q. Did you recognize that it was dedicated to
22 advancing Christian beliefs?

23 MR. GILLEN: Objection to the
24 characterization of the mission of the center.

25 A. It never crossed my mind either way.

1 BY MR. HARVEY:

2 Q. Did you think about calling the ACLU or
3 Americans United?

4 A. No.

5 Q. Did you think about calling any other
6 organizations?

7 A. No.

8 Q. Where did you get the name for the Thomas More
9 Law Center?

10 A. I'm not sure how I got it. I just-- I don't
11 know if someone mentioned it to me. To tell you
12 the truth, I don't know. I think someone
13 mentioned it to me. Who it would have been, I
14 don't know.

15 Q. Is it a Catholic organization?

16 A. I don't know.

17 MR. GILLEN: Objection, relevance.

18 BY MR. HARVEY:

19 Q. So we were talking before about where you got
20 the idea for intelligent -- where the idea of
21 intelligent design in the board resolution came
22 from, and I want to direct you now to yet
23 another exhibit, Mr. Buckingham. If you go to
24 what's been marked in front of you, that big
25 stack of stuff, Page Number 1 of that exhibit,

1 that's a memo, right?

2 A. Appears to be.

3 Q. It's from whom?

4 A. Mr. Baksa.

5 Q. Who is Mr. Baksa?

6 A. Assistant superintendent of the schools.

7 Q. It's calling for a meeting of the board
8 curriculum committee on Thursday, October 7th,
9 correct?

10 A. Yes.

11 Q. You were the head of that committee?

12 A. Pardon?

13 Q. You were the head of that committee?

14 A. Yes.

15 Q. Now go to Page 36, please. There's a page there
16 that says at the top, Board Curriculum Council
17 Meeting, October 7, 2004, Proposed Curriculum
18 Changes. Do you see that?

19 A. Yes.

20 Q. Have you ever seen this page before?

21 A. I may have.

22 Q. Please take a moment to look at it and tell me
23 whether you've ever seen it before.

24 MR. GILLEN: If I may, Stephen, to avoid
25 any unnecessary waste of time, there's two

1 versions of that document. One has handwritten
2 notes. One does not. Page 35 does not have the
3 handwritten notes. Did you see either of them
4 just for Stephen's benefit?

5 A. It's possible. To tell you I remember specific
6 paper out of all the papers we see, you know, it
7 wouldn't be fair to me or you.

8 BY MR. HARVEY:

9 Q. So you don't remember seeing this?

10 A. No.

11 Q. Well, at the top it says, recommendations, and
12 it says, students-- It has a recommendation
13 apparently from the administration and staff,
14 one from Mr. Bonsell, one from Casey Brown, and
15 one from you.

16 A. Okay.

17 Q. And they all differ slightly. Do you see that?

18 A. Yes.

19 Q. I want to know if that's your recollection of
20 what all your various views were.

21 A. That's my recollection. I just didn't know if I
22 saw this paper before.

23 Q. Okay, fine. So you wanted-- Under Number 4,
24 you wanted something that would say students
25 will be made aware of other theories of

1 evolution including, but not limited to,
2 intelligent design, right?

3 A. True.

4 Q. Mr. Bonsell according to the handwritten comment
5 that's been written in there wanted the same
6 thing?

7 MR. GILLEN: Objection to the surmise as to
8 what that handwritten comment says.

9 MR. HARVEY: Fair enough.

10 BY MR. HARVEY:

11 Q. Did Mr. Bonsell want the same thing as you?

12 A. I don't know.

13 Q. Well, did you attend curriculum meetings with
14 Mr. Bonsell?

15 A. Yes.

16 Q. How many did you attend?

17 A. Several.

18 Q. Tell me when those meetings were to the best of
19 your recollection.

20 A. I couldn't come close.

21 Q. Were the faculty and staff represented at those
22 meetings?

23 A. Yes.

24 Q. Were the faculty and staff represented at all of
25 those meetings?

- 1 A. No.
- 2 Q. Do you know how many meetings there were? Was
3 it two, three, or four or more?
- 4 A. At least four. The last one-- Well, there was
5 at least four.
- 6 Q. Was it fair to say that the staff didn't want a
7 reference to intelligent design?
- 8 A. What staff?
- 9 Q. The faculty I mean.
- 10 A. That's true.
- 11 Q. And that you did want a reference to intelligent
12 design?
- 13 A. That's true.
- 14 Q. Do you remember what Ms. Brown's view was?
- 15 A. I think she was opposed to it.
- 16 Q. What about Mr. Bonsell, did he want a reference
17 to intelligent design or not?
- 18 A. He did-- There was a point where he wasn't
19 sure, and there was a point where he did. I'm
20 not sure where we are here.
- 21 Q. Now, so at least at this point as of October 7th
22 you were the one who wanted intelligent design
23 included in the revised curriculum?
- 24 A. I was one of the people that did. I wasn't the
25 only one.

- 1 Q. Who were the others?
- 2 A. Sheila Harkins, Janie Cleaver, Heather Geesey.
- 3 Was Heather there then. I'm not sure if Heather
- 4 Geesey was on the board then. I know she wanted
- 5 it.
- 6 Q. I believe she was.
- 7 A. Okay, she wanted it. Angie Yingling indicated
- 8 she did. Noel Wenrich wanted it. I guess
- 9 that's about it.
- 10 Q. What about Alan Bonsell?
- 11 A. Alan wanted it.
- 12 Q. So that's everybody but the Browns wanted it?
- 13 A. I guess so.
- 14 Q. You just told me that's at the time of October
- 15 the 18th. Do I understand that correctly?
- 16 A. No. We're talking about October the 7th, aren't
- 17 we?
- 18 Q. Yes, good clarification. Had the matter been
- 19 discussed with the entire board as of October 7?
- 20 A. I'm sure it had.
- 21 Q. In other words, how did you know all these
- 22 people wanted it?
- 23 A. I'm sure it was talked about at the board
- 24 meetings.
- 25 Q. Do you remember when? Prior to October the

1 18th?

2 A. Definitely.

3 Q. It was definitely talked about prior to

4 October 18th?

5 A. Absolutely.

6 Q. Do you remember when?

7 A. Several occasions. I'm sure we did actually

8 have meetings it didn't come up.

9 Q. Were the only discussions that were held about

10 it at board meetings, formal board meetings,

11 either in executive session or otherwise, or

12 were there discussions of it outside of formal

13 board meetings?

14 A. Some board meetings.

15 Q. Well, it was discussed at the curriculum

16 meeting, right?

17 A. Well, that was our job, yeah.

18 Q. So it was discussed at curriculum meetings, and

19 it was discussed at several board meetings?

20 A. Yes.

21 Q. Was it ever discussed in any other meetings like

22 maybe a meeting you had with somebody at your

23 house?

24 A. No. Nobody ever comes to my house from here.

25 Q. Did you ever have any discussions with any other

1 board members, you know, at a coffee shop, at
2 your church, at your place of business, or
3 anyplace else?

4 A. No.

5 Q. Did you ever talk about it on the phone with any
6 of the board members?

7 A. The only time I talked about it on the phone was
8 with reference to Janie Cleaver. I was
9 wondering if she was going to be back for the
10 board meeting. That is my recollection. And I
11 think she called me from Florida. I didn't even
12 know how to call her. I know there was a
13 concern over whether she'd be back for the board
14 meeting or not.

15 Q. Did the board ever review any materials-- Were
16 any materials presented to the board about
17 intelligent design, telling them what it was?

18 A. Other than the book, I don't believe so.

19 Q. Did the board ever talk to anybody about what
20 the concept of intelligent design was such as--

21 A. Not to my knowledge.

22 Q. I'm still trying to understand how the subject
23 of intelligent design got introduced. You said
24 that Alan Bonsell talked to you about it a long
25 time prior to this.

- 1 A. Right after I come on the board.
- 2 Q. And then you said you talked to Mr. Thompson
3 about it one time but that was just about the
4 legal status of it, correct?
- 5 A. Well, I wanted to know about the legal status of
6 it, and I wanted to know what he knew about it.
- 7 Q. What did he tell you about what he knew about it
8 apart from the legal status?
- 9 A. I don't remember.
- 10 Q. Were you the one who was pushing the idea of
11 including intelligent design in the curriculum?
- 12 A. I wouldn't characterize it that way.
- 13 Q. How would you characterize it?
- 14 A. I was one that I would say I kept the
15 conversation going.
- 16 Q. Why did you keep the conversation going?
- 17 A. Because I wanted other scientific theories
18 alongside of Darwin's theory of evolution, you
19 know, other scientific theories so the students
20 would have a more rounded scientific education
21 as far as other theories go.
- 22 Q. Was your only personal reason so they would have
23 a more well-rounded education?
- 24 MR. GILLEN: Objection, relevance. Go
25 ahead, answer.

1 A. Absolutely.

2 BY MR. HARVEY:

3 Q. Did you consider alternatives to other aspects
4 of the curriculum? Why only evolution did you
5 want to provide alternative theories on?

6 A. As I recall, we had a meeting involving
7 Mrs. Spahr and some of the people in the science
8 department, and we encouraged them to come up
9 with other theories. You know, I'm not a
10 scientist. I don't know all the theories out
11 there. I became aware that this scientific
12 theory existed, and I just felt that more than
13 one scientific theory should be mentioned in the
14 classroom.

15 Q. Scientific theories for -- that relate to the
16 origins of life and-- Is that what you mean?

17 A. Whatever. It doesn't have to be that.

18 Q. You weren't asking her to come up with other
19 scientific theories, for example, with respect
20 to the creation of volcanoes, were you?

21 A. If she wanted to. It was a blanket statement.
22 You know, there are different theories for
23 different things. We just wanted alternative
24 theories to different things, you know, to well
25 round an education.

1 Q. So you told Ms. Spahr that you wanted
2 alternative theories for all aspects of the
3 science curriculum?

4 A. I didn't say that. I didn't say that.

5 Q. What did you say?

6 A. In the course of our meeting, that was the gist
7 of what was discussed. I can't tell you who
8 said what. I don't know. And at that meeting--
9 Well, that's all I can say.

10 Q. But the only one that you insisted that there be
11 an alternative to was the theory of evolution,
12 correct?

13 A. I wouldn't say I insisted at that time. I just
14 recognized that as one of the scientific
15 theories out there. It was one I could call by
16 name. If there were other scientific theories
17 that she wanted to introduce, we were fine with
18 that.

19 Q. How do you know intelligent design is a
20 scientific theory?

21 A. It's a scientific theory because a lot of
22 scientists back it. They have a lot to say
23 about that.

24 Q. How do you know that a lot of scientists back
25 it?

1 A. I read about it.

2 Q. Where did you read about it?

3 A. Different articles.

4 Q. Can you remember any of them?

5 A. Not off the top of my head. And also I received
6 a call from The Discovery Institute. And I
7 talked to an attorney there. He called me. I
8 didn't even know they existed. He sent
9 information to us.

10 Q. Who was the attorney?

11 A. Seth Cooper.

12 Q. What did he tell you?

13 MR. GILLEN: Again, to the extent he
14 provided you with legal advice and you went to
15 him for that or you discussed that, he offered
16 and you accepted it, don't communicate that.

17 BY MR. HARVEY:

18 Q. He contacted you, Mr. Cooper, right?

19 A. Yes.

20 Q. You didn't seek him out?

21 A. No.

22 Q. So you weren't seeking any information from him.
23 He was reaching out to you, correct?

24 A. Once he called me, I was seeking information
25 from him.

1 Q. What was the information you were seeking from
2 him?

3 A. The same as when I talked to Mr. Thompson. I
4 didn't know anything about The Discovery
5 Institute, what they espoused or anything like
6 that. I just wanted to know what he knew about
7 it.

8 Q. What he knew about what?

9 A. Intelligent design.

10 Q. What did he tell you?

11 A. I can't recall. That was a long time ago.

12 Q. Do you remember anything he said to you?

13 A. I remember that--

14 MR. GILLEN: Apart from legal advice he
15 gave you.

16 A. Right. He talked about Darwin's theory, and he
17 provided information to me that I gave to the
18 science department for the school -- or the
19 teachers and the administration to review
20 regarding Darwin's theory.

21 BY MR. HARVEY:

22 Q. What was that information that he gave you?

23 A. There were others -- there were scientists in
24 there that had opinions differing in many
25 respects from Darwin's.

1 Q. Was this in writing that he gave you this
2 information?

3 A. It was a DVD, a videotape, a book or two.

4 Q. The Discovery Institute gave you a videotape, a
5 DVD, and a book or two?

6 A. Yes.

7 MR. HARVEY: Counsel, why weren't these
8 produced?

9 MR. GILLEN: You know, a couple of things.
10 First of all, I'm not sure they're responsive.
11 Second, I have to be honest, I wasn't sure
12 exactly what they provided. We asked for
13 everything and provided you in a very short
14 period of time everything we could lay our hands
15 on including over a hundred pages of documents
16 which were copied over the break and in addition
17 provided things this morning that just came to
18 light last night.

19 This I can say is the first time I've heard
20 of these documents. In the event I determine
21 that they're responsive, I will gladly turn them
22 over to you.

23 BY MR. HARVEY:

24 Q. Where are they now?

25 A. They were turned over to Dr. Nilsen. He turned

1 them over to someone in the science department.
2 That's the last I saw of them. I donated those
3 to the school.

4 Q. Were they ever reviewed by the board?

5 A. Not to my knowledge.

6 Q. Did you review them?

7 A. Yes.

8 Q. How long did it take you to review them?

9 A. A couple of days.

10 Q. Do you remember any of the discussions that the
11 board had about the subject of intelligent
12 design?

13 A. Not verbatim, no.

14 Q. Do you remember anybody discussing why they
15 wanted it taught or presented?

16 A. What does presented mean?

17 Q. You don't know what I mean by presented?

18 A. No.

19 Q. Okay. Why did they want it taught?

20 A. They didn't.

21 MR. GILLEN: Objection to--

22 BY MR. HARVEY:

23 Q. They didn't want it taught. What did they want
24 done?

25 A. They wanted the scientific theory of intelligent

- 1 design mentioned.
- 2 Q. Did they say why they wanted it mentioned?
- 3 A. They who?
- 4 Q. The board members.
- 5 A. The board members?
- 6 Q. Yes.
- 7 A. Because it's a scientific theory and we felt
8 that it would be a good addition to the class to
9 go along with Darwin's theory of evolution.
- 10 Q. Which school board members said that?
- 11 A. I don't know.
- 12 Q. I mean, do you remember specifically what people
13 said--
- 14 A. No.
- 15 Q. --about why they wanted it?
- 16 A. No. I was talking about me. I'm sorry.
- 17 Q. That's okay. So was there ever any discussion
18 on the board about the reason for mentioning
19 intelligent design?
- 20 A. Yes.
- 21 Q. What was that?
- 22 A. To present a balanced view of scientific
23 theories.
- 24 Q. When was that?
- 25 A. Different times. I couldn't give you dates.

- 1 Q. Balance between what? I mean, what were you
2 balancing?
- 3 A. Different scientific theories, not necessarily
4 one critical of the other, just other things.
- 5 Q. Do you remember who specifically said that?
- 6 A. No.
- 7 Q. Did Sheila Harkins ever say that?
- 8 A. I don't know.
- 9 Q. Did any of the board members ever express any
10 other ideas why they wanted intelligent design
11 mentioned to the students?
- 12 A. I don't know.
- 13 Q. In other words, you don't remember?
- 14 A. I didn't-- There were meetings I was absent at,
15 so I can't tell you. While I was there, I don't
16 remember ever hearing.
- 17 Q. Why not teach the theory of intelligent design?
18 Why did you just want it mentioned instead of
19 taught?
- 20 A. Because we were afraid we were getting into a
21 gray area that we didn't want to go into.
- 22 Q. What do you mean by a gray area?
- 23 A. We just wanted to have it mentioned and have the
24 students be able to have an alternative theory,
25 not necessarily opposed by Darwin or opposing

1 Darwin, that would help them round out their
2 scientific education. We stayed within the
3 guidelines of the PSPA. That was our intent.

4 Q. I'm still not sure I understand. Why is it a
5 gray area in your mind? Why was it a gray area?

6 A. Well, I didn't-- The teachers weren't
7 comfortable teaching it, and I didn't want to
8 force it on them if they weren't comfortable
9 teaching it.

10 Q. You said earlier in this deposition that you
11 wanted the teachers to teach any theories they
12 thought plausible.

13 MR. GILLEN: Objection to the
14 characterization of his testimony. I don't
15 believe he said that.

16 MR. WALCZAK: It's a quote.

17 A. What I said was scientific theories they thought
18 were plausible.

19 BY MR. HARVEY:

20 Q. So teachers could teach any scientific theory
21 they thought plausible?

22 A. With the--

23 Q. You can answer the question.

24 MR. GILLEN: Objection, calls for
25 speculation. But go ahead, answer.

1 A. With limitations and by approval of the board.

2 BY MR. HARVEY:

3 Q. Why did you want them to teach any theories that
4 they thought plausible?

5 MR. GILLEN: Objection to the
6 characterization of his testimony.

7 A. I didn't get your question. I'm sorry.

8 BY MR. HARVEY:

9 Q. Why did you want the teachers to be able to
10 teach any theories they thought plausible?

11 MR. GILLEN: Same objection.

12 A. In an effort to round out the scientific
13 education of the students in the class.

14 BY MR. HARVEY:

15 Q. Is it a concern of you that the mainstream
16 scientific community doesn't accept intelligent
17 design as scientific teaching at all?

18 MR. GILLEN: Objection, foundation.

19 A. I don't know that that's true, so it's not a
20 concern for me.

21 BY MR. HARVEY:

22 Q. I mean, you don't recognize that it's true that
23 the scientific community doesn't -- the
24 mainstream scientific community at the very
25 least does not accept intelligent design as

1 valid science?

2 MR. GILLEN: Same objection.

3 A. What constitutes mainstream?

4 BY MR. HARVEY:

5 Q. I'm just asking you if you have an understanding
6 on that subject.

7 A. I know there are a lot of scientists that oppose
8 some parts of Darwin's theory of evolution, and
9 I know there are scientists who support aspects
10 of intelligent design.

11 Q. If the teachers didn't want to teach it, why are
12 you making them mention it?

13 A. Again, as part of an effort to round out the
14 scientific education of the students.

15 Q. I know that's true, but you're not a
16 professional science educator, correct?

17 A. That's correct.

18 Q. You don't know anything really about science.
19 Isn't that correct?

20 A. I wouldn't say that.

21 Q. Well, you know very little about science?

22 A. I know water is H²O.

23 Q. You don't have any background in science beyond
24 what's--

25 A. I'm not a professional.

- 1 Q. Are you a very knowledgeable lay person?
- 2 A. With regards to what?
- 3 Q. Science.
- 4 A. Depends on what very knowledgeable means.
- 5 Q. Do you subscribe to any scientific publications?
- 6 A. No.
- 7 Q. Have you ever?
- 8 A. No.
- 9 Q. Do you follow science developments?
- 10 A. Yes.
- 11 Q. Where?
- 12 A. Discovery channel, things like that on TV.
- 13 Q. Other than that, do you read about it in any
- 14 newspapers?
- 15 A. Yeah.
- 16 Q. Which ones, York Daily Record?
- 17 A. York Dispatch. We only have two.
- 18 Q. Well, you don't read those regularly, correct?
- 19 I mean, you already told me that.
- 20 A. I don't read the letters to the editor, and I
- 21 don't pay attention to what they say about this
- 22 issue.
- 23 Q. Well, you told me you read the obituaries and
- 24 the sports page very clearly earlier, correct?
- 25 A. Yeah. But I didn't say that was all I read.

1 Q. In any event, you've got teachers that are
2 professional science educators, and you pay them
3 money to teach the students, correct?

4 A. That's true.

5 Q. Why did you disregard their advice on this?

6 MR. GILLEN: Objection, foundation.

7 A. I won't say we disregarded it. They didn't want
8 to teach it, and they don't have to.

9 BY MR. HARVEY:

10 Q. Well, they didn't want it mentioned. Isn't that
11 correct?

12 A. There were some teachers that indicated that
13 they weren't comfortable with mentioning that.

14 Q. So why did you overrule them, these professional
15 science educators?

16 A. It's our job as a school board to set the
17 curriculum. I won't say we overruled them
18 because their concern was that because
19 intelligent design was in the curriculum that we
20 were forcing them to teach it. We told them
21 multiple times no.

22 Q. You were just forcing them to mention it?

23 A. To acknowledge that that scientific theory does
24 exist.

25 Q. Right. But they were against that, correct?

1 A. Yes.

2 Q. Why did you force them to mention it when they
3 didn't want to as professional science
4 educators?

5 A. As school board-- As a school board, we thought
6 it was in the best interest of the students to
7 do that.

8 Q. That's I mean-- I mean, I would hope that would
9 be true.

10 A. It is true.

11 Q. But why did you think it was in the best
12 interest of the students to overrule the
13 professional science educators?

14 A. I think the science educators were operating out
15 of fear. And, again, we thought it would be in
16 the best interest of the students and a way to
17 step towards giving them a fuller scientific
18 education to mention this theory and other
19 theories.

20 Q. Why do you think the school teachers were
21 operating out of fear?

22 A. I guess they're afraid of the ACLU. I don't
23 know. You have to ask them that.

24 Q. Did they ever tell you they were afraid?

25 A. They said they were afraid of being sued.

1 Q. What did they say they were afraid of being sued
2 about?

3 A. Intelligent design. They were afraid it would
4 be considered something else.

5 Q. But that was all later when they said that they
6 were afraid of being sued. Initially they were
7 just against teaching it or mentioning it.
8 Isn't that correct?

9 A. That's not correct. They always had a
10 background of being afraid they'd be sued.

11 Q. Now, was the board meeting on October the 18th
12 taped?

13 A. I don't know. As I recall, our normal secretary
14 was out, and someone else was operating the
15 equipment, and I think there was something --
16 something happened with the taping process.
17 That's my recollection.

18 Q. Do you remember what happened at the meeting
19 October 18th?

20 A. With regards to?

21 Q. Intelligent design and the board's resolution.

22 A. Did we establish that we passed it then?

23 Q. Yes.

24 A. Yeah.

25 Q. Do you remember the discussion that took place?

1 A. As I recall, yes.

2 Q. Do you remember that approximately 11 people
3 from the public stood up and spoke about it?

4 A. I don't know how many people.

5 Q. Do you remember that 10 of them spoke against
6 it?

7 A. No, I don't remember that.

8 Q. Do you remember anyone speaking for it?

9 A. Yes.

10 Q. Who was that?

11 A. You know, they come to the podium. They give a
12 name. And I know that the people normally that
13 come and speak against it are either relatives
14 or friends of teachers.

15 Q. Why would relatives and friends of teachers
16 speak against it?

17 A. I don't know.

18 MR. GILLEN: Objection, foundation.

19 A. Don't know.

20 BY MR. HARVEY:

21 Q. Angie Yingling voted for the resolution on
22 October 18th, correct?

23 A. Yes.

24 Q. Did you know that she later stated that she felt
25 pressured to do that because people called her

1 an atheist if they didn't support it?

2 A. She never told me that.

3 Q. Did you ever hear that?

4 A. Not from her.

5 Q. Did you hear it from anybody?

6 A. I might have. I think I did hear it from
7 somebody, but I don't know who.

8 Q. Was it true? Did anybody say that to her?

9 A. Not to my knowledge.

10 Q. Did you have any conversations with her about
11 it?

12 A. About being an atheist?

13 Q. About pressuring her to support the resolution.

14 A. Did I-- I don't understand the question.

15 Q. Did you have any conversations with Ms. Yingling
16 about supporting the resolution?

17 A. Yes.

18 Q. Tell me about that conversation, everything you
19 can remember.

20 A. I just asked her how she felt about it.

21 Q. What did she say?

22 A. She said I'll support you a hundred percent.

23 Q. Did you say anything else to her?

24 A. No, not that I recall. I don't know what else I
25 would have said.

1 Q. Did you hear that Casey Brown said that people
2 asked her whether she was born again?

3 A. I remember that.

4 Q. Did you ever hear anybody asking Casey if she
5 was born again?

6 A. Never.

7 Q. Would you agree that would be inappropriate at a
8 board meeting?

9 A. Absolutely. It's appropriate anywhere --
10 inappropriate, I'm sorry.

11 Q. I'm sorry?

12 A. Inappropriate. I think I said appropriate. I'm
13 sorry, I misspoke.

14 MR. HARVEY: Why don't we just take about a
15 five-minute break.

16 A. That would be great. Thank you.

17 (Recess taken)

18 BY MR. HARVEY:

19 Q. Mr. Buckingham, I don't mean to get into your
20 personal issues again, but I think I need to ask
21 this question as well, and that is there is a
22 pretty big disconnect in this case between what
23 the newspapers are saying and what the witnesses
24 that we've talked to today are saying to us,
25 especially you. You did have some drug issue in

1 your recent past or somewhat recent past. Is it
2 your understanding that that would in any way
3 affect your memory or ability to remember these
4 things?

5 A. I didn't understand that, but Oxycontin is a
6 relatively new drug, and the long-term effects
7 of it aren't known, so I don't know. They could
8 well be. I don't know.

9 Q. Are you taking anything like cold medicine or
10 anything today that would affect your ability to
11 remember the events correctly?

12 A. No. I have a Hall's right now.

13 Q. How old are you?

14 A. Fifty-eight.

15 Q. How is your memory generally?

16 A. Do you want my version or my wife's?

17 Q. Generally what's your version?

18 A. I'd say average.

19 Q. The board resolution is quoted in the complaint
20 in this matter, and I think you've admitted it,
21 so we don't need to go into it. Well, it's
22 right on the second page of the complaint which
23 is Deposition Exhibit 1 right up at the top.

24 Who drafted that language?

25 A. I think it was a combination of-- Although not

1 in the same room at the same time obviously,
2 it's a combination of the teachers, the
3 administration, and the curriculum committee.

4 Q. What language did the teachers add?

5 A. Pardon?

6 Q. Looking at that resolution there, the teachers
7 added the language, note: origins of life is not
8 taught.

9 MR. GILLEN: Objection, speculation.

10 BY MR. HARVEY:

11 Q. Isn't that right?

12 A. It could be.

13 Q. Do you remember?

14 A. No, not for sure.

15 Q. Okay. What language did the curriculum
16 committee draft?

17 A. There were three proposals. Without having them
18 in front of me, I can't tell you.

19 Q. Well, in that case why don't you pick up
20 Deposition Exhibit 5 and turn to about
21 four-fifths of the way through.

22 MR. GILLEN: I think it's 133 or
23 thereabouts. I could be wrong.

24 BY MR. HARVEY:

25 Q. One thirty-nine, do you see that that's the

1 agenda for the meeting?

2 A. Yes.

3 Q. Then if you go to Page 145 under the curriculum,
4 it says, copies of the changes have been sent to
5 the district curriculum advisory council and the
6 science department. Do you see that under
7 background information?

8 A. Yes.

9 Q. Just above that it refers to the approved
10 changes to the biology curriculum, and there's a
11 reference to the enclosures?

12 A. Yes.

13 Q. Was the material that was considered at this
14 meeting was it shared with the district
15 curriculum advisory council?

16 A. I can't say if it was or not. I know I didn't.
17 I don't know if anyone else did or not.

18 Q. What is the district curriculum advisory
19 council?

20 A. It's my understanding it's made up of people
21 from the community and possibly some teachers.

22 Q. Then if you go on and you look at attached to
23 this are three different enclosures. The first
24 one is at 146 and 147. Do you see that?

25 A. Um-hum.

- 1 Q. The cover memo says, the first one, that's
2 Exhibit XI-B, they're out of order here, is the
3 recommended change from the administration and
4 staff. Do you see that? It's 147.
- 5 A. Yes.
- 6 Q. This one came from the staff?
- 7 A. One forty-seven?
- 8 Q. Right. This is the one that came from the
9 faculty, right? And there's no reference to
10 intelligent design or Of Pandas and People?
- 11 A. Where do you see it was recommended by somebody?
- 12 Q. There's a cover memo.
- 13 A. Oh, on the cover memo.
- 14 Q. Page 146.
- 15 A. Yes, I see that now.
- 16 Q. This is what came from the staff. Then the next
17 one if you go to Page 148 and 149, look at the
18 memo on 148. This is the one that came from the
19 curriculum committee.
- 20 A. Right. I read that.
- 21 Q. It says there's a reference to intelligent
22 design and a reference to Of Pandas and People.
- 23 MR. GILLEN: Excuse me if I may, Steve.
24 Just for the record, I believe that the
25 documents that you're referencing are the ones

1 that are properly associated with the memos, but
2 I know that the packet I produced they were
3 stapled and these are not. I believe that it's
4 not problematic.

5 MR. HARVEY: These are in the same order
6 that you produced according to the numbers.

7 MR. GILLEN: Then it is my belief they were
8 properly associated with the cover memo.

9 MR. HARVEY: Right.

10 BY MR. HARVEY:

11 Q. So then if you look now if you go to the minutes
12 for the meeting which is on 160-- Are you on
13 Page 160?

14 A. Yes.

15 Q. Up at the top it says that it was Enclosure XI-A
16 that was approved with also the addition of the
17 words the origins of life is not taught.

18 A. I see that.

19 Q. So now Enclosure XI-A, just to refresh your
20 recollection, was the one that came from the
21 curriculum committee.

22 A. The one that has intelligent design in it?

23 Q. Yes, and the reference. My question is, who on
24 the curriculum committee drafted that language,
25 or was it somebody else? I mean, it might have

1 been somebody outside of the curriculum
2 committee. Who drafted it?

3 A. It was the curriculum committee, Mr. Baksa, and
4 Alan Bonsell came up with that.

5 Q. Did you have any conversations with anybody from
6 the Thomas More Law Center about that language
7 prior to the vote on October the 18th?

8 A. Not that I recall.

9 Q. Do you know if anyone else did?

10 A. Not to my knowledge.

11 Q. Then the words that were added, the origins of
12 life is not taught, what does that mean?

13 MR. GILLEN: Objection, foundation.

14 BY MR. HARVEY:

15 Q. You were there. What did you think that meant?

16 A. The teachers at that time indicated they were
17 going -- wanted to teach Darwin's theory of
18 evolution as within species development, and
19 that was put in there to protect them and to try
20 to avoid a controversy down the road.

21 Q. Why was it in there to avoid a controversy down
22 the road?

23 A. We didn't want-- We kind of reached a
24 compromise to where the origin of life would not
25 be taught, period, not through intelligent

1 design, not by Darwin's theory. It was kind
2 of-- It was for them as well as -- the teachers
3 as well as anybody else so they felt more
4 comfortable.

5 Q. Whose idea was it that intelligent design would
6 just be mentioned and not taught? Where did
7 that come from?

8 A. It came from the board as a whole.

9 Q. Was there discussion on that?

10 A. In a-- I'm sure there had to be.

11 Q. Did you have a discussion with anyone from the
12 Thomas More Law Center about that?

13 A. No.

14 Q. Did you have a discussion with anybody about
15 that outside of the board?

16 A. No, me personally, no. I don't know if anyone
17 else did or not.

18 Q. How many times prior to October 18th did you
19 talk to anyone from the Thomas More Law Center?

20 MR. GILLEN: Objection, relevance.

21 A. Maybe two, three times, three times, maybe four.

22 BY MR. HARVEY:

23 Q. In person or on the phone?

24 A. On the phone.

25 Q. Was there ever any in-person meetings before

1 October 18th?

2 A. No.

3 Q. Now, you did talk to the Thomas More Law Center
4 about representing the school board and the
5 school district in any lawsuit before
6 October 18th, correct?

7 MR. GILLEN: Objection, relevance.

8 A. That was discussed.

9 BY MR. HARVEY:

10 Q. What did you tell the board about that?

11 A. I told them that the Thomas More Law Center
12 offered to represent us in any legal proceedings
13 that might result as a result of intelligent
14 design.

15 Q. Did the Thomas More Law Center say that to you
16 in writing, or was that oral?

17 A. I was told that over the phone, and there was a
18 follow-up letter.

19 MR. HARVEY: Counsel, could you produce
20 that letter?

21 MR. GILLEN: I could and I believe-- I'll
22 check, but I believe I will.

23 BY MR. HARVEY:

24 Q. Tell me everything you can remember about the
25 discussion of the board resolution on

1 October 18th that was discussed on October 18th
2 at the board meeting.

3 A. I know when it came up for a vote Mr. Wenrich
4 had some reservations about how we went about
5 the process, and he made several attempts to
6 remove intelligent design from the wording. And
7 that pretty much was the crux. I mean, it look
8 a long time because he kept rewording things and
9 bringing them up. That was pretty much the crux
10 of it. Then we finally were able to vote on it
11 as it was presented, and it was approved.

12 Q. Do you remember anything else that was said at
13 the meeting?

14 A. By?

15 Q. Anybody about the board resolution. For
16 example, did Mr. Wenrich say why he wanted to
17 take the word intelligent design out?

18 A. He said he was in favor of the concept of
19 intelligent design but he didn't like the manner
20 in which we brought it to where it was. He
21 wanted more involvement from the teachers in the
22 process.

23 Q. He was upset that the two school teachers were
24 being disregarded. Isn't that correct?

25 MR. GILLEN: Objection.

- 1 A. In his opinion they were, but they weren't.
- 2 BY MR. HARVEY:
- 3 Q. That's what he was saying at the meeting?
- 4 A. That was his perception.
- 5 Q. Well, in what sense weren't they being
- 6 disregarded?
- 7 A. They weren't being disregarded. That was just
- 8 his perception that they were.
- 9 Q. I know. But they didn't want reference to
- 10 intelligent design, correct?
- 11 A. That's true.
- 12 Q. So in what sense weren't they being disregarded?
- 13 A. Because we met with them over a period of five
- 14 or six months trying to get this thing resolved.
- 15 We made compromises and so forth. In that
- 16 regards they weren't being disregarded. We
- 17 listened to everything they said. We made a
- 18 decision.
- 19 Q. You just disagreed with them, correct?
- 20 A. On that point, yes.
- 21 Q. Now, did Heather Geesey say something about if
- 22 they, the faculty, requested Stock and Leader
- 23 they should be fired?
- 24 A. No.
- 25 Q. Well, please take Exhibit 4 and turn to the

- 1 Daily Record article of October 19.
- 2 A. By Joe Maldonado?
- 3 Q. Yes. Now, turn to the second page of that, the
4 fourth paragraph up from the bottom. It says,
5 if they requested Stock and Leader they (the
6 faculty) should be fired said board member
7 Heather Geesey. They agreed to the book and the
8 changes in the curriculum.
- 9 A. She did not say that.
- 10 Q. She didn't say that. Did she say something like
11 that?
- 12 A. What she said is if Stock and Leader gave us
13 faulty advice Stock and Leader should be fired,
14 and the teachers took it the wrong way.
- 15 Q. Did Stock and Leader give advice on the subject?
- 16 A. Yes.
- 17 Q. Who did they give that advice to?
- 18 A. The whole board.
- 19 Q. How did they do it, by letter, presentation?
- 20 A. They just told us.
- 21 Q. Were you present when they told you?
- 22 A. Yes.
- 23 Q. Where did that take place?
- 24 A. It was a legal thing, so it might have been--
25 I'm not sure. I'm just not sure.

1 Q. But you were sure that it was made to the whole
2 board?

3 A. That's my recollection. I won't guarantee it a
4 hundred percent, but that's my recollection.

5 Q. Because Ms. Harkins said that it was said to her
6 alone.

7 A. It could be. I know we got it, the board got
8 it.

9 MR. GILLEN: Objection to the extent your
10 question leads to the speculation both couldn't
11 have happened.

12 BY MR. HARVEY:

13 Q. If you look at the next paragraph, it says,
14 Spahr said the faculty only agreed to the Pandas
15 book as a compromise to address Buckingham's
16 concern that students have alternative materials
17 to study in addition to the regular text. Do
18 you see that?

19 A. I see it.

20 Q. Did she say that?

21 A. I don't remember her saying that. I'm not
22 saying she didn't, but I don't remember it.

23 Q. Did she say at the end of that, we didn't know
24 you were going to do this?

25 MR. GILLEN: Objection, foundation.

1 A. Do what?

2 BY MR. HARVEY:

3 Q. Well, let's read those two paragraphs. Spahr
4 also said that not only did her department not
5 approve the new wording, they were not invited
6 to help write it. We didn't know you were going
7 to do this, she said.

8 A. That's not true.

9 Q. Why is it not true?

10 A. She did know what we were going to do. They
11 knew every step of the way.

12 Q. Then farther on down in the next paragraph it
13 says, the administration said it too did not
14 support the change as it was written. Is that
15 true, the administration didn't support it?

16 A. That's not my recollection.

17 Q. Then finally at the end it refers to a shouting
18 match between you and Mr. Wenrich. Was there a
19 shouting match between you and Mr. Wenrich at
20 the end?

21 A. No. He shouted at me. I just walked away.

22 Q. Did you say anything to question his patriotism
23 or his religious beliefs?

24 A. Absolutely not.

25 Q. Now, if you would now just turn please--

1 MR. HARVEY: Actually we need a new
2 deposition exhibit here.

3 (Plaintiff's Deposition Exhibit #6 marked
4 for identification)

5 BY MR. HARVEY:

6 Q. I'm handing you what's been marked as Deposition
7 Exhibit 6. It's documents that were produced
8 this morning by your counsel. Please take a
9 moment to look at it. I'm going to ask you to
10 review with me a portion of this. Your counsel
11 told us that this was a transcript of the board
12 meeting on the 18th at least to the extent that
13 it exists because the entire transcript is not
14 available we are told.

15 A. Okay.

16 Q. This was supposed to be a transcript of the
17 entire tape to the extent it exists?

18 MR. GILLEN: My understanding, Steve, is
19 that this is a transcript that was made of the
20 tape of the meeting which is the whole of the
21 tape. As we've discussed, apparently there was
22 an error in the recording meeting such that the
23 whole meeting was not recorded and, therefore,
24 the transcript-- You know, there are
25 proceedings that weren't recorded and,

1 therefore, could not be transcribed.

2 But my understanding is to the extent the
3 district has the tape you've got both the tape
4 and this, a transcript, that was made and came
5 to light yesterday in my discussions with the
6 superintendent.

7 MR. HARVEY: The transcript that I listened
8 to had Bertha Spahr on it or what I understood
9 to be Bertha Spahr, and I don't see anything in
10 here from Bertha Spahr.

11 MR. GILLEN: You know, I don't know. I
12 mean, I just-- I can't-- You know, obviously I
13 can't vouch for its authenticity or
14 completeness. I know it's a transcript.

15 MR. HARVEY: Well, then I thought that it
16 had that. Let's put that aside for just a
17 second. I'll read it more closely in a break,
18 and we'll get back to that so we don't waste any
19 time here.

20 BY MR. HARVEY:

21 Q. Are you aware that the Dover -- that The
22 Discovery Institute has said that it does not
23 support what the--

24 (Interruption)

25 BY MR. HARVEY:

1 Q. Were you aware whether The Discovery Institute
2 made a public statement that the -- that they
3 don't endorse or support what the Dover School
4 District has done?

5 MR. GILLEN: Objection, relevance.

6 A. I haven't seen it. I've heard it.

7 BY MR. HARVEY:

8 Q. Now, if you'll turn to the article of the Daily
9 Record on the 20th on the third page of that.

10 A. Third page. I only have two pages.

11 Q. The one on October 20th.

12 A. Or did I turn two at once?

13 Q. There are actually two on October 20th. The
14 title is Dover Curriculum Move Likely a First.

15 A. Okay.

16 Q. It says there that -- I'm talking now the sixth
17 paragraph down -- it says, but the sentence
18 about intelligent design, referring to the board
19 resolution, was added by committee members
20 Buckingham, Alan Bonsell, and Sheila Harkins at
21 a meeting not attended by district staff.

22 A. How far down?

23 Q. Sixth paragraph down, but the sentence about
24 intelligent design was added by.

25 A. Okay, I see that.

1 Q. Is that true?

2 A. Yes.

3 Q. Now, I'd like to ask you some questions about
4 the implementation of the policy of the board
5 resolution. It's your understanding that--
6 What's your understanding of how this is going
7 to be implemented, the board's resolution?

8 A. It's my understanding that the teachers are
9 going to teach Darwin's theory of evolution and
10 through the course of that teaching or in the
11 process of that teaching, at some point in time
12 it will be mentioned to the students that other
13 scientific theories exist and intelligent design
14 is one of those theories, scientific theories.

15 Q. What if students have questions about
16 intelligent design, what are they going to be
17 told?

18 MR. GILLEN: Objection, foundation.

19 BY MR. HARVEY:

20 Q. Do you know?

21 A. They're supposed to take those questions home to
22 their parents or take them to a pastor at
23 church. The books that are donated they have
24 access to those if they want to take one home
25 and read it, discuss it with parents, whatever.

- 1 Q. Has there ever been a time when you've been on
2 the board when views of the teachers in the
3 school district have been not followed?
- 4 A. Say that again, I'm sorry.
- 5 Q. Has there ever been a time when you've been on
6 the school board where the views of the teachers
7 were not followed on a matter?
- 8 A. I'm not involved in some of the subcommittees.
9 I can't answer that one way or the other. I
10 don't know.
- 11 Q. I'd like you to-- So, in other words, not to
12 your knowledge?
- 13 A. I don't know, six, one half dozen of the other.
- 14 Q. Please take a look at Deposition Exhibit 2.
15 This is the answer to the complaint in this
16 matter.
- 17 A. Okay.
- 18 Q. On Page 2 and 3 it contains a long quote from
19 the Congressional Record of something that
20 Senator Santorum had inserted into the record.
21 Do you see that?
- 22 A. Yeah.
- 23 Q. Have you ever seen that before?
- 24 A. Before when?
- 25 Q. Before today.

- 1 A. I saw it last night.
- 2 Q. Before last night, had you ever seen it before?
- 3 A. No.
- 4 Q. Did the board ever discuss it?
- 5 A. Not to my knowledge.
- 6 Q. Did the board ever discuss the No Child Left
7 Behind Act?
- 8 A. Oh, yeah.
- 9 Q. Did it discuss it in reference to the biology
10 curriculum?
- 11 A. No.
- 12 Q. Turn to Page 4. There's references to two
13 Supreme Court cases.
- 14 A. Okay.
- 15 Q. Did the board ever discuss either of those
16 references?
- 17 A. Not to my knowledge.
- 18 Q. Did you ever read this answer before yesterday?
- 19 A. No.
- 20 Q. Did you ever see any parts of it before
21 yesterday?
- 22 A. No.
- 23 Q. Do you know what creationism is?
- 24 A. Yes.
- 25 Q. What is creationism in your view?

- 1 A. In my view?
- 2 Q. Or your understanding.
- 3 A. Pretty much the book of Genesis.
- 4 Q. That subject has never come up at any school
5 board meeting to your recollection?
- 6 A. In what context?
- 7 Q. In any context.
- 8 A. Any context at all? It's been brought up by the
9 teachers.
- 10 Q. When was it brought up by the teachers?
- 11 A. Different times we talked about intelligent
12 design they kept rolling it over into
13 creationism.
- 14 Q. Was that at the board meetings?
- 15 A. Yeah.
- 16 Q. So the teachers mentioned creationism at board
17 meetings?
- 18 A. Yes.
- 19 Q. What did they say about that?
- 20 A. They were afraid that intelligent design would
21 be perceived as a back doorway to get
22 creationism into the curriculum.
- 23 Q. Do you know when that was said, what board
24 meetings?
- 25 A. It was said on different occasions at different

- 1 board meetings throughout this process.
- 2 Q. Which teachers?
- 3 A. Bertha Spahr, Jen Miller.
- 4 Q. What was said in response to that by any people
5 on the board?
- 6 A. We indicated that it is not our intent to teach
7 creationism. It is not our intent to teach
8 intelligent design. Our intent is to explain to
9 the students that there are other theories,
10 scientific theories, along with Darwin's theory
11 of evolution.
- 12 Q. Earlier today I asked you about whether the
13 theory of evolution was inconsistent with your
14 personal religious beliefs, and you told me it
15 was. You don't need to confirm that. Just kind
16 of remember--
- 17 A. I think I said it wasn't.
- 18 Q. No. You definitely said that the theory of
19 evolution was inconsistent with your personal
20 religious beliefs at least to the extent that it
21 taught that life forms were derived from a
22 common ancestor.
- 23 A. Origins of life, yes.
- 24 Q. Is the theory of intelligent design as you've
25 phrased it, is that inconsistent with your

1 personal beliefs in any respect?

2 MR. GILLEN: Objection, relevance.

3 A. It depends on what context it's put in.

4 BY MR. HARVEY:

5 Q. Well, any context.

6 A. In any context, no, it's not inconsistent.

7 Q. Do you know who developed the press release
8 that's attached as an exhibit to the answer in
9 this matter?

10 A. The administration did. Exactly who it was, I
11 don't know, but it came from the administration.

12 Q. Did you have any role in that?

13 A. No.

14 Q. Did you review any drafts of it?

15 A. No.

16 Q. I just need to clarify one thing from earlier.
17 We asked-- I asked you what was your purpose in
18 supporting the board resolution of October 18th.
19 Do you remember that?

20 A. Yes.

21 Q. And you told me some things about having a
22 balance between various--

23 A. Scientific theories.

24 Q. Right. And I'm not sure whether I asked you
25 specifically what was said by the other board

1 members about the purpose of the resolution or
2 even if you remember hearing anything about
3 that.

4 A. That was consistent with what I said earlier to
5 you.

6 Q. Do you remember statements made by the board
7 members?

8 A. Absolutely.

9 Q. Which board members?

10 A. Alan Bonsell, Sheila Harkins, Heather Geesey,
11 Janie Cleaver, myself, Noel Wenrich. I guess
12 that's it.

13 Q. And you remember all of those people speaking up
14 about the purpose?

15 A. Yes, I do.

16 Q. Was that on October 18th?

17 A. I won't say it was on October 18th. That
18 happened I would say within a period of three
19 meetings, two before and October the 18th.

20 Q. It was all, as I understand, a balanced
21 presentation of these theories, correct?

22 MR. GILLEN: Objection to the
23 characterization of the testimony.

24 BY MR. HARVEY:

25 Q. Well, I just want to understand.

1 A. I don't understand the question anyway.

2 Q. These board members expressed a purpose that was
3 consistent with the purpose that you told me
4 that you shared which was for a balanced
5 presentation of--

6 A. Of other scientific theories.

7 Q. Right.

8 A. Yes.

9 Q. Did anybody mention any other purposes?

10 A. No.

11 MR. HARVEY: I just would like to confer
12 with counsel for a second.

13 (Recess taken)

14 EXAMINATION

15 BY MR. GILLEN:

16 Q. Mr. Buckingham, earlier Mr. Harvey asked you a
17 question about a statement which is here on the
18 second page of an article from June 15, 2004
19 from The York Dispatch entitled, Church State
20 Issue Divides, Creationism Draws 100 to Dover
21 Meeting. And the quoted statement is, nearly
22 2,000 years ago someone died on a cross for us,
23 shouldn't we have the courage to stand up for
24 him. For the sake of insuring the transcript is
25 clear, I want to ask you, did you make that

1 statement in connection with the biology

2 curriculum?

3 A. No.

4 MR. HARVEY: Objection to the form of the

5 question, leading, improper.

6 BY MR. GILLEN:

7 Q. Did you make that statement at any time?

8 A. Yes.

9 MR. HARVEY: Same objection.

10 BY MR. GILLEN:

11 Q. When you made that statement, do you have some

12 idea when you made the statement?

13 A. Yes.

14 Q. When?

15 A. It was occurring during the debate about whether

16 or not to take under God out of the Pledge of

17 Allegiance.

18 MR. GILLEN: I just want the--

19 REEXAMINATION

20 BY MR. HARVEY:

21 Q. What did you mean when you said it at that time?

22 A. That was in response to something I believe, I'm

23 not sure, but I believe it was Mrs. Brown said

24 to me. I was attacked because of my stance on

25 keeping under God in the Pledge. It didn't

1 refer to a specific God. I did when I made that
2 statement. But under God could be the God you
3 want it to be, you know, depending on your
4 faith. And that was in response to something
5 that was said to me. And it was directed at the
6 person that said it. It wasn't directed to
7 anybody else.

8 Q. But it was said in a public board meeting?

9 A. Yes.

10 Q. And it was a reference to Jesus Christ?

11 A. No.

12 Q. Two thousand years ago a man died on a cross,
13 that wasn't a reference to Jesus Christ?

14 A. I'm sorry, I misunderstood what you said. Yes,
15 that's true.

16 Q. So at least on that occasion you interjected
17 your own personal religious views into the board
18 meeting. Isn't that correct?

19 A. As much as I was talking to the board member
20 sitting beside me, yes.

21 MR. HARVEY: I don't have any further
22 questions.

23 MR. GILLEN: I just have two others.

24 REEXAMINATION

25 BY MR. GILLEN:

1 Q. Mr. Buckingham, was it ever your purpose to
2 prevent the teaching of evolution in Dover Area
3 public schools?

4 A. No.

5 Q. Was it ever your purpose to prevent the purchase
6 of the Miller and Levine textbook Biology that
7 was recommended by the teachers?

8 A. No.

9 MR. HARVEY: Objection, leading.

10 MR. GILLEN: I have no further questions.

11 MR. HARVEY: I don't have any further
12 questions.

13 (The deposition concluded at 5:29 p.m.)

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1 COMMONWEALTH OF PENNSYLVANIA :

2 COUNTY OF YORK :

3 I, Bethann M. Mulay, Reporter and Notary
4 Public in and for the Commonwealth of
5 Pennsylvania and County of York, do hereby
6 certify that the foregoing deposition was taken
7 before me at the time and place hereinbefore set
8 forth, and that it is the testimony of:

9 WILLIAM BUCKINGHAM

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

18 I further certify that I am not counsel for
19 or related to any of the parties to the
20 foregoing cause, or employed by them or their
21 attorneys, and am not interested in the subject
22 matter or outcome thereof.

23 Dated at York, Pennsylvania this 4th day of
24 January, 2005.

25 _____
Bethann M. Mulay
Registered Professional Reporter
Notary Public

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