

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF GEORGIA

3 ATLANTA DIVISION

4 JEFFREY MICHAEL SELMAN,
5 Plaintiff,

6 vs.

7 CASE NO. 1:02-CV-2325-CC

8 COBB COUNTY SCHOOL DISTRICT,
9 COBB COUNTY BOARD OF EDUCATION,
10 JOSEPH REDDEN, Superintendent,
11 Defendants.

12 - - -

13 Deposition of LINDSEY TIPPINS,
14 Taken by the Plaintiff,
15 Before Michelle S. Schreadley,
16 Certified Court Reporter and Notary Public,

17 At Brock, Clay, Calhoun, Wilson & Rogers,
18 Marietta, Georgia,

19 On June 25, 2003, at 2:10 p.m.

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1 APPEARANCES OF COUNSEL

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12 ALSO PRESENT:

13 Jeffrey Michael Selman

14

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Press Release

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1 June 25, 2003

2 2:10 p.m.

3 (Whereupon the reporter provided a
4 written disclosure to all counsel pursuant to
5 OCGA 9-11-28.)

6 MR. MANELY: This will be the
7 deposition of Mr. Lindsey Tippins taken
8 pursuant to the Federal Rules of Civil
9 Procedure upon agreement of counsel. If it's
10 acceptable, all objections shall be reserved
11 except as to the form of the question or
12 responsiveness of the answer --

13 MR. GUNN: That's agreeable.

14 MR. MANELY: -- until such use as
15 be made of the deposition. I know y'all have
16 discussed reading and signing. Have an opinion
17 on that one way or the other, or do you want to
18 wait until the end of the deposition to decide?

19 THE WITNESS: An opinion on the
20 deposition?

21 MR. MANELY: Whether you want to
22 have the opportunity to review the deposition
23 after it's taken down or accept what --

24 THE WITNESS: Mr. Gunn is the
25 lawyer. I'll defer to him.

1 MR. GUNN: What you want to do is
2 fine. A lot of people will read it.

3 THE WITNESS: I definitely want to
4 read it.

5 LINDSEY TIPPINS,

6 being first duly sworn, was deposed
7 and testified as follows:

8 CROSS-EXAMINATION

9 BY MR. MANELY:

10 Q Mr. Tippins, have you ever given a
11 deposition before?

12 A Yes.

13 Q Have you ever given a deposition in
14 the context of being on the school board?

15 A I don't think so.

16 Q Since you've given a deposition
17 before, I'll forgo most of the usual
18 formalities. If you need to take a break for
19 any reason, just let us know. If I ask you a
20 question inartfully or confoundedly, which I
21 can do sometimes quite by accident, let me
22 know, and I'll try to rephrase it.

23 Would you please state your name
24 for the record.

25 A Lindsey Tippins.

1 Q And you are a member of the Cobb
2 School Board?

3 A That's correct.

4 Q When were you first elected?

5 A Elected in 1996 and on the board in
6 January of 1997.

7 Q How many terms have you served
8 then?

9 A I'm in my second term.

10 Q Has your district been the same
11 both times?

12 MR. GUNN: I'm sorry. You mean
13 geographic area?

14 MR. MANELY: Yes, that he
15 represents.

16 A At the time of the election, in
17 both elections, the geographic district was the
18 same. It has been changed by reapportionment
19 since then.

20 Q What areas did you represent prior
21 to reapportionment?

22 A That I don't currently represent?

23 Q No. What were the geographic
24 boundaries? And then my next question is going
25 to be: What changed?

1 A Basically the Northwest Cobb, it
2 wrapped around the North Cobb, around the north
3 end of the city limits of Kennesaw, around over
4 to Bells Ferry Road. A portion of it ran,
5 Macland Road was the south boundary. The lines
6 are so convoluted. Part of it went to Powder
7 Springs Road, and I had one section that went
8 to Austell Road from Milford Church to Hurt
9 Road.

10 Q Some diverse population from the
11 affluent East Cobb to Powder Springs?

12 A Well, diverse --

13 Q Pretty significant, I guess,
14 immigrant population over in the Powder Springs
15 area?

16 A You said in East Cobb?

17 Q No, no. You've got some well-to-do
18 folks in East Cobb. For example, you've got
19 immigrant population over in around Powder
20 Springs Road area to a great extent. Is that
21 right?

22 A Not in my district, because my
23 district is not East Cobb.

24 Q Okay, in North Cobb. Maybe I'd
25 understand it better if you did it this way.

1 What high schools are in your district?

2 A Currently?

3 Q Yes.

4 A Kennesaw Mountain and Harrison.

5 I've got kids in my district, when you say high
6 school, but I've got kids in my district that
7 also go to McEachern and North Cobb.

8 Q So you've got the Acworth area
9 then?

10 A That's correct.

11 Q Mars Hill, Stilesboro?

12 A (Nods head affirmatively.)

13 Q You were saying that it had been
14 reapportioned. What is different about your
15 district now?

16 A I went from having almost 120,000
17 people in my district to less than 80,000.

18 Q You were talking about Powder
19 Springs Road. What part of Powder Springs Road
20 did you represent?

21 A I represent the north side of
22 Powder Springs Road from Macedonia Road running
23 east on Powder Springs Road to Cheatham Hill.
24 And I represent the south side of Powder
25 Springs Road from Hurt to Milford Church.

1 Q Was the school board the first
2 political office that you sought?

3 A I beg your pardon?

4 Q Was the school board the first
5 political office that you sought?

6 A No. I ran for legislature in 1990.

7 Q I take it that was an unsuccessful
8 bid?

9 A Yes, sir.

10 Q What prompted you to run for school
11 board?

12 A The makeup of the board at the time
13 I ran, lack of people on it with bona fide
14 business experience. And the size of the
15 budget and the school board and the portion of
16 taxes that it receives, I think, needs people
17 that have some business acumen.

18 (Whereupon off-the-record discussions
19 ensued.)

20 Q Who did you replace on the school
21 board?

22 A Bill Connor.

23 Q Did Mr. Connor not run for
24 reelection, or did you defeat him in the
25 election?

1 A I defeated him.

2 Q Obviously we're here talking about
3 today the evolution issue and the disclaimer in
4 the textbooks and all that. What do you recall
5 about the textbook adoption process specific to
6 the textbooks that we're talking about today?

7 A The school district administration
8 had a group, if you will, that worked on that
9 process for several months, knew very little
10 about the textbook adoption per se until it
11 came to us as an agenda item in a work session.

12 Q Had you not had to deal with
13 textbook adoption in the first session, the
14 first term, that you ran?

15 A Sure.

16 Q You had?

17 A We do a textbook adoption almost
18 every year of different disciplines. We don't
19 do an adoption across the board. We replace,
20 we do a math adoption one year, language arts
21 another year.

22 Q The textbook adoption that we're
23 talking about took place in 2002. Is that
24 right?

25 A That's right.

1 Q So was 2002 the science textbook
2 adoption year?

3 A That's correct.

4 Q When will that come up for a new
5 textbook adoption?

6 A If it stays on the current
7 schedule, it will be 2009. We are on a
8 seven-year replacement cycle.

9 Q What do you recall about the
10 discussion of the adoption of the specific
11 textbooks, first of all?

12 A You'll have to be more specific.

13 Q We're talking about how many
14 science textbooks that there was an issue
15 about?

16 MR. GUNN: You mean were being
17 adopted?

18 MR. MANELY: Yes.

19 A I can't tell you how many it was.
20 I think about 30, if I'm not mistaken.

21 Q 30 of the science --

22 A It was a whole box full. I'll put
23 it that way. I mean, it may not have been 30,
24 but it was probably in excess of 20. Between
25 20 and 30, I'd say.

1 Q Are you referring to there were 20
2 or 30 different texts that y'all were looking
3 at and deciding which of them to adopt?

4 A Probably in excess. I think
5 probably, I mean, you do an adoption for each
6 grade level and high school classes. You've
7 got different disciplines that have different
8 texts that fall under the realm of science
9 discussion.

10 Q Were there any textbooks that you
11 recall, science textbooks that you recall,
12 being not adopted because of material that they
13 contained?

14 A You'll have to clarify that. Are
15 you talking about not adopted by the board or
16 not recommended by the administration?

17 Q Not adopted by the board.

18 A The textbooks that were adopted by
19 the board were the textbooks that were
20 recommended by the administration.

21 Q So you don't recall any textbooks
22 that were recommended by the administration
23 that were not adopted by the board?

24 A No.

25 Q Moving up to modern times, I

1 understand there are only a certain number of
2 books that have the disclaimer in them; right?
3 It's not every science textbook in Cobb County
4 that has that disclaimer?

5 A That's correct.

6 Q Do you know offhand how many, not
7 how many texts in terms of thousands of texts
8 out there for the kids, but how many editions
9 of text?

10 A No.

11 Q Okay. Do you recall any particular
12 discussion about the adoption of those texts
13 that subsequently got the disclaimers?

14 A Repeat the question.

15 Q Okay. When y'all were going
16 through the adoption process, before you
17 adopted the texts, do you recall any discussion
18 about whether or not y'all were going to adopt
19 the texts that wound up having the disclaimers
20 in them?

21 MR. GUNN: Among the board members?
22 Discussion among board members?

23 MR. MANELY: Yes. Thank you.

24 A Well, we discussed the adoption at
25 our work session. That's what the work session

1 was all about. We asked some questions of
2 administration. I can't tell you exactly what
3 the questions really asked per se were. But I
4 mean, we had some discussion about the texts,
5 you know, in our board meeting.

6 Q Relevant to the texts that wound up
7 with the disclaimer, do you remember generally
8 what some of the questions were about that you
9 had of the administration?

10 A I think some of the concerns that
11 were raised were that in some of the texts as
12 they dealt with the theory of origin, probably
13 taught in a single point of view.

14 Q Do y'all do any audio or
15 videotaping of the work session?

16 A You'll have to talk to
17 administration about that. There's microphones
18 out there, but it's anybody's guess whether
19 they're working or not.

20 Q Do y'all do any minutes in the work
21 session?

22 A We have, we do have minutes, yes,
23 sir, because we approve minutes in the meetings
24 of any meeting that we have.

25 Q What kind of discussion do you

1 recall concerning the particular viewpoint of
2 the theories of origin that the textbooks
3 addressed?

4 A As far as particulars right now, I
5 mean, I can't tell you what the exact
6 conversations were.

7 Q I appreciate you can't recall the
8 exact conversation because it's been something
9 like a year or more; right?

10 A Yeah. At my age you do good to
11 remember what you talked about yesterday.

12 Q Sometimes our minds are fallible.
13 Do you remember generally if y'all were talking
14 about theories of origin? Do you remember
15 generally what the discussion was about the
16 theories of origin?

17 A I think generally the discussion
18 was the concern that it was taught in a single
19 viewpoint.

20 Q And that single viewpoint was?

21 A Evolution. Or let me clarify that,
22 macroevolution.

23 Q What was the concern about teaching
24 in a science textbook in the single viewpoint
25 of macroevolution?

1 A I think it's an accepted fact that
2 there is a controversy in the field of science
3 about macroevolution from an evidentiary
4 standpoint.

5 Q What is it you understand to be the
6 controversy about that?

7 A Pretty much lack of proof.

8 Q Do I understand correctly that you
9 don't hold a degree in science? Is that right?

10 A That's correct.

11 Q And certainly not in any of the
12 evolutionary sciences. Is that right?

13 A That's correct.

14 Q Are you a policy maker on behalf of
15 Cobb County School Board?

16 A That's correct.

17 Q And I trust that you rely upon
18 information provided to you by others to gain
19 the knowledge that you otherwise wouldn't have.
20 Is that right?

21 A We rely on the staff.

22 Q Staff of the administration? Staff
23 from the administration?

24 A Yes. Administration by and large
25 makes comments with most of the recommendations

1 that are made.

2 Q The evidentiary concern that you
3 were expressing pertaining to macroevolution,
4 was this a concern that you had as opposed to
5 other board members?

6 A Oh, it is, I did have that concern,
7 yes.

8 Q Do you still have that concern?

9 A Yes, sir.

10 Q Where do you get the information
11 that gives you that concern?

12 A Because I think it's an accepted
13 fact that there is a controversy in the field
14 of science about macroevolution from an
15 evidentiary standpoint.

16 Q Where I'm trying to go with this
17 is, if you didn't get it from the classroom,
18 you know, if you don't hold a degree on this
19 subject, you got it from somewhere. This
20 information you have, the information that
21 causes this concern, where did you get this
22 information?

23 A I think it's common knowledge in
24 the marketplace. You read the Atlanta Journal.
25 I think in some of the coverage they

1 acknowledge the fact that there is a
2 controversy in the scientific community.

3 Q Are you aware of what the
4 controversy is?

5 A I think I've already stated it's
6 from an evidentiary standpoint.

7 Q Evidentiary is big and broad,
8 broader than this table. Do you have --

9 A So is science.

10 Q Do you have any more specific idea
11 about what the evidentiary problems are that
12 you think exist with regard to macroevolution?

13 A Well, as you correctly stated, I'm
14 not a scientist. I think there is enough
15 controversy in the field of science and enough
16 questions that are raised by different members
17 of the scientific community. You know, the
18 question always comes up, you know, there's no
19 proof of macroevolution.

20 Q Okay. Where did you get this
21 information from? Who are the members of the
22 scientific community that you have read that
23 are espousing these views?

24 A I think there are a group of
25 scientists who have come together and expressed

1 their concern from a scientific standpoint.

2 Q Does the name Phillip Johnson ring
3 a bell?

4 A No.

5 Q Michael Bahey?

6 A No.

7 Q As a policy-making member of the
8 board of education, deciding the fate of Cobb
9 County students' education, what have you
10 studied to arrive at this judgment?

11 A I think you miss the point of the
12 role of a school board member. We do not take
13 it upon ourselves to be an expert in the field
14 of science. As you correctly stated, we are a
15 policy-making board.

16 And if there is a controversy or
17 difference of opinion, then probably a good
18 text will cover that both from one side and the
19 other.

20 Q And your determination was that
21 this science text did not adequately cover what
22 you perceived to be a scientific controversy?

23 A I think the scientific texts taught
24 one viewpoint solely in a disputed issue.

25 Q And are you of the opinion that it

1 is a scientific controversy about whether or
2 not macroevolution exists?

3 A No question in my mind about it.

4 Q I think we're communicating on this
5 issue. What I'm trying to find out now is, as
6 a responsible and trusted member of this
7 community and trusted with the fate of the Cobb
8 County school children's educational future in
9 your hands, what sources did you go to to
10 verify, more than the Atlanta Journal
11 Constitution --

12 A I don't go to sources.

13 Q Let me finish my question.
14 Otherwise the transcript looks messy.

15 A I'm sorry. I thought you finished
16 your question.

17 Q What sources did you go to other
18 than the Atlanta Journal Constitution, which
19 you mentioned, that gave you the information
20 that there was some sort of valid scientific
21 controversy?

22 MR. GUNN: I'm going to object just
23 to the extent that I think it's a little
24 unfair, you know, his bringing to the table I
25 don't know how many years of personal

1 experience and to ask him to isolate sources
2 from which he's learned it. I can't tell you
3 where I've learned anything about evolution
4 other than the most recent things. I think it
5 might be, I'm going to object to that extent.

6 I think it might be more helpful if
7 you want to ask him more recent sources that he
8 can recall, that he consulted, rather than, I
9 think, as broad as the question is, it's really
10 unfair for him to try to answer it.

11 Q I appreciate it may be impossible
12 to identify anywhere where you got any of this
13 information from, and if that's your answer,
14 that's your answer. If my question is unfair
15 of where you determined that there was a
16 scientific controversy over macroevolution, I
17 still need to ask the question. Do you know
18 anywhere that you've heard or have read that
19 there is a scientific controversy about
20 macroevolution?

21 A I read it, but I cannot tell you
22 the publication.

23 Q What are the references that you're
24 familiar with?

25 (Whereupon off-the-record discussions

1 ensued.)

2 A I think the scientific community
3 has controversy in different areas as it
4 applies to their specific disciplines. There
5 again, I think it's a lack of evidence or a
6 lack of proof. Those are the areas that I've
7 seen. You've got a lack of proof.

8 And the different disciplines,
9 biologists have concerns from a biological
10 standpoint. The chemists have a concern from a
11 chemical standpoint. And I don't know what
12 those concerns are. The geneticists have
13 concerns from a genetic standpoint.

14 Q The Cobb School Board received a
15 fair bit of public input about this issue,
16 didn't it?

17 A Public input, what do you mean by
18 public input?

19 Q There were a lot of people
20 attending your meetings?

21 A Talking about --

22 MR. GUNN: Meetings about this
23 issue?

24 MR. MANELY: About this issue, yes.

25 A Are you talking prior to it coming

1 to the work session?

2 Q I'm talking about now, during the
3 past year or so that we've been addressing this
4 issue, from the time y'all started talking
5 about textbook adoption to the present.

6 A Input from the public, fair amount.

7 Q Some of that input has been
8 written. Is that right?

9 A That's right.

10 Q There was a petition, I understand
11 approximately 2,300 signatures, handed to you
12 by Marjorie Rogers?

13 A I don't know.

14 Q Does that sound familiar?

15 A I know there were some petitions.

16 Q There were a number of letters sent
17 to you by members of the scientific community
18 as well. Is that right?

19 A That's correct.

20 Q Were any of the letters sent to you
21 by the scientific community opposed to the
22 teaching of evolution?

23 MR. GUNN: Opposed meaning they
24 didn't want it taught at all or they had
25 questions about it?

1 MR. MANELY: That they didn't want
2 it taught at all.

3 A No. And that's never been the
4 issue.

5 Q Were any of the letters from the
6 scientific community expressing doubts about
7 the theory of evolution, macroevolution?

8 A Had members of the scientific
9 community who were from different disciplines
10 tell us that we were on the right track to
11 teach both sides of a disputed issue and look
12 at all sides of an issue in instruction.

13 Q And the school board would have
14 retained those letters from scientists of
15 different disciplines?

16 A I didn't.

17 Q What would you have done with
18 those?

19 A I threw them away. If I retained
20 every letter that I got and every piece of
21 information I had, I would have to build three
22 warehouses out at my house.

23 Q Okay. Letters that you're talking
24 about, any of those from members of the
25 evolutionary discipline as opposed to say --

1 A I think both of them from the
2 evolutionary discipline, some pro
3 macroevolution and some against macroevolution.
4 But all of them had to do with evolution, so
5 they all had to do with the evolution
6 community. So which group are you talking
7 about? I think any of the letters that came
8 pertaining to evolution, people were concerned
9 about evolution.

10 Q Any letters that you recall
11 pertaining to the issue of whether or not
12 evolution was a fact and/or a theory?

13 A I don't recall the specifics of the
14 letters. I think the letters generally fell
15 into a group, some who agreed that you ought to
16 teach both sides of an issue and some who
17 thought you ought to teach macroevolution
18 alone.

19 Q Have you heard the term intelligent
20 design?

21 A I have.

22 Q In what context have you heard that
23 term?

24 A Just pretty much heard it. I
25 certainly don't know what, I don't know the

1 specifics of intelligent design.

2 Q Did the subject of intelligent
3 design come up in y'all's discussion about
4 whether or not to adopt the textbooks?

5 A I think the term was used, yes,
6 sir.

7 Q Who do you recall bringing that up?

8 A I think I did.

9 Q Why?

10 A Because I had heard that term used,
11 as well as creation science. And it was
12 brought up in a, it was brought up in the work
13 session.

14 Q Are there any other theories,
15 scientific theories, of origin that you're
16 familiar with except for macroevolution?

17 A I don't know a whole lot about
18 theories of origin. I don't know if you could
19 call the big bang theory, is that a theory of
20 origin?

21 Q Is that one of them?

22 A I don't know. I'm asking you. I
23 mean, I've heard of the big bang theory.

24 Q Would you consider intelligent
25 design one of the scientific theories of origin

1 other than macroevolution?

2 A I suppose as long as it utilizes a
3 scientific method, it would be scientific.

4 Q From what you understand about
5 intelligent design, do you understand it to
6 utilize a scientific method?

7 MR. GUNN: I don't think you've
8 established any foundation for, I mean, he said
9 he heard the term. He pretty much disclaimed
10 inside knowledge of particulars.

11 MR. MANELY: He can answer that if
12 that's the answer.

13 MR. GUNN: Okay.

14 A I thought I said I didn't know the
15 particulars. I had heard the term. But I
16 mean, as far as doing extensive reading in any
17 of these areas, I'm certainly not an authority
18 on it.

19 Q So you wouldn't say that
20 intelligent design is one of the scientific
21 theories of origin?

22 A I don't have enough qualifications
23 to make the determination of whether it is or
24 not.

25 Q How about creation science? Is it

1 one of the scientific --

2 A There again, I don't know. I think
3 it looks at creation. I mean, by the term, if
4 you look at the possibility of creation from a
5 scientific standpoint, I think there's pretty
6 clear parameters of what is and is not
7 scientific.

8 Q Do you recall creationism as a term
9 coming up when y'all were discussing the
10 adoption of the textbooks?

11 A I do.

12 Q Who do you recall brought that
13 issue up?

14 A Well, I know I talked about it. I
15 don't know that I brought it up. I think
16 creationism was spoken of.

17 Q Why did you talk about creationism,
18 best you recall, when you were discussing the
19 adoption of the textbooks?

20 A As you have correctly stated, I
21 represent a diverse district, and in that
22 diversity, there are those who believe in
23 creation, not creationism but creation.

24 Q Creation as taught by the Holy
25 Bible?

1 A Pardon?

2 Q Creation as taught by the Holy
3 Bible?

4 MR. GUNN: Are you asking him if
5 that's one particular belief that his diverse
6 community has?

7 MR. MANELY: If that's what you
8 were referring to.

9 A That's not what I'm referring to.

10 Q Please tell me what you're
11 referring to.

12 A What I'm referring to is the belief
13 that the origin, or the theories of origin, had
14 to do with creation by a supreme being, I
15 guess, in that you would acknowledge the
16 existence of a supreme being and that that
17 supreme being had a hand in creation.

18 Q Is that one of the theories of
19 origin that you were concerned about the
20 science textbook not addressing?

21 A I think what I was concerned about
22 more so is that the science textbooks only
23 taught macroevolution and did not discuss the
24 controversy that was in the scientific
25 community. The fact that we're going to teach

1 macroevolution is a pretty well established
2 fact.

3 Q Again, your concern about only
4 teaching macroevolution comes from perhaps an
5 article in the Atlanta Journal Constitution
6 that you had read --

7 A No.

8 Q -- saying there was a scientific
9 controversy about macroevolution?

10 A You mean the comments that I made
11 at the work session?

12 Q The comments you're giving here,
13 the testimony you're giving here today.

14 MR. GUNN: You're saying the only
15 source he can identify now is the Atlanta
16 Journal Constitution?

17 A I'm not --

18 MR. MANELY: Right.

19 A I'm not identifying the Atlanta
20 Journal Constitution as a source. I'm saying
21 that the Atlanta Constitution has acknowledged
22 that there is a controversy in the scientific
23 community. I'm not sure that you can say
24 that's a source of knowledge as far as
25 scientific evidence.

1 Q And this article or series of
2 articles that you have some recollection of
3 reviewing is good enough reason to say there's
4 a scientific controversy about macroevolution?

5 MR. GUNN: So your question, then,
6 is that the only source he believes he had for
7 his belief that there were --

8 MR. MANELY: Can we talk outside
9 for a moment?

10 MR. GUNN: Yes.

11 (Whereupon off-the-record discussions
12 ensued.)

13 Q What Mr. Gunn and I were talking
14 about, and I guess what I'm concerned about, is
15 are there any other books that you remember
16 reading, magazine articles that you remember
17 reading, within the past three years that have
18 to do with the subject of evolution?

19 A I have read magazine articles in
20 the last three years, but I can't tell you
21 exactly which publications it was.

22 Q What do you recall reading about in
23 those magazines? What did they say generally?

24 A The bottom line is there's a
25 controversy, and the controversy in this

1 country, I mean, part of it has been from a
2 legal standpoint, part of it being a scientific
3 standpoint, and they intermesh and intertwine.

4 And part of the controversy has
5 been about the litigation, and part of it has
6 been about the scientific. Part of it has been
7 about the philosophical ramifications of it.

8 I think everybody who reads it,
9 keeps up with current events, understands that
10 it is a controversial issue.

11 Q I guess what concerns me is I don't
12 decide what the children get taught and you do.
13 I would hope, and I'm sure it's somewhere in
14 there, that you have a better basis for
15 believing there is a legitimate scientific
16 debate within the scientific community about
17 evolution than some generalized knowledge.

18 A I'm not trying to get involved in
19 that. I'm involved in the educational
20 process.

21 Q Why did y'all adopt the disclaimer?

22 MR. GUNN: Why did he?

23 Q Why did the school board adopt the
24 disclaimer?

25 MR. GUNN: I object. He can only

1 testify from personal knowledge.

2 Q Did y'all have a discussion about
3 the disclaimer before y'all adopted it?

4 A Are you talking about the statement
5 in the book?

6 Q Yes.

7 A Sure we discussed the statement.

8 Q What do you recall about that
9 statement being discussed?

10 A I think the statement was an
11 outgrowth of the fact that some of the text
12 taught the theory of macroevolution as
13 accomplished fact and the sole consideration
14 with none of the questions that are in the
15 scientific community about that theory even
16 mentioned.

17 Q Here's the thing. Tell me where
18 the debate is in the scientific community. You
19 made a decision. You voted, I trust, for the
20 disclaimer. Is that right?

21 A That's correct.

22 Q You made that decision to vote on
23 the disclaimer being put in the textbook.
24 Where is the debate in the scientific
25 community?

1 A In the scientific community. I
2 made it clear that we heard from folks in the
3 scientific community on both sides of the
4 issue.

5 Q Who?

6 A I can't tell you who it was.

7 Q Anybody pull you aside and talk to
8 you about intelligent design before y'all made
9 a vote on the disclaimer?

10 A Not pulled me aside.

11 Q Anybody talk to you about it?

12 A No, not talked to me. We had tons
13 of people send us e-mails, letters.

14 Q Did they provide you information
15 about intelligent design?

16 A I think we had all kinds of
17 information.

18 Q Did you review it?

19 A No.

20 Q You didn't review the information
21 about intelligent design?

22 A No, sure didn't.

23 Q So as a school board member who
24 voted for this disclaimer, you cannot identify
25 for me any specific scientist or scientific

1 controversy behind macroevolution?

2 A By name?

3 Q Yes.

4 A No. I can't identify for you
5 scientists in favor of it.

6 Q I'll hand you what has been marked
7 as Tippins 1. Do you remember this as being a
8 press release that the school board issued
9 August 22, '02?

10 A Yes, sir. I remember it being
11 distributed. I can't testify to the date, but
12 I remember the press release.

13 Q We have underlined the portion that
14 I want to talk about, "a variety of testable
15 theories and scenarios regarding the origin of
16 the species." Do you see that?

17 A Uh-huh.

18 Q What is the variety? What variety
19 is there?

20 MR. GUNN: I'm going to object to
21 lack of foundation.

22 Q Is this your press release as a
23 member of the school board?

24 A I didn't write it.

25 Q So you disavow, you disclaim, this

1 press release?

2 A I agree with the press release, but
3 I didn't write the press release.

4 Q You agree with the press release,
5 so why do you say a variety of testable
6 theories and scenarios pertaining to the origin
7 of the species?

8 MR. GUNN: I object to the form.

9 Q Do you know of any variety?

10 A That are testable?

11 Q All right. Do you know any variety
12 that are testable?

13 A I know of none that are testable,
14 and that's the controversy.

15 Q Including macroevolution?

16 A Absolutely.

17 Q What is not testable about
18 macroevolution?

19 A What is testable?

20 Q How about radiocarbon dating? Do
21 you believe in that?

22 A To a certain extent. It has also
23 proven to be incorrect. I think there's
24 instances that it can be correct. There's
25 instances it cannot be correct.

1 Q What have you read or otherwise
2 heard about the inaccuracy of radiocarbon
3 dating?

4 A I did read a piece somewhere, I
5 think, that there had been some residue from
6 the Mount St. Helens explosion that was sent to
7 a testing lab, and they said the specimen
8 happened 50,000 years ago. I think we are all
9 familiar with when Mount St. Helens erupted.

10 Q Where did you read that or --

11 A I don't know. You ask me about
12 where you read everything. Do you read the
13 newspaper every day?

14 Q Do you read the National Enquirer
15 every day?

16 A No. For the record, I don't read
17 the National Enquirer.

18 Q Do you have the wherewithal to
19 scrutinize if what you're reading is accurate
20 or scientific?

21 MR. GUNN: I object to the question
22 as argumentative.

23 Q You have no science background
24 whatsoever?

25 MR. GUNN: We've established that.

1 That was asked and answered.

2 Q You conducted no review of the
3 science literature on the issue of evolution
4 prior to bringing into discussion of the
5 adoption of the science textbooks the idea of
6 intelligent design or scientific creationism,
7 did you?

8 A Repeat the question.

9 Q You conducted no review of
10 scientific literature prior to bringing into
11 the discussion of the adoption of the textbooks
12 the idea of intelligent design or scientific
13 creationism?

14 MR. GUNN: At any time or
15 immediately before the adoption?

16 MR. MANELY: Let's say within a
17 year before the adoption.

18 A The school board did not even know
19 the science textbook adoption was going to be
20 on the agenda until our agendas came out about
21 three or four days before that time.

22 The purpose of our agenda is we
23 have work sessions. We have a work session
24 format. Then we have action sessions. The
25 board had had no discussion about that.

1 I think it's common knowledge that
2 there are terms out there, that I had read
3 about the controversy from the litigation and
4 from the disputes in the scientific community.
5 Creation science and intelligent design had
6 been figured into that.

7 I know some other school boards had
8 looked at it, and I think it's at that juncture
9 appropriately you raise those considerations.

10 Q Why do you raise those
11 considerations about intelligent design and
12 scientific creationism?

13 A Because it's in the context of a
14 textbook adoption.

15 Q Science textbook adoption?

16 A Yes.

17 Q Why is that relevant to a science
18 textbook adoption, intelligent design and
19 creation science?

20 A Do you not see a nexus in that
21 discussion?

22 Q No, sir, I do not. If you do, I
23 wish you would explain it to me.

24 A Because it has been in the
25 discussion of science textbook adoptions

1 throughout this nation.

2 Q Why did you raise the issue?

3 A Because I think it's in prudence
4 that if you have a discussion of science
5 textbook adoption, you raise any pertinent
6 issues to it that you may deem to be fit.

7 Q Including scientific creationism
8 which posits the existence of a supreme being?

9 A At the point of time I raised, put
10 forth, the term of creation science and even to
11 this day, I can't give you a manifest of all of
12 the, of all of the statements of creation
13 science.

14 Q So you don't understand creation
15 science to posit the existence of a supreme
16 being at all?

17 A I don't understand what --

18 Q You don't understand that creation
19 science posits the existence of a supreme being
20 at all? That's not part of what you understand
21 about creation science?

22 A I think, my understanding of
23 creation science acknowledges that there is an
24 order in creation, that it's not random.

25 Q All right. And that there is some

1 designer?

2 A That there is an orderly design,
3 and it's not random.

4 Q Designed by someone or some thing?

5 A It would lead you to that
6 conclusion.

7 Q And you brought this up in the
8 midst of a discussion about scientific
9 textbooks. Why?

10 A Because I think it's pertinent to
11 that discussion.

12 Q Is it because you understand there
13 to be scientific support for those two concepts
14 called intelligent design and scientific
15 creationism?

16 MR. GUNN: This has been asked and
17 answered.

18 MR. MANELY: It hasn't been
19 answered yet.

20 MR. GUNN: He said there's a
21 scientific controversy that he can't tell you
22 particulars of. You're trying to get him to
23 say, well, is intelligent design a part of the
24 scientific controversy? I think he told you
25 early on he can't tell you that, and you're

1 asking the same question again.

2 Q Is what your attorney saying
3 correct? You can't tell me if intelligent
4 design has any scientific relation to the
5 scientific controversy at all?

6 A I've told you I'm not an authority
7 on it.

8 Q That wasn't my question.

9 A Maybe you need to restate your
10 question.

11 Q Does intelligent design have any
12 rational basis in your opinion to a discussion
13 about the adoption of a scientific textbook?

14 A If it's germane to that discussion,
15 it does.

16 Q My question is: Is it germane to
17 that discussion?

18 A That's the purpose of the work
19 session.

20 Q Was it germane to the discussion in
21 the work session in your opinion?

22 A I thought it was, yes. In my
23 opinion, it was, and that's the reason I raised
24 the term. But it's a work session, and it's a
25 consideration.

1 Q And intelligent design has some
2 connection to science, then, in your opinion?

3 A I'm not a scientist. I can't tell
4 you.

5 Q But you raised it in the science
6 textbook adoption setting; right?

7 A I'm a school board member. I raise
8 a lot of questions that I don't always know the
9 answers to. I realize that's not the practice
10 of the legal field. But I think you ask
11 questions a lot of times that you legitimately
12 don't know the answers to, which you raise them
13 in the course of carrying out your job in due
14 diligence.

15 Q Due diligence, what did you do that
16 was diligent to prepare for the discussion of
17 adoption of the textbooks?

18 A That was the beginning of the
19 discussion for the adoption of the textbooks.

20 Q During the entire course of time
21 that y'all were discussing considering adopting
22 these textbooks, what did you do that was
23 diligent to determine the efficacy of the
24 information in the textbooks?

25 A I read all the communications that

1 I received from the personal communications.

2 MR. MANELY: Make a note we would
3 like to get a copy of all those, any
4 communication that he received.

5 A I told you I don't have them.

6 Q You destroyed them?

7 A After the adoption was over, I
8 destroyed them. It's old business.

9 Q How soon after the adoption?

10 A Pardon?

11 Q How soon after the adoption did you
12 destroy them?

13 A Well, I'm not as orderly as some
14 people. Sometimes I get tired of the clutter,
15 and sometimes I go through the stuff on my
16 desk.

17 Q How soon after?

18 A I don't know.

19 Q You were telling me what, as a Cobb
20 County elected servant, you did diligently to
21 determine the efficacy of the information cited
22 in some of the science textbooks that you
23 considered adopting.

24 A Sure.

25 Q You read things that people sent

1 you?

2 A Sure, read things that people sent
3 me. I didn't read everything that people sent
4 me because people sent me all kinds of books.
5 I don't have time to read all kinds of books.

6 Q You can't tell me with specificity
7 what any of those things were?

8 A Both sides of the controversy. You
9 had pro points, both sides of the controversy
10 from a proof standpoint of macroevolution.

11 Q And you didn't read any of the
12 material on intelligent design?

13 A Not specifically, no.

14 Q So you read both sides of what
15 controversy then? Let me ask this better.
16 What are both sides of the controversy?

17 A Of the scientific controversy of
18 evolution?

19 Q It's your position that it's
20 scientific. That's news to me.

21 A I beg your pardon?

22 Q It's your position it's scientific.
23 That's news to me. What are both sides of the
24 controversy?

25 A Both sides of the controversy we

1 addressed were those who believed, who believe
2 that there is a scientific basis for
3 macroevolution, those who don't believe that
4 there's a scientific basis for macroevolution.

5 Q Yet you can cite me no basis for
6 this belief?

7 A Well, I think it turns on the
8 concept of did the whole thing come about from
9 a random series of events or is there order in
10 the species.

11 Q Order in the species?

12 A Well, I don't know if it's order in
13 the species. I don't know whether that's a
14 good term or not. But I think it's more of a
15 situation of, you know, was it random, or is
16 there a discernible pattern in the theory of
17 origin.

18 Q I don't understand. Can you
19 explain yourself a little better?

20 A Sure.

21 Q Okay.

22 A There's some people that believe
23 that you can start with a one-cell organism.
24 It can evolve into a snake or bird if you live
25 long enough. Who knows? It may turn out to be

1 a school board member.

2 There are others that believe that,
3 my understanding, that the species are
4 specific, and they don't mutate past the
5 species. And I think the concern is the lack
6 of evidence of a mutation.

7 But there again, I'm not a
8 scientist. The concern that I had as a school
9 board member is that macroevolution is taught
10 as a fact, and you never discuss the
11 controversy that surrounds it of those who are
12 in the scientific community that say that it
13 can't happen, those that say it cannot happen,
14 and they cite scientific concerns.

15 Q Did you ever have a conversation
16 with anyone proclaiming themselves to be a
17 scientist about what you consider to be
18 scientific disputes pertaining to
19 macroevolution around the time of the textbook
20 adoption?

21 A Repeat your question.

22 (Whereupon the court reporter read back
23 the referred-to portion as follows:)

24 Q Did you ever have a conversation
25 with anyone proclaiming themselves to be a

1 scientist about what you consider to be
2 scientific disputes pertaining to
3 macroevolution around the time of the textbook
4 adoption?

5 (Whereupon the reading back was
6 concluded.)

7 MR. GUNN: You asked this question
8 before as it relates to written
9 communications. You've asking him now about
10 verbal communications?

11 MR. MANELY: Yes.

12 MR. GUNN: Okay.

13 A Are you talking about people that
14 sought me out or people that I sought out?

15 Q Both.

16 A I did talk to a guy that's a
17 professor at Kennesaw College.

18 Q Who is he?

19 A Leon Combs.

20 Q What is he a professor of at
21 Kennesaw?

22 A I'm not sure. I think it's either
23 chemistry or biology.

24 Q Did you seek him out, or did he
25 seek you out?

1 A I asked him.

2 Q Why did you seek out Mr. Combs in
3 particular, or Professor Combs?

4 A He's a personal acquaintance. I
5 wanted to ask his opinion of it.

6 Q How do you know Mr. Combs?

7 A I know him socially.

8 Q Through some organization that
9 you're involved in?

10 A We go to the same church.

11 Q What church is that?

12 A Midway Presbyterian.

13 Q What did Professor Combs tell you?

14 A He said there's a controversy in
15 the scientific community of evolution,
16 macroevolution, from a proof standpoint as well
17 as, well, pretty much that's it.

18 Q Did you go to any of your science
19 teachers or professors within the educational
20 system of Cobb County?

21 A No.

22 Q Did you talk to any others who
23 claim to be scientists, or let's broaden it to
24 professors, about this subject?

25 MR. GUNN: You're talking about

1 immediately before?

2 MR. MANELY: Around the time of the
3 adoption.

4 MR. GUNN: Okay.

5 A Talked to a medical doctor.

6 Q Do you remember who that was?

7 A Uh-huh.

8 Q Who is that?

9 A Harry Hill.

10 Q Where does he practice?

11 A He's retired.

12 Q Why did you talk to Dr. Hill?

13 A I've got a lot of respect for him
14 both as a medical doctor, and he's very
15 successful in his practice. And also, I think
16 a lot of people that are in medicine, I think
17 that's where a lot of science is coming from.

18 Q What education does he have in
19 macroevolution?

20 A I don't know that he has any.

21 Q Where does Dr. Hill live? What
22 city?

23 A West Cobb.

24 Q What did Dr. Hill tell you?

25 A Said that it was a controversy,

1 that they probably couldn't prove evolution one
2 way or the other.

3 Q Did you seek out anybody else?

4 A No. I mean, I talked to a lot of
5 folks. I don't remember seeking out anybody.

6 Q Did you seek out anybody that would
7 disagree with Dr. Hill or Professor Combs?

8 A I'm not sure that Dr. Hill and
9 Professor Combs agree.

10 Q Where do they disagree?

11 A They're from different
12 perspectives. I think Dr. Hill, being a
13 medical doctor, wouldn't say, he said, I think
14 the controversy is there is no, from my
15 recollection, he said the controversy is there
16 was no proof.

17 Professor Combs said from a
18 scientific standpoint, that macroevolution
19 violates scientific principles to be able to be
20 valid.

21 Q Did he tell you how it violates --

22 A No. If he had, I probably wouldn't
23 have understood it.

24 Q Do I understand you correctly,
25 then, that you didn't seek out anybody

1 practicing in the evolution field, scientists
2 or professors, to support the theory and the
3 fact of macroevolution?

4 A I wouldn't --

5 MR. GUNN: I'm sorry. The way you
6 phrased the question seems to indicate that he
7 testified that he sought them out as opponents
8 of macroevolution. I object to the form of the
9 question.

10 MR. MANELY: Okay.

11 A I didn't seek out proponents. I
12 wasn't writing a textbook.

13 MR. GUNN: Can we take a
14 five-minute break?

15 MR. MANELY: Sure, absolutely.

16 (Deposition in recess from 3:10 p.m. to
17 3:15 p.m.)

18 Q When y'all were discussing
19 adopting these particular science textbooks and
20 brought up intelligent design, what do you
21 remember saying about it?

22 A I remember, I think, intelligent
23 design, creation science, was mentioned, and we
24 asked Mr. Brock to make a review to determine
25 what meets the court's scrutiny for inclusion

1 in textbooks.

2 Q For what?

3 A For what meets the court's scrutiny
4 for inclusion in textbooks. I mean, I guess
5 because I knew there was a legal controversy, I
6 think you need to make the determination
7 whether creation science or intelligent design,
8 first, I mean, I think, I guess, in the
9 information-gathering stage, you need to find
10 out, number one, is it worthy for inclusion?
11 Number two, is it legal for inclusion?

12 Q Did you ever come to a comfort
13 level on whether it was worthy of inclusion,
14 intelligent design or scientific creationism?

15 MR. GUNN: Those two theories of
16 being included?

17 MR. MANELY: Whether they were
18 worthy of inclusion.

19 Q Did you ever come to a comfort
20 level yourself that intelligent design or
21 scientific creationism were worthy of inclusion
22 in a scientific text?

23 MR. GUNN: In the text itself?

24 MR. MANELY: Yes.

25 A I don't think that was our, that

1 wasn't in the purview of our oath to make a
2 determination of what a text includes. I mean,
3 we can't change what's in the text. What we
4 look at is what is permissible to be taught.

5 Q Let me ask you it this way then.
6 Did you ever arrive at a comfort level yourself
7 that intelligent design or scientific
8 creationism should be taught in the science
9 classroom?

10 A I don't think scientific creation
11 nor intelligent design is taught in the
12 classroom.

13 Q That wasn't the question. Do you
14 have a comfort level on whether it should be
15 taught?

16 A I have because I voted for the
17 notion that we will teach evolution.

18 Q So if I understand you correctly,
19 you don't have a comfort level that scientific
20 creationism or intelligent design should be
21 taught in the classroom?

22 A I think science ought to be taught
23 in the science classroom.

24 Q And intelligent design and
25 scientific creation are not science?

1 A I'm not competent to make that
2 decision. But I think the decision that we
3 made was that we would adopt the text as it was
4 written. And we did encourage a full range of
5 discussions of scientific issues and scientific
6 information.

7 Q Did you adopt the text that was
8 written, or did you add a caveat of the
9 teachings by a disclaimer?

10 A We adopted the text.

11 Q With no modifications?

12 A We put a statement in the front of
13 it, but we didn't change the text.

14 Q So back to my question about
15 whether you have a comfort level that
16 intelligent design or scientific creation
17 should be taught in the classroom, you do not
18 have that comfort level. Is that right?

19 A I didn't say that.

20 Q No, you didn't. What is your
21 position on that?

22 A Well, I don't think that it's, my
23 understanding of the way the legal process is
24 involved --

25 Q Understand, you gave me two

1 different criteria. One was legal. One was
2 whether it ought to be. And I'm asking you now
3 not what you understand to be legal but what
4 you would like to see taught in the classroom.
5 Do you have a comfort level that intelligent
6 design or scientific creationism should be
7 taught in the science classroom?

8 MR. GUNN: I don't understand your
9 question then. You're asking him his
10 preference? I mean, comfort level to me, I
11 thought you were asking him his opinion of the
12 legal consequences or asking, what do you mean
13 by comfort level?

14 MR. MANELY: Can we go back to the
15 place where he's talking about there's two
16 aspects of it, one is legal and the other. The
17 term of art, I want to make sure we stick
18 with.

19 (Whereupon the court reporter read back
20 the referred-to portion as follows:)

21 A I think you need to make the
22 determination whether creation science or
23 intelligent design, first, I mean, I think, I
24 guess, in the information-gathering stage, you
25 need to find out, number one, is it worthy for

1 inclusion? Number two, is it legal for
2 inclusion?

3 (Whereupon the reading back was
4 concluded.)

5 Q Okay. Now, she had to go way back
6 to find what I was trying to find out. Do you
7 think that intelligent design or creation
8 science is worthy for inclusion?

9 A I think the determination was made,
10 and I think it was a Kansas case where they
11 struck it down.

12 Q Are you answering the question that
13 I asked about?

14 A Yeah.

15 Q About whether you think it's
16 worthy?

17 A I sure am.

18 Q Then please continue.

19 A I think a Kansas case made the
20 determination that you cannot teach intelligent
21 design. Is that not true?

22 MR. GUNN: Just answer the
23 question. You don't have to give him a legal
24 opinion.

25 A If you can't legally teach it,

1 whether it's worthy makes no difference in my
2 mind. If you've got a legal preclusion, you
3 can't teach it.

4 Q Is it worthy in your opinion? Yes
5 or no?

6 A I'm not a scientist.

7 Q So you don't know whether it's
8 worthy?

9 A I can't give you an informed
10 decision as a scientist whether it's worthy for
11 inclusion. If you're asking me do I personally
12 believe that there's order in the universe?
13 Yes, I believe there's order in the universe.

14 Q As a school board member of the
15 Cobb County children, is that something you'd
16 advocate, to teach that in the classroom?

17 A Not if it's not legal, no.

18 Q So is it safe for me to say you
19 think it's not worthy, then, to teach it in a
20 classroom?

21 A I didn't say that, but I didn't say
22 that it was. I said, to me, you have got two
23 tests. Either one will kick an issue out,
24 worthiness or legality.

25 (Whereupon off-the-record discussions

1 ensued.)

2 Q I understand your position that
3 it's not legal teaching intelligent design and
4 scientific creationism. The first prong of
5 your approach, do you consider it worthy?

6 A I'm not an expert on intelligent
7 design. I can't tell you whether it's worthy
8 or not. I think if you're precluded from a
9 legal standpoint, you don't spend the time to
10 study what intelligent design entails to say it
11 needs to be in there.

12 Q Do you feel yourself not qualified
13 to render scientific decisions?

14 MR. GUNN: I object to the form.
15 You can answer it if you can.

16 A I'm not a scientist.

17 Q Do you feel that inability
18 precludes you from being able to make diligent
19 decisions about science curriculum?

20 A I certainly hope that the decisions
21 I would make would be, well, decent decisions.
22 I think you can make intelligent decisions
23 without knowing every issue that you touch on.

24 Q So you don't think that your not
25 being a scientist precluded you from being able

1 to make intelligent decisions about scientific
2 curriculum or science curriculum?

3 A Not from a policy standpoint, when
4 you bear in mind that the decision that we made
5 was to have open discussions about
6 controversial disputed issues in science.

7 Now, I'm not teaching the class.
8 You know, all I'm saying is, if there is a
9 disputed issue in the class, you can talk about
10 it as long as it's in the realm of science.
11 But, now, don't ask me to teach the class. I'm
12 not a scientist.

13 Q Nor can you cite for me one
14 particular dispute in macroevolution?

15 A Talking about from firsthand
16 knowledge?

17 Q No, from anything that you've read,
18 studied, any of the due diligence that you
19 talked about that you did to prepare for this
20 vote.

21 A I don't understand the relevance.
22 We're not talking about putting intelligent
23 design in the classroom. It came up in the
24 discussion, but when you look at the
25 accomplished fact of what the school board did,

1 all we said is we're going to discuss the
2 controversy that's obviously in the scientific
3 community.

4 Q You can't identify the controversy
5 for me?

6 A Sure. I already have.

7 Q Specifics?

8 A I told you it's the lack of
9 evidence of macroevolution.

10 Q How old do you believe the earth to
11 be?

12 A I don't have an opinion on how old
13 it is, but it is disputed in the scientific
14 community about how old it is.

15 Q So if they just discovered a
16 seven-million-year-old hominid in --

17 A Seven-million-year-old what?

18 Q Hominid.

19 A I don't know what that is.

20 Q A precursor to homosapien. You
21 don't dispute that then?

22 A Don't have enough firsthand
23 knowledge of the dispute.

24 Q You haven't read anything about
25 that?

1 A No.

2 Q How old is the earth do you
3 believe?

4 A I have no idea how old it is.

5 Q Haven't studied on that?

6 A Well, I've read on it, but that
7 doesn't mean I know how old it is.

8 Q Do you have a belief on it?

9 A Not specifically.

10 Q How about generally?

11 A It was here when I got here.

12 Q What was the purpose of the
13 disclaimer?

14 A To pursue and facilitate open
15 discussion in the classroom about controversial
16 issues of a scientific nature.

17 Q What do you understand the
18 scientific method to be?

19 MR. GUNN: Michael, are you going
20 to give him a multiple choice quiz?

21 MR. MANELY: Linwood, we can have
22 a federal deposition here that is going to have
23 an effect of whether Cobb County schools are
24 being subjected to fundamentalist Christian
25 teaching, or we can have a colloquy which we

1 can do --

2 MR. GUNN: I don't think that's
3 what the case is about. This is not about the
4 scientific method or subjecting the students to
5 fundamental Christian belief. It's about a
6 statement which speaks for itself, and he just
7 told you his view of how it got there. I mean,
8 you can --

9 Q Do you know what the scientific
10 method is?

11 A I think generally it's a test to
12 prove and to replicate.

13 Q How does science use the word
14 theory?

15 A I don't know. I'm not a scientist.

16 Q Why don't we have a disclaimer
17 about Copernicus' rotation of the planets
18 theory?

19 A I think you can witness the
20 rotation of the planets.

21 Q I'm sure you're aware that when
22 Copernicus had the theory, the fundamental
23 Christians in that day and age insisted that
24 the earth rotated around the sun. Are you
25 aware of that?

1 A Not necessarily.

2 Q You're not necessarily aware of
3 that?

4 A No. But I don't think as of today
5 there's a dispute about whether the planets
6 rotate. We're not talking about a textbook
7 adoption in the time of Copernicus. We're
8 talking about a textbook adoption today.

9 Q Yes. I don't think there's a
10 scientific dispute about the theory of
11 evolution, but I'm not in charge of whether our
12 students get misinformation. You are.

13 A I guess you and I differ on that
14 opinion.

15 Q How does science use the term
16 theory?

17 A I don't know.

18 Q Why don't we have a disclaimer
19 about the theory of gravity?

20 A I don't think there's a dispute
21 about it. If you have a question about whether
22 gravity works, you can get on that roof and
23 jump off and prove it immediately.

24 Q You don't --

25 A Because it can be proved. Gravity

1 can be proved.

2 Q You didn't answer my question. Can
3 you cite --

4 A Rotation of the planets can be
5 proved.

6 Q You can't cite for me disproof,
7 scientific disproof, of evolution; yet you made
8 a vote precisely along those lines --

9 MR. GUNN: Asked and answered.

10 Q -- didn't you?

11 A You have to ask the question again.

12 (Whereupon off-the-record discussions
13 ensued.)

14 Q Tell me what your scientific basis
15 is for your dispute with macroevolution.

16 MR. GUNN: I object. The question
17 was asked and answered, and I don't know how
18 many times you want him to answer it.

19 MR. MANELY: I want him to answer
20 it again.

21 MR. GUNN: Well, I'll give you
22 about one or two more times. Then we can ask
23 Judge Cooper whether he needs to answer the
24 same question over and over again.

25 MR. MANELY: We can have the judge

1 read this ridiculous colloquy which he --

2 MR. GUNN: Your questions are
3 unfair, and they have very little relevance to
4 the case.

5 MR. MANELY: We can let Judge
6 Cooper decide that, particularly in light of
7 what we already have in terms of what happened
8 in those board meetings. Reread the question.

9 (Whereupon the court reporter read back
10 the referred-to portion as follows:)

11 Q Tell me what your scientific basis
12 is for your dispute with macroevolution.

13 (Whereupon the reading back was
14 concluded.)

15 A As an expert witness?

16 Q As a Cobb school board member.

17 A I think it is a known fact that
18 there is dispute in the scientific community of
19 evolution from the evidence standpoint.

20 Q That is your conclusion. What are
21 your facts to back that up?

22 A You want a bibliography?

23 Q Sure, if you've got one.

24 A You give me enough time, I can have
25 somebody bring it together.

1 Q How much time do you need?

2 A How much time do you want?

3 Q How about the end of next week?

4 A How about I'm going to be out of
5 town next week?

6 Q How about the end of the week
7 following?

8 A How about two months?

9 Q We don't have that long.

10 MR. MANELY: How long did we agree
11 on extension of discovery? Was it the 15th?

12 MR. GUNN: Discovery?

13 MR. MANELY: Yes.

14 MR. GUNN: We didn't agree to the
15 discovery. We agreed to dispositive motions.

16 (Whereupon off-the-record discussions
17 ensued.)

18 MR. MANELY: Well, if I understand
19 Mr. Tippins, if we suspend this deposition, we
20 can come back at some point, and he can provide
21 us with a bibliography.

22 A I don't intend to supply you with a
23 bibliography because I don't think that's what
24 the discussion is about. It's not my job as a
25 school board member to prove or disprove a

1 scientific issue. It's my job as a school
2 board member to facilitate discussion in
3 classrooms that are open on disputed views.
4 Now, if no disputed views come up, there will
5 be no discussion.

6 Q You want to facilitate a discussion
7 in the classroom on disputed views pertaining
8 to macroevolution?

9 A Yes, that's correct.

10 Q But you can't provide for me or
11 will not provide for me any scientific basis
12 for your perception that there is a scientific
13 dispute about macroevolution?

14 A I don't think that's my role as a
15 school board member.

16 Q What constitutes due diligence in
17 this particular instance? What did you do to
18 know that you had the slightest idea what you
19 were voting on?

20 A It was obvious it was a
21 controversial issue. If not, you wouldn't
22 receive publications, or not publications, but
23 communication on both sides of the issue.

24 Q Again, we're talking about science;
25 right?

1 A I am. Are you?

2 Q Let's say you put a rabbit right
3 here in the middle of the table, and all of us
4 take a vote on the sex of that rabbit. And
5 half of us vote it was male, and half of us
6 vote that it's female. You understand my
7 hypothesis so far?

8 A I hear what you're saying.

9 Q Does that now make the sex of the
10 rabbit a controversial issue?

11 A It means half of them are wrong.

12 Q Yes. And there is a scientific way
13 of resolving the sex of the rabbit, is there
14 not?

15 A Should be.

16 Q Okay. So that there is some
17 controversy over evolution, macroevolution,
18 does not make it a scientific controversy, does
19 it?

20 A If it's not scientific in nature,
21 it's not scientific.

22 Q You are contending that it is a
23 scientific controversy?

24 A There is a scientific controversy.

25 Q I'm asking you: How do you know

1 it's scientific controversy as opposed to a
2 religious controversy?

3 MR. GUNN: He's already testified
4 to the fact that he's read things and he talked
5 to two people that told him they thought there
6 was an issue.

7 Q And that's the extent of your due
8 diligence. Is that what you're telling me?

9 MR. GUNN: He wants you to --

10 MR. MANELY: It's my deposition.

11 MR. GUNN: It was your deposition.

12 But I mean, we're in the second half of the
13 same question. He wants you to tell him if you
14 recall any particular publication, can you give
15 him other information that you read. I guess
16 now we're talking about the one year prior to
17 the vote on the textbook adoption, right, or
18 are we talking his whole life?

19 MR. MANELY: I'm talking about what
20 in the world did he do to constitute due
21 diligence prior to this vote.

22 MR. GUNN: He already testified he
23 didn't do due diligence because he didn't know
24 it was on the agenda. You're talking about the
25 time of the work session?

1 MR. MANELY: It's my recollection
2 he did some due diligence before the vote.

3 Q What was that?

4 A Read publications. But I can't
5 tell you exactly what they were.

6 Q Evolution is a part of the required
7 curriculum that Georgia insists that you teach;
8 right?

9 A That's correct.

10 Q Is there someplace in the state's
11 curriculum that requires you to question the
12 efficacy of macroevolution to your knowledge?

13 A Not to my knowledge.

14 Q It's up to the school board to
15 decide how to go about teaching the state's
16 required curriculum. Is that right?

17 A From a methodology, it always
18 remains with the school board, how issues will
19 be taught.

20 Q Do you have a position on whether
21 or not intelligent design is a religious
22 expression as opposed to a scientific
23 expression?

24 A Not as an expert witness.

25 Q How about as yourself?

1 A I think intelligent design
2 acknowledges the existence of a creator.

3 Q Do you understand the
4 acknowledgment of the existence of a creator as
5 a religious expression?

6 A I think you can believe in a
7 creator without it being religious.

8 Q Pray tell how.

9 A Are you talking in terms of
10 denominations or belief systems?

11 Q No. As much as we're talking about
12 religion, that would be a good way to start.

13 A I think people can believe in a
14 supreme being and not be specifically religious
15 people.

16 Q Would you say the Buddhists say
17 that their belief system doesn't have a
18 creator?

19 A Don't know much about the
20 Buddhists.

21 Q When you were elected, you were
22 elected as a representative of all the people,
23 weren't you?

24 A That's correct.

25 Q Be they Baptists, Methodists,

1 Presbyterian; yes?

2 A Buddhists, Muslim.

3 Q Catholic?

4 A Catholic.

5 Q Jewish?

6 A Agnostics.

7 Q Atheists?

8 A Atheists.

9 Q All of the above; right?

10 A All of the above. I represent all
11 of them.

12 Q So if the Buddhists do not posit a
13 creator, as Atheists would not posit a creator,
14 then you can see how positing the existence of
15 a creator might be a violation of somebody's
16 religious belief?

17 A I think that's what the courts have
18 said.

19 Q You can see how that works?

20 A Yeah.

21 Q You can see how, then, teaching
22 intelligent design would be teaching a
23 religious viewpoint?

24 A Does the belief in a creator make
25 someone religious if there's no specificity to

1 the creator?

2 Q I'll take that as a rhetorical
3 question because I have a question on the table
4 to you that I'm waiting for an answer.

5 A I'm asking for clarification.

6 MR. GUNN: Ask him if you don't
7 understand his question.

8 A I don't understand your question
9 because you're asking me my understanding if
10 someone believes in the creator, are they a
11 religious person? Or are you talking about
12 teaching religion? Is that right?

13 Q No. I'm asking, if you are
14 teaching a doctrine that says there is a
15 creator, are you teaching a religious
16 viewpoint?

17 A I don't necessarily see it that
18 way.

19 Q Well, how do you see it then? How
20 can you teach there is a creator without
21 teaching a religious viewpoint?

22 A Because I think there are people
23 who believe in a supreme being or creator who
24 aren't religious people typically by their
25 profession.

1 Q How do you accommodate the
2 Atheists' view, then, there isn't a creator if
3 your classroom instruction posits that there
4 is?

5 MR. GUNN: These are all
6 hypothetical questions; right? I mean, we're
7 going far from a hypothetical about teaching
8 intelligent design.

9 A We're not teaching intelligent
10 design, so I don't think it's an issue.

11 Q You understood the question?

12 A I understood it fully.

13 Q Can you answer it?

14 A It's not an issue. I can't answer
15 how we teach it in Cobb County because we don't
16 teach intelligent design.

17 MR. MANELY: Are you instructing
18 him not to answer?

19 MR. GUNN: No, I'm not instructing
20 him not to answer. But I object to this whole
21 line as to form. But you can answer the
22 question if you can.

23 A Can you repeat the question?

24 (Whereupon the court reporter read back
25 the referred-to portion as follows:)

1 Q How do you accommodate the
2 Atheists' view, then, there isn't a creator if
3 your classroom instruction posits that there
4 is?

5 (Whereupon the reading back was
6 concluded.)

7 A Our classroom doesn't instruct
8 that there is.

9 Q That wasn't the question.

10 A You said, how do you accommodate
11 it? We don't have to accommodate them because
12 we don't instruct them.

13 Q As your attorney pointed out, in
14 hypothetical circumstances --

15 A I have no answer for that question.

16 Q You have no opinion on that?

17 A I have no opinion because we don't
18 do it.

19 Q And wouldn't do it?

20 A You can't do it, wouldn't do it.

21 Q What was the pass rate last year
22 for Cobb students on the end-of-the-year exams
23 in biology?

24 A I couldn't tell you. I can get you
25 an answer.

1 Q You don't know?

2 A No.

3 Q How about for 2002?

4 A Beg your pardon?

5 Q How about for 2002?

6 A Couldn't tell you for any year what
7 the pass rate on exams are. I mean, that
8 information is available. I can get it, but
9 again, I certainly don't memorize it.

10 Q It's not something you're on top
11 of?

12 A Well, you look at the statistics
13 when the statistics come through, but I don't
14 commit them to memory.

15 Q Back to the adoption of the
16 textbooks, do you recall the vote on the
17 adoption of the textbooks?

18 A Do I recall the vote?

19 Q Yes.

20 A Yes.

21 Q Did y'all just vote to adopt these
22 textbooks that you subsequently put the
23 disclaimer in?

24 A We voted to adopt those textbooks
25 with the inclusion of that disclaimer, I think

1 in three texts, if I'm not mistaken.

2 Q So the adoption, if I understand
3 what you just said, the adoption of those three
4 textbooks were subject to the inclusion of the
5 disclaimer?

6 A Inclusion of the statement, that's
7 correct.

8 Q Who came up with the language of
9 the disclaimer?

10 A I believe our attorney drafted that
11 statement.

12 Q Was including the disclaimer in the
13 textbooks a compromise arrived at so that the
14 textbooks would be adopted?

15 A That wasn't in my mind for me, but
16 I can't speak for the rest of the board.

17 Q The disclaimer language that your
18 attorney came up with, did you agree with that
19 language, or did you want it stronger or weaker
20 or other language than that?

21 MR. GUNN: You mean him
22 personally; right?

23 MR. MANELY: Yes.

24 A I was okay with the language
25 generally.

1 Q Do you recall any discussion about
2 the actual language of the disclaimer?

3 A Not specifically.

4 Q What do you recall generally?

5 A Pretty much that that's what the
6 attorney recommended.

7 Q So as best you recall, one of the
8 attorneys said, here's what we recommend, and
9 y'all said, okay? There wasn't any further
10 discussion than generally that?

11 A I was willing to vote for the
12 attorney's statement.

13 Q What there anyone else that had a
14 different statement?

15 A I think administration had a
16 different statement.

17 Q What do you recall about
18 administration's statement?

19 A I thought it was weak.

20 Q Do you recall anything more
21 specific than --

22 A Not specific.

23 Q Is it your view that evolution,
24 macroevolution, is not a fact?

25 A My view personally?

1 Q Yes.

2 A Yes, sir.

3 Q Is it your view that evolution,
4 macroevolution, should not be taught as a fact?

5 A It is.

6 Q Are you familiar with the Fordham
7 Report?

8 A I'm not.

9 Q It's not something you recall
10 reviewing?

11 A I don't recall it.

12 Q That Cobb County students are
13 failing in science because of poor instruction?

14 A Don't recall it.

15 Q Do you recall Jay Dillon saying
16 that teachers should teach all sides of an
17 issue instead of just evolution?

18 A I don't recall him saying
19 specifically that.

20 Q What do you recall him saying, as
21 best you recall?

22 MR. GUNN: I object to the
23 foundation. I'm just trying to, I think you
24 can clarify the form a little bit. I don't
25 want to speak.

1 Q Have you heard Jay Dillon make any
2 statement about this subject, the teaching of
3 evolution?

4 A I don't recall it.

5 Q Not one way or the other?

6 A Jay Dillon generally puts out for
7 the press the actions of the school board and
8 the positions of the school board. I'm not
9 sure that Jay Dillon speaks for the school
10 board.

11 Q How could a student avoid the
12 disclaimer?

13 A How could they avoid it?

14 Q Yes. If they didn't want to be
15 exposed to the viewpoint it expresses, how can
16 they avoid it?

17 MR. GUNN: I object to the form.

18 A They can object.

19 MR. MANELY: Help me out why you're
20 objecting to the form.

21 MR. GUNN: It doesn't express a
22 viewpoint. You said the viewpoint it
23 expresses.

24 Q Is it your position that the
25 disclaimer does not express a viewpoint?

1 A I don't think it expresses a
2 viewpoint, no.

3 Q So what would you call a statement
4 that evolution is a theory, not a fact, if not
5 a viewpoint?

6 A Well, it's, I think it's a
7 viewpoint of that evolution is a theory.
8 That's why it's called the theory of evolution.

9 Q So how could a student avoid being
10 exposed to that viewpoint if they didn't want
11 to be exposed to it?

12 A I guess they could prove it as a
13 fact.

14 Q Are there any other subjects that
15 the school board disclaims in Cobb County
16 education besides evolution?

17 A I don't recall any.

18 Q Are you contending that you have
19 not advocated teaching scientific creationism
20 in the classroom?

21 MR. GUNN: Can you tell him what
22 you mean by advocate.

23 Q Speak in favor of.

24 A I said I thought we ought to look
25 at it and see if it had merit both

1 educationally and legally for inclusion. And I
2 think that's what I said at the work session.
3 And there again, you get to the two-prong
4 viewpoint.

5 Q So do I understand you correctly
6 that there's never come a point where you said,
7 I think we should teach scientific creationism
8 in the classroom?

9 A Don't recall it.

10 Q Do you contend that scientific
11 creationism is the idea that life has evolved
12 not through happenstance but in a purposeful
13 way?

14 A I don't contend what creation
15 science says. I brought it forth as a concept
16 that I thought the board and administration
17 should pay attention to and ought to look at in
18 the process of the textbook adoption.

19 Q Have you ever said words to the
20 effect that scientific creationism is the idea
21 that life has evolved not through happenstance
22 but in a purposeful way?

23 A I think that touches on that, yes,
24 and that's my personal belief.

25 Q And have you said something like

1 that before?

2 A Yeah.

3 Q And have you said that from your
4 understanding there is no difference between
5 scientific creationism and creationism?

6 A I think I may have been misquoted
7 on that.

8 Q I apologize if I have already asked
9 this question, but I certainly was supposed
10 to. Do you have an understanding of what
11 science means by the term theory?

12 A I think I've told you already that
13 I cannot give you the scientific definition of
14 theory.

15 Q Within the context of the
16 disclaimer that evolution is a theory, not a
17 fact then, what do you mean theory to mean?

18 A I mean theory to mean a statement
19 that is a belief that has not been proven with
20 empirical evidence.

21 MR. MANELY: Let's take a brief
22 break.

23 (Deposition in recess from 3:58 p.m. to
24 4:06 p.m.)

25 Q Are you familiar with the

1 Christian Coalition?

2 A I've heard of it.

3 Q Ever taken any of their seminars?

4 A No.

5 Q Ever attend any seminars on the
6 subject of evolution?

7 A No.

8 Q Have you attended any seminars on
9 prayer in public schools?

10 A No.

11 Q Ever attend any religious function
12 while on county time?

13 A Nope.

14 Q Ever attended a religious function
15 using any county money?

16 A Nope.

17 Q Never ridden on a school bus to go
18 to a religious function?

19 A No.

20 Q Or in any county cars to attend a
21 religious function?

22 A Never ridden in a county car.

23 Q No one from the Christian Coalition
24 has ever helped you in any of your campaigns?

25 A Not to my knowledge. I mean, they

1 didn't come to me and say, I'm with the
2 Christian Coalition, and I'm helping this
3 campaign. If an individual happened to be in
4 the Christian Coalition and helped me with my
5 campaign, they may have done that. But them
6 coming to me and saying that, no.

7 Q Simply, the Christian Coalition has
8 never contributed to any of your campaigns?

9 A Not to my knowledge.

10 Q If there is no empirical evidence
11 for evolution, why did you vote for a text that
12 included it?

13 A Because I thought the discussion
14 that was enabled by the statement of that as a
15 disputed view was sufficient because I don't
16 think we have the wherewithal to rewrite
17 textbooks.

18 Q Are there no textbooks that don't
19 have evolution in them at all?

20 A Not to my knowledge. I mean, there
21 are some, but I'm not sure they were considered
22 in our textbook adoption, plus, the fact that
23 the State of Georgia says you can teach
24 evolution, and it's in the QCC's.

25 Q You take issue with the

1 unadulterated education on evolution?

2 A I don't have any problem with
3 teaching evolution.

4 Q So long as other viewpoints are
5 taught as well?

6 A You can discuss the controversies
7 surrounding it. That's fine. I don't have a
8 problem with them teaching it, us teaching what
9 the theory of evolution is, and text on it as a
10 theory of evolution.

11 Q Are you familiar with the science
12 textbooks that you had prior to this adoption
13 that had blank pages where textbooks talked
14 about evolution?

15 A That's my understanding.

16 Q You guys adopted this text in 2002?

17 A That's correct.

18 Q You'd been a school board member
19 for several years prior to that?

20 A That's correct.

21 Q So this text would have been around
22 while you were a school member. Is that right?

23 A That's correct.

24 Q But you never looked at those
25 texts?

1 A (Shakes head negatively.)

2 MR. MANELY: That's all I have.

3 (Deposition adjourned at 4:10 p.m.)

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1 Pursuant to OCGA 9-11-28, I hereby disclose
2 that I am an employee of Donovan Reporting,
3 P.C., and have been hired by the deposing
4 attorney to provide reporting services for this
5 deposition. There is no special fee arrangement
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22 upon request. This disclosure was provided to
23 all counsel at the commencement of the
24 deposition and is hereby incorporated into and
25 made a part of the transcript.

1 I, LINDSEY TIPPINS, Deponent, do hereby certify
2 that I have read the foregoing deposition, and
3 the same is a true and accurate transcript of
4 my testimony, except for the changes listed
5 below, if any.

6 PAGE/LINE/CHANGE

REASON

7 _____
8 _____
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12 _____
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17 _____

18 If additional space is needed, please attach
19 separate sheet(s) and indicate number of
20 additional pages(s) here: _____

20

21 LINDSEY TIPPINS, Deponent

22

_____(Notary Public)

23 Date Notarized: _____

My Commission Expires: _____

24 Donovan Reporting, P.C. FAX: 770-428-5801

237 Roswell Street, Marietta, GA 30060

25 Date of Deposition: 6-25-03 CR: MSS

C E R T I F I C A T E

GEORGIA

COBB COUNTY

I hereby certify that the above and foregoing pages 1 through 90 are a true, complete, correct and exact transcript of my shorthand notes taken in the above-referenced matter;

That same constitutes a true, complete, correct and exact record of the above-referenced matter;

That same was transcribed through computer assisted transcription;

That I am not of kin or counsel to any of the attorneys or parties, nor am I in the regular employ of any of the attorneys or parties;

This _____ day of _____, 2003.

MICHELLE S. SCHREADLEY, CCR B-1504

Certified Court Reporter and

Notary Public.