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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE PINNEY COMPANY, a Partnership, Plaintiff	)	
vs	)	
JFD ELECTRONICS CORPORATION, a Corporation,	)	CIVIL ACTION NOS.
	)	65 C 220
and	)	
	)	and
THE UNIVERSITY OF ILLINOIS FOUNDATION, a Non-profit Corporation,	)	65-C 671
Defendants	)	(Cons.)

The deposition of Harold B. Lawler was taken in conference room 468, EED, of the antenna laboratory, Electrical Engineering Department, University of Illinois, beginning at 10:00 A. M., January 18, 1967, before Marjorie W. Yelvington, Notary Public and CSR, said deposition being taken by Notice by the plaintiff.

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DEPOSITION OF HAROLD B. LAWLER

The witness being first duly sworn upon oath, testified as follows:

CROSS EXAMINATION
BY: MR. GAIL

Q Mr. Lawler, would you please state your name and home address?

A Harold Breese Lawler, 409 East Florida, Urbana.

Q How long have you been employed by the University of Illinois?

A Since September, 1950, I believe.

Q In what capacity are you employed by the University of Illinois at the present time?

A Departmental business manager, department of electrical engineering.

Q Did you hold that same position during 1959?

A No.

Q What was it then?

A The position was of laboratory manager in the same department at that time.

Q You were laboratory manager during the entire year of 1959?

Miss Johnson had primary responsibility

A Yes.

Q Would you describe what your duties were as laboratory manager?

A Primarily financial administration of research contracts and grants in the department of electrical engineering and financial and business administration for research contracts and grants.

Q At that time did you have any supervisory capacity in connection with the publications office of the electrical engineering department?

A Yes.

Q Were you responsible for supervising its operation?

A Yes.

Q Were you familiar with its operation?

A Fairly well, I mean in - not a lot of details, but yes.

Q Then you were responsible for the obtaining of the printing and the distribution of publications prepared and distributed by the publications office?

A Through our assistant editor. She had primary responsibility for obtaining these services.

Q Would you please describe the procedure followed in the preparation and printing of reports by the publications office of the electrical engineering department under government contract AF 33 (616)-6079?

No Gov. approval required + no restriction imposed

A Generally the author would bring the original draft in whatever form it might be into the publications office. It would be drafted in the office again usually or put directly on offset masters which we sent back to the author for approval. Once again it was approved and it would be sent out to Stypes Publishing Company and printed and then distribution would be made in accordance with the distribution list supplied by the project monitor at Wright Field.

Q When you say draft and redraft, do you mean edited by the publishing office?

A Yes, right.

Q This procedure would be followed both as to Quarterly Reports issued under Air Force contract 6079 and Technical Reports issued under that contract?

A Right, I think at that time everything was published by the Stypes Publishing Company.

Q In April and May of 1959, were any approvals required by the government or agency other than the University before distributing the reports prepared under contract AF 6079?

A I think the only restriction, the distribution paid for by the government had to be in accordance with their distribution list, but there was no restriction on

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distribution within the United States at our own expense. We could print extra copies and make distribution.

Q Did the Air Force have to approve the content of a report before it was sent?

A No, not at that time.

Q Mr. Lawler, are there any other research groups in the electrical engineering department of the University of Illinois other than the antenna laboratory research group?

A Yes, several.

Q Could you name them?

A I'll take a shot at it. Research groups within the department?

Q Right.

A There's the Aeronomy laboratory and the antenna laboratory, biophysical research laboratory, biological computer laboratory, charged particle laboratory, electro optics, electro physics --

Q I think that's enough. Are these laboratories independent of the antenna laboratory in their operation and in their personnel?

A Currently there is some direct cooperation between our radio location laboratory and the antenna laboratory.

Q But in any others?

A Not at the present time.

Q Were at least some of those laboratories other than the antenna laboratory in existence during April and May of 1959?

A Yes.

Q Were they substantially independent in their operation and personnel at that time?

A Yes.

Q Does the publications office of the electrical engineering department service any of these other laboratories in printing their publications and obtaining distribution of their publications?

A Yes.

Q Was that true in April and May of 1959?

A Yes.

Q Isn't it true, Mr. Lawler, that many people in the University other than the personnel of the antenna laboratory are familiar with the fact that research reports are available at the publications office of the electrical engineering department?

A Yes, that's true.

Q Do such people include in many cases the students of the University?

A Yes, that's true. I would say if a student wanted one he could probably get it.

Q Are members of industry that are not directly connected with the University of Illinois in many cases familiar with the fact that research reports are available in the electrical engineering publications office?

A Yes.

Q Is it correct that University faculty ~~and~~ of other colleges of the University are aware of the fact that research reports are available at the publications office of the electrical engineering department?

A I think that's true, however that's sort of indirect because in a lot of cases they will ask the particular research project director about a report and from the publications office is where it would be obtained. The contact may be through the project director rather than through the publications office. They may ask the project director for a report and in most cases the guy will say sure and it will be obtained from the publications office.

Q When you referred to the project director, are you talking about the project director of the antenna laboratory for example?

A Right.

Classes of people entitled to copies — ANYONE

Q And this faculty member who is not connected with the antenna laboratory might come to the project director of the antenna laboratory?

A Yes.

Q Then it's pretty well known among the faculty that the antenna laboratory does exist and that it prepares and publishes reports relating to the research it does?

A I am sure anyone who might be interested would know this, yes.

Q Now, this last group of questions referred to the classes of people that would likely be aware of the operation of the publication office; would the same classes of people have been aware of the fact that research reports were available at the publications office of the electrical engineering department in April and May of 1959?

A I think I would answer that by saying I don't know of any case, where if a report were available that it was ever refused to anyone.

Q I am asking whether they knew.

A I don't know. Any requests that came in were honored. I don't know how many people knew this existed, but I don't know of any case that a request was not honored if a report was available. I don't know how wide spread

this knowledge is, but I would say the majority of our requests come through either the author or the project director and they turn them over to the publications office for filling, if they are written requests. I can't say how broadly it is known that they can get them directly from the publications office. I think it is pretty well known if you ask for them you can get them if they are available, one way or another.

Q Mr. Lawler, I now show you a report marked Plaintiff's Exhibit 4, entitled Quarterly Engineering Report on Research Studies and Problems Relating to ECM Antennas, and also entitled Report #2 under Air Force Contract 6079, and ask you to identify this report.

A I do know that this is a report which was issued by the antenna laboratory on this contract, yes.

Q Mr. Lawler, a distribution list appears at the end of the report. Could you describe or identify this report and tell me if this is a list of distribution required by the Air Force contract under which the work was done?

A Yes, this is the required distribution list supplied by the project monitor.

Q Mr. Lawler, according to my count, this distribution list designates the distribution of Ninety-nine

copies. So far as you can recall, is that number about correct?

A I would say, yes. All I would know --

Q Do you know, Mr. Lawler, whether or not copies of Plaintiff's Exhibit 4 were distributed to the parties or groups designated in the distribution list?

A Yes, I know that they were. I mean I know the report was distributed so I have no reason to think it wasn't distributed to everyone on this list.

Q I now ask that you mark for identification Plaintiff's Exhibit 23, a document bearing a document number previously applied by counsel to this action, being #5338, and apparently designated as a local list.

(Plaintiff's Exhibit 23 marked for identification as of January 18, 1967.)

Mr. Lawler, I show you this document marked Plaintiff's Exhibit 23 for identification and ask you to identify this document and describe it to me.

A This is a list which is allowed on most all of our contracts, is paid for by the contractor for local distribution. This would be the official local distribution list under the contract.

Q Does that document indicate the contract to which it applies?

A Yes.

Q What contract is that?

A AF 33 (616)-6079.

Q Does this exhibit number 23 list the distribution of technical reports and quarterly reports published under Air Force contract 6079 within the University of Illinois?

A I would have to read the contract, I think, to answer that question, what it says about technical vs quarterly. Normally I would say this would be true at a certain point of time. These things change.

Q Do you have any reason to believe that this was not the distribution list, the local list, in effect during April and May of 1959?

A Again, I would have to answer that question, I would have to go to the stuff I have on my desk or what's downstairs in the publications office.

Q Would it help if you looked at a copy of the contract?

A It might.

Q I show you Plaintiff's Exhibit 1a and Plaintiff's Exhibit 1.

A I think I would answer that by saying that if this list was current during the period you are asking about and I can't tell by looking, it would be the official local

list at that time.

Q Let the record show that the witness was referring to Plaintiff's Exhibit 23 when he answered the previous question.

Did you mean this would be the local list for both technical reports and quarterly reports issued under the Air Force contract 6079?

A To the best of my knowledge, yes. Here again I think I would have to dig deep. So far as I know it applied to both. If you want a quick answer Paul Hayes would probably know that better than I do.

Q Mr. Lawler, were copies of the quarterly report #2, Plaintiff's Exhibit 4, distributed in accordance with the list shown in Plaintiff's Exhibit 23?

A I think I have to give you another qualified answer. If this list was current at the time, the answer would be yes.

Q Do you have any wayof establishing what the local list was - what local list was in effect in April and May of 1959?

A The only way I would know would be to go through what files are available down in the publications office and see if we have the date on a given local list.

Q Isn't it true that even if this particular local list

were not the local list in effect in April and May of 1959, there would be a local list of a comparable nature?

A Right, true.

Q And it would undoubtedly designate substantially the same distribution?

A It isn't - yes. Looking at this list it says "Technical and Progress" which means probably it does not apply to quarterlies.

Q Could you describe the progress reports which were prepared and published or distributed under the Air Force contract 6079?

A I could get hold of one, and really look at it. I would assume that these monthly progress reports were probably nothing more than letter reports. I am almost sure that's the case but I would have to look and see.

Q In other words, they would not be printed reports?

A No.

Q They would be prepared by typewriting?

A Normally - again, I would have to look.

Q Are copies of the progress reports normally retained in the two libraries listed on the local list?

A The engineering library, they were sent to them; wheth-

or they retained them or not, I don't know. Our local library in SEAL, we have since discontinued keeping regular files of monthly reports in our departmental libraries.

Q How recently did you discontinue that?

A Just a guess, I would probably say it was five years ago, and even then on these progress reports, the files that were kept on them were not too complete.

Q I asked you how they were prepared, the progress reports were they typed?

A Normally I would say yes. I can't see much advantage of maybe twenty, twenty-five reports of three pages being put on offset masters.

Q I notice that the local list required sixteen copies under the heading "Progress Report," is that correct?

A Fifteen with one of them having been stricken at some point in time, sixteen total with one having been stricken at some point in time.

Q Wouldn't that be quite difficult to make that many copies plus the number of copies required for the Air Force by typewriting?

MR. MANN: I would like to request that the number of copies required by the Air Force be established.

A Two copies only are sent in.

Q That would be a total of either seventeen or eighteen, depending upon when the item was crossed off from the local list.

A This appears to be true now.

Q Read the question again.

(Question read by the reporter.)

MR. MANN: I think the question is indefinite. I don't think the question should be phrased so he has to answer such an indefinite question.

MR. GAIL: In April and May of 1959 would the electrical engineering department prepare that many copies of a report by typing or by some other procedure?

A To answer this question by saying, if you want a definite answer to this particular question, I can get it. I would have to do some digging to find out how it was prepared. I am not going to guess how it was done in a certain case, but I am sure we could find out.

Q I would like to request that after the completion of this deposition that you endeavor to determine how the progress reports for April and May of 1959 were prepared and to inform us as soon as you can find out.

A This can be done, I am sure. I might have the answer on my desk right now, I don't know.

Q Would you also attempt to determine what local list was in effect under Air Force contract 6079 during the months of April and May, 1959?

A Yes.

Q Now, Mr. Lawler, is it not very possible that the heading "progress report" was used in the general sense of progress reports to include quarterly reports?

A No, this should not be the case.

Q Quarterly reports are a form of progress reports, are they not?

A Yes, but that should have a proper heading and it should have a proper title. They are either a progress report or a quarterly report and knowing the way Paul Hayes operates, I would expect him to be doing it.

Q Who prepares the local list?

A That's usually submitted by the engineer, project director, whatever you want to call him.

Q But quarterly reports, you testified quarterly reports could be called one type of progress report, is that correct?

A Well, in this particular contract --

Q I am talking about the English language.

A Oh --

MR. MANN: I think this is argumentative, what it might

be called in the English language has nothing to do with what it was actually called in this department.

MR. GAIL: Mr. Lawler, were copies of quarterly report #2, Plaintiff's Exhibit 4, under Air Force contract 5079, distributed in accordance withthe local list shown in Plaintiff's Exhibit 23, or a similar list which was in effect at that time?

A I would answer that by saying there is no official local list on quarterlies but I would expect ~~it~~ an internal distribution, yes.

Q Would there be any other type of list or practice in connection with the internal distribution of quarterly reports?

A Are we talking about this particular contract?

Q Yes.

A I would have to get into the files and see. I would expect this to be true but I would have to look. I would expect there would be something. Whether there is any written list for quarterlies, I don't know, but I am sure within the laboratory at least there would be some distribution of quarterlies.

Q Here again I ask that after the completion of this deposition you attempt to determine whether your records or any other records of the University within this general

area of authority indicates the internal distribution of Quarterly Report #2, Plaintiff's Exhibit 4.

MR. MANN: By internal distribution, do you mean within the antenna laboratory?

MR. GAIL: No, I mean within the University. Mr. Lawler, how many copies of reports were required for distribution in accordance with the local list, Plaintiff's Exhibit 23?

A Assuming this strikeout, will, with the strikeout, fifteen.

Q Without the strikeout?

A Sixteen.

Q Now, you testified earlier that the government paid for sufficient copies of the reports to include the official distribution list included within the report and referred to earlier, and for local distribution within the University, is that correct?

A That's true.

Q Then assuming that the government distribution list required Ninety-nine copies and Sixteen copies were designated by the local list, this would require a total of 115 copies, is that right?

MR. MANN: Are we talking about technical reports at this time?

MR. GAIL: I am talking about either.

MR. MANN: Then I object to the question. It hasn't been established the government needs Ninety-nine copies of the progress report. In fact, it was established they required only two.

MR. GAIL: All right, then, technical reports and quarterly reports in that question.

MR. MANN: And omit progress reports?

MR. GAIL: And omit progress reports.

A This distribution in this particular quarterly report is Ninety-nine?

Q Yes.

A On different quarterlies or technicals it might be different because there are constant additions and deletions.

Q Does the number of copies authorized for payment under the contract change as the distribution list is changed by the government?

A This is normally true. Yes, when the voucher goes for payment the University contracts office normally wants to know the number of copies on the distribution list.

Q Then assuming Ninety-nine copies were required for the government distribution list, and sixteen copies for local distribution as indicated in Plaintiff's Exhibit

23 --

MR. MANN: Objection. What are we talking about now, quarterly reports?

MR. GAIL: Quarterly reports.

MR. MANN: There is nothing in Exhibit 23 that shows anything about the distribution of quarterly reports.

MR. GAIL: Is it correct that 99+16=115?

MR. MANN: Is this a question of arithmetic?

MR. GAIL: It's a question I asked.

MR. MANN: Let's not ask frivolous questions. We will stipulate that 99+16=115, but we won't stipulate any more.

MR. GAIL: Can you tell me how many copies of Quarterly Report #2, Plaintiff's Exhibit 4, were printed in the first printing of the report for the University of Illinois by the Champaign Letter Shop, also known as Stypes Publishing Company?

A I would have to find the voucher for that particular report to answer that question.

Q Mr. Mann, I show you a Xerox copy of a stipulation of fact signed by you that stipulated that there were 148 copies of Quarterly Report #2 under Air Force contract 6079 delivered to Miss Marjorie Johnson, the acting technical editor of the publications office of the elec-

trical engineering department of the University of Illinois at her office in the University on or before April 30, 1959?

MR. MANN: Yes.

MR. GAIL: Do you agree that this establishes that the first printing included 148 copies?

MR. MANN: We have so stipulated. We will accept it as correct whether it varies one way or the other.

MR. GAIL: The evidence supporting the facts were given to you prior to the execution of the stipulation. Mr. Lawler, can you tell me how many copies of the Quarterly Engineering Report #2, Plaintiff's Exhibit 4, were printed in the first printing and charged to the government as you previously testified?

A I don't know if I can. This is front and back covers.

Q Keep going.

A Subject to any transfers because of a question of how many could be charged to the contract, it would appear that 117 copies plus the two vellum copies were charged to this contract.

Q You say subject to the transfers, what do you mean by that?

A Occasionally if this number might be greater than the government would pay for, then there would have to be a

29 Extra copies for give-aways & loan

split charge between the government and some other account or even a letter of transfer, we have had this happen.

Q Did it ever involve more than a few copies in the transfer, as you call it?

A It could if the quantity indicated were a long way off.

Q Are you aware of this ever happening where the quantity indicated was a long way off?

A This has happened. We do try to split these things when they go in between the contract and our departmental accounts. Subject to any transfers, I would say 119 copies were charged to this particular contract.

Q As we mentioned previously, it has been stipulated that there were 148 copies actually printed. Under what account would the remaining copies of the difference between 117 and 148 be printed?

A These normally would be paid from electrical engineering indirect accounts.

Q Are these commonly referred to as EEIC?

A Yes.

Q Mr. Lawler, why were reports ordered in this manner, with part ordered under the Air Force contract and part ordered under EEIC?

A If additional copies beyond that of the distribution

119
Gov. copies
148 printed

Public distribution of X-copies

list was required, they had to be paid for with other than contract funds.

Q Why would additional copies be required?

A The author, project director, might want these for personal distribution.

Q Wasn't another reason so that the publications office would have extra copies to be given away or distributed to supply requests for copies?

A This was in effect what I meant with the answer I just gave.

Q It wouldn't be on the basis that the project director had a list of thirty-five people he wanted copies sent to?

A I can't answer that question, I just don't know.

Q Normally were not the extra copies retained in the publications office and then applied to parties requesting such reports, either through the project director or directly to the publications office?

A I'll answer that by saying to a large extent, yes.

Q Was it common practice that some of these extra copies prepared in this manner were sent to people in industry who might be interested in the subject matter of the report, after their requesting copies of the report?

A Yes.

Q Mr. Lawler, a number of technical reports we obtained from the publications office had a stamp "Loan Copy". Would you describe the procedure related to loan copies?

A Yes, these are normally maintained in the publications office to be returned to the publications office after being used.

Q Did the practice of having and retaining loan copies for distribution for a limited time exist in April and May of 1959?

A To the best of my knowledge, yes.

Q Were loan copies charged to the government as an item of government cost?

A They shouldn't have been.

Q By that do you imply that in some cases they may have been?

A Well, no. A while ago we figured up 117 so I would say normally not. They shouldn't have been charged to the government.

Q We also figured up if we crossed one off it would be 115.

A Yes.

Q And how many loan copies were normally provided?

A I don't know; I have no idea.

Only limitation on giving out copies -- continental U.S.

Q Who would know?

A At that time in this particular contract one of two people would know.

Q Who? Miss Marge Johnson or Professor Paul Mayes.

Q Do you know whether the practice of keeping loan copies was followed in relation to quarterly reports as well as technical reports?

A Not specifically.

Q You don't know?

A I don't know.

Q Do you have any reason to believe it was not followed?

A No.

Q Mr. Lawler, if I as a member of the public, walked into the publications office and explained I was interested in research material relating to the operation of antennas and asked for a copy of a particular publication relating to this subject matter, would I be given one?

A Normally I believe your request would be referred to either the author or the project director involved.

Q Do you know of any reason why I would be refused by him?

A Other than making sure, on this particular contract, that we are not distributing outside the continental

to next pg.

United States.

Q So if I was a United States citizen and showed I lived in Cleveland, Ohio, this would probably do the trick?

A Yes.

Q Mr. Lawler, what department or group retained the loan copies and loaned them out and obtained their return?

A Publications office normally.

Q Also, what group retained the extra copies and distributed them in accordance with the requests?

A Well, it could be either the publications office or the originating laboratory, it varies. Some people want to make their own distribution and others want the publications office to handle it.

Q Is it not common for the publications office to retain those extra copies?

A Again --

Q I mean as common practice. You say there are some exceptions, subject to those exceptions.

A Extra copies for distribution?

Q Extra copies ordered under ERIC or extra copies not required for government distribution.

A They retain enough for their own files, and again what is done with the balance would depend on what the individual project director wants done.

Q Is it true that the publications office had last summer a rather large room with a lot of stacks in it containing copies of reports prepared and published by that group?

A Right.

Q So they did retain quite a few extra copies?

MR. MANN: Would you identify "that group"?

MR. GAIL: The publications office.

A True.

Q Mr. Lawler, if an outsider, that is a person not connected with the University, requested a copy of a report and were given one as you testified, would there be any charge in connection with that service?

A This practice has varied, again, sometimes on the suggestion of the project director, and it has not been consistent. There have been more reports distributed without charge than there have been with charge.

Q Mr. Lawler, if in April or May of 1959, an engineer for the General Electric Corporation or Collins Radio Corporation had written to the publications office and asked for a particular report relating to antenna research, would the publications office have sent a copy of such report if extra copies were available?

A Again I would say yes, with the approval of the engin-

ger involved, the project director, author.

MR. MANN: Of the University?

A Of the University, yes.

MR. CAIL: If extra copies weren't available, wouldn't that request be filled by supplying a loan copy with a request it be returned within a specified period of time?

A I can't say definitely yes, because I don't know. Probably, yes, but I can't say in every case this would be true.

Q Would there have been a charge for this service?

A No.

Q In April or May of 1959 where was the publications office of the electrical engineering department located?

A Either rooms 210 and 211, electrical engineering research lab or rooms 203 and 205. In 1959 and '60, I could check but I would say 210 and 211, EE research lab.

Q The electrical engineering research lab is the name of a building here on the campus of the University of Illinois?

A Yes.

Q Could you tell me where the antenna laboratory of the electrical engineering department was located in April

and May of 1959?

A The majority of their operation was in 311.

Q Of what building?

A EE Research lab, and the former third floor penthouse of the EE building.

Q Is that another floor beyond 311?

A The former third floor or penthouse - they were in 311, EE research lab and former third floor of the EE building.

Q Where were they in April or May of 1959?

A They were in both places.

Q Do you know where Dr. Hayes office was at that time?

A 311 EE research lab.

Q How about Professor Deschamps?

A If he was here at that time he was in 311 EE research.

Q In April and May of 1959 where was the engineering library, indicated on the local list, Plaintiff's Exhibit 23, located?

A I would have to consult the directory to find out because I know this is not the actual location. It was in the civil engineering building - civil engineering hall.

Q Where is the civil engineering hall physically with respect to the electrical engineering research labora-

tory building?

A Directly south.

Q The next building?

A Yes.

Q How far apart are they spaced, roughly, less than 200 feet?

A Yes.

Q Mr. Lawler, where was the local library of the electrical engineering research laboratory located in April or May of 1959?

A Again, one of two places. If we had established our reading room at that time it was in 309 EE research lab, if not, the files were kept in the publications office. Offhand I can't remember.

Q In other words, it would be either within the publications office or within the reading room located in the same building, room 209?

A At that time, yes.

Q Is there any way for you to determine definitely when the library was - the local library was moved from the publications office to the reading room, room 209?

A Within, I would say, a matter of a few months, yes. I can determine when the room was made available for that use. When the files were actually moved over

there, no.

Q There is another item I would like to ask you to find out. Mr. Lawler, would you describe how the distribution of reports under the local list, plaintiff's Exhibit 23, would have occurred in April or May of 1969, or under other than the current list?

A Yes, normally they would have been placed in the internal mailbox system which we have in the department of electrical engineering for the person for whom they were intended.

Q Would you describe this internal mailbox system?

A At that time there were two distribution centers, one in 155 SE building, and one outside room 209 EERL in the hallway, and a given person might have a box either place, possibly both places.

Q Was there a box for the engineering library?

A No, this would be done by either personal delivery or campus mail.

Q Are you familiar with the time it normally takes for the delivery of mail through the campus mail, as you call it?

A To the best of my knowledge delivery is made twice a day.

Q If something is placed in the mail in the morning,

when normally would you receive it?

A I don't know if I can answer that or not. I think a lot would depend on the route which the campus mailman follows.

Q Does the campus mail go to a central distribution system and then out or does it go from one building to the next?

A Normally I think they take it to the central station and make a redistribution of it.

Q You get mail through the campus mail every day, don't you?

A Right.

Q And you have for years?

A Yes.

Q Have you ever received mail that was deposited in the campus mail in the civil engineering building?

A Yes.

Q How long does that usually take to get to you?

A I really don't know. It should be the same - if the system functions as it should, it should be the following delivery whenever that might be.

Q Normally it would be the same day if it were put in in the morning then?

A It should be.

Q If it were put in in the afternoon, probably the next morning?

A Yes, this is the way it should work.

Q I assume that to the best of your knowledge, something that were placed in the University mail from either the electrical engineering building or electrical engineering research lab would be delivered to the civil engineering building within twenty-four hours?

A Yes, normally.

Q If it were put in the mail this afternoon it would be there tomorrow morning normally?

A Normally, yes.

Q Or if it was put in the mail this morning, it would be there this afternoon?

A Yes.

Q Is the engineering library in civil engineering hall open to the public?

A The building - the library itself is open to the public, yes.

Q Was it open to the public in April and May, 1959?

A To the beetof my knowledge, yes.

Q Would you describe the type of people who use the engineering library at civil engineering hall?

A Normally I would expect it to be students and staff.

Q But so far as you know, if I, as an outsider not connected to the University in any way, walked in there could I use their facilities?

A You could use certain of their facilities.

Q Certain of their facilities?

A Yes.

Q What restriction do you imply by that?

A I think access to the stacks and reserve areas are restricted to student and staff.

Q Do you know where the publications of the antenna laboratory are retained in the engineering library in the civil engineering hall; are they in the stacks?

A I don't know. I don't know what they do with them.

Q Could I, as an unidentified member of the public, attain access to the publications of the antenna laboratory in the engineering library of the civil engineering building?

A Not knowing for sure where they keep them, I don't know if I can answer that question or not.

Q Well, if I asked the librarian to get them for me, I would certainly have access to them, wouldn't I?

A Again, I would have to say I don't know. Not being an engineer myself, I don't use the engineering library.

Q It is true, however, that the student body has access

Extent of use of Local Library

to that library and the material contained therein?

A Yes.

Q Now, referring to something that's a little more in your jurisdiction, was the local library of the electrical engineering research laboratory open to the public in April and May of 1959?

A Again, I will have to find out.

Q Is it open now?

A Yes.

Q I would appreciate it if you would find that out. In any event, would students have been permitted to use the local library?

A Yes.

Q They would have been permitted to use the local library during April and May of 1959?

A If the local library was in existence at that time, yes.

Q The personnel of other research groups other than the antenna laboratory could have definitely used the local library if it were in existence at that time?

A Yes.

Q Mr. Lawler, can you tell me roughly how many students were enrolled in April and May of 1959; was it more than 10,000?

A Yes.

Go to next pg.

Q More than 15,000?

A I am sure that's true, 1959?

Q Yes.

A Yes.

Q More than 20,000?

A It would be close but I wouldn't know for sure.

Q Mr. Lawler, in April and May, 1959, would you describe the operation of the local library? I am particularly interested in how the publications and reference room material were maintained, where they were obtained from and so on.

A How are you defining local library, as listed on this sheet?

Q Yes, the local library directed or designated as the local library of the electrical engineering research laboratory as listed on Plaintiff's Exhibit 23.

A We have to distinguish between local library and ER reading room. Local library, I think here is the file which the publications office maintained to assure themselves of having at least one copy of every report they produced, and to the best of my knowledge this has been in existence at least since I have been here, since 1956, and at that time it was maintained in locked four drawer files, physically located, in April and May, 1959.

Local Library cabinets + contents in Miss Johnson's custody All.

I will have to qualify that, either in the publications office or the EE reading room.

Q Did those files include also publications received from other sources other than the University of Illinois?

A There were some, yes.

Q Such as other universities doing research?

A Yes.

Q The locked cabinets you referred to, in whose custody were they?

A The editorial assistant.

Q Of what?

Q Of the department of electrical engineering.

Q Miss Marge Johnson in April or May of 1959?

A I believe so - I believe she was in the position at that time.

Q Her name appears on a number of the documents relating to the printing at that time, so she was technical editor or acting technical editor at that time, is that right?

A I would assume this to be true, right, since her name is on all these things.

Q Now, if a student walked into Miss Marge Johnson and requested that he be permitted to see material in these locked cabinets, would he have been permitted to see

Cabinets locked only for control purposes

Miss Johnson's duties - Local Library All

the material?

A Normally, yes.

Q Why were the cabinets maintained in a locked condition?

A To make sure that the one copy remained.

Q Or at least to keep track of it?

A Yes.

Q They weren't locked to keep people from getting to them, but only to maintain control of them?

A Right.

Q Also if a faculty member or employee of the University not connected or directly employed in the antenna laboratory walked into Miss Marge Johnson and asked to see a particular publication or publications related to certain subject matters, he would be given access to those publications in those locked files, is that right?

A I know of no reason why not.

Q Mr. Lawler, then in April and May of 1959, one of Miss Johnson's duties was the duty of a librarian of the local library of the electrical engineering research laboratory, is that right?

A That would be one of the duties of her office.

Q Her duties?

A Or whoever she assigned it to, yes.

Q It would be directly under her supervision?

Go to next pg.

A Right.

Q Mr. Lawler, wasn't it the practice in April and May of 1959 to maintain a display rack something like a magazine rack in the hall of the research laboratory of the electrical engineering department, on which were placed printed publications such as trade magazines, research reports and technical information received by the local libraries?

A It was there, yes.

Q What was the purpose of maintaining that rack?

A To the best of my knowledge it was there to make these publications available.

Q So that people walking by would see that these publications were available and advertising in effect their availability?

A Well, I am not sure I can answer it really.

Q In what respect can't you answer it?

A Well, I don't know to what extent it was used. It probably wasn't kept too current, as current as it should have been.

Q But its very presence would inform the people walking by of the operation of the publications office, wouldn't it?

A I don't know for sure whether this thing was primarily

for news of their own publications or for things coming in that would be available. At one time we didn't have our own reading room so that this rack in the hall served somewhat this same function.

Q In other words, publications of the category we previously talked about received from other universities and so on, would be placed on that rack, that was the intention?

A Some of them were, yes.

Q Were some of the publications - of the electrical engineering department publications office placed on that rack too?

A I believe so, yes.

Q Mr. Mann, will you stipulate that the Marge Johnson referred to in the stipulation is the same Margo Johnson that we were referring to?

MR.MANN: Yes. I believe she is called Marjorie Johnson in the stipulation and I understand thatis correct.

MR. GAIL: I don't know her name, but I think it is Marjorie Johnson, is it not?

A I would have to look and see.

MR. MANN: Either Marjorie or Marge, as the case may be.

MR. GAIL: Do you know whether a copy of Quarterly Engineering Report #2, plaintiff's Exhibit 4, was placed in

the locked files referred to that were maintained as the local library of the electrical engineering research laboratory?

A That should have been, yes.

Q Is the local library of the electrical engineering research laboratory still in existence?

A In one of two places, in these same locked files, in either room 167 EE building or in the publications office itself, this same function is being performed in one of the twoplaces.

Q Is it a separate library now?

A There is a person in charge of our reading room, yes.

Q Is there a copy of Quarterly Engineering Report #2, Plaintiff's Exhibit 4, presently in the reading room you just referred to?

A It could be determined by examination if there is, yes.

Q Would you do so?

(Whereupon this deposition was recessed from 11:45 A. M., January 18, 1967, to 2:00 P. M. of the same day.)

MR. GAIL: Mr. Lawler, prior to our lunch recess we asked you to see if you could locate certain items of information relating to a coupleof items. Tell us the results you have had.

Reading room of Local Library existed since 1956

A I could find no further information on the specific distribution list in effect in April to May, 1959. I believe that was for technical and progress reports, I believe. I couldn't find anything other than the original of the one you had. I think what they did was to copy this and keep it up to date as they went along.

You asked how progress reports were prepared that were typed and I don't know. You asked how they were distributed even though the progress reports do show on this distribution list which you have. I don't find any evidence of any we had beside distribution within the antenna lab. The only copies I was able to find are carbon copies which would make me think that the two copies required plus that one are the only ones I could find any evidence of, but they were typed.

I could not find any written list for quarterly reports. Now, I need to correct a statement on the reading room. I missed something completely. There was a reading room in room 214 NE research lab in existence at least since 1956 which is as long as I have been here. I had just completely forgotten it, and those locked files were in that room.

Q That's 206?

A Room 214 since 1956, at least since 1956, and those

locked files were in that room. They were under the control of the publications office so far as keys; they were not generally available. The reading room was established to the best of our knowledge during the summer of 1960.

Q This additional reading room?

A Room 209 ERL was not established until the summer of 1960.

There is a copy of Quarterly Report #2 in our current publications office; there is not a copy of it in the files in our current reading room. That one is not there.

Q Is there any indication that it was there --

A To the best of our knowledge it was there at one time. We think it was taken out of there for reproduction or copying or something and never did get back in there. We did not find that original copy.

Q There is an index card referring to it?

A Right. I think that answers the specific questions.

Q I believe so. So far as you can determine progress reports were not distributed in accordance with the local list, Plaintiff's Exhibit 33?

MR. MANN: I think that question contains an inaccuracy; what do you mean by progress reports?

MR. GAIL: Progress reports as used in the contract 6079.

A No, I can see no reason why monthly progress reports which is what these are would go to the engineering library, for example. There would be no need for them going externally at all. They were nthing more than letter typed reports.

Q And it is correct also that you could not find any list for internal distribution of quarterly reports under contract 6079 specifically referring to quarterly reports?

A No, I couldn't find anything of that nature at all.

Q Based on this, the answers to my last two questions, wouldn't it appear to you that the heading "Progress Reports" appearing in Plaintiff's Exhibit 23 must not refer to monthly progress reports and must refer to the quarterly progress reports under the contract?

A I'll answer the first part of your question that it would not appear that it did apply to monthly progress reports. Whether or not that column is meant to mean quarterly reports, I don't know.

Q Are there any other types of progress reports that would be published under the contract that this heading might be referring to?

A Not to the best of my knowledge.

Q Well then, mustn't it refer to the type of reports referred to in the contract as quarterly reports, which were in fact a form of progress report?

MR. MANN: I object. The witness has stated he is not sure what it refers to.

A I don't - I don't know.

MR. GAIL: Do you mean that it doesn't?

A No, I can't make a statement.

Q All right. Mr. Mann, can we also stipulate that the exhibit identified in this deposition can be retained by counsel?

MR. MANN: Certainly. I have some cross examination.

MR. GAIL: I have no more questions at this moment.

REDIRECT EXAMINATION
BY: MR. MANN

Q I have a few questions. Mr. Lawlor, do you know when the local list identified as plaintiff's Exhibit 33 was prepared?

A I do not, no.

Q Do you know whether or not it in fact was in effect during April or May of 1959?

MR. PEARNE: May I ask if that question refers specifi-

cally to the list of Plaintiff's Exhibit 23?

MR. MANN: Yes, certainly.

A No, I do not.

Q Mr. Lawler, have you investigated the actual date of distribution of Quarterly Report #2?

A I have.

Q Have you satisfied yourself as to the date on which that report was distributed?

A To the best of my knowledge this report was distributed by U.S. Mail on May 5, 1959.

Q Do you know for a fact whether any copies of that quarterly report were distributed locally?

A The fact that at one time the report itself -- the card in the card file says that this thing was in our local library at some point in time would indicate it was, yes.

Q Do you have anything to indicate that these local copies were distributed prior to May 5, 1959?

A No.

MR. MANN: No further questions.

RECROSS EXAMINATION
BY: MR. GAIL

Q Mr. Lawler, do you have any information which would cause you to believe that the local list, Plaintiff's

Exhibit 23, was not in effect in April and May, 1959?

A No.

Q When you referred to the distribution occurring through the United States mail on May 5, 1959, were you referring to the distribution according to the distribution list contained in the back of Quarterly Report #2 and required by the Air Force contract?

A I would assume that this was the distribution that was made, yes.

Q Do you have any evidence to establish that the distribution locally within the University did not occur before May 5, 1959?

A No.

MR. GAIL: That's all I have.

MR. PEARNE: It is common policy for the witness, if he has no special desire to do so, to waive reading and signing of his deposition, but leaves it up to counsel to decide upon any necessary corrections. However, you have the privilege of reading and signing it if you wish to do so. You waive nothing as there is nothing to preclude Mr. Mann from sending you a copy to read anyway. For convenience, why don't we waive the signing of it?

MR. LAWLER: This will be satisfactory to me.

(WITNESS EXCUSED.)

STATE OF ILLINOIS)
) ss
COUNTY OF COLES)

I, Marjorie W. Yelvington, Notary Public within and for the County of Coles, acting in the County of Champaign, and CSR, do hereby certify that Mr. Harold E. Taylor came before me in the conference room 469, EEB, of the antenna laboratory, Electrical Engineering Department, University of Illinois, beginning at 10:00 A. M., January 18, 1967, who was by me sworn to testify to the truth of his knowledge touching the matter in controversy aforesaid; that I did take down in shorthand notes all of the questions propounded to said witness and his answers thereto; that I did later personally transcribe said notes; that the above and foregoing is a true, correct and complete transcript of said notes; that the said testimony is now herewith returned.

I further certify that I am not in any way related to any of the parties involved in this cause of action and have no interest in the outcome thereof.

I further certify that the plaintiff was represented at said deposition by Mr. John F. Pearne and Mr. William A. Gail of the law firm of McKenny, Farrington, Pearne & Gordon; that the defendant, The University of Illinois Foundation, was represented by Mr. Basil P. Mann of the

law firm of Merriam, Marshall, Shapiro & Klose.

I further certify that I did mail the original transcript of said deposition to the Clerk of the Court for filing, postage prepaid, registered, return receipt requested.

Dated at Mattoon, Illinois, this 1st day of February, A. D. 1967.

CSR