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I N D E X

	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Deposition of Harold B. Lawler	3	46	47

E X H I B I T S

Plaintiff's Exhibit No. First Identified at Page:

(23) Local distribution list 11

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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

1

A Yes.

2

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

3

4

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.

5

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

9

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A Yes.

12

Q Were you responsible for supervising its operation?

13

14

Q Were you familiar with its operation?

15

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

16

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

17

18

19

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

20

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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?

1 distribution within the United States at our own ex-
2 pense. We could print extra copies and make distribu-
3 tion.

4 Q Did the Air Force have to approve the content of a re-
5 port before it was sent?

6 A No, not at that time.

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

11 A Yes, several.

12 Q Could you name them?

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

15 Q Right.

16 A There's the Aeronomy laboratory and the antenna labor-
17 atory, biophysical research laboratory, biological
18 computer laboratory, charged particle laboratory,
19 electro optics, electro physics --

20 Q I think that's enough. Are these laboratories independ-
21 ent of the antenna laboratory in their operation and
22 in their personnel?

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

1 Q But in any others?

2 A Not at the present time.

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

6 A Yes.

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

9 A Yes.

10 Q Does the publications office of the electrical engineer-
11 ing department service any of these other laboratories
12 in printing their publications and obtaining distribu-
13 tion of their publications?

14 A Yes.

15 Q Was that true in April and May of 1959?

16 A Yes.

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

22 A Yes, that's true.

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

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

3 Q Are members of industry that are not directly connect-
4 ed with the University of Illinois in many cases fam-
5 iliar with the fact that research reports are available
6 in the electrical engineering publications office?

7 A Yes.

8 Q Is it correct that University faculty ^{of} ~~and~~ other col-
9 leges of the University are aware of the fact that re-
10 search reports are available at the publications of-
11 fice of the electrical engineering department?

12 A I think that's true, however that's sort of indirect
13 because in a lot of cases they will ask the particu-
14 lar research project director about a report and from
15 the publications office is where it would be obtained.
16 The contact may be through the project director rather
17 than through the publications office. They may ask
18 the project director for a report and in most cases
19 the guy will say sure and it will be obtained from the
20 publications office.

21 Q When you referred to the project director, are you talk-
22 ing about the project director of the antenna labora-
23 tory for example?

24 A Right.

*Classes of people entitled
to copies - ANYONE*

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Q And ^{this} ~~the~~ 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

1 this knowledge is, but I would say the majority of
2 our requests come through either the author ^{or} the
3 project director and they turn them over to the pub-
4 lications office for filling, if they are written re-
5 quests. I can't say how broadly it is known that they
6 can get them directly from the publications office. I
7 think it is pretty well known if you ask for them you
8 can get them if they are available, one way or another.

9 Q Mr. Lawler, I now show you a report marked Plaintiff's
10 Exhibit 4, entitled Quarterly Engineering Report on
11 Research Studies and Problems Relating to ECM Anten-
12 nas, and ^{also entitled} ~~is~~ Report #2 under Air Force Contract 6079,
13 and ask you to identify this report.

14 A I do know that this ^{is} _^ report which was issued by the
15 antenna laboratory on this contract, yes.

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

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

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

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

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

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

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

10 Q I now ask that you mark for identification Plaintiff's
11 Exhibit 23, a document bearing a document number pre-
12 viously applied by counsel to this action, being #5238,
13 and apparently designated as a local list.

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

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

19 A This is a list which is allowed on most all of our con-
20 tracts, is paid for by the contractor for local distribu-
21 tion. This would be the official local distribution
22 list under the contract.

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

1 A Yes.

2 Q What contract is that?

3 A AF 33 (616)-6079.

4 Q Does this exhibit number 23 list the distribution of

5 technical reports and quarterly reports published under

6 Air Force contract 6079 within the University of Illin-

7 cis?

8 A I would have to read the contract, I think, to answer

9 that question, what it says about technical vs quarterly.

10 Normally I would say this would be true at a certain

11 point of time. These things change.

12 Q Do you have any reason to believe that this was not the

13 distribution list, the local list, in effect during

14 April and May of 1969?

15 A Again, I would have to answer that question, I would

16 have to go to the stuff I have on my desk or what's

17 downstairs in the publications office.

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

19 A It might.

20 Q I show you Plaintiff's Exhibit 1a and Plaintiff's Ex-

21 hibit 1.

22 A I think I would answer that by saying that if this list

23 was current during the period you are asking about and

24 I can't tell by looking, it would be the official local

1 list at that time.

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

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

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

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

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

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

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

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

1 were not the local list in effect in April and May of
2 1939, there would be a local list of a comparable na-
3 ture?

4 A Right, true.

5 Q And it would undoubtedly designate substantially the
6 same distribution?

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

10 Q Could you describe the progress reports which were pre-
11 pared and published or distributed under the Air Force
12 contract 6079?

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

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

19 A No.

20 Q They would be prepared by typewriting?

21 A Normally - again, I would have to look.

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

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

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

5 Q How recently did you discontinue that?

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

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

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

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

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

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

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

24 A Two copies only are sent in.

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

4 A This appears to be true now.

5 Q Read the question again.

6 (Question read by the reporter.)

7 MR. MANN: I think the question is indefinite. I don't
8 think the question should be phrased so he has to ans-
9 wer such an indefinite question.

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

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

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

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

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

4 A Yes.

5 Q Now, Mr. Lawler, is it not very possible that the head-
6 ing "progress report" was used in the general sense of
7 progress reports to include quarterly reports?

8 A No, this should not be the case.

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

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

15 Q Who prepares the local list?

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

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

21 A Well, in this particular contract --

22 Q I am talking about the English language.

23 A Oh --

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

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

3 MR. GAIL: Mr. Lawler, were copies of quarterly report
4 #2, Plaintiff's Exhibit 4, under Air Force contract
5 6079, distributed in accordance with the local list
6 shown in Plaintiff's Exhibit 23, or a similar list
7 which was in effect at that time?

8 A I would answer that by saying there is no official
9 local list on quarterlies but I would expect ^{an} ~~in~~ inter-
10 nal distribution, yes.

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

14 A Are we talking about this particular contract?

15 Q Yes.

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

22 Q Here again I ask that after the completion of this depo-
23 sition you attempt to determine whether your records or
24 any other records of the University within this general

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

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

5 MR. GAIL: No, I mean within the University. Mr. Lawler,
6 how many copies of reports were required for distribu-
7 tion in accordance with the local list, Plaintiff's Ex-
8 hibit 23?

9 A Assuming this strikeout, well, with the strikeout, fif-
10 teen.

11 Q Without the strikeout?

12 A Sixteen.

13 Q Now, you testified earlier that the government paid for
14 sufficient copies of the reports to include the offic-
15 ial distribution list included within the report and
16 referred to earlier, and for local distribution within
17 the University, is that correct?

18 A That's true.

19 Q Then assuming that the government distribution list re-
20 quired Ninety-nine copies and sixteen copies were des-
21 ignated by the local list, this would require a total
22 of 115 copies, is that right?

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

1 MR. GAIL: I am talking about either.

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

6 MR. GAIL: All right, then, technical reports and quarter-
7 ly reports in that question.

8 MR. MANN: And omit progress reports?

9 MR. GAIL: And omit progress reports.

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

12 Q Yes.

13 A On different quarterlies or technicals it might be dif-
14 ferent because there are constant additions and de-
15 letions.

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

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

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

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

4 MR. GAIL: Quarterly reports.

5 MR. MANN: There is nothing in Exhibit 23 that shows any-
6 thing about the distribution of quarterly reports.

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

8 MR. MANN: Is this a question of arithmetic?

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

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

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

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

20 Q Mr. Mann, I show you a Xerox copy of a stipulation of
21 fact signed by you that stipulated that there were 148
22 copies of Quarterly Report #2 under Air Force contract
23 6079 delivered to Miss Marjorie Johnson, the acting
24 technical editor of the publications office of the elec-

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

4 MR. MANN: Yes.

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

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

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

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

16 Q Keep going.

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

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

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

29 Extra copies for
give-aways & loan

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

4 Q Did it ever involve more than a few copies in the trans-
5 fer, as you call it?

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

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

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

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

17 A These normally would be paid from electrical engineer-
18 ing indirect accounts.

19 Q Are these commonly referred to as ERIC?

20 A Yes.

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

24 A If additional copies beyond that of the distribution

119

How. copies

148 printed

Public distribution of
X-copies

1 list were required, they had to be paid for with other
2 than contract funds.

3 Q Why would additional copies be required?

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

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

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

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

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

15 Q Normally were not the extra copies retained in the
16 publications office and then applied to parties re-
17 questing such reports, either through the project dir-
18 ector or directly to the publications office?

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

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

24 A Yes.

1 Q Mr. Lawler, a number of technical reports we obtained
2 from the publications office had a stamp "Loan Copy".
3 Would you describe the procedure related to loan cop-
4 ies?
5 A Yes, these are normally maintained in the publications
6 office to be returned to the publications office after
7 being used.
8 Q Did the practice of having and retaining loan copies
9 for distribution for a limited time exist in April and
10 May of 1959?
11 A To the best of my knowledge, yes.
12 Q Were loan copies charged to the government as an item
13 of government cost?
14 A They shouldn't have been.
15 Q By that do you imply that in some cases they may have
16 been?
17 A Well, no. A while ago we figured up 117 so I would say
18 normally not. They shouldn't have been charged to the
19 government.
20 Q We also figured up if we crossed one off it would be
21 115.
22 A Yes.
23 Q And how many loan copies were normally provided?
24 A I don't know; I have no idea.

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

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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 Hayes.

Q Do you know whether the practice of keeping lean 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 in-
to the publications office and explained I was inter-
ested in research material relating to the operation of
antennas and asked for a copy of a particular publica-
tion 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.

1 United States.

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

4 A Yes.

5
6 Q Mr. Lawler, what department or group retained the loan
7 copies and loaned them out and obtained their return?

8 A Publications office normally.

9 Q Also, what group retained the extra copies and distribu-
10 ted them in accordance with the requests?

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

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

17 A Again --

18 Q I mean as common practice. You say there are some ex-
19 ceptions, subject to those exceptions.

20 A Extra copies for distribution?

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

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

1 Q Is it true that the publications office had last summer
2 a rather large room with a lot of stacks in it con-
3 taining copies of reports prepared and published by
4 that group?

5 A Right.

6 Q So they did retain quite a few extra copies?

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

8 MR. GAIL: The publications office.

9 A True.

10 Q Mr. Lawler, if an outsider, that is a person not con-
11 nected with the University, requested a copy of a re-
12 port and were given one as you testified, would there
13 be any charge in connection with that service?

14 A This practice has varied, again, sometimes on the sug-
15 gestion of the project director, and it has not been
16 consistent. There have been more reports distributed
17 without charge than there have been with charge.

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

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

1 eer involved, the project director, author.

2 MR. MANN: Of the University?

3 A Of the University, yes.

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

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

11 Q Would there have been a charge for this service?

12 A No.

13 Q In April or May of 1959 where was the publications of-
14 fice of the electrical engineering department located?

15 A Either rooms 210 and 211, electrical engineering re-
16 search lab or rooms 203 and 205. In 1959 and '60, I
17 could check but I would say 210 and 211, EE research
18 lab.

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

22 A Yes.

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

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and May of 1959?

A The majority of their operation was in 311.

Q Of what buildings?

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-

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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 EG 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

1 there, no.

2 Q There is another item I would like to ask you to find
3 out. Mr. Lawler, would you describe how the distribu-
4 tion of reports under the local list, Plaintiff's
5 Exhibit 23, would have occurred in April or May of
6 1959, or under other than the current list?

7 A Yes, normally they would have been placed in the in-
8 ternal mailbox system which we have in the department
9 of electrical engineering for the person for whom they
10 were intended.

11 Q Would you describe this internal mailbox system?

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

16 Q Was there a box for the engineering library?

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

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

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

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

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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.

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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 Of 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 best of 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.

1
2 Q But so far as you know, if I, as an outsider not con-
3 nected to the University in any way, walked in there
4 could I use their facilities?

5 A You could use certain of their facilities.

6 Q Certain of their facilities?

7 A Yes.

8 Q What restriction do you imply by that?

9 A I think access to the stacks and reserve areas are re-
10 stricted to student and staff.

11 Q Do you know where the publications of the antenna lab-
12 oratory are retained in the engineering library in the
13 civil engineering hall; are they in the stacks?

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

15 Q Could I, as an unidentified member of the public, at-
16 tain access to the publications of the antenna labora-
17 tory in the engineering library of the civil engineering
18 building?

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

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

23 A Again, I would have to say I don't know. Not being an
24 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

1 to that library and the material contained therein?

2 A Yes.

3 Q Now, referring to something that's a little more in
4 your jurisdiction, was the local library of the elec-
5 trical engineering research laboratory open to the pub-
6 lic in April and May of 1959?

7 A Again, I will have to find out.

8 Q Is it open now?

9 A Yes.

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

13 A Yes.

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

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

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

20 A Yes.

21 Q Mr. Lawler, can you tell me roughly how many students
22 were enrolled in April and May of 1959; was it more than
23 10,000?

24 A Yes.

~~SECRET~~

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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 EE reading room. Local library, I think has 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

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

2

3

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

4

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A There were some, yes.

6

Q Such as other universities doing research?

7

A Yes.

8

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

9

10

A The editorial assistant.

11

Q Of what?

12

Q Of the department of electrical engineering.

13

Q Miss Marge Johnson in April or May of 1959?

14

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

15

16

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

17

18

19

20

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

21

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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

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Cabinets locked only
for control purposes
Miss Johnson's duties - Local Library *all*

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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.

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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

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

5
6 Q In other words, publications of the category we pre-
7 viously talked about received from other universities
8 and so on, would be placed on that rack, that was the
9 intention?

10 A Some of them were, yes.

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

14 A I believe so, yes.

15 Q Mr. Mann, will you stipulate that the Marge Johnson
16 referred to in the stipulation is the same Marge John-
17 son that we were referring to?

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

20 MR. GAIL: I don't know her name, but I think it is Mar-
21 jorie Johnson, is it not?

22 A I would have to look and see.

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

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

1 the locked files referred to that were maintained as
2 the local library of the electrical engineering re-
3 search laboratory?

4 A That should have been, yes.

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

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

11 Q Is it a separate library now?

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

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

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

17 Q Would you do so?

18 (Whereupon this deposition was recessed from 11:45
19 A. M., January 19, 1967, to 2:00 P. M. of the same
20 day.)

21 MR. GAIL: Mr. Lawler, prior to our lunch recess we asked
22 you to see if you could locate certain items of infor-
23 mation relating to a couple of items. Tell us the re-
24 sults you have had.

Reading room of Local
Library existed
since 1956

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

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

16 I could not find any written list for quarterly re-
17 ports. Now, I need to correct a statement on the read-
18 ing room. I missed something completely. There was
19 a reading room in room 214 EE research lab in existence
20 at least since 1956 which is as long as I have been
21 here. I had just completely forgotten it, and these
22 locked files were in that room.

23 Q That's 206?

24 A Room 214 since 1956, at least since 1956, and these

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

6 Q This additional reading room?

7 A Room 209 ERL was not established until the summer of
8 1960.

9 There is a copy of Quarterly Report #2 in our cur-
10 rent publications office; there is not a copy of it in
11 the files in our current reading room. That one is
12 not there.

13 Q Is there any indication that it was there --

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

18 Q There is an index card referring to it?

19 A Right. I think that answers the specific questions.

20 Q I believe so. So far as you can determine progress
21 reports were not distributed in accordance with the
22 local list, Plaintiff's Exhibit 23?

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

1 MR. GAIL: Progress Reports as used in the contract 6079.

2 A No, I can see no reason why monthly progress reports
3 which is what these are would go to the engineering
4 library, for example. There would be no need for them
5 going externally at all. They were nothing more than
6 letter typed reports.

7 Q And it is correct also that you could not find any list
8 for internal distribution of quarterly reports under
9 contract 6079 specifically referring to quarterly re-
10 ports?

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

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

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

21 Q Are there any other types of progress reports that
22 would be published under the contract that this head-
23 ing might be referring to?

24 A Not to the best of my knowledge.

1 Q Well then, mustn't it refer to the type of reports re-
2 ferred to in the contract as quarterly reports, which
3 were in fact a form of progress report?

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

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

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

8 A No, I can't make a statement.

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

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

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

14
15 REDIRECT EXAMINATION
16 BY: MR. MANN

17
18 Q I have a few questions. Mr. Lawler, do you know when
19 the local list identified as Plaintiff's Exhibit 23
20 was prepared?

21 A I do not, no.

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

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

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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 case 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

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

2 A No.

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

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

10 Q Do you have any evidence to establish that the distribu-
11 tion locally within the University did not occur before
12 May 5, 1959?

13 A No.

14 MR. GAIL: That's all I have.

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

24 MR. LAWLER: This will be satisfactory to me.

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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 B. Lawler came before me in the conference room 468, 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.

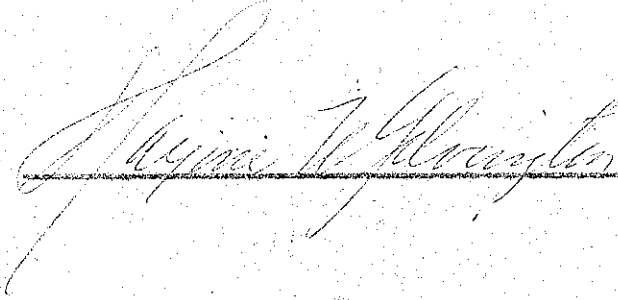
I further certify that the plaintiff was represented at said deposition by Mr. John F. Pearce and Mr. William A. Gail of the law firm of McHenry, Farrington, Pearce & Gordon; that the defendant, The University of Illinois Foundation, was represented by Mr. Basil P. Mann of the

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law firm of Merzian, Marshall, Shapiro & Kloss.

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