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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF ARIZONA

URANTIA FOUNDATION,)	
)	
Plaintiff,)	
)	
vs.)	CIV 91-0325
)	
KRISTEN MAAHERA,)	
)	
Defendant.)	

COPY

The discovery deposition of

THOMAS A. KENDALL, taken in the above-entitled
cause before LYDIA MSZAL, C.S.R., a notary public
in and for the County of Cook and State of
Illinois, on the 19th day of October, 1994 at 150
North Michigan Avenue, Suite 3100, at the hour of
10:00 o'clock a.m. Chicago, Illinois, pursuant to

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subpoena.

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LYDIA MSZAL REPORTING SERVICES
(312) 629-8816

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PRESENT:

BOOTH, WADE & CAMPBELL

BY: MR. L. DALE OWENS
Cumberland Center II
3100 Cumberland Circle
Suite 1500
Atlanta, Georgia 30339-5939
(414) 850-5004

On behalf of the Plaintiff;

CLEARY & KOMEN

BY: MR. JOSEPH D. LEWIS
600 Pennsylvania Avenue, SE
Washington, D.C. 20003-4304
(202) 675-4700

On behalf of the Defendant.

REPORTED BY:

LYDIA MSZAL

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THOMAS A. KENDALL

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By Mr. Lewis

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1 (Witness sworn)

2 THOMAS A. KENDALL,

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 EXAMINATION

6 BY MR. LEWIS:

7 Q. Would you please state your name and
8 address for the record?

9 A. Thomas A. Kendall. 1400 Salvington Place
10 in Wheeling, Illinois, 60090.

11 Q. And how long have you resided there?

12 A. 32 years.

13 Q. Could you give us your educational
14 background?

15 A. Public schools here in Chicago and
16 Northwestern University for a bachelor's degree in
17 mathematics.

18 Q. And what is your employment background?

19 A. I was with the steel industry for some 28
20 years, and other jobs here and there, real estate
21 and lawn care, what have you.

22 Q. Are you currently presently retired?

23 A. Yes.

24 Q. When did you retire?

1 A. Completely, May of 1966.

2 Q. And at the time of your retirement, what
3 was your job at that time?

4 A. '67, make that '67.

5 I had worked for a flower service
6 delivering flowers.

7 MRS. KENDALL: '87.

8 THE WITNESS: No, I didn't work between the
9 flower jobs.

10 MRS. KENDALL: You said '67.

11 (Discussion had off the
12 record.)

13 (Record read as requested.)

14 THE WITNESS: 67, at age 67,

15 BY MR. LEWIS:

16 Q. What is your age right now?

17 A. 69.

18 Q. Are you familiar with a publication
19 called The Urantia Book?

20 A. Oh, yes.

21 Q. Are you familiar with what's known as the
22 Urantia papers?

23 A. Yes, that term, I've heard that term.

24 Q. When did you first hear the term?

1 A. Oh, must have been about the time I was
2 entering the Forum, 1952 I would say.

3 Q. Who introduced you to the term?

4 A. Lady sitting right over there.

5 Q. That would be your wife, Carolyn?

6 A. Carolyn, yeah.

7 Q. How was it brought up to you, if you
8 remember?

9 A. Well, she was -- I'd have to speak for
10 her. She was interested in me as a person, as a
11 potential marriage partner, and, however,
12 without -- not without believing in the Urantia
13 book. So she introduced me to it, and to see how I
14 would take to it and whether I would join the Forum
15 and so on.

16 Q. Did you have a religion at that time?

17 A. Yes, in essence Presbyterianism,
18 Protestant.

19 Q. And do you know what Mrs. Kendall's
20 religion was at that time?

21 A. My wife?

22 Q. Yes.

23 A. Same thing, I think.

24 Q. How were the Urantia papers first

1 explained to you?

2 A. Dr. Sadler. Carolyn introduced me to it
3 verbally in a general way. The idea was you wanted
4 to join the Forum to hear the papers read and so
5 you had an appointment with Dr. Sadler and he
6 explained briefly what the origin of the papers and
7 how they were operating at the present time and so
8 on.

9 Q. At the time you joined the Forum, was the
10 Urantia Foundation already in existence?

11 A. It was in existence, yes.

12 Q. Let me just ask you some general
13 questions about our deposition today. Prior to
14 today, have you met Kristen Maaherra who's in the
15 room?

16 A. I don't believe I ever have. I may have,
17 but I don't think so.

18 Q. Have we met previously today in person?

19 A. I'm not sure what you mean.

20 Q. Have I met you personally before today?

21 A. I don't think so.

22 Q. How about Mr. Owens?

23 A. Yes.

24 Q. Are you aware of any of the issues that

1 are involved in this case?

2 A. Yes, kind of a bare outline.

3 Q. Please tell me your understanding of the
4 issues?

5 A. Well, Kristen prepared another
6 translated -- not a translation -- computer index
7 of The Urantia Book.

8 Is that a right term?

9 Q. Well, I want your understanding.

10 A. Yeah, and distributed it to various
11 people in the country. I have not used it. I
12 don't really know very much about it other than
13 that.

14 Q. In the subpoena that you received, there
15 was a request to bring documents relating to the
16 origin of The Urantia Book. Did you bring any of
17 the documents today?

18 A. We do have some, yeah.

19 Q. We would like to see those at this time.

20 MRS. KENDALL: He's not really familiar with
21 them.

22 MR. LEWIS: Let's go off the record for a
23 minute.

24 (Discussion had off the

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record.)

BY MR. LEWIS:

Q. Now in addition to Mr. Owens who you say you've met, have you met other members of the firm's attorneys that are representing the Urantia Foundation in this case?

A. I'm not sure who they are. I have met other people, yes.

Q. Have you met with Scott Wharton, W-H-A-R-T-O-N?

A. No, no.

Q. Have you met with Dean Booth?

A. No.

Q. Have you met with Craig Fochler, F-O-C-H-L-E-R?

A. No.

Q. Patricia Smart?

A. No.

Q. When did you meet with Mr. Owens?

A. I'm not sure.

Q. Was it within the last two months?

A. Oh, no.

Q. Before that time?

A. Must have been before that time. I can't

1 remember the connection there. I can't picture.

2 Q. Do you recall what he came to talk to you
3 about?

4 A. No, this is like a mystery. The name is
5 familiar but --

6 MRS. KENDALL: Are you really foggy?

7 THE WITNESS: Well, I'm not at my best.

8 MRS. KENDALL: He's very tired.

9 MR. LEWIS: Would you like us to defer this
10 deposition because you don't feel up to it today?

11 THE WITNESS: I've had surgery on my knee to
12 replace the knee joint, and I've had Parkinson's
13 disease, plus I have other problems that I guess
14 are coming along here, I don't know.

15 MRS. KENDALL: He's had reactions to
16 medication, he's had --

17 MR. LEWIS: Let me.

18 BY MR. LEWIS:

19 Q. Are you presently taking medication right
20 now?

21 A. Oh, yeah. Sure.

22 Q. What types are you taking?

23 A. For Parkinson's I have -- if you want the
24 names?

1 Q. Yes.

2 A. Sinemet, Eldepryl that's for Parkinson's.
3 I take Coumadin, which is blood thinner,
4 Syn- -- Syn- something.

5 MRS. KENDALL: Synthroid.

6 THE WITNESS: Synthroid, yeah, and then
7 vitamins and so on.

8 BY MR. LEWIS:

9 Q. And do you have some days where you feel
10 your health is better than others?

11 A. Oh, yeah, definitely.

12 Q. Do you feel comfortable proceeding with
13 the deposition at this time?

14 A. Well, I'll do my best, sure. It doesn't
15 bother me physically that much.

16 Q. What about your mental state in terms of
17 being tired?

18 A. Yeah. Well, that's a factor. I don't
19 know how that would work out. I don't know what
20 you're going to be asking.

21 Q. But at this point, you're not tired
22 mentally?

23 A. Well, I'm somewhat impaired somehow. I
24 don't know how you'd describe it, tired or what,

1 what term you would use.

2 I came down, hopefully, you flew in from
3 out of town, and I don't want to be the one that
4 makes you reschedule all these.

5 Q. But we want you to be at your best
6 because it's a very important case.

7 A. Sure.

8 Q. Let me continue with some questions. If
9 you feel that you're not able to answer to the best
10 of your ability --

11 A. Let's try.

12 Q. -- please let me know and we'll postpone
13 the deposition perhaps even just till tomorrow or
14 next week.

15 A. Okay.

16 MR. LEWIS: Let me have marked as Deposition
17 Exhibit 1, a copy of a document that was brought
18 today entitled, "The Copyright and Trademarks" by
19 Thomas A. Kendall.

20 (T. Kendall Dep. Ex. No. 1
21 was marked for
22 identification)

23 BY MR. LEWIS:

24 Q. I'm going to be showing you today a

1 number of documents.

2 Since I, myself, am new to The Urantia
3 Book, everything that I'm showing you I've gotten
4 from other people.

5 A. Uh-huh.

6 Q. Most of the documents that I will be
7 showing you today I have received directly from the
8 Foundation, including this Exhibit Number 1, which
9 was produced to me yesterday by them.

10 The documents I'm giving you are the best
11 copies that I have available, although some of them
12 come from carbons and are hard to read.

13 If you have trouble making them out,
14 please ask for assistance.

15 A. Uh-huh.

16 Q. But the originals are still at the
17 Foundation's headquarters.

18 A. Fine.

19 Q. Exhibit Number 1 appears to be something
20 written by you. Can you please identify that?

21 A. Yes, I wrote this probably.

22 Q. Approximately when did you write this?

23 A. Must have been for -- I believe it was
24 for a conference I'm sure. It was after 1984. I

1 don't know that I would have had a definite date
2 for you. Within the last ten years I would say,
3 unless it's dated.

4 Q. Well, let me show you on --

5 A. I'm making --

6 Q. -- on the last sentence -

7 A. Oh.

8 Q. -- of the document reads "The recent
9 changes in the composition of the Board of Trustees
10 should help considerably." What changes were you
11 referring to?

12 A. Well, there was a complete turnover of
13 the board. And I thought that that was in a good
14 direction. That's why I put it this way, the way
15 that I did.

16 Q. Which turnover, who left?

17 A. Well, Martin Myers left, and others,
18 three trustees resigned, Gloria Ann Harris, Frank
19 Sgaraglino and Helena Sprague. And I thought all
20 these changes where they had -- the three I
21 mentioned were favorable changes coming on the
22 board.

23 And, however, they didn't have the
24 interest, apparently, so they wanted to leave. And

1 I thought that at some point here that the board
2 consisted of people who would be understanding of
3 other people in the movement and would do a good
4 job for the Foundation.

5 I was conscious of PR quite a bit. PR
6 has been off and on.

7 Q. There's a reference on Page 3, the last
8 full paragraph on the page says "Many people in the
9 readership believe that the pending suit will
10 invalidate the copyright." Does that sentence
11 refer to the suit of Urantia Foundation versus
12 Kristen Maaherra?

13 A. Yes, yes.

14 Q. So this document was written during the
15 pendency of this case?

16 A. Yes. That isn't dated. Too bad.
17 But I don't think the exact date makes a tremendous
18 difference.

19 Q. You say in the last sentence of that
20 paragraph, "I hope the judge will rule in favor of
21 a copyright."

22 A. Uh-huh.

23 Q. Is that your desired outcome of this
24 particular case?

1 A. Yes.

2 Q. And why do you have that desire?

3 A. Well, I believe the copyright should be
4 upheld, that this is necessary to protect the book
5 from people who would use it for their own
6 purposes. And that's basically it.

7 Q. Is it also your desire that the
8 trademark, Urantia, not be invalidated in this
9 case?

10 A. That's right, I believe they should be
11 upheld.

12 Q. And the trademark, Urantian?

13 A. Same thing.

14 Q. What about the purported trademark of
15 three concentric circles?

16 A. I think that should be fostered and
17 protected.

18 Q. Have you provided the Foundation's
19 attorneys assistance with the hope that it will
20 help them prevail in this case?

21 A. Well, I think the documents that we
22 brought are, I would say. I don't know what she
23 has.

24 Q. Well, when I first tried to contact you

1 by phone to arrange the deposition, you indicated
2 to me that you wanted to check with your wife and
3 the Foundation's attorneys, isn't that correct?

4 A. Yes. Uh-huh.

5 Q. And you're appearing here today because
6 you were subpoenaed to do so?

7 A. Yes.

8 Q. Let me show you what's previously been
9 marked as Deitz, D-E-I-T-Z Deposition Exhibit --
10 and it's a copy of The Urantia Book. I'm sorry,
11 Deposition Exhibit 9.

12 A. Deitz --

13 Q. Deitz was a previous witness.

14 A. Yes, he was the Library of Congress man?

15 Q. That's correct.

16 A. Yes, I've heard of him.

17 Q. Can you identify the book?

18 A. Certainly. The Urantia book, yes. Very
19 familiar.

20 Q. How would you describe that book to
21 someone who's never seen it before?

22 A. Well, it's an attempt by extra-human
23 personalities to update our whole planet with
24 regard to spiritual affairs and to try to influence

1 events, I would say, give us spiritual hope.

2 Our planetary history, religious-wise,
3 has been very badly mixed up. And here, they're
4 trying to put it all in order for us give us our
5 destiny, tell us about the history of the planet,
6 an outline of the universe.

7 And other planets like ours do not need
8 this perhaps because they have an Adam and Eve and
9 the Planetary Prince, which we had those but they
10 have defaulted so now we are on our own. And Jesus
11 came to try to help us.

12 But this is an attempt in writing which
13 will last till they need to update it, to guide us
14 spiritually.

15 Q. Now, you said they were trying to put it
16 in order. Who is the "they" that you're referring
17 to?

18 A. Well, there's a Revelatory Commission
19 that was assigned the task of preparing this book,
20 and they have gone about it in a certain organized
21 fashion.

22 Q. Let me refer you in the book to page
23 Roman Numeral VII entitled "The Titles of the
24 Paper."

1 A. Uh-huh.

2 Q. Is the Revelatory Commission indicated
3 here?

4 A. Various members of it are or people who
5 are working for them. These are the names.

6 Q. When you say "these," you're pointing to
7 the listings under the word "Author?"

8 A. Yes. They would not all necessarily be
9 on the Revelatory Commission, but I think they
10 would be perhaps contributing to the work of them.

11 Q. If you could look through the column
12 that's "Author" and there's various terms here.
13 "Divine Counselor," what type of entity or
14 personality is "Divine Counselor?"

15 A. That's a trinity origin being based on
16 paradise. I'm not sure how you would characterize
17 the work that they do. It would be in the course
18 of the book.

19 Q. Well, you refer to "paradise trinity," is
20 that a concept of The Urantia Book?

21 A. Yes, it may be not unknown elsewhere, but
22 The Urantia Book has quite a good identification,
23 definition with the trinity.

24 Q. Is the paradise trinity a fundamental

1 concept of the book?

2 A. Oh, yes, I would say so.

3 Q. Is that a concept symbolized by the
4 symbol of three blue concentric circles that
5 appears on the cover of the book?

6 A. Yes.

7 MR. OWENS: Excuse me. Let me object to the
8 question on the grounds that it's leading.

9 MR. LEWIS: I think that I've established that
10 the witness is hostile to us.

11 MR. OWENS: You haven't established anything
12 until the judge says that you've established
13 something. And I'm going to object on the grounds
14 that it's leading.

15 If you want to take the chance and ask
16 leading questions the whole day on the risk of not
17 being able to use any of the answers, that's
18 certainly your choice.

19 BY MR. LEWIS:

20 Q. Continuing to look down the authors, have
21 you reviewed the list of authors in the past?

22 A. Oh, yes.

23 Q. And are you familiar with them?

24 A. I've delivered papers. I mean, I've --

1 for the various societies and study groups I
2 probably prepared educational episodes based on
3 many of these meetings.

4 Q. Are any of the authors there listed human
5 entities?

6 A. Not the ones on the page here. There
7 might -- Mighty Messenger could have been at one
8 time a human, but not now.

9 Q. Which one?

10 A. Mighty Messenger.

11 Q. Mighty Messenger, which is listed as an
12 author on Page -- of paper 22 and 28?

13 What is your understanding of what a
14 Mighty Messenger is?

15 A. Well, they're beings -- former mortals
16 who somehow are chosen to perform special duties.
17 I'm not sure I can tell you offhand what they're
18 supposed to be doing, but they're chosen from their
19 attributes and actually help us understand how a
20 former mortal being can reach high in the heavens
21 for duties to perform.

22 Q. You mentioned "the deposition." When I
23 mentioned that, you seemed to understand what that
24 was, the deposition of Mr. Dietz.

1 A. Yes.

2 Q. Did you read that deposition?

3 A. I think I did at one time.

4 Q. Have you read other court papers that
5 have been filed in this case?

6 A. In this case?

7 Not -- I don't think so.

8 Q. Do you know who gave you the copy of that
9 deposition of Mr. Dietz?

10 A. No. I got it somehow. I don't know
11 who -- whether Kristen was forwarding that around
12 the country or what, I don't know.

13 Q. Did the Foundation's attorneys provide
14 you with any documents relating to the case?

15 A. Not -- they would not, no.

16 Q. Let me have marked as Kendall Exhibit 2,
17 an Excerpt of Declaration of Martin Myers on this
18 case.

19 (T. Kendall Dep. Ex. No. 2
20 was marked for
21 identification)

22 BY MR. LEWIS:

23 Q. Let me ask you whether you've read
24 previously the Declaration of Martin Myers that has

1 been filed in this case.

2 A. No, I have not.

3 Q. In Paragraph 2 of the declaration it's
4 stated "Urantia Foundation provides a variety of
5 educational and publication services and goods,
6 including the publication and dissemination of a
7 major literary work, more than 2,000 pages in
8 length, entitled "The Urantia book."

9 A. Uh-huh. Yes.

10 Q. Do you consider The Urantia Book to be a
11 literary work?

12 A. Not in the real sense, no.

13 Q. Have you, in your dealings, ever referred
14 to it as a literary work?

15 A. No.

16 Q. We talked about your joining the Forum
17 earlier. Is there a time when you became more
18 involved with the Urantia movement than merely
19 being a Forum member?

20 A. I think the first job I had was to be on
21 the finance committee of the local society that
22 read the papers, and that was several years after I
23 joined the Forum. It would be really two separate
24 groups. That was the first time I had anything

1 official to do with the book.

2 Q. What was the name of the local society?

3 A. First -- well, First Urantia Society.

4 Yes.

5 Q. Is there a time when you left the Forum?

6 A. Well, the Forum became the First Society,

7 Urantia book and other groups also in a similar

8 nature. So we all left in a sense. But I didn't

9 leave because of any problems.

10 Q. Is there a time when you became involved

11 with the plaintiff in this case, the Urantia

12 Foundation, in an official capacity?

13 A. 1963, when I became a trustee.

14 Q. How were you selected to become a

15 trustee?

16 A. I don't know. That was all done without

17 my knowledge.

18 The other four trustees got together and

19 talked about who might, in their opinion, might be

20 a good trustee.

21 Evidently I received more votes than

22 other people did so I became a trustee.

23 Q. Did they indicate to you at all after you

24 were selected why you were chosen?

1 A. No. Well, I don't think other than
2 pleasantries, "a nice young man had joined the
3 group" so on and so forth. But nothing
4 significant.

5 Q. What were your duties as a trustee?

6 A. Well, the Declaration of Trust spells
7 them out, and we had meetings to attend, of course.
8 And in some cases I presided at the meetings.
9 There was an agenda of duties that we had to
10 handle.

11 When I joined, it was a very light
12 workload, got heavier later. So just routine
13 duties.

14 Q. Were there committees of the trustees or
15 was everything done by the group as a whole?

16 A. The group as a whole.

17 Q. Did you have regular meetings?

18 A. Yes, we had quarterly meetings the
19 first -- I don't know, some day of the week of the
20 month of April and October and so on.

21 Q. At the time you joined the trustees,
22 became a trustee, were there other trustees who
23 were also part of the First Urantia Society?

24 A. Yes.

1 Q. Who were they?

2 A. Emma Christensen, William Hales, Edith
3 Cook, and when I joined, Bill Sadler was still
4 trustee, and then myself.

5 Q. When you joined the Forum, what occurred
6 at the Forum meetings you attended? Was it a set
7 program, or is there a general -- is there
8 something you can generally say to describe the
9 Forum meetings?

10 A. Yeah. There would be some individual who
11 would lead the group and read the paper. The
12 papers were read chronologically. And the paper
13 would be read. And then there would be a break for
14 refreshments. Then we would reconvene and a
15 discussion would ensue after that.

16 Q. When you were a Forum member, what was
17 the form on which the papers were read from?

18 A. I don't know if you could call them tally
19 sheets. They were typewritten pages on cardboard
20 like. I'm not sure what they refer to those.
21 Galley sheets I've always heard.

22 Q. They were typeset pages?

23 A. They were typed. I don't know about
24 typeset.

1 Q. Well, there was a reference to a
2 typewriter.

3 A. Yeah.

4 Q. Were these from the typewriter or a more
5 mechanized printing method?

6 A. I would say from the typewriter.

7 Q. Who would read the papers?

8 A. When I was in there Bill Sadler, mainly.
9 All others did it, too, Emma Christensen would,
10 others would be chosen to. There was a group of
11 people who weren't official, maybe, in terms of a
12 group, that did this.

13 Q. How many Urantia papers are there?

14 A. 196.

15 Q. At the time you joined the Forum, were
16 all 196 papers available to you?

17 A. Yes, you had to go down to 533 Diversey
18 and ask for a particular paper you wanted to read.
19 Yes, they were all available to us, yes.

20 Q. None of the papers came into existence
21 after that date?

22 A. No.

23 Q. From the time that you yourself joined
24 the Forum, until the -- let me go back.

1 When was The Urantia Book first
2 published?

3 A. 1955.

4 Q. And you were a member of the Forum prior
5 to that?

6 A. Yes.

7 Q. During the time you were a member of the
8 Forum, were there any changes in any of the Urantia
9 papers from the time you first saw them till the
10 time they were published in The Urantia Book?

11 A. There might have been some changes of a
12 very detailed nature typewritten -- I mean, type
13 errors or spelling errors. I don't know. I did
14 not see them. I can't say. But I was --
15 understand that that was the case.

16 But they were very -- just nothing. Just
17 mistakes that were changed.

18 Q. In the discussions that you had at the
19 Forum, what was the general nature of those
20 discussions?

21 A. Oh, there would be questions. For
22 example, for -- Bill Sadler was a very astute man
23 and knew the papers very well, had studied them for
24 a long time very deeply, and people knew that.

1 And so they would ask his opinion of this
2 that and the other that would be in the paper or
3 relations with what's going on today and so on.
4 Just routine questions that you would ask.

5 Q. Did other Forum members make
6 presentations to the group besides Mr. Sadler?

7 A. Oh, yes.

8 Q. Did you make any of those presentations?

9 A. No.

10 Q. Who were the other people that made
11 presentations?

12 A. I think we just talked about that, Emma
13 Christensen, Bill Sadler. There were a couple of
14 people that Bill Sadler -- worked for Bill Sadler
15 who gave papers. It was mainly Bill. I'd say
16 almost entirely.

17 Q. Are you familiar with a group that's
18 known as the Contact Commission?

19 A. I've heard the term, uh-huh.

20 Q. Is that group in existence today?

21 A. Not as far as I'm concerned.

22 Q. Tell me what your understanding of that
23 group is?

24 A. Well, they were the ones charged with the

1 responsibility of protecting the revelation until
2 it was time for publication, to prepare the way for
3 publication. That's -- that was mainly their duty.

4 Q. Who were the members of the Contact
5 Commission?

6 A. Well, I'm really not sure. That never
7 had been widely publicized. I would not know for
8 sure who was on that commission.

9 Q. You were not on the commission?

10 A. No.

11 Q. Other than Emma Christensen, Bill
12 Sadler -- when I say "Bill Sadler," I'm referring
13 to William Sadler, Jr. is that accurate?

14 A. Yes, yes.

15 Q. You know him. And Dr. Sadler would be
16 William S. Sadler, Sr.?

17 A. Yes.

18 Q. Have you heard of other people being on
19 the Contact Commission besides them and Emma
20 Christensen?

21 A. Yes, I've heard of others that -- people
22 would say I think maybe he was or she was. It was
23 not something that was publicized or written out
24 that you would have a copy of or anything like

1 that.

2 Q. But who did you hear might be on the
3 Contact Commission?

4 A. I'm not sure. I can't really tell you
5 for sure. I would be guessing.

6 Q. At the time that you joined the Forum,
7 was the Contact Commission still in existence?

8 A. Yes, must have been, based on when the
9 book was published and so on.

10 Q. Explain what you mean by that?

11 A. Well, any instructions that would be
12 given to them would come to them about publication,
13 the date of publication. For example, how the book
14 would be packaged, I suppose.

15 Q. You referred to "instructions." These
16 would be instructions from whom?

17 A. The Revelatory Commission. Somebody,
18 somebody, on that commission, I don't know who.

19 Q. Was there discussion at the Forum
20 meetings of instructions of that nature?

21 A. Well, I don't know that. I never ever
22 heard any. I presume there were some probably, but
23 I was not involved. My knowledge of that is a
24 little sketchy.

1 Q. Where did you hear about instructions of
2 that nature?

3 A. I would say from Dr. Sadler.

4 Q. Was this outside of the formal meeting?

5 A. Well, when you had your interview with
6 him and prior to joining the Forum, he brought out
7 certain things of that nature.

8 Q. What did he tell you about the
9 instructions?

10 A. I'm getting mixed up now between what he
11 would tell us at the interview and the
12 instructions.

13 I don't know, the instructions of -- as I
14 say, would be the publishing date of the book, for
15 example, which is the number one thing. And other
16 things that they might want to tell us about how to
17 market the book, for example, I don't know that
18 there's anything in there like that, but whatever
19 they had to deal with to do the publication.

20 Q. At the time you joined the Forum, you've
21 said that all of the Urantia papers were in
22 existence?

23 A. Yes.

24 Q. What did he tell you was the role of the

1 Contact Commission at that time?

2 A. To put it succinctly, I would say to
3 prepare for the publication of the book. They had
4 plates made for R.H. Donnelley to run the book on.
5 That all had to be done.

6 Q. Do you know why the book was published in
7 the year 1955?

8 A. That particular year, no, I don't know
9 why that year was chosen.

10 Q. Did the Forum have control over the
11 publication of the book?

12 A. No.

13 Q. Who would have had that control?

14 A. The Contact Commission would, I presume.
15 They would prepare the way for publication.

16 Q. At the time you joined the Forum, were
17 there statements made to you that there would be no
18 more papers coming?

19 A. I don't recall that. Might have been,
20 but I don't remember that.

21 Q. Were you expecting that more papers might
22 be coming when you were a Forum member.

23 A. I was so new, I wouldn't have known.

24 Q. When you joined, what were you told about

1 the way these papers came into being?

2 A. Well, Dr. Sadler's medical practice,
3 psychiatric practice included a man who was having
4 these dreams, material was coming through him so to
5 speak. But it wasn't until the middle '20s there
6 was a group that would study this material.

7 It had originally been a group that would
8 study common material on topics like medical
9 advances and so on.

10 I'm not sure what else you're looking
11 for.

12 Q. Were you told anything about the --

13 A. Well, it was mainly -- to start with, it
14 was the human subject that's described in
15 Dr. Sadler's book. Materially how they came, I
16 don't know.

17 Q. When you say "Dr. Sadler's book," are you
18 referring -- what book are you referring to?

19 A. The Mind and Mischief.

20 Q. And are you referring to any particular
21 part of that book?

22 A. Toward the end of the book, I'm not sure
23 what they call that.

24 Q. An appendix?

1 A. Appendix. Okay. Yeah.

2 Q. Are you familiar with the term "the
3 contact personality?"

4 A. Yes.

5 Q. What does that term mean to you?

6 A. That was the man who Dr. Sadler treated
7 psychologically, who is -- through whom these
8 materials, these papers passed, not every last
9 detail, but that was the way it started.

10 Q. When you became a trustee, did you have
11 any responsibilities that were particularly yours
12 as opposed to the other trustees?

13 A. Not initially, no.

14 Q. Later on did you have some that became
15 yours?

16 A. Some were given to me sort of in an
17 informal way.

18 Q. What types of responsibilities would be
19 yours?

20 A. Well, the one, the protection of the
21 marks, which they were told that should be done,
22 had not really been accomplished. And they had
23 talked to attorneys about it and were told that
24 that probably would be difficult to register the

1 name and so on, and the symbols.

2 So I just went -- to that again, I
3 contacted our attorneys. And over a period of
4 time, we finally worked it out that there would be
5 a way of approaching the Copyright Office -- no,
6 that's not the right term for it -- patent, Patent
7 Office, yeah.

8 And so we finally got some good legal
9 work, got the name stylized, which helped to
10 protect it. We didn't think we needed that, but we
11 welcomed the chance to do that.

12 We registered it first as a trademark and
13 then as a service mark and began to publicize that
14 information to our members, to the people reading
15 the book so they would know.

16 MR. OWENS: Excuse me. Before we -- have you
17 finished your answer, sir?

18 THE WITNESS: I was going to say the
19 concentric circle symbol, they had registered that
20 prior to my joining the board. So that had been
21 done, but only that.

22 MR. OWENS: All right. At this point, I would
23 like to invoke the attorney-client privilege as to
24 any communications between the Foundation or anyone

1 who is its representative at the time that the
2 communication took place and the attorneys for the
3 Foundation.

4 And so Mr. Kendall, what I'm doing is
5 basically saying that any communications that you
6 had in your role for the Foundation with attorneys
7 for the Foundation are communications that the
8 Foundation would treat as protected by the
9 attorney-client privilege, and, therefore,
10 confidential.

11 THE WITNESS: Oh, okay.

12 MR. OWENS: And so while I don't have any
13 objection to you describing what you all did, what
14 I'm doing now is invoking on behalf of the
15 Foundation the privilege and asking that neither
16 the questions nor the answers go into the substance
17 of what you told the attorneys nor what the
18 attorneys told you. That's all.

19 THE WITNESS: It's privileged information
20 between us?

21 MR. OWENS: Between the Foundation and its
22 attorneys.

23 THE WITNESS: Oh.

24 MR. OWENS: And if we are talking about things

1 that you did while you were functioning for the
2 Foundation or a trustee of the Foundation, then
3 that would protect that.

4 MR. LEWIS: Just to clarify further, my
5 question was what you did with respect to the
6 marks.

7 I think Mr. Owens would agree that the
8 question as a whole is not objectionable.

9 He was, as he said, dealing with,
10 specifically, the content of communications between
11 the Foundation and its attorneys.

12 MR. OWENS: That is correct. I just wanted to
13 clarify before we went any further.

14 MR. LEWIS: Let me have marked as T. Kendall
15 Exhibit 3 a document entitled "Declaration of Trust
16 creating Urantia Foundation."

17 (T. Kendall Dep. Ex. Nos. 3-5
18 were marked for
19 identification)

20 BY MR. LEWIS:

21 Q. Are you familiar with the document,
22 Exhibit Number 3?

23 A. Yes.

24 MR. OWENS: I notice that it has a marking of

1 some sort on the back.

2 MR. LEWIS: It does have a number "D102," of
3 which I do not know the origin.

4 MR. OWENS: We'll just disregard that?

5 MR. LEWIS: Thank you.

6 MR. OWENS: That's fine.

7 BY MR. LEWIS:

8 Q. Could you explain what the Declaration of
9 Trust is?

10 A. It established the Foundation. It spells
11 out their duties and legal details and so on, how
12 to choose new members, how to get old members off
13 the board, protect, I think protect the copyright
14 although the word "copyright" isn't in there.
15 Protect the text of The Urantia Book is the way
16 they put it.

17 Q. Do you believe that the trademarks and
18 copyrights that you talked about were helpful to
19 you as a trustee in performing your duties as a
20 trustee?

21 A. Yes.

22 Q. How were they helpful?

23 A. Well, you had something to bank on. You
24 had something definite that you could tell people.

1 When they would ask you questions, you could reply
2 because you knew the details of the incorporation
3 and so on.

4 I would, at conferences, do presentations
5 of the nature of explaining the Foundation as it's
6 related to the Brotherhood of the societies. And
7 this is the type of information I would cover, to
8 explain to them the need for these things and try
9 to get their cooperation, frankly.

10 Q. Is there anything in the Declaration of
11 Trust that you think specifically addresses the
12 trademarks or copyrights?

13 A. The copyright -- to preserve the text
14 inviolate, is copyright to me. The word
15 "copyright" isn't used, but that's the idea that
16 they convey.

17 Q. And how does the copyright "preserve the
18 text inviolate" in your opinion, or in your phrase?

19 A. It prevents people, hopefully, from using
20 the material for their own purposes, to try to
21 publish the book, for example, without permission.
22 We should be the sole publisher of the book and
23 just protect it against people who would maybe want
24 to take it over and use it for their own purposes.

1 Q. Give me an example of that type of
2 problem?

3 A. Well, with no copyright, it would be in
4 the public domain and somebody would -- you would
5 be equal to me in terms of our ability to use the
6 papers.

7 And if you wanted to publish a part of it
8 or selected excerpts, you probably could, and
9 that would destroy the overall wholeness of the
10 book. You have to treat it as a whole, not as a
11 part. Not that everything in the world is in
12 there. But without knowing what is in part four,
13 part one is not the same. It has to be realized
14 that this is all one.

15 Q. Have people told you, ever, that they
16 find particular paragraphs or papers or parts of
17 the book particularly meaningful to them?

18 A. Oh, sure.

19 Q. Do you think that -- strike that.

20 Do you think that it would be proper for
21 them to publish selected excerpts from The Urantia
22 Book?

23 A. I think so, without permission.

24 Permission can always be given and was in some

1 cases.

2 Q. Were you involved in the process of
3 granting permission?

4 A. Yes.

5 Q. What type of criteria did you use in
6 deciding whether to grant permission? When I say
7 "permission" I'm referring permission to use what
8 you consider to be copyrighted material.

9 A. Well, broadly speaking, what we would
10 regard as helpful to The Urantia Book and not
11 harmful to it, maybe there would be a need for it,
12 that kind of a consideration.

13 Q. What type of things would you consider in
14 looking at a particular request for permission?

15 A. Well, we gave the author of the
16 Concordex, I should say author, permission to
17 publish the Concordex. It was an index of sorts.

18 Then there were other things that were
19 done, but there wasn't any real, big, elaborate
20 publishing rush when the book was published.

21 People did think that those sort of
22 things should be explained, but we were more
23 conservative I would say.

24 Q. Now, at the time that you talked about

1 your responsibility in this area, were you an
2 officer of the Urantia Foundation?

3 A. I was vice president in the first ten
4 years, and I was president after that.

5 Q. When were you selected as president?

6 A. 1973.

7 Q. What was the procedure by which you were
8 selected?

9 A. Somebody made a motion, and we voted.

10 Q. Was there a discussion as to why you
11 would be suited for the presidency?

12 A. I think there was. I think there was.

13 Q. What was the subject of those
14 discussions?

15 A. Well, that I had ten years experience
16 with the Foundation, and I knew the book rather
17 well and could speak to groups and study the book,
18 too. I was well-rounded enough to be of great
19 help.

20 Q. At that time, how many times had you read
21 The Urantia Book from beginning to end?

22 A. Never read it probably beginning to end.
23 Gee, maybe five to ten times. I would read some
24 paper 20 times and other papers, two, three, four

1 times. You know, certain things appeal to you as a
2 person, and you want to study that material. For
3 example, you would do a presentation of it.

4 I did the history of the Urantia --
5 history of Urantia based on the book for a meeting,
6 for a Sunday meeting of the First Society and it
7 cut broadly across not all pages -- not all papers,
8 but quite a few.

9 Q. Do you still continue to read The Urantia
10 Book?

11 A. Sure, yes.

12 Q. Describe the amount of time you devote to
13 that?

14 A. Well, I would say I try to read a paper a
15 month, considering the whole presentation.

16 Q. Do you presently participate in any
17 organizations related to The Urantia Book?

18 A. First Society, I'm treasurer, do some
19 teaching there.

20 Q. Have you heard the phrase "Urantia
21 movement?"

22 A. Yes.

23 Q. What does that phrase connote to you?

24 A. Broadly, society study groups, whether

1 they're members or not, everybody who reads The
2 Urantia Book and believes in it, that's the general
3 idea.

4 Q. When you say "believes in it," what do
5 you mean by that?

6 A. Well, they accept it either -- they have
7 accepted it, or they're on their way to accepting
8 it. Just people who are, temporarily at least,
9 taken with the book, and who later on many times
10 become devotees of the philosophy.

11 Q. When you were president of the
12 Foundation, Urantia Foundation, what were your
13 responsibilities at that time?

14 A. Well, to chair the meetings, really. We
15 all had equal responsibilities. I had a title of
16 president or vice president, but that was -- we had
17 two or three other vice presidents so we would --
18 the duties that would come to us, the agenda that
19 would be made up of current items that had to be
20 done, some individuals would be assigned to that
21 particular duty.

22 They assigned me to the marks, trying
23 get the marks registered and so on. That was
24 one example.

1 Legal matters, Martin Myers was often
2 delegated to do that, being an attorney. That's
3 the sort of -- it was informal. Only five of us.
4 There were times we had agents but really five
5 trustees.

6 Q. You mentioned "agents." Describe what
7 these agents did?

8 A. Well, when Martin Myers first came here
9 from Kansas, he was the agent for the building. In
10 other words, was the building in sound repair,
11 taxes paid, so on and so forth.

12 There was another agent later on, Arthur
13 Burch who later became a trustee. And we just
14 valued his counsel and opinions. And those would
15 be the only two that I can recall.

16 Q. Are you familiar with the term "field
17 representative?"

18 A. Yes.

19 Q. What did that term mean?

20 A. Well, that was really in the
21 Brotherhood. It was individuals here and there
22 throughout the country who knew the book well and
23 who were dedicated people and wanted to help other
24 people understand the book, would try to form study

1 groups, answer questions. If letters came in, they
2 would reply and so on.

3 Q. Are you familiar with a person named Jim
4 Mills?

5 A. Yes.

6 Q. Did he have any relationship with the
7 Foundation?

8 A. He was a trustee for awhile.

9 Q. Was he also one of these agents at any
10 time?

11 A. I tend to say no, but I'm not absolutely
12 sure.

13 Q. Are you familiar with a person named Vern
14 Grimsley?

15 A. Yes, he's special representative.

16 Q. What is that role?

17 A. Anything we wanted him to be. He
18 would -- if we had problems with communications
19 with a certain individual, he would be delegated to
20 perhaps step in and try to explain our position to
21 them as an advocate. Did great work.

22 Q. Did there come a time when you left the
23 Foundation?

24 A. Yes.

1 Q. And what was the reason for that?

2 A. Well, an individual, Vern Grimsley, was
3 of the opinion that based on internal inspirations
4 of his own that World War III was coming. And I,
5 at the time, felt there was some validity to this
6 material; actually, it was only a couple of
7 sentences, and told the trustees about it, and we
8 should discuss it.

9 The end result was that we did not
10 discuss it. They just threw me off the board,
11 which they were legally able to do. There wasn't
12 anything illegal.

13 Q. Over the course of time, have you
14 supported the Urantia Foundation financially?

15 A. Yes.

16 Q. Have you made any such support after the
17 time you were no longer a trustee?

18 A. Yes, I think we have.

19 Q. Have you made any donations to Kristen
20 Maaherra for this litigation?

21 A. No.

22 Q. At the time you were involved with the
23 Foundation, did the Foundation receive a lot of
24 mail from readers of The Urantia Book?

1 A. Yeah. The organization of the office at
2 533 Diversey was really both, Brotherhood and
3 Foundation. Although the Foundation would have
4 their own, many times the letters would appear to
5 the Foundation.

6 But sometimes a letter would come in,
7 often not knowing there's a difference between the
8 two organizations, we had to always, constantly,
9 explain the difference between the Brotherhood and
10 the Foundation. It would always be mixed up.

11 So the correspondence was really both,
12 sometimes each letter was both.

13 Q. At the time you were president of the
14 Foundation, how much time did you spend on a weekly
15 basis at the Foundation?

16 A. Oh, a number of hours. It varied widely,
17 of course.

18 Per week or per month?

19 Q. Per month, if that's easier for you to
20 estimate.

21 A. Per month, 25 hours per month. I'm just
22 pulling one out of the air, I don't --

23 Q. Well, you mentioned you were a member of
24 the First Urantia Society. Did that organization

1 meet at the Foundation as well?

2 A. At the 533? Yes.

3 Q. Is that --

4 A. For awhile.

5 Q. Is that time over when you were president
6 of the Foundation?

7 A. Yes.

8 Q. Was that time included in what you told
9 me as to time spent at the Foundation?

10 A. Oh, you mean Brotherhood questions?

11 I tried to stay away from that. I knew
12 about it, but my duties were the Foundation, and I
13 dedicated myself to that, not that I didn't comment
14 on Brotherhood matters. The content of some of my
15 letters had to do with the Brotherhood.

16 Q. Did the Foundation receive a number of
17 inquiries relating to the origin of The Urantia
18 Book?

19 A. Yes.

20 Q. Was part of your responsibility dealing
21 with some of those inquiries?

22 A. Yes. Oh, yes. Quite often.

23 Q. If a correspondence was received at the
24 time you were president of the Foundation, who

1 decided how that would be responded to?

2 A. Well, Emma Christensen and one or two
3 other people in the building would look over the
4 letters, of course read them, see which
5 organization they, strictly speaking, pertain to
6 and give them to different individuals to write
7 letters to.

8 They, those ladies, would write some of
9 the letters, I wrote some of them.

10 I tended to be assigned letters that
11 were -- we would have to explain, in a nice way,
12 what we're about and try to get them to realize
13 that our job is very important, and the book was
14 important, and we all had to work together, that
15 kind of thing.

16 Q. You referred to "those ladies." Could
17 you specify who you mean?

18 A. Emma Christensen and Edith Cook I would
19 say, both of whom were trustees.

20 Q. Do you consider The Urantia Book to be a
21 religious book?

22 A. Yes.

23 Q. Do you consider The Urantia Book to be a
24 religious revelation?

1 A. I suppose you can put it that way.

2 Q. Do you consider The Urantia Book to be a
3 divine revelation?

4 A. Most of it.

5 Q. Which parts would not be included in what
6 you consider to be a divine revelation?

7 A. Well, the scientific area. They do try
8 to bring us up to date on science to a certain
9 degree.

10 And they know -- they tell us in the book
11 that it will be superseded later on by events, but
12 to help us temporarily, why, they give us some
13 science.

14 Q. Does The Urantia Book explain what
15 religion is?

16 A. I think in the papers on religion it
17 does.

18 Q. What does religion mean to you,
19 personally?

20 A. The worship of God, the desire for an
21 afterlife.

22 Q. Does The Urantia Book deal with the
23 afterlife?

24 A. Yes.

1 Q. Do you believe that The Urantia Book has
2 an effect on a reader's afterlife if they accept
3 the teaching?

4 A. You mean after they leave the planet?

5 Q. On what happens to them upon death.

6 A. It's described in the papers. It gives
7 you a good outline.

8 (Discussion had off the
9 record.)

10 (Brief break)

11 MR. LEWIS: After the break, Mr. Kendall has
12 indicated that he's not feeling at his best.

13 Therefore, we have agreed to adjourn the
14 deposition, to continue at a later date. We'll try
15 to schedule it at a mutually convenient time for
16 everyone. Mr. Kendall isn't feeling his best.

17 Should that be after the close of the
18 discovery period that's now set, Mr. Owens has
19 agreed that the deposition can be continued after
20 the current November 15 close of discovery.

21 MR. OWENS: The only limitation on that is
22 that I think it should be done within the first
23 four weeks after, subject, of course, to
24 Mr. Kendall's health, that this should be done

1 within the first four weeks after so we don't start
2 to crowd the trial time.

3 MR. LEWIS: That would be my goal as well.

4 MR. OWENS: I understand.

5 You want to close this record?

6 MR. LEWIS: Yes.

7 (Whereupon, the
8 above-entitled
9 proceedings were continued
10 sine die)

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