

tions, and stipulation of the parties as to certain facts, which are now on file with the court, together with the affidavits filed in support of this motion, establish that there is no genuine issue as to any material fact and that the plaintiff is entitled as a matter of law to the judgment for which it moves herein.

2. The complaint, the truth of all the material allegations of which is now established of record as hereinafter set forth, states a cause of action warranting the granting of the relief prayed for therein. It sufficiently sets forth facts which constitute as a matter of law a combination and conspiracy of the defendants in restraint of interstate commerce in news, a monopolization of a part of such commerce, and an attempt and a conspiracy to monopolize the same, in violation of Sections 1 and 2 of the Act of July 2, 1890, known as the Sherman Antitrust Act, and also facts which constitute a violation of Section 7 of the Act of October 15, [fol. 1264] 1914, known as the Clayton Act.

The complaint alleges that 1,247 otherwise independent newspaper owners and publishers are now, and have been for many years, parties to a combination. This combination has achieved a dominant position in the field of gathering and distributing news and the members thereof have augmented and maintained the advantages accruing to them from such dominant position by concerted action to exclude the competitors of individual members of the combination. The combination has entered into exclusive dealing contracts with each regular member thereof. The dominant position of the combination has been further promoted by exclusive-dealing contracts between The Associated Press and certain foreign and domestic news gathering agencies, some of which contracts are still in full force and effect, and by the acquisition and absorption into the defendants' combination of competing domestic organizations servicing newspapers. All of this news has been pooled for the exclusive use of the members of the combination.

The complaint alleges that the defendants have agreed to exchange exclusively among themselves all reports of local news of spontaneous origin gathered by the staffs of their individual newspapers. This constitutes an agreement on the part of the 1,235 regular newspaper members to refuse to deal with nonmembers in the exchange, sale or other disposition of reports of local news events. The com-

plaint also sets forth that the defendants have, by direct [fol.1265] agreement and by concerted action, denied to competitors of existing members the benefits of participating in the system of mutual collection, distribution, and exchange of news carried on by the defendants through their common agent, The Associated Press, and that the news service thus withheld from competitors of the individual members is superior to any other news service and is, in many important respects, of unique character and value. The complaint therefore sufficiently alleges a combination to monopolize interstate commerce in news and a combination to impose restraints of trade by boycott which are *per se* unreasonable and in violation of the provisions of the antitrust laws.

3. The pleadings, admissions (both those made in response to plaintiff's requests for admissions and in the defendants' answers to interrogatories), depositions, and stipulation of the parties as to certain facts, which are now on file with the court, together with the affidavits filed in support of this motion, establish the substantial truth of every material allegation of fact contained in the complaint. Most of the material allegations of the complaint were admitted by the answers. The denials contained in the answers of the defendants have, by later admissions or proof, been shown to be without foundation or to be denials of immaterial characterizations or conclusions of the pleader. There remains no genuine issue between the parties as to any material fact.

4. Basic facts, now established by the proof, are, in summary, as follows:

[fol.1266] The Restraints Result from the Concerted  
Action of Independent Newspaper Enterprises

It stands admitted on the pleadings that the defendants, in addition to The Associated Press and its directors, are 1,247 independent newspaper publishing enterprises which "have combined in and with The Associated Press,"<sup>1</sup> a membership corporation, for the concerted collection and distribution exclusively among themselves of the news

<sup>1</sup> Complaint par. 49; Answer AP par. 31; Answer Tribune par. 18.

of the world in interstate commerce and that The Associated Press acts as the common "instrumentality" or "agency" of the other defendants.<sup>2</sup> The Associated Press is engaged in the business of collecting and distributing news, newspictures, and news features in interstate and foreign commerce. The Associated Press has proclaimed that its news appears in a "select and exclusive group of newspapers which are members of the association."<sup>3</sup> Access to the Services of One or More of the Three Major News Agencies Is Practically Essential to Newspapers

There are only three agencies which collect and distribute to more than two daily newspapers in the United States comprehensive daily reports of the news of the world, The Associated Press, United Press Associations, and Inter-[fol. 1267] national News Service. Access to the news reports of one or more of these three agencies is essential to the successful conduct of any substantial newspaper serving the general reading public, and the defendants in their answer state that "local newspapers in small communities must place greater reliance upon a news agency for adequate news coverage" than large metropolitan newspapers.<sup>4</sup> The defendants, in their own words, admit that "it is practically impossible for any one [newspaper] alone to establish or maintain the organization requisite for collecting all of the news of the world, or any substantial part thereof; that aside from the administrative and organization difficulties thereof, the financial cost is so great that no single newspaper acting alone could sustain it"; and that the defendants' "service, or a similar service of world-wide collection of news is essential to the conducting of modern daily newspapers."<sup>5</sup>

In 1942 there were in the United States approximately 1,787 English-language daily newspapers of general circulation. Of these newspapers, about 1,703, with a total

<sup>2</sup> Complaint par. 49; Answer AP pars. 14, 31; Answer Tribune par. 18.

<sup>3</sup> Complaint par. 55; admitted by defendants, Answers; Defendants' Responses to Requests for Admissions Nos. 25-c and 25-d, Ex. No. 3, served January 6, 1943.

<sup>4</sup> Answer AP par. 15.

<sup>5</sup> Answers AP to Interrogatories Nos. 87 and 88.

daily average circulation of over 43,000,000, received the news reports of one or more of the three named agencies, whereas the newspapers not receiving the reports of any of the three agencies numbered 84 and had a total daily average 1941 circulation of only about 220,000. In this latter category were only 7 morning newspapers with a total circulation of 30,839.

[fol. 1268] In 1942, as compared with the 1,190 English-language daily newspapers published in the United States which were members of The Associated Press, there were 817 English-language dailies which subscribed to the news services of United Press Associations and 261 which subscribed to the news services of International News Service. Most of the larger newspapers, as well as many smaller ones, find it desirable to, and do, subscribe to the news services of more than one of the said three news agencies. The members of The Associated Press may, and many of them do, subscribe also to the services of United Press Associations and International News Service. For example, at least 348 members of The Associated Press also subscribed to the services of United Press Associations, and at least 164 members of The Associated Press also subscribed to the services of International News Service.

#### Access to the News Services of the Associated Press Is Particularly Important to Newspapers

Upon the pleadings it stands admitted that there is a "material difference"<sup>6</sup> between the service of The Associated Press and that of the other news agencies, and that The Associated Press "exceeds its competitors in expenditures for collecting and transmitting news, in the length of news reports it furnishes, in physical facilities, in size of staff, in number and geographical distribution of news bureaus" and "in number and geographical distribution of newspapers supplying it with news of their localities."<sup>7</sup> Com-[fol. 1269] parative statistics and data are now on file with the court, or are filed herewith, showing in detail the predominant position of The Associated Press as regards size, resources, clientele, expenditures for news, volume of news reports, personnel, facilities, functions and performance.

<sup>6</sup> Answer AP par. 28.

<sup>7</sup> Complaint par. 66; admitted by defendants' Answers.

Figures compiled by The Associated Press comparing, for a two and one-half year period, from May 1940 to December 1942, inclusive, its news reports with the news reports of United Press Associations of the same events, from the standpoint of which reports were earliest in time, show that The Associated Press was ahead of United Press Associations, or secured a "beat," on 72% of the reports. For the year May 1940-April 1941, inclusive, this survey "showed that AP was ahead on 82 percent of *all* important news events."<sup>8</sup>

It further stands admitted on the pleadings that The Associated Press ranks first among the three named news agencies "in public reputation and esteem"; that the character of the organization as a membership corporation is an invaluable guarantee that the news which it furnishes will be presented without any political or sectional bias, and that it has the advantage of the good will resulting from the fact that in the mind of the general public the name "Associated Press" has long been regarded as synonymous with the highest standards of accurate, nonpartisan, and comprehensive news-reporting.<sup>9</sup>

[fol. 1270] Access to the News Services of The Associated Press Is Particularly Important to Morning Newspapers

In the business of news collection there is a sharp distinction between the fields occupied by morning and afternoon newspapers. The leadership of The Associated Press is particularly pronounced in the field of morning newspapers. In 1942, there were 108 exclusively morning, English-language newspapers in the United States which had an average daily circulation of over 25,000 (and two specialized daily morning papers with circulations between 25,000 and 50,000). Of the 108, every one, except The Chicago Sun, received the news reports of The Associated Press. The aggregate daily average circulation of the morning papers receiving Associated Press reports was nearly 16,000,000, while the aggregate daily average circulation of morning papers, including the morning editions of round-the-clock papers (i. e., papers publishing both morning and evening editions) not receiving Associated Press reports was under

<sup>8</sup> Answers AP to Interrogatories Nos. 77, 78 and 85.

<sup>9</sup> Complaint par. 66; admitted by defendants' Answers.

900,000, of which 277,025 represented the circulation of The Chicago Sun and 124,400 the circulation of the morning editions of The Washington Times-Herald, both of which were denied the services of The Associated Press in 1942. In the field of daily evening newspapers, also, The Associated Press and its members occupy a predominant position.

For news agencies and other newspapers, newspapers themselves with their large reporting staffs are the principal sources of domestic news apart from news emanating [fol. 1271] from the national capital. All of the local news of spontaneous origin gathered by each of 1,235 newspaper defendants in their respective localities (these regular members are located in every State of the United States) must be contributed by them exclusively to their own pool of news. "The staffs of more than 1,200 newspapers in the United States gather local news of their vicinages respecting unanticipated noteworthy events occurring therein, such as airplane accidents, train wrecks, tornadoes, or mine disasters, which news is furnished in each instance to the newspaper itself and, in turn, is made available to The Associated Press."<sup>10</sup> The effect of this arrangement is to "make each member paper reporter also a reporter for The Associated Press."<sup>11</sup> The total number of such reporters is large—the 18 AP newspapers specifically named defendants had, in August 1942, 755 full time reporters (an average of 42 each) and 2,349 string reporters (an average of 130 each).

Neither United Press Associations nor International News Service supplies to newspapers of the United States a news-reporting service of domestic news events comparable in speed, scope, and thoroughness of coverage to that supplied by The Associated Press to each member newspaper. The two former news agencies must gather such news by their own staffs, or by part-time string reporters, none of whom may be in the employ of any Associated Press newspaper, or obtain it from the fewer, [fol. 1272] and in the main smaller, newspapers which are not members of the defendants' combination. In obtaining domestic news for morning newspaper requirements, for ex-

<sup>10</sup> Response AP to Request for Admissions No. 30, served Jan. 6, 1943.

<sup>11</sup> Complaint par. 71; Answer AP par. 45; Answer Tribune par. 22.

ample, these other news agencies are forced to rely, in addition to their own facilities, upon not over 70 non-AP newspapers (with about 900,000 circulation), whereas The Associated Press, in addition to a much larger staff and facilities of its own, commands exclusively the output of local news gathered by the staffs of 302 AP morning newspapers (with 15,780,000 circulation) located throughout the United States. The Associated Press in its answer to the complaint stresses the fact that a newspaper which is a member of The Associated Press has an important "competitive advantage" over one denied such membership.<sup>12</sup>

Access to the news picture service of The Associated Press is particularly important to newspapers

"In recent years picture news has become a major competitive factor in the newspaper business."<sup>13</sup> The Associated Press renders a preeminent news picture service but nonmembers of the Association are barred from receiving it. The Associated Press spent in the year 1941 \$1,680,447.60 to render what its General Manager described as "the world's greatest news photo service."<sup>14</sup> An AP member may, if it chooses, receive an average of 300 news pictures each week by Wirephoto, "an exclusive Associated Press service" which defendants claim "proved to be the most revolutionary step in American journalism since the invention of the telegraph."<sup>15</sup> By Wirephoto "news photos, maps, charts and other illustrations \* \* \* are sent to member papers with telegraphic speed over a circuit 16,000 miles long."<sup>15</sup> The Associated Press claims that it has the "only network of news photo wire transmission in the world regularly maintained and

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<sup>12</sup> Answer AP pars. 13, 16.

<sup>13</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27.

<sup>14</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27.

<sup>15</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27; Defendants' responses to Requests for Admissions 25-c and 25-d, Ex. 3, served January 6, 1943.

transcontinental in character.”<sup>16</sup> Other picture agencies transmitting pictures to newspapers by wire must do so over ordinary telephone circuits leased from the utilities. “The Associated Press utilizes one circuit \* \* \* and the entire circuit operates as a unit and not as separate wires.”<sup>17</sup> It is available 24 hours each day. “There are about 50 sending stations available to transmit pictures, a number of portable sending machines, also, being provided at strategic points, whence they can be rushed to any location.”<sup>18</sup> “The advantages which, in the opinion of The Associated Press, the wire photo system utilized by it has over the use of ordinary telephone wires and private line telephone wires for picture transmission are that the wire photo system results in a higher quality fidelity of the delivered picture, in the steadier constancy of the electrical impulse and frequency of the circuits used [fol. 1274] and in the general technical excellence of the equipment and facilities employed by the wire photo system.”<sup>19</sup> The Board of Directors has declared that The Associated Press picture service “maintained superiority in speed of delivery and quality of photographs on every major event during the year”<sup>20</sup> 1937; and the General Manager has asserted that “with twenty-four hour news photo wire equipment at hand, it is not likely that any competitor can compete in any serious way with The Associated Press News Photo Service.”<sup>21</sup>

Defendants, by boycott, exclude from the services of The Associated Press newspapers which compete with individual members of the combination

The by-laws of The Associated Press constitute a contract between the defendants. By one term of this contract

<sup>16</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27.

<sup>17</sup> Answer AP to Interrogatory No. 124.

<sup>18</sup> Response AP to Request for Admissions No. 2-f, Ex. 2-C, served April 26, 1943.

<sup>19</sup> Answer AP to Interrogatory No. 125.

<sup>20</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27.

<sup>21</sup> Complaint par. 73; Answer AP par. 46; Answer Tribune par. 27.



each member of The Associated Press is obligated, as previously stated, to furnish, exclusively to The Associated Press and the other defendants, the local news of spontaneous origin in its territory and is restrained from furnishing such news to any other news agency or to any newspaper which is not a member of The Associated Press. By another term of this contract, in force from 1900 to 1941, inclusive, no newspaper, except by purchasing an existing membership in The Associated Press, could become a member of The Associated Press over the objection of [fol. 1275] a competing newspaper already a member unless it could obtain a favorable four-fifths vote of the members of The Associated Press. The right of a competing member newspaper to object was called "the right of protest," and, under the by-laws, the member was deemed to have exercised its right of protest unless it affirmatively waived such right.

In 1942 this term of the contract was amended to require a favorable majority vote of the members of The Associated Press for the admission of such an applicant, and the payment by the applicant of a large sum of money, not to The Associated Press, but to his competitors. For example, according to the requirement of the defendants in effect from April 1942 to February 1943 the owner of a morning newspaper in New York City, in order to be admitted to Associated Press services, even if he could obtain a favorable vote, would have had to pay his competitor newspapers \$1,432,142.73. Under the present requirement, according to an amendment to the by-laws in February 1943, such newspaper owner would have to pay his competitor newspapers \$824,333.92. In addition to paying his competitors such sums, the applicant would have to relinquish in favor of his competitors any exclusive right he might have to any news or picture service, without his competitors being under a similar obligation to him.

The directors and members of The Associated Press have consistently pursued the general policy and practice of excluding newspapers from membership in The Associated Press for the reason that they offered, or might offer, business competition to existing members. "We have sought [fol. 1276] to increase the membership in fields where the

recruiting did not infringe upon the home territories of existing members.’’<sup>22</sup>

During the period 1900-1941, inclusive, a total of 121 applications for the services of The Associated Press were voted on by the members. Because competitors of the applicants already in The Associated Press protested against them, all but six of these applications were rejected. Of the newspapers applying, 33 were later admitted, either by the consent of their competitors, or by purchasing existing memberships, but in the case of the former, an average of nearly seven years elapsed between the first date of application and the date of final election, and in the case of the latter an average of nearly 20 years elapsed between the first date of application and the date of acquiring membership. It stands admitted on the pleadings that in each of the six instances in which the applicant obtained the necessary affirmative four-fifths vote of the members, no existing member having a right of protest against the application published a newspaper in the city where the applicant’s newspaper was published. In each such case, the city was comparatively small and the directors of The Associated Press had concluded that admission to membership would not result in any substantial injury to the protecting member and had recommended election. “In no case has it [Board of Directors of The Associated Press] elected or recommended election, when it felt that real [fol. 1277] injury was done a present member. In no case \* \* \* has an election by the Board or by the membership \* \* \* resulted in any real injury to a member.’’<sup>23</sup> During the period 1901-1932 at least 157 newspapers were denied AP services by the Board of Directors without being passed upon by the members of The Associated Press. Most of them have never obtained such services. The record shows that during the period 1933-1942 at least 20 newspapers were excluded by the Directors after their respective competitors had objected to their admission. This policy of excluding competitors of existing members

<sup>22</sup> Responses AP to Requests for Admissions Nos. 36-a and 36-b, served January 6, 1943.

<sup>23</sup> Responses AP to Requests for Admissions Nos. 34-a and 34-b, Ex. No. 23, served January 6, 1943.

has been well established, and is well understood by newspaper owners.

Three applications for membership in The Associated Press were voted upon at the April 1942 annual meeting of the members and each failed to receive the then required majority vote. In the case of The Chicago Sun, its competitor, The Chicago Daily Tribune, the circulation of which had declined as a result of the publication of The Chicago Sun, conducted a vigorous campaign against the application of The Chicago Sun. It is admitted that The Chicago Daily Tribune solicited votes against this applicant by correspondence and by personal interviews conducted by 11 of its employees with at least 577 members of The Associated Press; that it obtained 194 proxies from members who did not attend the annual meeting; and that it voted these 194 proxies against the application of [fol. 1278] The Chicago Sun. An editor of the Tribune Company led the fight against The Chicago Sun on the floor of the meeting, opposing its election because of the competitive effect which The Chicago Sun, as a member of The Associated Press, would have on The Chicago Daily Tribune. The defendants, Tribune Company, and Robert Rutherford McCormick, have admitted that they "were primarily concerned in saving for the Tribune Company its exclusive right to Associated Press news service \* \* \*." <sup>24</sup> The Illinois Printing and Publishing Company, the newspaper member having the only other AP morning membership in Chicago, that of The Chicago Herald-American, also solicited and voted by proxy 81 votes against The Chicago Sun. In a letter requesting such proxies it stated,

The right of protest has been in existence and has been provided in the By-Laws of The Associated Press ever since its inception, for the obvious purpose of protecting valuable property rights. \* \* \*

You as a member of The Associated Press enjoy in your community rights of protest. We believe that you consider such rights of great value. Were Mr. Field successful in his effort to override our protests, the asset value of your membership would be immediately affected and your own property rights might be similarly imperiled at any time. What we seek is

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<sup>24</sup> Answer Tribune to Interrogatory No. 5.

to preserve the right and value which are inherent in all Associated Press memberships and in so doing we [fol. 1279] are protecting your rights as well as our own.<sup>25</sup>

Two applications by The Washington Times-Herald were opposed on the floor of the meeting by representatives of its competitors, The Washington Post and The Washington Evening Star, and it failed of election.

The defendants' concerted action fosters local newspaper monopolies for individual members of the combination

The restraints imposed by the policy consistently pursued by the defendants of excluding from membership in The Associated Press competitors of existing members creates a condition under which like barriers against competitors may be erected by those receiving the news service of the other two general news agencies. Defendants' restraints thus have further promoted local newspaper monopolies.

Newspapers excluded from access to the services of The Associated Press are not always free to obtain the less comprehensive services of United Press Associations or International News Service. In either the evening or morning field, or both, in 144 cities located in 25 states of the United States a new subscriber may not receive the news services of United Press Associations unless it pays its competitor already subscribing to UP services a substantial amount of money. In 12 cities International News Service has in force exclusive contracts with newspapers [fol. 1280] for some field of publication, and in 62 cities a new subscriber for either its morning or evening reports, or both, must likewise pay tribute to existing INS subscribers in order to obtain its services.

In a large number of cities in the United States effective monopolization of the business of publishing a daily newspaper has been obtained by AP members, (a) by holding membership in The Associated Press, thereby barring a competitor from obtaining its service, and (b) by entering into contracts with both the United Press Associations and International News Service under which any new subscriber

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<sup>25</sup> Affidavit of McNicholas.

to their services would have to pay tribute to the AP member subscribing to the other two services. This situation prevails in 17 cities in which only one newspaper is published and in 9 cities in which all newspapers published therein are under common control. In addition, there are 18 cities in which the only morning or the only evening newspaper published therein can, by reason of such membership and such contracts, effectively prevent a competitor in the same field from obtaining the services of any of the three major news agencies.

The effect of the restraints imposed by the defendants' combination, in conjunction with the restrictive provisions of agreements made by the other two major news agencies with their subscribers, is illustrated by the situation which confronted The Chicago Sun with reference to its essential requirement of news pictures. The three major agencies regularly supplying newspapers with daily photographs [fol. 1281] of news events throughout the world are The Associated Press, Acme News Pictures, Inc., and International News Photos. Prior to 1941 there was a fourth news-picture agency, World Wide Photos, Inc., a subsidiary of the New York Times Company. All of the stock of this competitor was acquired by The Associated Press on July 25, 1941, and shortly thereafter the newspicture service of World Wide Photos, Inc., furnished to newspapers in the United States which were not members of The Associated Press was discontinued. The Chicago Sun was unable to obtain membership in The Associated Press; it was unable to obtain pictures from Acme News Pictures, Inc., because that organization had entered into a contract with The Chicago Daily Tribune barring it from serving any other morning newspaper in Chicago; it was unable to obtain pictures from International News Photo because that organization in a number of cities of the United States, including Chicago, furnishes its pictures exclusively to the Hearst newspapers.

Defendants do not choose their associates in The  
Associated Press

While the defendants can, and do, block competing newspapers which apply for membership in The Associated Press by concertedly voting down their applications, and by opposing other barriers to their admission, they have,

by reason of other provisions of the by-laws of The Associated Press, no complete power to choose their associates. Any newspaper publisher, no matter how low its standards [fol. 1282] may be or how objectionable it may be to The Associated Press members, can buy its way into the organization if it is able and willing to pay the price and can find a member who is willing to sell its membership. In such event, The Associated Press and its members are powerless to exclude the purchaser. Many existing members of The Associated Press have obtained access to its services in precisely this way.

The extent of the restraints imposed by defendants is evidenced by the large amounts paid to obtain memberships in The Associated Press

Many defendant newspaper publishers have placed valuations in terms of large sums of money upon the exclusive right attaching to their membership in this combination. "In metropolitan centers Associated Press memberships were often carried on the books of member newspapers at values upwards of a million dollars; and in the early twenties, transfers of such memberships were made upon considerations well into the hundreds of thousands."<sup>26</sup> For example, the owner of The Chicago Herald-American paid \$1,300,000 for the morning membership in The Associated Press. Such valuations have resulted from the power which a member of The Associated Press has to exclude a competing applicant by invoking the concerted action of its fellow defendants.

[fol. 1283] The personnel of the board of directors of The Associated Press has been virtually static

The proof now on file with the court establishes that the general policy of The Associated Press is controlled by its Board of Directors, that the Board is substantially self-perpetuating, that the election of the Board is controlled by the bondholder vote, and that the majority bondholder vote rests in the hands of less than 100 of the larger newspaper members.

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<sup>26</sup> Response AP to Request for Admissions No. 36-c, Ex. No. 24, served January 6, 1943.

The defendants have entered into exclusive agreements with foreign news agencies

The proof now on file with the court, or filed herewith, also establishes that during a period of over 30 years The Associated Press was a party to agreements with foreign news agencies under which, in plain contravention of the Federal antitrust laws, it barred itself from delivering its news to newspapers or other persons in major areas of the world, in exchange for agreement by these foreign agencies to furnish their news to The Associated Press exclusively and not to furnish their news to newspapers or other news agencies in the United States. Such a contract is still in full force and effect between The Associated Press and The Canadian Press, an association of 87 daily newspapers out of a total of only 94 daily newspapers published in the Dominion of Canada.

5. The Associated Press supplies its members "with a complete feature budget, comprising news feature stories with and without illustrations, news cartoons, comic strips, and a full budget of departmental features,"<sup>27</sup> and the [fol. 1284] Associated Press claims that this service is "The only feature service with full facilities for coverage—pictures, stories, columns, background—in every state and in foreign countries \* \* \* The only complete feature service available in whole or in part."<sup>28</sup> It also claims that its behind-the-news feature service "is recognized widely as the best in its field."<sup>29</sup> Defendants' combination denies these services to newspapers competing with existing AP members, but the plaintiff does not contend that the restraints imposed by the denial of these services, as distinguished from AP news and news-picture services, are seriously injurious to competitors. The feature service of the Associated Press is one of its relatively minor undertakings. Out of a total of \$11,305,577.84 which it spent in 1942 in servicing newspapers, the Associated Press spent

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<sup>27</sup> Complaint, par. 74; AP Answer, par. 47; Answer Tribune, par. 28.

<sup>28</sup> Defendants' Responses to Request for Admission No. 2-e, filed April 28, 1943.

<sup>29</sup> Defendants' Responses to Request for Admissions No. 2-a, Ex. 2-A.

only \$527,927 on its feature department. Moreover, there are a number of other feature services in the United States (such as King Features Syndicate, Inc., NEA Service, Inc., United Features Syndicate, Inc., and Chicago Tribune-New York Daily News Syndicate, Inc.), more or less available to newspapers denied AP membership, the feature services of which are as good or better as that of the Associated Press.

[fol. 1285] 6. The defendants, forced to admit the conduct described above, attempt to justify it. The contentions advanced as defenses in the answers of the defendants are three in number: (a) the claim that the granting of the relief prayed in the complaint would abridge the freedom of the press; (b) the claim that the granting of such relief would deprive members of The Associated Press of their "incentive" (i. e., their "competitive advantage" over newspapers concertedly excluded from membership) to be loyal to the combination, which "loyalty" would thereupon be replaced by "arms length bargaining" between The Associated Press and the newspapers receiving its service, thereby making the business of The Associated Press "commercial" rather than "mutual" in character;<sup>30</sup> and (c) the claim that, if the relief sought by the plaintiff should be granted, newspapers now denied access to service of The Associated Press would substitute such service for the services of other news agencies, to such an extent that The Associated Press "might well become the only news agency furnishing complete news coverage."<sup>31</sup>

None of these contentions give rise to any genuine issue as to any material fact. The first presents a pure question of law. The second and third contentions, which are contradictory, rest on purely speculative conjecture as to future developments. If they were susceptible of proof they would be irrelevant and would not constitute legal defenses.

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<sup>30</sup> Answer AP par. 13.

<sup>31</sup> Answer AP par. 18.



[fols. 1286-1288]

## III

In support of this motion there are filed herewith the affidavits of the following persons:

Harry B. Baker.	Sid Mautner.
Brodie D. Barnett.	J. A. McNeil.
Thomas J. Barry.	Thomas M. McNicholas.
Warren Brown.	Herbert S. Moore.
Thomas A. Daffron, Jr.	R. E. Moore.
Marshall Field.	John J. Padulo.
Ernest von Hartz.	Harold L. Schilz.
Guy R. Hill.	Otto M. Smucker.
Alfred McClung Lee (3).	Manfred K. Toeppan.
Virginia M. Marino.	Edwin Moss Williams (2).
N. S. Macneish.	

JOHN HENRY LEWIN,  
CHARLES H. WESTON,  
CHARLES B. RUGG,

*Special Assistants to the Attorney General,  
Attorneys for the Plaintiff.*

[fols. 1289-1290] IN THE DISTRICT COURT OF THE UNITED  
STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

**Affidavits Filed in Support of Plaintiff's Motion for Summary Judgment—Filed May 25, 1943**

**AFFIDAVIT OF HENRY B. BAKER**

STATE OF ILLINOIS,  
County of Cook, ss:

Harry B. Baker, being duly sworn, says:

I was the general manager of The Pacific and Atlantic Photos, a subsidiary of The Chicago Tribune and The New York Daily News furnishing news pictures, from 1923 until December 31, 1930, when Pacific and Atlantic Photos was merged with Acme News Pictures (herein called "Acme"). I remained with the merged organization for about one month. I then joined King Features Syndicate, and in 1936 became editor of the International News Photos (herein called "INP"), a department of King Features

Syndicate. In April 1940 I became photograph manager of PM, a New York afternoon newspaper, and in January 1942 came to Chicago to act as manager of The Chicago Sun Syndicate, a position which I now hold.

During my work in connection with news pictures, I became well acquainted with the news picture field, and knew about the operations of the major photo-news syndicates—Acme, INP and Associated Press Wire Photo (herein called AP) and other photographic services. Specifically, I knew about the operations of Acme and INP.

[fol. 1291] Prior to August 1941 there was a fourth major news picture syndicate known as Wide World Photos, Inc., a subsidiary of The New York Times. On or about July 25, 1941, the stock of Wide World was sold by The Times to AP. Prior to the sale, these four news picture services were known as the "big four."

AP was, and remains, the most comprehensive of these photographic news services. It is the only one with 24-hour leased wire service country-wide. At the time I was with them and as I am informed today, Acme had no leased wires in the region generally west and southwest of Chicago. During the period that I was connected with INP—and as I am informed today—it had a leased wire east of Chicago, but in general, none west of Chicago, except that during my connection with INP, there were two short periods each day in which the eastern circuit was connected with San Francisco and Los Angeles on a time-wire basis.

AP service—considered from the picture collection point of view—was more comprehensive than that of the other two services: AP had more bureaus; AP received photographs from correspondents of AP member newspapers who were, under the bylaws of AP, precluded from furnishing photographs to Acme and INP or to any newspaper. In the matter of quality of transmission, the general understanding in the news photo world was that AP leased wires were better geared to the furnishing of news photographs than the other services for the following reasons:

The AP wire photo circuit was a result of years of experimentation on the part of the Bell Laboratories. The American Telephone and Telegraph introduced this circuit in 1925. It was a common carrier for seven or eight years, during which time all picture services, including the ones with which I was affiliated, used it for transmission of news pictures. During this period The Telephone Company en-

gineers improved the quality of the wire and the process of transmission. The American Telephone and Telegraph wires were leased and the process acquired by AP around 1934 when they established their wire photo circuit.

[fol. 1292] Acme and INP were required to use ordinary talking circuits in the transmission of pictures, that is to say, the same telephone wire that would be used by any person making a long distance telephone call. These circuits were uneven and were subject to operator interruptions which interfered with the quality of the pictures.

The difference in the circuits was due to the fact that the AP circuit was finely balanced, and stepped-up or amplified every twenty-five miles, as compared with fifty miles or more on ordinary talking circuits. The result of this is to create a greater stability in the flow of current over the AP wires, with the result that pictures transmitted over the AP wire are less likely to have variations in intensity and are more uniform.

After the taking over of these circuits by the AP, I inquired of the American Telephone and Telegraph Co. whether INP could have a similar circuit or circuits made available to it, and was advised by the sales representative of the American Telephone & Telegraph that there were no other similar circuits available. After the acquisition of the leased wires by AP it was no longer possible for the other agencies or the general public to use these wires for the transmission of wire photographs.

Early in 1942 I was informed of the existence of a news photo pool of war pictures of which the members were INP, Acme, AP and Life Magazine. On March 13, 1942, I telephoned Mr. Robert Dorman, manager of Acme, regarding the photo pool. He told me that if The Chicago Sun wished to join, we would be required to place immediately four photographers at the disposal of the pool, and he estimated that ultimately each participating member of the pool would have around twenty photographers in the field. Pool photographers, he said, were then operating in Australia, Africa, Ireland, Panama and with the fleet in the Pacific, and a man assigned to the pool was subject to the orders of the Commander of the ship or military unit to which he is assigned by the War or Navy Department. If we desired to join, Mr. Dorman informed me, it would be necessary for us to maintain printing plants at Washington, New York, San

[fol. 1293] Francisco and Los Angeles, or make suitable arrangements for the prompt handling of material at these points. The cost, he estimated, would average about \$40 per week per man, plus salary. In addition, he told me that Acme insured each man for \$10,000 at the approximate cost of \$600 per year, and they also supplied each man with uniforms at a cost of about \$200 per man, plus his photographic equipment.

(S.) Harry B. Baker.

Sworn to before me this 7th day of May 1943.

Ruth Herman, *Notary Public*. (Seal.)

My Commission Expires Jan. 10, 1946.

#### AFFIDAVIT OF BRODIE D. BARNETT

STATE OF NEW YORK,

*County of New York, ss:*

BRODIE D. BARNETT, being duly sworn, deposes and says that he is vice-president of The Western Union Telegraph Company, a New York corporation; that he is in charge of said corporation's Commercial Department; that he has caused an examination to be made of the books and records of said Commercial Department; that he has personal knowledge that in the years 1941 and 1942 neither United Press Associations nor International News Service leased any wire circuits from said corporation and that the total charges made by said corporation to The Associated Press and Press Association, Inc., for leased wire circuits (other than circuits used for transmission of pictures) were as follows for the years 1941 and 1942:

	1941	1942
The Associated Press.....	\$698,239.84	\$627,439.58
Press Association, Inc.....		1,159.29

(S.) B. D. Barnett.

Subscribed and sworn to before me this day of May 1943.

(S.) Joseph A. Whitton, *Notary Public*. (Seal.)

Notary Public, Queens County, Queens Co. Clk.'s No. 2557,  
Reg. No. 1445, N. Y. Co. Clk.'s No. 198, Reg. No. 4W108.  
Commission expires March 30, 1944

[fol. 1294]     AFFIDAVIT OF THOMAS J. BARRY

STATE OF ILLINOIS,  
County of Cook, ss:

THOMAS J. BARRY, being duly sworn, deposes, and says:

I have been in the newspaper or allied fields for approximately seventeen years. For seven and one-half years I was with The Chicago Herald and Examiner as reporter, rewrite man, and later as editor of the country editions. In 1934 I joined the faculty of the University of Notre Dame at South Bend, Indiana, as an instructor in journalism and as University Publicity Director. I left the University to become the Regional Editor of The Chicago Sun in October 1941, a position I held until April 1, 1943, since which date I have been Night City Editor of The Chicago Sun.

As Regional Editor I supervised the gathering and editing of all news concerning the basic circulation area of The Chicago Sun outside of the city of Chicago and immediate environs. This area includes roughly the four states of Illinois, Indiana, Michigan, Wisconsin and sections of Iowa, Missouri, Kentucky, Ohio, and Minnesota.

In the region under my jurisdiction most of the papers are Associated Press (AP) papers. Practically all of the morning papers are AP member newspapers. This has certain results:

(a) The news-gathering facilities of the AP member newspapers are available to these members but not to the United Press Associations (UP) or to UP subscribers unless those subscribers have also AP memberships.

(b) In a region where UP services few morning newspapers, its coverage of night events is not so comprehensive as that of AP.

(c) Persons on the staff of AP member newspapers state that they are not authorized to act as correspondents for papers that are not members of AP.

In Illinois there are seven morning newspapers. Each of these is a member of The Associated Press. Except for The Chicago Sun, no newspaper in Illinois, not an AP member, has a circulation in excess of 11,000.

[fol. 1295] In Illinois the state wire service of UP is a day wire service functioning only until three o'clock in the after-

noon. Accordingly, it became necessary to make special arrangements with UP to provide The Sun with state capital coverage between the hours of three o'clock and nine o'clock. After three o'clock P. M., any additional copy supplied to us is sent "overhead" by telegraph or telephone, the expense of which is borne by The Sun. By "overhead" is meant the sending of news reports by telegraph or telephone as a regular message or dispatch.

In Indiana, UP has a certain number of morning newspaper subscribers, and their day wire is supplemented by a night service available to The Chicago Sun. In Indiana, however, out of 72 towns with daily newspapers, 25 are in the AP exclusive category. This includes many of the larger cities of the state, such as South Bend, Gary, Fort Wayne, Vincennes, Terre Haute and Evansville. Each morning newspaper in any city with a population in excess of 10,000 has AP membership except the Indianapolis Commercial, a publication with a circulation of less than 1,500 which is serviced by INS and the Wabash Times Star which has a circulation of 2,220.

In Wisconsin, 27 out of the 40 daily papers are Associated Press members. The two morning newspapers in Wisconsin—at Eau Claire and Milwaukee—are AP members. In Wisconsin, UP operates a day wire service only, which terminates at 3:00 P. M. After that time, The Chicago Sun depends upon its own correspondents.

In Michigan, out of 55 daily newspapers, 36 are members of AP. The five morning newspapers in Michigan are all members of the Associated Press.

In order to render The Sun's news reports more complete, we established contacts with newspapers and newspapermen in some 300 cities and towns in our basic circulation area. The restrictions placed by AP on correspondent service by AP members and their staffs for non-member papers, have made it difficult for The Sun to secure proper correspondents. Frequently, persons who seemed qualified declined because of AP restrictions. One case in point occurred at [fol. 1296] Quincy, Illinois. There a man with a wide knowledge of his territory had been recommended to me. I received a letter from him dated November 18, 1941, a copy of which is attached as Exhibit 1, stating that he would be glad to serve as correspondent for The Chicago Sun if the "difficulties" created by the AP rules against giving news

coverages to any but AP newspapers could be ironed out.

On several occasions items furnished by AP to the Chicago Tribune were not furnished by UP prior to publication in the Tribune. These items would not have been procurable by us in time had it not been for our employment of numerous correspondents throughout the basic circulation area.

Thomas J. Barry.

Sworn to before me, this 7th day of May, 1943.

Ruth Herman, *Notary Public*. (Seal.)

My Comm. Exp. Jan. 10, 1946.

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EXHIBIT No. 1

Quincy Newspapers, Inc.,  
Quincy, Ill., Nov. 18, 1941.

Mr. Thomas J. Barry, Regional Editor, The New Chicago Morning Newspaper, 400 West Madison Street, Chicago, Ill.

DEAR MR. BARRY: Your letter offering me the position as correspondent for your new newspaper in the Quincy territory appeals to me very much. However, you know that The Quincy Herald-Whig is an Associated Press newspaper and I am wondering how that would affect my taking up the work. If you have an Associated Press wire service, then that would solve the matter. Perhaps you can enlighten me concerning my handling your news from Quincy in case you do not have Associated Press connections.

I am bringing up this question because just this morning we received a notice from the Associated Press warning against giving news coverage to any but A. P. newspapers.

If the Associated Press matter is cleared up I will be pleased to accept your offer of the position.

[fol. 1297] I am state editor of The Quincy Herald-Whig, and I am in close touch with a large territory, including the city of Quincy, and believe I can give you good coverage.

In addition to coverage from Quincy and Adams county I can offer coverage from Hancock, Pike and Brown counties, and if necessary from Schuyler county. Of course, you understand that coverage of these outside counties might not be quite as good as from a person who lives within the coun-

ties. I have correspondents in every town of the counties I have named, but I cover Rushville, only, in Schuyler county. I might not be able to supply all news pictures you may want from counties outside of Adams county, but if not I can usually direct you to some person who could supply the pictures.

You asked me concerning the operation of a news camera. Before we secured a full time news cameraman for The Herald-Whig I took most of our pictures. I use a 5¼ by 7½ Graflex, and still use it from time to time in news work when the photographer is not available.

I can be reached during the day at The Herald-Whig office, 'phone 510, and after hours (after 3:30 o'clock) at my home, 'phone 4829-J. We do not keep the office open on Sundays. That day would be a weak spot for coverage on Sunday outside of Quincy since I am not in direct touch with my correspondents on that day.

Enclosed with this letter are the names of important Quincy officials and people, together with Adams county officials. I am also sending you, in the same letter, important Carthage people and Hancock county officials. Pittsfield and Pike county and Mt. Sterling and Brown county officials can be forwarded to you if you desire them. With a little time I can also secure the officials and important persons from non-county seat and smaller towns of Adams, Hancock, Pike and Brown counties.

If we can iron out the A. P. difficulties and you wish me to act as your correspondent I will await your instructions, and details concerning what you want in the way of news.

I forgot to state that I do not develop my own pictures, but have them developed at a commercial house here.

[fol. 1298] Considerable interest in the new newspaper is being shown in Quincy and I believe you will meet with immediate success in this territory.

Thanking you for your offer, I remain, Yours truly,

Fred J. Baldwin, *State Editor, The Quincy Herald-Whig.*



## AFFIDAVIT OF WARREN BROWN

STATE OF ILLINOIS,  
County of Cook, ss.:

Warren Brown, being duly sworn, deposes and says:

I am and since prior to the commencement of the publication of the Chicago Sun on December 4, 1941, have been its sports editor. In that capacity I arrange for the obtaining and preparing for publication of news of happenings in the field of sports. In that connection I read the news service and other sports news reports.

I have been continuously in the newspaper business since 1916, and except for the period when I was engaged in World War I, continuously in the sports department of newspapers. In 1922, I became the sports editor of the Mail, a New York afternoon newspaper. I left the Mail to join the staff of the New York Journal, an afternoon newspaper with a membership in The Associated Press, herein called "AP", and with service contracts with the United Press, herein called "UP" and The International News Service, herein called "INS."

In 1923 I came to Chicago as sports editor of the Herald and Examiner, a morning and Sunday paper which had AP membership and in addition INS service. When this paper ceased publication in August 1939 I was transferred to the Herald-American, an afternoon newspaper with AP and INS service.

The field of sports occupies a special position in journalism. Sport pages are read beginning shortly after a child learns to read and the interest is kept throughout the life of newspaper readers. All classes in the community are interested in some phase of sports. The vitality of that interest is illustrated by the large crowds that show interest by attending the major sports events and by the betting on games, races, and contests. In the Sun there are large numbers of telephone calls and letters addressed to the [fol. 1299] newspaper, asking for information or seeking for greater coverage in certain kinds of sports, or invoking the assistance of the newspaper to settle disputes about sports events or personalities.

In order for a metropolitan newspaper to serve its community effectively it must report sports events in all parts of the country and the activities of the conspicuous person-

alities in the sports world with completeness and comprehensiveness.

In sports news, a great many of the major sports events—prize fights, basketball games, hockey, many of the major league baseball games, and the indoor track and field meets—occur at night. On Sundays, in season there are a great many afternoon professional football games. Complete news coverage of these events is of importance to morning papers. Frequently, the afternoon paper's part consists of a commentary on something that has been covered thoroughly by the morning papers.

The Chicago Sun is a morning paper. It is not an AP member. It obtains its major news servicing outside its own staff from UP. In sports news, the coverage by Associated Press, especially as to matters occurring at night, and Sundays, is far more comprehensive and faster than that of United Press. The Chicago Sun has had to go to considerable trouble and expense to supplement the United Press service in order to parallel as far as possible the Associated Press coverage. On the Chicago Sun I made special arrangements for fuller coverage in line scores of football box scores, in basketball and baseball and Sunday professional football games, and other items.

When as Sports Editor on papers other than the Sun I received the AP service, I could rely on coverage being furnished automatically as to many items. Since we have the UP service solely for the Chicago Sun, I have found it necessary in a good many cases to notify UP in advance to be on guard for news of the kind which the AP reported as a matter of routine.

In connection with the major league baseball games, the box scores and the "lead" (narrative comprising the essential facts of the game) are furnished by AP for both the day and night games. The arrangements suggested by UP would not have covered the night games. Since there were [fol. 1300] 126 night games in the 1942 season, exclusive of those in which our two Chicago teams were to be engaged, such an arrangement was not satisfactory, and I arranged to obtain the news of these games through correspondents who would report them directly from the ball parks by telegraph over Western Union.

In the case of minor league baseball scores, the AP furnished its members with these scores when the games were

completed. During the period while these leagues were in existence, the UP did not furnish the scores to the Sun until considerably later. In order to get the news more complete and earlier, I had the Sun arrange for installation of Western Union ticker service which supplied the Sun with news of minor league events. The minor league baseball news was of great importance to our readers for cities such as Madison, Sheboygan, Racine and Green Bay, Wisconsin, which are in our circulation area, were members of the Wisconsin State League, and the Madison, Wisconsin League, was a farm club training players for the Chicago Cubs.

To overcome the differences in service between AP and UP, I have supplemented UP service by making special arrangements. At times, I have arranged for special correspondents to report important sports events which were regularly carried by AP as part of its report service to members. At other times, I have made other special arrangements.

In some cases, where the particular news happening was not of the kind that would be known about in advance, it was impossible for that reason to make complete and effective special arrangements in time to get useable news reports.

In the following instances, among others, news items appeared in the Chicago Tribune, credited to AP. In none of these cases was a report of the news events furnished the Sun by UP, or, if furnished, it was not supplied by UP until after it had appeared in print in the Tribune. Where the Sun obtained these items in time for publication, it was due to the special arrangements which I made for the Sun at added expense:

1. December 8, 1941. Reports of the Washington-Philadelphia and Brooklyn-New York professional football games were furnished by AP to its members despite the fact that [fol. 1301] the Pearl Harbor news was coming in. The Chicago Sun had to make special arrangements to obtain the news.

2. The all-star game between the American and National Leagues is an important item for the American baseball fan. On January 21, 1943, the presidents of the two leagues met to arrange details of the game. The report that the time and place was set was furnished to the AP members, but was not supplied by UP. At the same time, the two presi-

dents announced the actual schedule for the opening games for the next baseball season. This news was furnished to AP members, but not to the Sun by UP.

3. On January 25, 1943, in Canada, the National Hockey League held a meeting presided over by its president, Mr. Frank Calder, a significant personality in the sports world. In the course of the meeting, Mr. Calder had a heart attack of which he died shortly after. The AP reported this story, a very important one to hockey enthusiasts, immediately to its members. The Sun received no report of Mr. Calder's seizure from UP.

4. Lefty Gomez of the Yankees is an important figure in baseball news. On January 26, 1943, he was sold to Boston and signed a contract with that team. This report was furnished by AP but not by UP until after it had appeared in the Tribune.

5. On the night of February 7, 1943, the New York Baseball Writers' Association was having its annual dinner. Captain Rickenbacker spoke at the dinner. His speech had been mailed in advance. Excerpts from that speech were received from UP. At that meeting, Commissioner Landis made a statement of vital interest to baseball fans. Substantial quotations from his speech were furnished by AP but not by UP.

6. At the Women's State Golf Championship at Peoria in August, 1942, the AP furnished its clients with a story, complete cards and details. In order to get the story we had to use a correspondent.

7. At a tournament in St. Paul, the AP gave a complete detailed story. The UP furnished details of a few holes and the final score.

[fol. 1302] 8. I started to make a check of items supplied by AP appearing in the Tribune which had not been supplied to us at all or in time by the United Press. The number in the first two months of the operation of the paper was so large that instead of a continuous check I selected three additional months and continued the check for May, August and part of November, 1942. These, I believe, give a fair view of operations in our various sport news cycles. Each one of the items mentioned in the list that follows

appeared in the Chicago Tribune as a news item credited to AP. Not one of them, except as indicated below, was furnished by UP to the Sun, or if furnished, it was not supplied until after it had appeared in the Tribune.

It will be observed from the items enumerated below that on a check of 143 days there has been at least one such item on every day, except five days, and on most days more than one. On each of eleven days there were seven such items, and the totals reach as high as nine on each of three days, eleven on each of two days, and twelve and thirteen on one day each. It may also be noted that where line score coverage is noted there were often differences of from ten to twenty in the number furnished to AP clients and by UP to the Sun:

December 4, 1941. Jacksonville, Fla. Mordecai Brown, famous pitcher, buys into Terre Haute Baseball Club.

December 4, 1941. Wilkes-Barre, Pa. John Grodziki, St. Louis pitcher, passes Army test.

December 4, 1941. West Point. Army names twelve sports captains, several from Middle West.

December 5, 1941. Lexington, Ky. Keeneland racetrack retires bonds and makes contribution to Kentucky University.

December 6, 1941. Line basketball scores—46 to AP client, 26 to Sun.

December 7, 1941. New York. Jockey Don Meade leaves after operation to ride in Florida.

December 7, 1941. Detroit. Al Newhouser gets marriage license (pitcher).

December 7, 1941. Philadelphia. Manager Lobart says players Litwhiler and Podgajny not for sale.

December 7, 1941. Nashville. Pitcher Boots Poffenberger sold to San Diego.

[fol. 1303] December 7, 1941. Tulsa. Captain Greene gets permission to play in both Sun Bowl and North-South (football) games.

December 7, 1941. Philadelphia. Herman Taylor starts action against Mike Jacobs. Both are well-known fight promoters.

December 7, 1941. Los Angeles. University of Southern California president approves Sam Barry's coaching (football).

December 8, 1941. Hollywood, Calif. Hollywood Bears and Columbus Bulls football game.

December 8, 1941. Ocala, Fla. Pittsburgh Pitcher Rip Sewell shot in both legs.

December 9, 1941. Corsicana, Tex. Patty Berg (former women's golf champion) hurt in auto accident.

December 9, 1941. New Haven. Lou Trudell, former Black Hawk, leads American Hockey League scoring.

December 9, 1941. New York. Coast Guard band, reduced to six men, greets Buddy Baer (former heavyweight boxer).

December 9, 1941. Pontiac, Ill. Drawings for annual High School basketball tournament announced.

December 9, 1941. Columbia, Mo. Missouri picks Sugar Bowl as training site for football.

December 9, 1941. Philadelphia. Montgomery kayoes Garrison (boxing result).

December 10, 1941. Line basketball scores—43 to AP client, 31 to Sun.

December 10, 1941. Fight results, 4 towns to AP client, 2 to Sun.

December 10, 1941. Brooklyn. Musto jaw broken in fight.

December 10, 1941. Scranton, Pa. Leibold (former Chicago baseball star player) retained as manager.

December 10, 1941. Philadelphia. Connie Mack decides on training camp in California (baseball).

December 11, 1941. Wilmington. Financial report on Delaware racing for year.

December 11, 1941. Philadelphia. Greenberg (former baseball star) to return to Army.

December 11, 1941. Nashville. George Archie (Detroit baseball player) to enter Army.

[fol.1304] December 12, 1941. Berkeley, Calif. Cancellation of Georgia Tech-California game (football inter-sectional game).

December 12, 1941. Louisville, Ky. Red Kress (former Chicago baseball player) signs as coach.

December 12, 1941. Boston. Dates for National A. A. U. boxing.

December 12, 1941. Valparaiso, Ind. Election of football captain.

December 13, 1941. Line basketball scores—55 to AP client, 37 to Sun.

December 13, 1941. Lexington, Ky. Bradley's 82nd birthday and hopes to win another Derby.

December 13, 1941. Milwaukee. American Bowling Congress wants bowlers to take prizes in Defense Bonds.

December 13, 1941. University of California at Los Angeles basketball team departs on four game western tour.

December 13, 1941. Undated summary. Cancellation of major Bowl football games.

December 14, 1941. Wichita. Wichita fires Gebert (former Notre Dame star) as football coach.

December 14, 1941. Columbia, Mo. Missouri names Sugar Bowl (football) squad.

December 14, 1941. Pittsburgh. Pirates announce Spring schedule (baseball).

December 14, 1941. New Haven. Yale announces, will meet Michigan (football).

December 16, 1941. Rensselaer, Ind. Joliet boy elected St. Joseph football captain.

December 16, 1941. Grinnell, Iowa. Grinnell Basketball team beats Knox.

December 16, 1941. Los Angeles. Navy asks for volunteers for Navy Relief fight.

December 16, 1941. Pageland, S. C. Mungo (former Major League baseball star) says Minneapolis too cold.

December 16, 1941. Omaha. Regional Director U. S. Wild Life okays bird hunting.

December 16, 1941. Birmingham. Dixie Conference on college athletics waives freshman rule.

[fol. 1305] December 16, 1941. New York. American Hockey League votes All Star game to Red Cross.

December 17, 1941. Los Angeles. J. Wilson retains boxing title.

December 18, 1941. Greenwood Lakes, N. Y. Louis begins training for Baer fight.

December 18, 1941. St. Louis. War cancels plans for international semipro baseball at Honolulu.

December 18, 1941. Macomb, Ill. Teachers College buys 55 acres for golf course.

December 18, 1941. Lubbock, Texas. Monte Stratton (former Chicago baseball star) signs as manager.

December 19, 1941. Line basketball scores—59 to AP client, 46 to Sun.

December 19, 1941. Corvallis, Oreg. Oregon State names football squad.

December 20, 1941. Line basketball scores—44 to AP client, 37 to Sun.

December 20, 1941. St. Louis. Loyola-Washington game, AP to Tribune, special to Sun.

December 20, 1941. Harlingen, Tex. Picard leads in golf tournament.

December 21, 1941. Jacksonville, Ill. Illinois College basketball team defeats Lake Forest College.

Goshen, N. Y. Grand Circuit steward meeting set (trotting races).

December 21, 1941. Sun Valley, Idaho. Collegiate ski meet.

December 21, 1941. Centralia, Ill. Eddleman scores 38 points, basketball.

December 21, 1941. New York. Marie Lenk breaks swim record.

December 22, 1941. Miami. Major League golf announced.

December 22, 1941. Wilmington, Del. Clippers win Association professional football title.

December 22, 1941. Miami. Don Meade to ride for Whitney.

[fol. 1306] December 22, 1941. Indianapolis. Chicago Bruins lose to Kantskys (professional basketball).

December 23, 1941. London. John DeForest, British amateur golfer, missing.

December 23, 1941. Omaha. Creighton beats Ohio State in basketball.

December 23, 1941. Detroit. Detroit beats Harvard in basketball.

December 23, 1941. Philadelphia. Interview Connie Mack on seventy-ninth birthday.

December 23, 1941. Montgomery, Ala. Captain elected for North-South football game.

December 23, 1941. New York. Golf ball shortage.

December 23, 1941. Spokane, Wash. Bud Ward, golfer, inducted.

December 24, 1941. Fayetteville, N. C. Silvio Coucci, former well-known jockey killed.

December 24, 1941. New York. National survey of racing's finance.

December 24, 1941. New Haven. Ivy Williamson in line for Yale football coaching job.



December 25, 1941. St. Louis. Cardinals give Dr. Hyland Christmas present (baseball).

December 26, 1941. San Jose. State players arrive home from Hawaii and tell war thrills.

December 26, 1941. Riverdale, Ga. Cecil Travis drafted.

December 26, 1941. New Orleans. East-West officials to work gratis in football post-season game.

December 26, 1941. Buffalo. Indiana hockey breaks Buffalo eight-game streak.

December 27, 1941. Fort Lauderdale, Fla. Two swim stars injured.

December 27, 1941. Philadelphia. Phils announce new working agreements.

December 27, 1941. New Orleans. Ted Schroeder given rating as most important entrant in Sugar Bowl tennis tournament.

[fol. 1307] December 27, 1941. Centralia, Ill. Eddleman refuses to name college selection.

December 27, 1941. Miami Beach. McPhail picks Cardinals as pennant threat.

December 27, 1941. San Diego. Jockey McAndrews dies.

December 27, 1941. Philadelphia. Clipper Smith wants football rules changed to favor offense.

December 27, 1941. Ithaca, N. Y. Cornell University to open new ski slide.

December 27, 1941. New York. Walter Okeson to get New York Touchdown Club award.

December 28, 1941. Columbus, Ohio. President Trautman sees business as usual.

December 28, 1941. New Orleans. Sabin loses Sugar Bowl tennis.

December 28, 1941. Wilmington, N. C. Wofford College football coach killed in plane crash.

December 28, 1941. Tucson, Ariz. Border conference considers freshman rule.

December 28, 1941. Willard, Ohio. Jim Langhurst, Ohio State football star, marries.

December 28, 1941. Miami Beach. Craig Wood, well known golfer, reinjured.

December 28, 1941. Indianapolis. Proceed with plans for 500 mile auto race.

December 28, 1941. Spokane, Wash. Bud Ward wins Round Table trophy (golf award).

December 28, 1941. Thomasville, N. C. Indianapolis shortstop hurt in explosion.

December 29, 1941. Washington. Mako, turned pro, may replace Perry (professional tennis).

December 29, 1941. Kansas City. Kansas City hockey team beats Tulsa.

December 29, 1941. New York. Louis named fighter of year.

December 29, 1941. Pinehurst. Polo player killed in game.

December 29, 1941. Los Angeles. California tennis chief blasts Kovacs.

[fol. 1308] December 29, 1941. New York. Pro League football all-star practice opening.

December 30, 1941. Detroit. Football coaches meeting.

December 30, 1941. Santa Clara. Loyola and Santa Clara basketball game and box.

December 30, 1941. Peoria. Bradley and Oklahoma basketball game and box.

December 30, 1941. Berkeley. Stanford and Ohio State basketball game and box.

December 30, 1941. Boston. Shannon baseball trophy to Joe DiMaggio.

December 30, 1941. New York. Sullivan amateur athletics' award to Leslie MacMitchell.

December 31, 1941. Berkeley. Loyola-California basketball game and box.

December 31, 1941. Philadelphia. Kovacs beats Budge, tennis.

December 31, 1941. Norwich, N. Y. Former Minnesota player sells farm and joins Army.

December 31, 1941. Panama, C. Z. Sarah Palfrey Cooke wins in tennis.

December 31, 1941. Detroit. Football coaches meeting.

January 1, 1942. Detroit. Zuppke, famous former football coach, formerly at University of Illinois, looks for job.

January 2, 1942. Milwaukee. Martin vs. Milsap fight.

January 2, 1942. Paterson, N. J. Former champion Berlenbach marries.

January 2, 1942. Miami. Carl Snavely denies University of South Carolina coaching bid.

January 3, 1942. Manhattan, Kans. Oklahoma basketball star barred.

January 3, 1942. El Paso, Tex. Texas Tech coach dangerously ill.

January 3, 1942. Springfield, Ill. Oregon State beats Texas Agricultural & Mechanical College in special holiday tour basketball game.

January 3, 1942. New York. Nathan Mann, former boxer, joins Coast Guard.

[fol. 1309] January 4, 1942. New York. New York Giants spring exhibition schedule.

January 4, 1942. Cleveland. Cleveland Indians spring exhibition schedule.

January 4, 1942. Los Angeles. Army may lift ban at Santa Anita.

January 4, 1942. Washington. National rifle championship rankings.

January 4, 1942. Minneapolis. Bierman loss, consensus story (famous Minnesota football coach).

January 4, 1942. Los Angeles. \$10,000 Open Golf Tournament practice scores.

January 4, 1942. Detroit. Detroit Tigers spring exhibition schedule.

January 5, 1942. Greenwood Lake, N. Y. Louis training story.

January 5, 1942. New York. Mel Sheppard, former Olympic star, dies.

January 5, 1942. New York. Babe Ruth illness bulletin.

January 5, 1942. Boston. Bruins buy hockey player from Brooklyn.

January 5, 1942. Lawrence, Kans. Kansas drops player from basketball for good of squad.

January 6, 1942. Boston. Ted Williams gets Boston Writers' Trophy.

January 6, 1942. New York. Corbett, Brooklyn rookie, enlists in Navy.

January 6, 1942. Washington. Don Miller okayed by Senate as U. S. Attorney.

January 6, 1942. Indianapolis. Pop Myers quits speedway after 31 years of auto racing.

January 7, 1942. Los Angeles. Ben Hogan ties course record in golf.

January 7, 1942. Tampa, Fla. Dixie tennis tournament.

January 7, 1942. New York. Cochrane to meet Robinson-Zivic winner.

January 8, 1942. San Francisco. Bill Posedel to rejoin Navy.

[fol. 1310] January 8, 1942. Grand Rapids. Great Lakes basketball game and box.

January 8, 1942. Tampa, Fla. Dixie tennis tournament.

January 8, 1942. Hershey, Pa. Kovacs and Budge tennis match.

January 8, 1942. Goshen, N. Y. Hambletonian trotters entry list.

January 8, 1942. Los Angeles. Open golf tournament trials story.

January 8, 1942. Atlanta, Ga. Army accepts Man Mountain Dean (former wrestler).

January 9, 1942. New York. Vanderbilt elected Jockey Club.

January 9, 1942. Philadelphia. Boxing Commission bars aliens.

January 9, 1942. New York. Eastern schools keep full sport program.

January 9, 1942. Boston. Peskey (famous Boston baseball player) classified 1A.

January 9, 1942. Milwaukee. Yates and Audy win six-day bike race.

January 9, 1942. New Haven. Riggs-Kovacs tennis match.

January 10, 1942. Elkhart, Ind. Notre Dame football Captain Lillis has to pay \$10,000 damages for auto wreck.

January 10, 1942. Lawrence, Kans. Allen demands prosecuting showdown with Oklahoma.

January 10, 1942. Line basketball scores—70 to AP client, 65 to Sun.

January 11, 1942. Miami. Jockey Young has skull fracture.

January 11, 1942. Washington. Renew efforts to bring British boxer Tommy Farr over.

January 11, 1942. Bear Mountain, N. Y. Ski Association to change terms from German to English.

January 11, 1942. New York. New York Yankees announce spring schedule.

January 11, 1942. Washington. War Department rejects Jack Dempsey enlistment application.

[fol. 1311] January 11, 1942. Newark. Frankhouse to Kansas City as coach.

January 11, 1942. Miami. California "refugee" horses arrive.

January 11, 1942. Columbus, Ohio. Jesse Owen appointed Civil Defense Athletic Head for Negroes.

January 11, 1942. St. Louis. St. Louis Cardinals announce spring schedule.

January 11, 1942. Ames, Iowa. Midwest college wrestling results.

January 11, 1942. Lawrence, Kans. Kansas and Oklahoma settle eligibility in college football row.

January 11, 1942. St. Louis. Don Barnes of St. Louis (baseball) Browns says war drain will balance league.

January 11, 1942. Durham, N. C. Minor leagues lose 300 players to Armed Forces.

January 11, 1942. Berlin. Oye, Jap Olympic pole vaulter, killed.

January 12, 1942. Washington. Bierman and Hanley, well-known football coaches, to active duty.

January 12, 1942. Minneapolis. Leave granted Bierman by University of Minnesota.

January 12, 1942. Toronto. Canadian Open Golf Tournament to be held.

January 12, 1942. Elkton, Md. Fred Perry remarried.

January 12, 1942. Tampa, Fla. Kramer wins Dixie tennis.

January 12, 1942. Oconomowoc, Wis. Bietilla Brothers win ski meet.

January 12, 1942. Los Angeles. P. G. A. announces three months golf schedules.

January 13, 1942. Albany. Dempsey tries to join Coast Guard.

January 13, 1942. Cleveland. Kovacs beats Budge, tennis.

January 14, 1942. Pittsburgh. Riggs beats Kovacs, tennis.

January 15, 1942. Minneapolis. Farewell party for Coach Bierman.

January 15, 1942. Syracuse, N. Y. Marquette basketball game story and box.

[fol. 1312] January 15, 1942. Boston. Moe Berg joins Government service.

January 15, 1942. Detroit. Gehringer, Detroit baseball player, missing from Tiger roster.

January 15, 1942. Des Moines, Iowa. Drake announces relays will go on.

January 15, 1942. New York. U. S. L. T. A. president asks cancellation of indoor tournaments.

January 15, 1942. Line basketball scores—41 to AP client, 28 to Sun.

January 16, 1942. Washington. Educators called to inspect Navy athletic program.

January 16, 1942. New Orleans. Fair Grounds does 50% expected racing business.

January 17, 1942. Fort Myers, Fla. P. G. A. Seniors tournament starts.

January 17, 1942. Minneapolis. Bierman testimonial dinner.

January 18, 1942. New York. U. S. L. T. A. penalizes star players—lists rankings.

January 18, 1942. Coral Gables, Fla. Kramer, one of above-mentioned star players, says it is all a mistake.

January 18, 1942. Lancaster, Pa. Cornell, Iowa, college coach picked by Franklin and Marshall.

January 18, 1942. Minneapolis. Bierman accepts National Championship trophy.

January 18, 1942. Dallas. Yankees sell outfielder to Dallas.

January 18, 1942. New Haven. Yale-Penn swim meet.

January 18, 1942. Philadelphia. Podgajny and Hughes sign (baseball).

January 18, 1942. St. Louis. Missouri Valley lifts freshman rule.

January 18, 1942. Oakland. John Bulla to quit golf.

January 18, 1942. New York. Hope to solve golf ball shortage.

January 18, 1942. Fort Myers, Fla. Eddie Williams, Chicago, leads P. G. A. Seniors Golf tournament.

January 18, 1942. Punta Gorda, Fla. Ellamae Williams, Chicago, wins golf tournament, first round.

[fol. 1313] January 19, 1942. Boston. Suffolk Downs to give day's receipts to Service.

January 19, 1942. Pittsburgh. Stu Martin signs baseball contract.

January 19, 1942. Punta Gorda, Fla. Ellamae Williams, golf.

January 19, 1942. Miami Beach. Wood-Walsh beat Armour-Sarazen in Red Cross match.

January 20, 1942. Philadelphia. Hoerest, Phils pitcher, marries.

January 20, 1942. Ottawa, Canada. Kovacs, tennis player, injured.

January 20, 1942. Phoenix, Ariz. Funeral plans for Ford, Hawthorne racing executive.

January 20, 1942. Minneapolis. Tulsa hockey player bought.

January 20, 1942. Monticello, Ind. Shaggs, veteran coach, dies.

January 21, 1942. Richmond, Va. Coach Voyles approached on Illinois job.

January 21, 1942. Punta Gorda, Fla. Ellamae Williams loses in finals.

January 22, 1942. Cleveland. Peckinpugh holds up Indians baseball contract.

January 22, 1942. Omaha. Kitty Gorman hired as Creighton baseball coach.

January 22, 1942. St. Louis. Washington University fires football coach.

January 23, 1942. Richmond, Va. Voyles not interested in Illinois job.

January 23, 1942. Indianapolis. Riggs beats Budge, tennis.

January 23, 1942. Boston. Red Cross spurns All Star hockey benefit game.

January 23, 1942. Columbus, Ohio. Coach Brown gets Chamber of Commerce medal.

January 24, 1942. Detroit. Cowley, Boston hockey player, out for season.

[fol. 1314] January 24, 1942. Philadelphia. Simmons to be Athletics' coach.

January 24, 1942. Omaha. Pressnell to succeed Jones as Nebraska coach.

January 24, 1942. Columbus, Ohio. Ohio State cancels spring baseball trip.

January 24, 1942. St. Petersburg, Fla. International yacht race to be held.

January 24, 1942. LaCrosse, Wis. Mild weather stops Central Ski meet.

January 25, 1942. Bear Mountain, N. Y. Torger Togle gets draft classification.

January 25, 1942. Cleveland. Finals National Squash Racquets.

January 25, 1942. Little Rock. Government recommends halting horse and dog racing.

January 25, 1942. Menominee, Wis. Alf Enger suspended by Ski Association.

January 25, 1942. Laramie, Wyo. Six schools vote to suspend basketball relations with Denver.

January 25, 1942. Toronto. Pitcher Fisher traded to Seattle.

January 25, 1942. Minneapolis. Business men underwrite \$25,000 offer to Cochrane for fight.

January 25, 1942. St. Petersburg, Fla. Selkirk (New York Yankee baseball player) reports back injury cured.

January 25, 1942. Columbus, Ohio. Twenty-six Ohio State athletes recommended for posts with Navy.

January 25, 1942. Havana. Harry Nye, Chicago, eighth in yacht race.

January 25, 1942. Minneapolis. Williams, famous Boston baseball player, induction delayed a week.

January 26, 1942. Winnipeg. Fox, hockey star, killed overseas.

January 26, 1942. Richmond. Coach Thistlewaite out as coach.

January 26, 1942. Atlanta. More than half small colleges in South to curtail sports.

[fol. 1315] January 26, 1942. Miami. Yacht Club plans substitute for Nassau race.

January 27, 1942. Richmond. Story on Coach Thistlewaite firing.

January 27, 1942. Kansas City. Budge beats Riggs, tennis.

January 27, 1942. San Francisco. Kewanee, Illinois golfer, leaves for home and Army test.

January 27, 1942. Philadelphia. Boxer Jenkins to start come-back.

January 27, 1942. Havana. Nye of Chicago wins yacht race.

January 27, 1942. Baltimore. Polish-American track and field meet games cancelled.

January 28, 1942. Los Angeles. Chalky Wright fight postponed.

January 28, 1942. Phoenix. Former All-American dies.

January 28, 1942. Miami. Women's Golf Tournament.

January 28, 1942. Iron Mountain, Mich. Ski tournament postponed.

January 29, 1942. St. Louis. Cardinals keep dates open for Service games.

January 29, 1942. New York. Terry says Giants will beat Brooklyn.



January 29, 1942. New York. Snyder named Jersey City manager.

January 29, 1942. Utica, N. Y. Yankee pitcher, Peek, enlists.

January 29, 1942. Louisville. Churchill Downs gives \$50,000 to Red Cross.

January 29, 1942. Montreal. Boston hockey stars report to Canadian A. F.

January 29, 1942. Omaha. Budge beats Shaefer.

January 30, 1942. St. Louis. Owner Breadon against twilight baseball.

January 30, 1942. Washington. Bierman, Hanley, etc. urge sports go on.

January 30, 1942. Detroit. Mickey Cochrane, famous former baseball manager, joins Navy.

[fol. 1316] January 31, 1942. New London, Connecticut. Harvard-Yale boat race shift.

January 31, 1942. New York. Abe Simon to marry.

January 31, 1942. Navy confirms Cochrane, famous former baseball manager, enlistment.

January 31, 1942. Boston. Clapper assistant manager of Bruins.

January 31, 1942. Havana. Nye of Chicago loses yacht race title.

May 1, 1942. New York. Eastern clubs hope to avoid night baseball ban.

May 1, 1942. Richmond. Feller to pitch against Porter Vaughan.

May 1, 1942. Detroit. Hockey Player Kilres enlists in Canadian Army.

May 1, 1942. Detroit. Red Burman wins fight.

May 1, 1942. Cincinnati. Alex Kampouris ill.

May 2, 1942. New York. Women's AAU swim meet.

May 2, 1942. Philadelphia. Galan (Brooklyn baseball player) to hospital with typhoid fever.

May 2, 1942. Boston. Browns send Muncrief home with broken rib.

May 3, 1942. New York. Marylyn Sahrer sets swim record.

May 4, 1942. Cleveland. Wife of Roy Weatherly, Cleveland baseball player, gives birth to daughter.

May 4, 1942. Houston. Rogers Hornsby goes on active list and wins game.

May 4, 1942. Omaha. Rohrig and Spadaccini, football stars, ordered to Air School, Miami Beach.

May 4, 1942. Boston. P. G. A. exempts Service golfers from qualifying.

May 5, 1942. New York. Yankees cancel game to help Brooklyn Navy Relief plans.

May 6, 1942. San Francisco. Former public links champion killed in accident.

May 6, 1942. Boston. Suffolk Downs reports on year's profits from racing.

[fol. 1317] May 7, 1942. New York. American Hockey League meeting.

May 7, 1942. Newton, Mass. Horton Smith in Navy Relief golf.

May 7, 1942. Toronto. Four major league hockey players called to Army.

May 8, 1942. Buffalo. Newark pitcher Stewart dies.

May 8, 1942. New York. USGA lists 2,964 Red Cross events.

May 9, 1942. Louisville. American Association president Trautman marries.

May 9, 1942. Philadelphia. Athletics option player to Williamsport (Baseball).

May 9, 1942. Detroit. Walter Briggs, Jr., son of Detroit baseball club owner, accepted for Service.

May 9, 1942. Farmville, Va. Navy pitcher subs for Feller; pitches no hit game.

May 10, 1942. Cincinnati. Whitey Moore to join Cardinals.

May 10, 1942. Norman, Oklahoma. Oklahoma retains Conference baseball lead.

May 10, 1942. Dallas. Texas retains track title.

May 10, 1942. Athens, Ga. Hurdler Townes gets Army Commission.

May 10, 1942. Roxboro, N. C. Enos Slaughter, famous baseball player, placed in 1A.

May 10, 1942. Columbia, Mo. Nebraska beats Missouri in track meet.

May 10, 1942. Newport. Feller, famous baseball player, to be transferred here.

May 11, 1942. Langhorne, Pa. Wilburn sets dirt track auto mark.

May 11, 1942. Philadelphia. Phils ask War Department for visit from Pvt. Mulcahy.

May 11, 1942. Boston. Suffolk Downs trains 200 employees as air wardens.

May 11, 1942. Greenville, Ohio. Two auto race drivers killed.

[fol. 1318] May 11, 1942. Memphis. Cotton carnival track meet results.

May 11, 1942. Boston. Five prominent pro golfers enter Relief tournament.

May 11, 1942. Cincinnati. William Mihalo, former Chicagoan, wins 50,000 meter walk.

May 11, 1942. Detroit. Hagen and Demaret win War Relief golf.

May 11, 1942. Mexico City. U. S. meets Argentina for polo championship.

May 12, 1942. Philadelphia. Phils invite Alexander and Killefer to appear in Relief game.

May 12, 1942. Pittsburgh. Pitcher Hildebrand sent to minors.

May 13, 1942. Milwaukee. Women's international Bowling Congress Tournament awarded Grand Rapids.

May 14, 1942. St. Louis. Browns release pitcher.

May 14, 1942. Madison, Wis. Wisconsin crew leaves for Boston.

May 15, 1942. New York. Angott-Stolz fight.

May 15, 1942. Goshen, N. Y. 321 named for 1944 Hambletonian.

May 15, 1942. Lubbock, Texas. Monte Stratton, famous baseball player, retires as manager.

May 15, 1942. New York. Infielder Werber goes to hospital.

May 15, 1942. Buffalo. Franks, Montreal catcher, sworn into Navy.

May 16, 1942. Boston. Adams Cup regatta.

May 17, 1942. New York. Reds send pitcher to Syracuse.

May 17, 1942. Boston. Harvard wins Adams Cup regatta.

May 17, 1942. Indianapolis. Boxer Chuck Wiggins found badly injured in gutter.

May 17, 1942. Annapolis. Radio rights to Army-Navy game sold.

May 18, 1942. New York. Belmont expects one day betting record.

May 18, 1942. Louisville. Senator Chandler beats Bing Crosby in golf benefit match.

[fol. 1319] May 19, 1942. New York. Army and Navy enter track and field meet of the Intercollegiate Amateur Athletic Association of America for first time.

May 19, 1942. St. Louis. Browns return Dahlgren to Cubs.

May 20, 1942. San Bernardino. Wife of Jockey Adams dies in accident.

May 21, 1942. Atlanta, Ga. Bob Jones applies for Army commission.

May 21, 1942. Jacksonville, Fla. Night baseball out for duration.

May 21, 1942. Omaha. Pukema, Minnesota football star, enters Coast Guard.

May 21, 1942. New York. Whirlaway draws top weight in Suburban handicap race (Racing).

May 21, 1942. Utica, N. Y. McConnell, former White Sox player, dies.

May 24, 1942. Goshen, N. Y. Famous trotter to be retired.

May 24, 1942. San Francisco. Thornhill, former Stanford coach, physical director for 3 shipyards.

May 24, 1942. Santa Ana, Calif. Hennessey, former Davis Cup star, commissioner in Army Air Corps.

May 26, 1942. Palo Alto, Calif. Stanford cancels all summer trips.

May 26, 1942. New York. Rice and Dodds to run two-mile special.

May 27, 1942. Toronto. Two golfers qualify here for Hale America tourney.

May 27, 1942. Indianapolis. Infielder sold to Milwaukee.

May 28, 1942. Hatboro, Pa. High school track coach killed by discus thrown by member of his squad.

May 28, 1942. Columbus, Ohio. Ohio State-Illinois football game transferred to Cleveland.

May 28, 1942. Mineola, N. Y. Belmont Park gets ultimatum on War protection.

May 29, 1942. Annapolis. Captain Oberash reports as Athletic Director.

May 29, 1942. Seattle. Pacific Coast Conference limits entries for meet with Big Ten.

[fol. 1320] May 30, 1942. Louisville. Great Lakes beat Louisville Colonels.

May 31, 1942. Washington. Joe Louis to be transferred to replacement center.

May 31, 1942. Palo Alto, Calif. Chancellor Wilbur and others contribute to fund to send golf and track teams East.

May 31, 1942. Columbia, Mo. Missouri retires Stadium bonds on Sugar Bowl profits.

May 31, 1942. London. 75,000 see soccer match.

August 1, 1942. Peoria, Ill. Women's golf.

August 1, 1942. Salem, N. H. Turnbull rides seven winners.

August 1, 1942. Green Bay, Wis. Packers sign 26 players for professional football.

August 2, 1942. Nashville. Cubs send pitcher Bowman to Nashville.

August 2, 1942. Minneapolis. Great Lakes vs. Minneapolis baseball.

August 2, 1942. Green Bay, Wis. Packers exhibition schedule for professional football.

August 2, 1942. Sarina, Ontario. Wilmette yachtman leads in Great Lakes yacht races.

August 3, 1942. Quincy, Ill. American Legion Junior baseball.

August 3, 1942. Sarina, Ontario. Great Lakes yacht races.

August 5, 1942. Saratoga Springs. Yearling sales (day by day for several years).

August 6, 1942. Milwaukee. Packers seek \$75,000 Army and Navy Relief goal (Professional football).

August 6, 1942. Brooklyn. Pete Reiser out of Giant series.

August 7, 1942. Toronto. Canadian Open golf and complete scores.

August 7, 1942. Syracuse. National Skeet Shoot championship (for several days).

August 7, 1942. Washington. Ernie Nevers ordered to duty as Marines Lieutenant.

August 7, 1942. Albany. Satchel Paige opposes negroes in major league plan.

[fol. 1321] August 8, 1942. Montreal. Calder seeks way to save hockey league.

August 8, 1942. Toronto. Canadian Open golf.

August 8, 1942. Rye, N. Y. Tennis tourney.

August 8, 1942. Charlevoix, Mich. Northwestern back, Chambers, signs pro football contract with Detroit.

August 8, 1942. Montreal. Brooklyn hockey player in RCAF.

- August 9, 1942. Rye, N. Y. Tennis tourney.
- August 9, 1942. Philadelphia. Phils pitcher Hoerst gets Ensign commission.
- August 9, 1942. Toronto. Canadian golf.
- August 9, 1942. Chattahoochee, Fla. Former boxer, Jack Dillon, reported dead.
- August 9, 1942. Springfield, Ohio. State Junior Legion baseball.
- August 10, 1942. Des Moines. Evert, Notre Dame, wins tennis title.
- August 10, 1942. Syracuse. National Skeet shoot title.
- August 10, 1942. Rye, N. Y. Tennis tourney.
- August 11, 1942. New York. Wife of Tommy Henrich, New York Yankee baseball player, bears daughter.
- August 12, 1942. Cleveland. Boudreau, Cleveland baseball manager, gets three year contract.
- August 12, 1942. Two Rivers, Wis. Phil Eagles, professional football, signs Erdlitz of Northwestern.
- August 13, 1942. Cleveland. Johnny Risko, former boxer, inducted.
- August 14, 1942. Rochester. Golf tourney and 25 scores.
- August 15, 1942. Rochester. Golf tourney and 35 scores.
- August 16, 1942. Detroit. Race betting mark broken.
- August 16, 1942. Bellefonte, Pa. Penn State halfback dies after operation.
- August 16, 1942. Independence, Kans. Tennis tourney.
- August 16, 1942. Aberdeen, S. Dak. Legion Junior baseball.
- August 17, 1942. Buffalo. Geary, missing Pittsburgh shortstop, retires.
- [fol. 1322] August 17, 1942. St. Joseph, Mo. East Chicago Junior Legion team beaten 25 to 0. Score by innings and batteries.
- August 17, 1942. Newport. Tennis tourney.
- August 18, 1942. Sycamore, Ill. State semipro b. b. championship score by innings and batteries.
- August 18, 1942. Brookline, Mass. Player Talbert drafted; out of Longwood tennis.
- August 18, 1942. Saratoga Springs. Adios wins pacing stake (with summaries).
- August 19, 1942. Cleveland. Nelson shoots 63 in Ohio Open.
- August 19, 1942. Waukesha, Wis. Cardinals sign two football players.

August 20, 1942. Waco, Tex. Detroit catcher, Tebbetts, enlists.

August 20, 1942. Detroit. Schoolboy Rowe seeks defense job.

August 20, 1942. New York. Yankees Relief game nears sell-out.

August 21, 1942. New York. Billy Evans to Umpire in Relief Game.

August 21, 1942. Saratoga. Whirlaway enters Trenton Handicap.

August 22, 1942. East Liverpool, Ohio. Rams beat Steelers in pro grid game.

August 22, 1942. Houston. Wakefield, former Michigan baseball star, Texas League's most valuable player.

August 23, 1942. Columbus, Ohio. Army and Navy Relief gets \$6,755 from Association All Star game.

August 23, 1942. Clementson, N. J. AAU women's swimming.

August 23, 1942. Peoria. Peoria high schools get three new football coaches.

August 23, 1942. Philadelphia. Niece of F. D. R. loses in tennis.

August 23, 1942. Wellsville, N. Y. Former Detroit pitcher dies.

[fol. 1323] August 23, 1942. Detroit. Tigers sell 40,000 seats for Relief game.

August 23, 1942. Ottawa. Three U. S. youths win Junior Davis Cup tennis.

August 25, 1942. Philadelphia. Girls tennis.

August 25, 1942. New York. Schroeder is regarded as top player eligible to compete in U. S. Tennis single championship tournament.

August 25, 1942. Cleveland. Henrich, former New York Yankees baseball player, enters Coast Coast.

August 27, 1942. Oakland. Armstrong wins fight.

August 27, 1942. New York. Yankee Relief game sets record.

August 27, 1942. St. Louis. Durocher fined \$25.

August 27, 1942. New York. Dan Topping, owner of Brooklyn professional football team, gets Marines Captain commission.

August 28, 1942. Cedar Rapids. Cedar Rapids clinches Illinois-Indiana-Iowa League title in baseball.

August 28, 1942. Los Angeles. Coast Conference bars two freshmen.

August 28, 1942. Superior, Wis. Football. New York Giants end training.

August 28, 1942. Miami. Dad Myers, track veteran, dies.

August 29, 1942. Bedford, Ind. Bill Rariden, former major league star dies.

August 30, 1942. Akron, Ohio. Jack Jacobs signs with Cleveland Rams.

August 30, 1942. Brooklyn. Packer-Dodgers football game postponed.

August 30, 1942. Hastings, Nebr. Los Angeles wins Legion Junior baseball.

August 30, 1942. Mount Vernon, Ill. Illinois high school all-stars defeat Indiana all-stars.

August 30, 1942. Cincinnati. Reds release Mattick, former Cub.

August 30, 1942. Los Angeles. Bay Meadows to be allowed race meet.

[fol. 1324] August 30, 1942. Hastings, Nebr. Los Angeles wins Legion Junior title, for western division.

August 30, 1942. Manchester, N. H. Manchester wins Legion Junior title for eastern division.

November 1, 1942. St. Louis. Rickey confers with Du-rocher on draft status.

November 1, 1942. Miami. Miami vs Furman football game.

November 1, 1942. Franklin, Ind. McGovern of Rose Poly scores 35 points.

November 2, 1942. Philadelphia. Villanova-Manhattan football game.

November 2, 1942. Boston. Jack Sharkey, former boxing champion, to hospital with infection.

November 2, 1942. London. \$10,400 Daily Double reported.

November 3, 1942. Baltimore. Whirlaway-Riverland race advance story.

November 3, 1942. Fort Jackson, S. C. Lew Riggs, baseball player, gets Army uniform.

November 3, 1942. Lincoln, Nebr. Nebraska star half-back injured.



- November 4, 1942. Philadelphia. Phils sell Ernie Koy.
- November 4, 1942. Little Rock. Willis Hudlin, baseball player, enlists.
- November 4, 1942. Minneapolis. Boxer Jack LaBelle dies.
- November 5, 1942. New York. Belmont opens Victory Week.
- November 5, 1942. West Point. Three Army players hurt; out of Notre Dame game.
- November 5, 1942. New Haven. Yale loses guard for Cornell game.
- November 6, 1942. Penetanguishene, Ontario. Marchildon, Athletic's pitcher, joins RCAF.
- November 6, 1942. Hollywood. Bing Crosby cancels golf tournament.
- November 6, 1942. Cambridge. Harvard loses blocking back for Michigan game.
- [fol.1325] November 7, 1942. Madison, Wis. Wisconsin freshmen beat Minnesota freshmen. With summary.
- November 8, 1942. New York. Bill Brown to quit New York ring commission.
- November 8, 1942. New York. Buddy Hassett to enlist in Navy.
- November 8, 1942. Macomb, Ill. State Normal wins ICC cross country race.
- November 8, 1942. London. Wales defeats England for Rugby championship.
- November 8, 1942. Muncie, Ind. Valparaiso University and Ball State College football game.
- November 8, 1942. Louisville. Seahawks-Fort Knox football.
- November 8, 1942. Eugene, Oreg. Oregon-University of California at Los Angeles football game.
- November 9, 1942. Detroit. Steelers-Lions pro game.
- November 9, 1942. Washington. Redskins-Cardinals pro game.
- November 10, 1942. Chattanooga. Johnny Beazley says he'll stay in Army for life.
- November 10, 1942. Laytonville, Calif. Camilli announces he is quitting baseball.
- November 10, 1942. Baltimore. Riverland out of race (Horse racing).
- November 10, 1942. New Haven. Thurier leads American Hockey League.

November 10, 1942. Manhattan, Kans. Kansas State player hurt; quits school.

November 10, 1942. State College, Pa. Penn State to start freshmen.

November 11, 1942. St. Louis. Ray Mueller named Pacific Coast League's most valued player (Baseball).

November 11, 1942. Durham, N. C. Minor League draft opens.

November 11, 1942. Toronto. Maple Leafs sign college freshman hockey star.

[fol. 1326] November 11, 1942. Ann Arbor. Doctors o. k. Kuzma for Notre Dame game.

November 12, 1942. Lincoln. Nebraska takes 35 players on Pitt trip.

November 12, 1942. Cleveland. Buster Mills in Army Air force.

November 13, 1942. Boston. Mickey Cochrane's mother dies.

November 13, 1942. New York. Amount of money bet at Belmont—War Relief \$225,000 share.

November 13, 1942. Tampa. Derringer and Waner to condition aviators.

November 13, 1942. St. Louis. Durocher says he will return to shortstop play.

November 14, 1942. New York. Injured Leemans rejoins football Giants with special helmet.

November 14, 1942. New York. Princeton-Yale meet in new setting.

November 15, 1942. Sweetsburg, Quebec. Hockey star to have Army hearing.

November 15, 1942. Miami. Whirlaway arrives for two months rest.

November 16, 1942. Montgomery, Ala. Four players accept North vs. South game bids.

November 16, 1942. San Francisco. New Rose Bowl invitation plans considered.

November 16, 1942. Detroit. Detroit-Villanova football game.

November 17, 1942. Philadelphia. Temple baseball coach quits for War job.

November 17, 1942. Boston. Red Sox pitcher, Charley Wagner, joins Navy.

November 17, 1942. Hanover. Dartmouth loses football equipment.

November 17, 1942. Atlanta. Georgia Tech coach resumes duties after illness.

November 18, 1942. Boston. Hockey governors to consider cut in number of players.

[fol. 1327] November 18, 1942. South Bend. Notre Dame announces 20-game basketball slate.

November 18, 1942. Pasadena. Coast fans want Georgia for Rose Bowl.

November 18, 1942. San Bernadino. President Benswanger of Pittsburgh announces retention of Frisch as baseball manager.

November 18, 1942. Buffalo. American Bowling Congress officials meet; may drop tournament.

November 19, 1942. Norman, Okla. Oklahoma leaves for Temple game.

November 19, 1942. Miami. Horse and dog tracks get scare on gas rationing.

November 19, 1942. Charlestown. Race meet to open November 30.

November 19, 1942. Lincoln. Five Nebraska regulars out with injuries.

November 19, 1942. Montreal. Fitzsimmons of Brooklyn offered manager's job.

November 19, 1942. Washington. WPB restricts repair of fishing equipment.

November 20, 1942. St. Louis. Enos Slaughter, baseball star, divorced. Awaits Army call.

November 21, 1942. Hastings, Nebr. Father of Lon Stiner, famous football coach, dies.

November 21, 1942. Los Angeles. Army to leave Hollywood race-track, but no racing likely.

November 21, 1942. Montréal. National Hockey league bans overtime play.

November 21, 1942. East Lansing. Three favored in National Collegiate Athletic Association cross country.

November 21, 1942. Miami. Trainer says Whirlaway will compete for two more years.

(Signed) Warren Brown.

Sworn to before me this 7th day of May, 1943.

Ruth Herman, Notary Public. [Seal.]

My Comm. Exp. Jan. 10, 1946.

[fol. 1328] AFFIDAVIT OF THOMAS A. DAFFRON, JR.

STATE OF ILLINOIS,  
County of Cook, ss.:

Thomas A. Daffron, being duly sworn, deposes and says:

I was telegraph editor of the Washington Post in 1935. Thereafter I was on various desks at the New York World Telegram. I came to The Chicago Sun on November 24, 1941, and have been its telegraph editor ever since. In this capacity I receive copy from our bureau wires, from our news services, and from special correspondents. I handle all national domestic news—that is, news coming from all parts of the United States—except the city news and the news from the neighboring states. During the period of my employment by the Washington Post and the World Telegram I had the opportunity of observing The Associated Press (herein called “AP”) and the United Press (herein called “UP”) services at close range. Each of these papers used both services, and thus could select between the stories furnished by the two services on any news events whichever story was considered the better and could check a news item furnished by one service against the other. My observations during that period, and since, have given me the opportunity to compare the two services.

It has been my experience that news events of importance to morning newspapers which occur at night or in remote parts of the country are reported with greater thoroughness and speed by AP than by UP. A morning paper must receive reports of events occurring at night with the greatest promptness in order to have them in time for publication. Moreover, in events occurring in this country, it has been my experience that the AP has a more comprehensive coverage than has UP or any other service.

The following are instances of news events published in the Chicago Tribune between October 30, 1942, and March 25, 1943, which were credited to AP. As to these items, UP did not furnish the story to The Chicago Sun, or else did not furnish a story until after news of the event had been published in the Chicago Tribune.

October 30, 1942. The story of a tornado in Arkansas.

November 19, 1942. The story of a plane crash in Ohio.

November 21, 1942. The account of a plane crash in Ohio.

[fol. 1329] November 18, 1942. Bomber with six aboard, missing—Fort Myers, Fla.

November 11, 1942. Lack of money in Jefferson City, Mo., to buy food for inmates of insane asylum.

December 14, 1942. Newfoundland fire. The AP kept ahead of the UP on the casualties. It was not until the late edition that we received an entire story which carried eyewitness accounts. The AP had an advantage in the reporting of this story since the St. Johns Telegram, the evening paper in Newfoundland, is a member of the Canadian Press and consequently, as I am informed, its news-gathering facilities were available to AP.

November 30, 1942. The Boston fire. We did not get a complete story of the Cocoanut Grove fire until the later editions nor until we had supplemented the UP story by telephoning a special correspondent in Boston.

January 7, 1943. Plane crash in Louisiana. UP failed to carry on its night wire the identification of Chicagoan killed. It was carried by the Tribune with credit to AP.

January 8, 1943. Philadelphia fuel oil shortage causes closing of schools.

January 8, 1943. From South Carolina—identification of an Indiana boy in plane crash. (This item was important since the Sun circulates in the Indiana territory.) The account was carried by the Tribune.

January 14, 1943. Army courier being held up.

January 25, 1943. Victims of plane wreck—date lined Topeka, Kansas.

January 25, 1943. A statement of Vice President Wallace was printed by the Tribune with AP credit earlier than it was received by us from UP.

January 29, 1943. War Casualty List was carried by AP on its night wire but not by UP.

February 12, 1943. Judge L. L. Parks' ruling that closed shop agreements between the Tampa Shipbuilding Co. and 14 A. F. of L. unions, covering 12,000 workers, were invalid for the duration of war.

[fol. 1330] February 25, 1943. An account from Washington of a special rationing board being set up solely for members of Congress.

February 26, 1943. Testimony of Major Gen. I. H. Edwards, assistant chief of staff, before a Senate appropriations subcommittee in which he said that the overseas force

of the U. S. Army would total 2,700,000 by the end of 1943 and 4,750,000 by the end of 1944 and that the Army Air Forces by the end of this year would consist of 900 squadrons numbering 2,450,000 men.

March 23, 1943. A story from New Orleans of the Rev. Charles Monroe, Episcopal rector, being in a hospital stabbed after shooting his ex-secretary and her husband.

March 24, 1943. The death of Edward W. Beatty, former president of the Canadian Pacific Railroad.

March 25, 1943. A story from Pittston, Pa., of a \$400,000 high school and some 150 homes crumbling as an old mine caved in.

(Sgd.) Thomas A. Daffron, Jr.

Sworn to before me this 7th day of May, 1943. Ruth  
Herman, Notary Public. My Commission expires  
Jan. 10, 1946. (Seal.)

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#### AFFIDAVIT OF MARSHALL FIELD

STATE OF ILLINOIS,

County of Cook, ss.:

Marshall Field, being duly sworn, deposes and says:

I am the founder and owner of The Chicago Sun. I took an active part in the organization of the paper and have since been active in the management of the policies of The Chicago Sun (herein called The Sun) and in the conduct of the affairs of the paper—editorial, circulation, administration, financial.

The Sun began publication on December 4, 1941. Several months earlier, Mr. Silliman Evans (the publisher of the Nashville Tennessean, and now also publisher of The Sun) and I began planning for the publication of The Sun. In the summer of 1941 he and I discussed the getting together of the staff, the news services, the photographic services and other details connected with the organization of the paper. At that time we talked about the importance of the [fol. 1331] news and photographic services of The Associated Press (herein called AP) to the projected newspaper, and we canvassed the possibilities of obtaining AP membership by applying therefor or by the purchase of the morning AP membership of the Chicago Herald-American.

On September 24, I wrote Mr. Robert McLean, President of AP, applying for membership therein and for the news service and wirephoto service of AP for the paper which I contemplated publishing. (A copy of the letter dated September 24, 1941, is marked Exhibit 1 and attached hereto.) On September 26, 1941, I signed a formal application for membership designating Mr. Evans as representative of the newspaper. (Exhibit 2, attached hereto, is a copy.)

On October 2, 1941, we were informed by Mr. Lloyd Stratton, Assistant Secretary of AP, that the application had been laid before the Board of Directors, that membership interests of other Chicago members were involved and that, since they had not waived their protest rights, my application must, under the bylaws, be referred to the next annual meeting of the members of AP to be held in New York on April 20, 1942. (A copy of the Stratton letter marked Exhibit 3 is attached hereto.)

When I received Mr. Stratton's letter, I wrote Mr. Kent Cooper, Vice President and General Manager of AP, a letter. In that letter (a copy of which marked Exhibit 4 is annexed hereto) I stated to Mr. Cooper that Mr. Stratton's letter seemed to me to "defer any possibility of my becoming a member of The Associated Press until after April 20, 1942." I added: "In view of the fact that I propose to begin publication of the new paper within the next few weeks, such a delay entails the most serious consequences. To begin publication and to seek the support of the public without the benefit of Associated Press facilities is perhaps to risk the entire future of the enterprise since the initial reader reaction to a newspaper may well be determinative of its situation over a long period. Moreover, when I announced the publication of this paper I led the people of Chicago to believe that it would be in all respects a standard and complete newspaper; my performance cannot and must [fol. 1332] not fall short of my promise. Finally, the postponement of action on the application until April 1942 may well constitute more than a postponement; there is no assurance under your bylaws, as I understand them, that I will be elected to membership at that time and consequently I cannot at the outset or at any time assure my readers that in due course the paper will have the benefit of all the standard press services available to other papers. It is these factors, among others, which have been causing me such grave concern."

In the meantime I had been informed by Mr. Evans of negotiations between him and Mr. Gortatowsky, who was Mr. Heart's representative in New York, concerning the purchase of the morning AP membership in Chicago held by the Hearst interest, and used, as I then understood, only on Sundays.

On November 15, 1941, in the light of prior conversations between Mr. Evans and Mr. Gortatowsky, I wrote Mr. Gortatowsky offering to purchase the Chicago Hearst morning membership in AP, and to pay therefor \$250,000 in cash, and sent to Mr. McLean a copy of my letter to Mr. Gortatowsky. ( A copy of my letter to Mr. Gortatowsky marked Exhibit 5 is attached hereto, and a copy of my transmittal letter to Mr. McLean marked Exhibit 6 is attached hereto.) On or about December 1, 1941, I received a letter (a copy of which marked Exhibit 7 is attached hereto) from Mr. Gortatowsky declining our proposal.

On December 3, 1941, the day before the publication of The Chicago Sun, I wrote Mr. McLean a letter (a copy of which marked Exhibit 8 is annexed) pointing out our disadvantage in operating without AP, and asking for membership at the earliest possible time. In the absence of such membership, I requested that they make available to me for the use of The Sun, the news services which I understood AP was selling to nonmember radio groups and the picture services which had theretofore been offered for sale to nonmember newspapers. To this letter I received a reply from Mr. McLean dated December 6, 1941 (a copy of which is attached as Exhibit 9) advising us that the news and picture services were not available.

[fol. 1333] When I found that we could get no assurances that I would be elected to membership in AP, I filed a complaint with the Attorney General dated February 5, 1942.

On January 28, 1942, Mr. McLean wrote to Mr. Evans, in response to an inquiry from Mr. Evans, informing us that the secretary of AP was authorized to furnish us both a list of the members and the form of proxy which had theretofore been used in an effort to procure membership. (A copy of this letter, marked Exhibit 10, is attached hereto.) I and my associates sent to the members of AP a letter soliciting their proxies. (A copy of this form letter marked Exhibit 11, dated March 5, 1942, is attached hereto.)

I sent a copy of this form letter to Mr. Stratton, Assistant General Manager of AP, with a covering letter dated March



7, 1942. (A copy of the letter is marked Exhibit 12 and attached hereto.)

When I first discussed with Mr. Evans the publication of The Sun, I was acquainted with the newspicture field;—for some time prior thereto I had owned the publication PM, a New York newspaper which features picture news, and I had been in close touch with the affairs of PM.

During the period immediately preceding the publication of The Sun there were three major picture services; AP Wirephoto, International News Pictures and Acme Newspictures. Prior to July 1941 there had been a fourth—Wide World Photos, Inc., which was taken over by AP. PM had a contract with Wide World.

My associates and I, in addition to our efforts to get AP membership, tried to obtain service from the major photographic news agencies. Thus, on December 8, 1941, having been informed that Wide World service was still serving certain newspapers, I applied to AP for Wide World service for The Chicago Sun. (A copy of the application marked Exhibit 13, is attached hereto.) AP refused us this service in a letter dated December 11, 1941. (A copy of this letter marked Exhibit 14, is attached hereto.) We attempted to obtain service from Acme Newspictures but I was informed that we were unable to do so because Acme was under exclusive contract arrangements with The Chicago Tribune. [fol. 1334] My associates were instructed to negotiate with International News Pictures. I was later informed by Mr. Rex Smith, then Editor of The Sun, that he had attempted to obtain a contract only to be informed that they could not deal with us because of exclusive arrangements with the Hearst papers.

On September 29, 1941, Mr. Evans and I signed a contract with United Press Associations (herein called UP) for its news report service.

In preparation for publication of The Sun, faced, as we were, with the lack of AP service, we were compelled to contract for other services and to arrange for various correspondents. An enumeration of some of the services contracted for, and extra correspondents employed, is contained in Exhibit A attached to the affidavit of John J. Padulo verified May 7, 1943.

Lacking a contract with AP or any major photographic service, we set up our own wirephoto service and installed

photographic bureaus in various places in the country. We also bought pictures from minor services. Details of these transactions are given in the affidavit of Mr. Mautner, verified May 7, 1943.

We found when we sought to obtain correspondents, both in the news field and in the photographic field, that a large number of skilled men were not available to us because they were connected with AP newspapers. Details of this are given in the affidavits of Mr. Mautner and Mr. Barry, verified May 7, 1943.

From the figures furnished to me in the affidavit of John J. Padulo, it appears that during the year 1942: the charges incurred by The Sun under the United Press contracts came to within a few hundred dollars of \$110,000; the charges paid for photographic news—not including expenses in connection with photographs made by the Chicago photographic department of The Sun—exceeded \$63,000. In addition to these items, The Sun in the year 1942 paid for news services, extra services, bureaus, correspondents, and other expenditures detailed in the affidavit of Mr. Padulo, a sum in excess of \$425,000. Some of these expenditures would have been incurred whether or not AP services had been available to [fol. 1335] The Sun but a major part of these expenditures could have been dispensed with if The Sun had been able to procure the services of AP. These figures, with the exception of a portion of the telegraph and cable charges, do not include any expenses of the Chicago office of The Sun or any general overhead expenses, or make any allowance for time devoted by the staff to overcoming handicaps due to absence of AP service.

Much of the energies and imagination of the staff have had to be consumed in equalizing deficiencies due to our not having the coverage furnished as a matter of routine by AP to its members. These deficiencies threw extra burdens upon the sports department, the financial department, the national domestic news department, the regional news department and the news pictures department, as is shown in the affidavits of the respective heads of these departments (Brown, Mautner, Daffron, Smucker, Barry), verified May 7, 1943. This diversion of time and energy, as well as the expenditure of large additional sums of money, which resulted from our inability to obtain AP service, were among

the obstacles which my associates and I had to overcome in providing Chicago with a standard morning newspaper.

The Chicago Sun regularly obtains news reports from bureaus and correspondents from different parts of the United States and foreign countries, and regularly sells and transmits its newspaper from the State of Illinois to purchasers in other states of the United States.

(Sgd.) Marshall Field.

Sworn to before me this 13th day of May, 1943.  
Gesine Heller, Notary Public. Queens Co. No. 982. Queens County Register's No. 842. Cert. Filed in New York Co. No. 434, New York County Register's No. 4H230. Commission expires March 30, 1944. (Seal.)

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[fol. 1336]

EXHIBIT No. 1

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EXHIBIT No. 2

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EXHIBIT No. 3

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EXHIBIT No. 4

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[Exhibit 5 Omitted. See exhibit "C" printed side page. 1197 ante]

[fol. 1337]

## EXHIBIT No. 6

November 15, 1941.

Mr. Robert McLean, President, Associated Press, Philadelphia Bulletin, Philadelphia, Pa.

DEAR MR. McLEAN: The attached carbon copy of my letter to Mr. Gortatowsky will be self-explanatory.

In view of your interest I wished to advise you of the offer I am making.

With kindest regards,

Yours sincerely,

(Signed) Marshall Field.

[fol. 1338]

## EXHIBIT No. 7

MR. MARSHALL FIELD: Acknowledging your letter of November 15, this is to advise you that the proposal you have made to purchase our morning and Sunday Associated Press membership in Chicago is unacceptable.

I should like to express to you my disagreement with the opinions you have given with respect to the various phases of this matter. It would serve no useful purpose to go into detail.

I should also like to say most emphatically that I never at any time said to Mr. Evans or to anyone else that I had been authorized by Mr. Hearst or by anyone else to negotiate the sale of our Associated Press membership.

Sincerely yours,

(Sgd.) J C. Gortatowsky.

## EXHIBIT No. 8

December 3, 1941.

Mr. Robert McLean, President of The Associated Press, c/o The Bulletin, Philadelphia, Pa.

DEAR MR. McLEAN: May I advise you formally that my paper, The Chicago Sun, intends to commence publication tomorrow, December 4.

As you know we have been unable, despite every reasonable effort on our part, to secure membership in the Associated Press. As a consequence of that we are at a great

disadvantage in publishing the paper both as regards procuring complete news coverage and in the matter of pictures. In the circumstances, and in order to enable me to give to the people of Chicago the newspaper which they have the right to expect of me, I hereby request (a) that you take such steps as may be necessary to accord me membership in the Associated Press at the earliest possible time, and (b) that, as a matter of expediency in the absence of an Associated Press membership, you make available to me at appropriate and equitable rates, for the use of The Chicago Sun, the news services which you are now selling to nonmember radio groups and the picture services which you have heretofore [fol. 1339] offered for sale to nonmember newspapers.

I need hardly add that each day's delay in regard to the foregoing causes damage to me and to The Chicago Sun.

Very truly yours,

\_\_\_\_\_  
(Signed) Marshall Field.

EXHIBIT No. 9

December 6, 1941.

*Via Airmail.*

Mr. Marshall Field, The Chicago Sun, 400 West Madison Street, Chicago, Illinois.

DEAR MR. FIELD: Replying to your letter of December 3rd and the inquiry therein under (a), I wish to assure you that your application for membership in The Associated Press will be given the earliest consideration in accordance with the appropriate procedure provided in the By-Laws. This procedure, as you will recall, was outlined to you at the time you and Mr. Evans sat with the Executive Committee on November 7th.

As to your inquiry under (b), provisions of the By-Laws do not permit the use in newspaper publication by nonmembers of the news services supplied to radio stations for broadcast purposes.

In reply to your inquiry concerning picture services, it is necessary for me to state that picture services have at no time been offered by The Associated Press for sale to nonmember newspapers. This also is controlled by provisions of the By-Laws.

Assuring you of my desire to be of assistance.

Yours very truly,

\_\_\_\_\_  
(Signed) Robert McLean.

## EXHIBIT No. 10

This document has been omitted in printing.

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[fol. 1340]

## EXHIBIT No. 11

This document has been omitted in printing.

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## EXHIBIT No. 12

MARSHALL FIELD

400 West Madison Street  
Chicago

March 7, 1942.

Mr. Lloyd Stratton, Assistant General Manager, The Associated Press, 50 Rockefeller Plaza, New York, N. Y.

DEAR MR. STRATTON: You will find enclosed a letter, which I have sent to the members of The Associated Press, and the proxy in the form which you sent me. I have attempted to comply with all the rules, regulations, and practices of The Associated Press, both in the application for membership and in the proxy solicitation.

You, as secretary of The Associated Press, are familiar with the application and the proxy forms. As you know, I am not a member of The Associated Press and I realize that you have authority only to pass on the form, but may I ask if I have entirely complied with the rules and regulations, and if my application is now in the proper and legal form?

Sincerely, (Signed.) Marshall Field.

Enclosure.

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## EXHIBIT No. 13

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[fol. 1341]

EXHIBIT No. 14

THE ASSOCIATED PRESS

General Office  
50 Rockefeller Plaza, New York City

December 11, 1941.

*Air Mail.*

Mr. Marshall Field, The Chicago Sun, 400 West Madison  
St., Chicago, Illinois.

DEAR MR. FIELD: Replying to your inquiry of December 8, the Wirephoto service of The Associated Press has been supplied only to members of The Associated Press and, so far as I am able to determine, has never at any time been offered to anyone other than a member.

At the time of the purchase of The Times-Wide World, the supplying of photographs to other than members was discontinued except in the case of commitments which Wide World is obligated to fulfill until their expiration.

Very truly yours, (Signed.) Robert McLean.

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AFFIDAVIT OF ERNEST VON HARTZ, President

STATE OF ILLINOIS,

County of Cook, ss:

Ernest von Hartz, being duly sworn, deposes and says:

I am the foreign news editor of the Chicago Sun. I handle all the news that carries a foreign date line, including Canada. I also edit all news from Washington that has to do with foreign affairs and foreign policy as well as the news of the Army and Navy Departments insofar as it relates to our troops overseas.

I joined the staff of the Baltimore Sun in 1926 as a reporter. I became cable editor in 1931 which post I held until 1935. In October 1935 I joined the foreign desk of the New York Times. I left the New York Times in April 1941 to join the press section of the Bureau of Public Relations of the War Department as assistant to Col. Grogan. Later, I transferred to the Office of Emergency [fol. 1342] Management, where I was in charge of the press

section of the Production Division of OPM. I came to the Sun on November 24, 1941.

The Baltimore Sun and the New York Times both have Associated Press (herein called AP) service. I am familiar with the services furnished by the AP and by the United Press (herein called UP) in the field of foreign news. In my opinion, in order to furnish a thoroughly comprehensive foreign news service, a metropolitan daily newspaper should have access to the foreign news report of both services. The New York Times and the New York Herald Tribune have access to both and so have most of the leading morning and afternoon newspapers in the United States.

In general, the AP foreign service is more comprehensive and gives better coverage on secondary stories. Gaps that are left open in the UP service are frequently filled in by the AP report. AP also provides more background material.

The AP also furnishes a map service for morning newspapers. This service provides, through wirephoto, maps of regions featured in the news. No similar service is furnished by UP. The Sun prepares its own maps. The Sun could save a considerable amount of time if AP maps were available for use in connection with many current news stories.

AP has as one of its sources the foreign news service of Reuter and it furnishes to its members news received from Reuter, as well as from its other news-collecting sources. UP does not carry the Reuter news reports. To obtain this auxiliary service the Sun subscribe to Reuter and thus obtains items that it does not receive, or receive in time, from the UP.

The UP news service has on several occasions come through with foreign stories that have scooped the AP. There have been, however, many occasions, since the Sun started publication, in which important items were carried by the AP that were not available to the Sun through the UP or any of its auxiliary services. Outstanding "exclusives" of the AP that appeared in the Chicago Tribune and not the Sun follow:

1. Clark Lee's articles of the Bataan fighting, many of them eye-witness stories, appearing in the Chicago Tribune



under dates of January 19, 25, 27, February 8, 10, 16, 17, 21, 23, 25, April 9, 24, 1942.

[fol. 1343] One of these stories was an "exclusive" about Captain Wermuth, Chicago's "one man army." Captain Wermuth was credited with killing 116 Japanese. This was a story of considerable interest in Chicago, since Wermuth was a Chicagoan. Lee reported this story from Bataan some days before it was available to the United Press.

2. Larry Allen's eye-witness story of the sinking of the Battleship *Barham*, January 30, 1942.

3. The Associated Press advertised "First with the Facts from Inside the Axis," referring to the Lochner, Steinkopf, Massok, and other homeward-bound stories. These were the stories of AP correspondents interned in Germany and Italy after we went into the war. The Lochner story was especially featured by AP as an important beat.

4. The Yates Daniels' stories on the battle for and the fall of Singapore. These stories, featured by the AP advertising, were not available to the Sun.

5. The Preston Grover interview with Gandhi.

6. The stories on September 24 and September 30 by Verne Haughland who was lost in the jungles of New Guinea for six weeks. They were topped by the award to him of the U. S. Army Silver Star by General MacArthur.

7. The story of Dean Shedler of the final fight on, and surrender of, Bataan in April 1942.

8. The Corregidor locale story on March 28, 1942.

The following are instances in which through our subscription to Reuter we obtained items carried by AP, but which were not carried by UP until later:

1. The landing of the U. S. troops in Liberia in mid-October.

2. The quotation from the Berlin radio on December 12 to the effect that the British Eighth Army under Montgomery had renewed its offensive.

3. A speech of Laval on or about November 20, 1942, the sensational features of which were furnished by Reuter but not by UP until a later edition.

Some of the differences between AP and UP as to foreign news have been eliminated since the Government's adoption of pooling and censorship regulations. Thus, in the case of the Cassidy correspondence with Stalin, AP [fol. 1344] letters were made available to UP. However, in the case of the second of the Cassidy letters we were not furnished a copy by UP until we telephoned to UP in New York and requested a copy.

(Sgd.) Ernest von Hartz.

Sworn to before me this 7th day of May 1943. Ruth Herman, Notary Public. (Seal.) My Commission expires Jan. 10, 1946.

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AFFIDAVIT OF GUY RAYNOR HILL

CITY OF WASHINGTON,  
District of Columbia, ss:

Guy Raynor Hill, being duly sworn, deposes and says:

That he is an economist and statistician; that he has been employed continuously in this capacity by the Department of Justice since July 1936; that he has examined the affidavits executed on May 12, and May 14, 1943, by Edwin Moss Williams, the deposition of Joseph V. Connolly, Exhibit F attached to the complaint in the case *United States v. The Associated Press* and the Answers of The Associated Press to Interrogatories Nos. 23, 24, 29, 31, and 32 in the same case; that he has examined the preliminary drafts of the exhibits attached to the affidavit of Alfred McClung Lee and that he has examined this affidavit as executed on May 22, 1943; that on the basis of his examination of the documents listed above he has prepared comparative statements covering The Associated Press, United Press Associations, and the International News Service department of King Features Syndicate, Inc., hereinafter referred to as AP, UP, and INS, respectively, with reference to (a) the number of all full time editorial employees at the various bureaus located in continental United States and (b) the number and compensation of string correspondents employed in continental United States; that he has prepared a compara-

tive statement of the hours during which the various AP and UP bureaus located in continental United States were normally open for the collection of news, as of August 1942, as indicated by the normal working hours of full time editorial employees; and that he has prepared maps and tabulations showing the number and location of English language daily newspapers published in continental United [fol. 1345] States, which, as of 1942, (a) were regular members of AP, (b) were not regular members of AP and were obligated by contract to furnish their local news to UP and (c) were not regular members of AP and were obligated by contract to furnish their local news to INS.

Exhibit A, which is attached hereto and made a part hereof, is a comparative statement for AP, UP and INS of the number of full time editorial employees, as of August 1942. In summary, this exhibit shows that the total number of full time editorial employees for AP, UP and INS was 713, 461, and 142, respectively. Exhibit A is a recapitulation of data appearing in the Answer of AP to Interrogatory No. 29, the Connolly deposition, the Williams affidavit dated May 14, 1943 and Exhibit F (1) of the Williams affidavit dated May 12, 1943. The Answer of AP to Interrogatory No. 29 indicates that there were in fact 95 domestic AP bureaus as of August 1942. However, three of these bureaus (located at Atlantic City, New Jersey, Tuscon, Arizona and Fresno, California) have not been included in Exhibit A because each was discontinued by AP in September 1942. Prior to September 1942, each of these bureaus had one full time correspondent. As of August 1942, UP had 61 domestic bureaus but no full time editorial personnel was assigned to the bureau at Norfolk, Virginia. As of August 1942, INS had 31 domestic bureaus, but no full time editorial personnel was assigned to the bureaus located at Little Rock, Arkansas, and Tulsa, Oklahoma. UP editorial employees are reported in the Williams affidavit dated May 12, 1943, for the eleven largest UP domestic bureaus and for 49 other UP domestic bureaus for each of the seven regions of the United States in which these bureaus were located. The Williams affidavit dated May 14, 1943, indicates that at each of 17 of these bureaus, included in the regional totals, the sole editorial employee was a "manager." Exhibit A has been constructed in such form as to designate which UP bureaus as well as

AP and INS bureaus had only one full time editorial employee. A summary comparison on this basis is as follows:

	<i>AP</i>	<i>UP</i>	<i>INS</i>
More than one full time editorial employee . .	73	43	21
Only one full time editorial employee . . . . .	19	17	8
	<hr/>	<hr/>	<hr/>
	92	60	29

[fol. 1346] Of the 17 domestic bureau points at each of which UP had only one full time editorial employee, 12 were also points at which AP maintained a bureau. The aggregate number of full time AP editorial employees at these 12 points was 42, and these employees were distributed among the various bureaus as follows:

- 1 AP bureau had 9 editorial employees.
- 1 AP bureau had 6 editorial employees.
- 1 AP bureau had 5 editorial employees.
- 1 AP bureau had 4 editorial employees.
- 4 AP bureaus had 3 editorial employees.
- 2 AP bureaus had 2 editorial employees.
- 2 AP bureaus had 1 editorial employee.

Of the 19 domestic bureau points at which AP had only one editorial employee, two are also points at which UP maintained a bureau, and at each of these two points there was only one full time UP editorial employee.

The Answer of AP to Interrogatory No. 29, the Williams affidavit dated May 12, 1943, and the Connolly deposition give data regarding both editorial and other employees. In arriving at the statement of full time editorial employees set forth in Exhibit A, I have excluded executive managerial employees (other than bureau managers), photographers, newsphoto editors, mat editors, dark room workers, artists, wirephoto machine operators, office boys, messengers, clerical staff, teletype operators and other traffic, clerical or photographic employees.

As of August 1942, AP had agreements with 2,766 string correspondents in continental United States. The corresponding numbers of string correspondents with whom UP and INS had agreements, as of August 1942, were 2,088 and 1,864 respectively. The aggregate compensation paid

to string correspondents in continental United States during the year 1942 was \$74,217.06 for UP and \$25,743.89 for INS. These payments are equivalent to an average annual amount per string correspondent of \$35.54 for UP and \$13.81 for INS. The aggregate compensation paid by AP, during the year 1942, to all string correspondents, string photographers and other part-time workers was \$205,929.91. As of August 1942, AP had arrangements with a total of 2,992 part-time workers, and on this basis the average annual payment per part-time worker (i. e. string correspondent, string photographer, etc.) was \$68.83.

Exhibit B-1, attached hereto and made a part hereof, is a tabulation showing, as of August 1942, for 92 AP domestic bureaus and for 43 UP domestic bureaus, the customary hours of the day during which one or more editorial employees were on duty. The information available with reference to customary hours of work of UP editorial employees is exclusive of the hours worked by bureau managers, and comparisons in Exhibit B-1 between the customary hours when AP and UP editorial employees were on duty at each of the various bureaus, are subject to this limitation. The hours of UP bureau managers are said to be irregular, and each manager is said to be "responsible for news coverage twenty-four hours of each day." (See Williams affidavit, dated May 14, 1943.) In addition to the 43 UP bureaus previously noted, Exhibits B-1 lists 17 other UP bureaus at each of which the sole editorial employee was a "manager"; these 17 bureaus are designated by asterisks in Exhibit B-1. The range of hours during which one or more editorial employees were customarily on duty at each of 92 AP domestic bureaus has been computed on the basis of the Answer of AP to Interrogatory No. 29. This Answer has been modified with reference to the AP bureau at Albuquerque, New Mexico, because of what appears to be a typographical error. The Answer states that the customary hours of the night editor were from 4:00 P. M. to 12:30 P. M.; in the preparation of Exhibit B-1, the customary hours of this employee have been assumed to be 4:00 P. M. to 12:30 A. M.

The distribution of AP and UP bureaus, set forth in Exhibit B-1, according to the number of hours of the day during which each bureau had one or more editorial employees on duty is as follows:

Number of hours	<i>Number of bureaus</i>	
	<i>AP</i>	<i>UP</i>
Irregular hours .....	—	17
Less than 10 hours .....	25	10
10 hours and over, but less than 14 hours ..	13	6
14 hours and over, but less than 18 hours ..	15	8
18 hours and over, but less than 20 hours ..	14	8
20 hours and over, but less than 24 hours ..	10	3
24 hours .....	15	8
Total .....	92	60

[fol. 1348] As of August 1942, AP and UP had domestic bureaus at 54 common points; the hours, during which one or more editorial employees were normally on duty, were substantially the same for both AP and UP at eight of these points; at five common bureau points, namely, Los Angeles, Sacramento, and San Diego, California; Pittsburgh, Pennsylvania; and Indianapolis, Indiana; UP bureaus had one or more editorial employees on duty for a longer period of time than did the AP bureaus located in the same cities; but at 29 other common bureau points the situation was reversed. Precise comparison of hours is impossible, on the basis of available data, at 12 other common bureau points because no regular hours are reported for UP editorial employees stationed at these points.

Exhibit B-2, attached hereto and made a part hereof, is a tabulation showing, as of August 1942, the number of AP and UP domestic bureaus normally having one or more editorial employees on duty at any time between the hours of 7:00 P. M. and 6:00 A. M. arranged according to a schedule of closing hours, after which no editorial employees were on duty. AP had 16 bureaus and UP had 8 bureaus at which one or more editorial employees were on duty throughout the entire range of hours from 7:00 P. M. to 6:00 A. M. A summary of the number of AP and UP domestic bureaus which were "open" in the sense that one or more editorial employees were on duty, after specified hours, is as follows:

	<i>AP</i>	<i>UP</i>
After 9:00 P. M. ....	56	28
After 10:00 P. M. ....	54	24
After Midnight .....	49	21

	<i>AP</i>	<i>UP</i>
After 1:00 A. M. ....	39	12
After 2:00 A. M. ....	27	8

Exhibit B-2 does not give effect to the early opening hours of certain UP bureaus. As of August 1942, one or more editorial employees customarily reported for work before 6:00 A. M. at the following UP bureaus:

Indianapolis, Ind. ....	3:00 A. M.
Pittsburgh, Pa. ....	4:00 A. M.
Philadelphia, Pa. ....	5:30 A. M.
Omaha, Nebr. ....	4:30 A. M.
Atlanta, Ga. ....	5:30 A. M.

[fol. 1349] Exhibit C-1, attached hereto and made a part hereof, is a map showing the location of all morning daily English language newspapers, published in continental United States, which were regular members of AP as of March 1942. This map is based upon Exhibit No. 1 of the Lee affidavit and includes all newspapers appearing in that exhibit except two newspapers which were associate members of AP and five newspapers (covered by footnotes 4 and 7 of the Exhibit) which, despite the fact that they had morning memberships in AP, were listed as evening papers in the standard sources such as *Editor & Publisher's "1942 International Year Book Number,"* N. W. Ayer & Son's *Directory of Newspapers and Periodicals: 1942*, and *Standard Rate & Data Service: Newspaper Section*, December 1941. Exhibit C-1 shows newspapers according to symbols which represent three broad average daily 1941 circulation categories, namely: less than 10,000, 10,000 to 50,000, and over 50,000. The circulation data used for purposes of this classification are those appearing in Exhibit No. 1 of the Lee affidavit.

Exhibit C-2, attached hereto and made a part hereof, is a map showing the location of all morning daily English language newspapers, published in continental United States, which, as of March 1942, were not regular members of AP and were obligated by contract with UP, as of August 1942, to furnish their local news to UP. This map is based upon Exhibit D of the Williams affidavit, executed May 12, 1943. Exhibit C-2 shows newspapers according to the same broad 1941 circulation categories used in Exhibit C-1, and the

sources of the circulation data are the standard references listed in the preceding paragraph.

Exhibit C-3, attached hereto and made a part hereof, is a tabular analysis, by states, showing the distribution of the morning newspapers covered in Exhibits C-1 and C-2. As set forth in Exhibit C-3, a total of 52 morning newspapers, not regular members of AP, were obligated by contract with UP to furnish their local news to UP, and of this total only three newspapers had an average daily circulation in excess of 50,000 and only eleven newspapers had an average daily circulation in excess of 10,000. In 23 states, no morning newspaper, not a regular member of AP, was obligated to [fol. 1350] furnish its local news to UP, and in each of 16 states and the District of Columbia, only one morning newspaper, not a regular member of AP, was so obligated. Of the 296 AP morning newspapers shown in Exhibit C-3, 64 had an average daily circulation in excess of 50,000 and 190 had an average daily circulation in excess of 10,000. In only two states, Nevada and Wyoming, were there no morning newspapers which were regular members of AP.

The Connolly deposition sets forth a list of newspapers which were obligated, as of August 1, 1942, to furnish their local news to INS. Only three of the newspapers on this list were morning papers, and each of these had an average daily circulation, in 1941, of less than 10,000. The names and location of these morning newspapers are as follows:

Times—Fort Lauderdale, Fla.  
Times-Gazette—Union City, Ind.  
News—Eugene, Oreg.

My sources of information for classifying the list of papers set forth in the Connolly deposition have been *Editor & Publisher's "1942 International Year Book Number"* and N. W. Ayer & Son's *Directory of Newspapers and Periodicals: 1942*.

Exhibit C-4, attached hereto and made a part hereof, shows the distribution, by states, of evening daily English language newspapers published in continental United States which (a) were regular members of AP as of March 1942, (b) were not regular members of AP and were obligated, as of August 1942, to furnish their local news to UP and (c) were not regular members of AP and were obligated, as of August 1942, to furnish their local news to INS. In addi-



tion to the geographical distribution data this exhibit also classifies these newspapers according to the broad 1941 circulation categories used in Exhibit C-3. Exhibit C-4 is based upon the Connolly deposition, Exhibit D of the Williams affidavit, executed May 12, 1943, and Exhibit No. 2 of the Lee affidavit. The number of AP evening papers shown in Exhibit C-4 is the same as that shown in Exhibit No. 2 of the Lee affidavit, after deduction of associate members of AP and deduction of eight newspapers for which no circulation data are given in the latter exhibit.

As set forth in Exhibit C-4, a total of 408 evening English language newspapers, not regular members of AP, were [fol. 1351] obligated by contract with UP to furnish their local news to UP, and of this total, 24 newspapers had an average daily circulation in excess of 50,000, and 73 newspapers had an average daily circulation in excess of 10,000. Seventy-one newspapers, not regular members of AP, were similarly obligated to furnish their local news to INS, and of this total, only two newspapers had an average daily circulation in excess of 50,000, and only twelve newspapers had an average daily circulation in excess of 10,000. The circulation data for UP and INS papers are based upon *Editor & Publisher's "1942 International Year Book Number"* and N. W. Ayer & Son's *Directory of Newspapers and Periodicals: 1942*.

Exhibit C-4 also covers a total of 869 evening newspapers which were regular members of AP. Of this total, 69 newspapers had an average daily circulation in excess of 50,000, and 334 newspapers had an average daily circulation in excess of 10,000.

(S.) Guy Raynor Hill.

Subscribed and sworn to before me this 24th day of May 1943. (S.) Beryl E. Lewis, Notary Public.  
My commission expires June 1, 1946.

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#### EXHIBIT A

#### AP, UP, AND INS

*Comparative Statement, As of August 1942, of the Number of Full Time Editorial Employees at the Various Domestic Bureaus.*

Number of edito- rial em- ployees	Location of bureau	Number of editorial employees	
		UP	INS
AP			
161	New York, N. Y.....	153	37
78	Washington, D. C.....	58	27
12	Philadelphia, Pa.....	10	3
22	Boston, Mass.....	9	7
7	Pittsburgh, Pa.....	8	2
9	Albany, N. Y.....	15	1
4	Buffalo, N. Y.....		...
5	Harrisburg, Pa.....		4
...	Hartford, Conn.....		1
7	New Haven, Conn.....	...	...
[fol. 1352]			
1	Augusta, Maine.....	...	...
5	Portland, Maine.....	...	...
1	Rochester, N. Y.....	...	...
1	Syracuse, N. Y.....	...	...
10	Newark, N. J.....	...	...
4	Trenton, N. J.....	...	...
2	Annapolis, Md.....	...	...
9	Baltimore, Md.....	...	...
338	Sub total Eastern Region.....	253	82
22	Atlanta, Ga.....	9	4
4	Raleigh, N. C.....	11	...
4	Miami, Fla.....		...
3	Memphis, Tenn.....		...
7	New Orleans, La.....		1
9	Richmond, Va.....	1	...
3	Columbia, S. C.....	1	...
4	Jacksonville, Fla.....	1	...
5	Nashville, Tenn.....	1	...
3	Birmingham, Ala.....	1	...
2	Montgomery, Ala.....	...	1
1	Norfolk, Va.....	(*)	...
8	Charlotte, N. C.....	...	...
2	Tallahassee, Fla.....	...	...
1	Chattanooga, Tenn.....	...	...
1	Knoxville, Tenn.....	...	...
1	Jackson, Miss.....	...	...
1	Baton Rouge, La.....	...	...
81	Sub total: Southeastern Region.....	25	6
5	Cleveland, Ohio.....	23	2
13	Columbus, Ohio.....		5
5	Charleston, W. Va.....		...
11	Detroit, Mich.....		3
3	Lansing, Mich.....	1	...
...	Ft. Wayne, Ind.....		...
3	Cincinnati, Ohio.....		...
2	Huntington, W. Va.....		...
1	Grand Rapids, Mich.....	...	...
1	Battle Creek, Mich.....	...	...
1	Ann Arbor, Mich.....	...	...
7	Louisville, Ky.....	...	...
2	Lexington, Ky.....	...	...
2	Frankfort, Ky.....	...	...
56	Subtotal: Great Lakes Region.....	24	5

\* No full-time editorial employees are reported for the UP Bureau at Norfolk.

Number of edito- rial em- ployees	Location of bureau	Number of editorial employees	
		UP	INS
AP			
30	Chicago, Ill.	33	16
2	Springfield, Ill.		2
8	Indianapolis, Ind.		3
6	Milwaukee, Wis.		
3	Madison, Wis.	37	2
5	Omaha, Nebr.		1
2	Lincoln, Nebr.		
7	Des Moines, Iowa		
9	Minneapolis, Minn.		
[fol. 1353]			
...	Herrin, Ill.	1	...
1	Centralia, Ill.		...
1	Davenport, Iowa		...
2	Bismarck, N. Dak.		...
1	Fargo, N. Dak.		...
2	Pierre, S. Dak.		...
1	Sioux Falls, S. Dak.		...
80	Subtotal: Central Region	71	24
5	St. Louis, Mo.	6	2
14	Dallas, Texas	7	2
20	Kansas City, Mo.		
5	Little Rock, Ark.		(**)
6	Oklahoma City, Okla.	19	4
11	Denver, Colo.		1
2	Austin, Tex.		
3	Jefferson City, Mo.	1	
...	Houston, Tex.	1	...
2	Topeka, Kans.		...
1	Wichita, Kans.		...
2	Tulsa, Okla.		(**)
4	Albuquerque, N. Mex.		...
2	Santa Fe, N. Mex.		...
1	Cheyenne, Wyo.		...
78	Subtotal: Southwestern Region	34	10
9	Seattle, Wash.		1
5	Portland, Oreg.		2
2	Boise, Idaho	13	...
4	Salt Lake City, Utah		...
2	Spokane, Wash.	1	...
1	Olympia, Wash.	1	...
2	Salem, Oreg.	1	...
3	Helena, Mont.	1	...
1	Reno, Nev.	1	...
2	Tacoma, Wash.		...
31	Subtotal: Pacific Northwest Region	18	3
25	San Francisco, Calif.	15	10
13	Los Angeles, Calif.	11	6
3	Sacramento, Calif.		2
2	San Diego, Calif.	7	...
...	Fresno, Calif.	1	...

\*\* No full-time editorial employees are reported for these INS Bureaus.

Number of edito- rial em- ployees	Location of bureau	Number of editorial employees	
		UP	INS
AP			
...	Monterey, Calif.....	1	...
6	Phoenix, Ariz.....	1	...
<u>49</u>	Subtotal: Pacific Southwest Region.....	<u>36</u>	<u>18</u>
	Grand total.....	...	...
<b>713</b>	Full-time editorial employees.....	<b>461</b>	<b>148</b>

## AP AND UP DOMESTIC BUREAUS

*Statement, as of August 1942, of the normal range of hours during which one or more editorial employees were on duty.*

AP			UP <sup>1</sup>				
Range of hours of editorial employees		Total hours during which one or more editorial employees were on duty	Location of bureau	Range of hours of editorial employees		Total hours during which one or more editorial employees were on duty	
From—	To—			From—	To—		
		24	Boston, Mass.....			24	
		24	Albany, N. Y.....	9:00 A. M.	1:00 A. M.	16	
		24	New York, N. Y.....			24	
		24	Newark, N. J.....		No bureau	.....	
		24	Philadelphia, Pa.....	5:30 A. M.	1:00 A. M.	19½	
		24	Washington, D. C.....			24	
		24	Atlanta, Ga.....	5:30 A. M.	1:30 A. M.	20	
		24	Columbus, Ohio.....	6:30 A. M.	8:00 P. M.	13½	
		24	Detroit, Mich.....	7:00 A. M.	2:00 A. M.	19	
		24	Chicago, Ill.....			24	
		24	St. Louis, Mo.....			24	
		24	Kansas City, Mo.....	7:00 A. M.	1:00 A. M.	18	
		24	Denver, Colo.....	7:00 A. M.	1:00 A. M.	18	
		24	San Francisco, Calif.....			24	
		24	Seattle, Wash.....	6:00 A. M.	3:30 P. M.	9½	
10:00 A. M.	2:00 P. M.	4	Chattanooga, Tenn.....		No bureau	.....	
7:00 A. M.	3:00 P. M.	8	Fargo, N. Dak.....		No bureau	.....	
7:00 A. M.	3:30 P. M.	8½	Centralia, Ill.....		No bureau	.....	
7:30 A. M.	4:00 P. M.	8½	Salem, Oreg.....	(*)	(*)	(*)	
7:30 A. M.	4:00 P. M.	8½	Sioux Falls, S. Dak.....		No bureau	.....	

8:00 A. M.	4:30 P. M.	8½	Davenport, Iowa.....		No bureau	
8:00 A. M.	4:30 P. M.	8½	Syracuse, N. Y.....		No bureau	
8:00 A. M.	4:30 P. M.	8½	Tacoma, Wash.....		No bureau	
8:30 A. M.	5:00 P. M.	8½	Wichita, Kans.....		No bureau	
9:00 A. M.	5:00 P. M.	8	Knoxville, Tenn.....		No bureau	
7:30 A. M.	5:00 P. M.	9½	Madison, Wis.....	7:00 A. M.	3:00 P. M.	8
8:30 A. M.	5:00 P. M.	8½	Rochester, N. Y.....		No bureau	
8:30 A. M.	5:00 P. M.	8½	Olympia, Wash.....	(*)	(*)	(*)
8:00 A. M.	5:30 P. M.	9½	Springfield, Ill.....	7:00 A. M.	4:10 P. M.	9¼
8:00 A. M.	5:30 P. M.	9½	Topeka, Kans.....		No bureau	
9:00 A. M.	5:30 P. M.	8½	Augusta, Maine.....		No bureau	
9:00 A. M.	5:30 P. M.	8½	Annapolis, Md.....		No bureau	
9:00 A. M.	5:30 P. M.	8½	Battle Creek, Mich.....		No bureau	
9:00 A. M.	5:30 P. M.	8½	Ann Arbor, Mich.....		No bureau	
9:00 A. M.	5:30 P. M.	8½	Grand Rapids, Mich.....		No bureau	
8:00 A. M.	5:30 P. M.	9½	Lincoln, Nebr.....	7:00 A. M.	3:00 P. M.	8
9:00 A. M.	5:30 P. M.	8½	Reno, Nev.....	(*)	(*)	(*)
9:00 A. M.	5:00 P. M.	8½	Norfolk, Va.....	(2)	(2)	(2)
9:00 A. M.	5:30 P. M.	8½	Cheyene, Wyo.....		No bureau	
8:00 A. M.	6:00 P. M.	10	Tallahassee, Fla.....		No bureau	
8:00 A. M.	6:00 P. M.	10	Bismarck, N. Dak.....		No bureau	

[fol. 1355]

7:30 A. M.	6:00 P. M.	10½	Pierre, S. Dak.....		No bureau	
8:00 A. M.	6:00 P. M.	10	Austin, Tex.....	9:00 A. M.	5:00 P. M.	8
9:00 A. M.	6:30 P. M.	9½	Sacramento, Calif.....	6:00 A. M.	9:40 P. M.	15¾
8:30 A. M.	6:30 P. M.	10	Frankfort, Ky.....		No bureau	
8:00 A. M.	6:30 P. M.	10½	Jefferson City, Mo.....	(*)	(*)	(*)
8:00 A. M.	7:00 P. M.	11	Boise, Idaho.....	7:30 A. M.	3:00 P. M.	7½
8:00 A. M.	7:00 P. M.	11	Lansing, Mich.....	7:00 A. M.	3:30 P. M.	8½
9:00 A. M.	7:00 P. M.	10	Jackson, Miss.....		No bureau	
7:00 A. M.	9:00 P. M.	14	Montgomery, Ala.....		No bureau	
9:00 A. M.	9:00 P. M.	12	Baton Rouge, La.....		No bureau	
8:00 A. M.	9:30 P. M.	13½	Santa Fe, N. Mex.....		No bureau	
8:30 A. M.	9:30 P. M.	13	Trenton, N. J.....		No bureau	

See footnotes at end of table.

# EXHIBIT B-1—Continued

AP			Location of bureau	UP <sup>1</sup>		
Range of hours of editorial employees		Total hours during which one or more editorial employees were on duty		Range of hours of editorial employees		Total hours during which one or more editorial employees were on duty
From—	To—			From—	To—	
10:00 A. M.	11:00 P. M.	13	Lexington, Ky.....	.....	No bureau	.....
8:00 A. M.	Midnight	16	Birmingham, Ala.....	(*)	(*)	(*)
8:00 A. M.	Midnight	16	San Diego, Calif.....	.....	.....	24
8:00 A. M.	Midnight	16	Raleigh, N. C.....	11:00 A. M.	1:00 A. M.	14
8:30 A. M.	Midnight	15½	Tulsa, Okla.....	.....	No bureau	.....
7:30 A. M.	12:30 A. M.	17	Phoenix, Ariz.....	(*)	(*)	(*)
7:00 A. M.	12:30 A. M.	17½	Memphis, Tenn.....	6:00 A. M.	4:00 P. M.	10
7:00 A. M.	12:30 A. M.	17½	Nashville, Tenn.....	(*)	(*)	(*)
6:30 A. M.	12:30 A. M.	18	Albuquerque, N. Mex.....	.....	No bureau	.....
8:00 A. M.	1:00 A. M.	17	Little Rock, Ark.....	8:00 A. M.	3:00 P. M.	7
8:30 A. M.	1:00 A. M.	16½	Jacksonville, Fla.....	(*)	(*)	(*)
5:30 A. M.	1:00 A. M.	19½	Louisville, Ky.....	.....	No bureau	.....
8:30 A. M.	1:00 A. M.	16½	Helena, Mont.....	(*)	(*)	(*)
7:30 A. M.	1:00 A. M.	17½	Huntington, W. Va.....	.....	No bureau	.....
8:00 A. M.	1:00 A. M.	17	Spokane, Wash.....	(*)	(*)	(*)
8:30 A. M.	1:30 A. M.	17	Cincinnati, Ohio.....	.....	No bureau	.....
8:00 A. M.	1:30 A. M.	17½	Charleston, W. Va.....	11:00 A. M.	8:00 P. M.	9
6:30 A. M.	1:30 A. M.	19	Milwaukee, Wis.....	7:00 A. M.	1:00 A. M.	18
7:00 A. M.	1:30 A. M.	18½	Portland, Ore.....	6:00 A. M.	Midnight	18
8:00 A. M.	2:00 A. M.	18	Miami, Fla.....	1:30 P. M.	1:15 A. M.	11¾
6:00 A. M.	2:00 A. M.	20	Des Moines, Iowa.....	7:00 A. M.	Midnight	17
7:30 A. M.	2:00 A. M.	18½	New Orleans, La.....	6:00 A. M.	9:30 P. M.	15½
6:00 A. M.	2:00 A. M.	20	Baltimore, Md.....	.....	No bureau	.....
7:00 A. M.	2:00 A. M.	19	Omaha, Nebr.....	4:30 A. M.	10:00 A. M.	17½
6:00 A. M.	2:00 A. M.	20	Charlotte, N. C.....	.....	No bureau	.....
6:30 A. M.	2:00 A. M.	19	Salt Lake City, Utah.....	6:00 A. M.	10:00 A. M.	16
7:00 A. M.	2:00 A. M.	19	Richmond, Va.....	(*)	(*)	(*)

6:00 A. M.	2:30 A. M.	20½	Minneapolis . . . . .	6:00 A. M.	Midnight	18
7:30 A. M.	2:30 A. M.	19	Buffalo, N. Y. . . . .	8:00 A. M.	1:00 A. M.	17
7:00 A. M.	2:30 A. M.	19½	Oklahoma City, Okla. . . . .	6:00 A. M.	5:00 P. M.	11
8:00 A. M.	2:30 A. M.	18½	Harrisburg, Pa. . . . .	8:00 A. M.	8:00 P. M.	12
8:00 A. M.	2:30 A. M.	18½	Columbia, S. C. . . . .	(*)	(*)	(*)
6:30 A. M.	2:30 A. M.	20	Dallas, Tex. . . . .	6:00 A. M.	7:00 P. M.	13
6:30 A. M.	3:00 A. M.	20½	Indianapolis, Ind. . . . .	3:00 A. M.	1:00 A. M.	22
7:00 A. M.	3:00 A. M.	20	Pittsburgh, Pa. . . . .	4:00 A. M.	1:15 A. M.	21¼
6:30 A. M.	3:30 A. M.	21	New Haven, Conn. . . . .		No bureau	.....
9:00 A. M.	3:30 A. M.	18½	Portland, Maine . . . . .		No bureau	.....
7:30 A. M.	6:00 A. M.	22½	Los Angeles, Calif. . . . .			24
[fol. 1356]						
7:15 A. M.	3:30 A. M.	20¼	Cleveland, Ohio . . . . .	6:00 A. M.	12:40 A. M.	18¾
No bureau			Monterey, Calif. . . . .	(*)	(*)	(*)
No bureau			Fresno, Calif. . . . .	(*)	(*)	(*)
No bureau			Herrin, Ill. . . . .	(*)	(*)	(*)
No bureau			Fort Wayne, Ind. . . . .	(*)	(*)	(*)
No bureau			Hartford, Conn. . . . .	7:00 A. M.	2:40 P. M.	7¾
No bureau			Houston, Tex. . . . .	(*)	(*)	(*)

<sup>1</sup> Hours of employment for editorial employees, as reported for UP, do not include hours of Bureau Managers.

<sup>2</sup> No full time editorial employee is reported for the Norfolk, Va. bureau of UP.

\* This bureau is staffed by a manager; his hours are irregular and he is said to be "responsible for news coverage twenty-four hours of each day." (See Affidavit of Edwin Moss Williams, dated May 14, 1943.)



## EXHIBIT B-2

## AP AND UP DOMESTIC BUREAUS

*Statement as of August 1942, of number of bureaus normally having one or more editorial employees on duty at any time between the hours of 7:00 P. M. and 6:00 A. M. arranged according to a schedule of closing hours after which no editorial employee was normally on duty.*

## AP

Number of bureaus with one or more editorial employees on duty after 7:00 P. M.—59:

2 bureaus "close" at 9:00 P. M.—56 bureaus remain open after 9:00 P. M.

2 bureaus "close" at 9:30 P. M.—54 bureaus remain open after 9:30 P. M.

1 bureau "closes" at 11:00 P. M.—53 bureaus remain open after 11:00 P. M.

4 bureaus "close" at Midnight—49 bureaus remain open after Midnight.

4 bureaus "close" at 12:30 A. M.—45 bureaus remain open after 12:30 A. M.

6 bureau- "close" at 1:00 A. M.—39 bureaus remain open after 1:00 A. M.

4 bureaus "close" at 1:30 A. M.—35 bureaus remain open after 1:30 A. M.

[fol. 1357] 8 bureaus "close" at 2:00 A. M.—27 bureaus remain open after 2:00 A. M.

6 bureaus "close" at 2:30 A. M.—21 bureaus remain open after 2:30 P. M.

2 bureaus "close" at 3:00 A. M.—19 bureaus remain open after 3:00 A. M.

3 bureaus "close" at 3:30 A. M.—16 bureaus remain open after 3:30 A. M.

NOTE.—These 16 bureaus had one or more editorial employees on duty throughout the entire period 7:00 P. M. to 6:00 A. M.

## UP\*

Number of bureaus with one or more editorial employees on duty after 7:00 P. M.—31:

3 bureaus "close" at 8:00 P. M.—28 bureaus remain open after 8:00 P. M.

1 bureau "closes" at 9:30 P. M.—27 bureaus remain open after 9:30 P. M.

1 bureau "closes" at 9:40 P. M.—26 bureaus remain open after 9:40 P. M.

2 bureaus "close" at 10:00 P. M.—24 bureaus remain open after 10:00 P. M.

3 bureaus "close" at Midnight—21 bureaus remain open after Midnight.

1 bureau "closes" at 12:30 A. M.—20 bureaus remain open after 12:30 A. M.

8 bureaus "close" at 1:00 A. M.—12 bureaus remain open after 1:00 A. M.

2 bureaus "close" at 1:15 A. M.—10 bureaus remain open after 1:15 A. M.

1 bureau "closes" at 1:30 A. M.—9 bureaus remain open after 1:30 A. M.

1 bureau "closes" at 2:00 A. M.—8 bureaus remain open after 2:00 A. M.

NOTE.—These 8 bureaus had one or more editorial employees on duty throughout the entire period, 7:00 P. M. to 6:00 A. M.

## EXHIBIT C-1

This document has been omitted in printing.

\* This tabulation of "closing" hours and the number of bureaus remaining "open" after certain specified hours does not give effect to the early opening hours of certain UP bureaus. As of August 1942, one or more editorial employees customarily reported for work before 6:00 A. M. at the following UP bureaus:

Indianapolis, Ind.....	3:00 A. M.
Pittsburgh, Pa.....	4:00 A. M.
Atlanta, Ga.....	5:30 A. M.
Philadelphia, Pa.....	5:30 A. M.
Omaha, Nebr.....	4:30 A. M.

This document has been omitted in printing.

## EXHIBIT C-3

*Distribution of Morning Daily English Language Newspapers by States (a) Regular Members of AP, and (b) not Regular Members of AP and Obligated to Furnish Their Local News to UP.*

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Alabama:				
(a) AP.....	2	2	...	4
(b) UP.....	...	1	...	1
Arizona:				
(a) AP.....	2	2	...	4
(b) UP.....	...	...	...	...
Arkansas:				
(a) AP.....	2	1	1	4
(b) UP.....	1	...	...	1
California:				
(a) AP.....	8	4	4	16
(b) UP.....	9	2	1	12
Colorado:				
(a) AP.....	1	1	...	2
(b) UP.....	1	1	...	2
Connecticut:				
(a) AP.....	...	6	...	6
(b) UP.....	...	...	...	...
Delaware:				
(a) AP.....	...	1	...	1
(b) UP.....	...	...	...	...
District of Columbia:				
(a) AP.....	...	...	1	1
(b) UP.....	...	...	1	1
Florida:				
(a) AP.....	4	3	3	10
(b) UP.....	1	...	...	1
Georgia:				
(a) AP.....	...	4	1	5
(b) UP.....	...	...	...	...
Idaho:				
(a) AP.....	4	1	...	5
(b) UP.....	...	...	...	...
Illinois:				
(a) AP.....	2	4	1	7
(b) UP.....	1	1	1	3
Indiana:				
(a) AP.....	4	7	2	13
(b) UP.....	1	...	...	1
[fol. 1359]				
Iowa:				
(a) AP.....	1	...	2	3
(b) UP.....	...	...	...	...

## EXHIBIT C-3—Continued

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Kansas:				
(a) AP.....	2	1	2	5
(b) UP.....	1	...	...	1
Kentucky:				
(a) AP.....	3	2	1	6
(b) UP.....	...	...	...	...
Louisiana:				
(a) AP.....	1	1	2	4
(b) UP.....	...	...	...	...
Maine:				
(a) AP.....	1	4	1	5
(b) UP.....	...	...	...	...
Maryland:				
(a) AP.....	3	...	1	4
(b) UP.....	1	...	...	1
Massachusetts:				
(a) AP.....	2	3	4	9
(b) UP.....	1	...	...	1
Michigan:				
(a) AP.....	3	1	1	5
(b) UP.....	...	...	...	...
Minnesota:				
(a) AP.....	1	1	2	4
(b) UP.....	...	...	...	...
Mississippi:				
(a) AP.....	2	1	...	3
(b) UP.....	1	...	...	1
Missouri:				
(a) AP.....	2	3	2	7
(b) UP.....	1	...	...	1
Montana:				
(a) AP.....	5	3	...	8
(b) UP.....	1	...	...	1
Nebraska:				
(a) AP.....	2	1	1	4
(b) UP.....	2	...	...	2
Nevada:				
(a) AP.....	...	...	...	...
(b) UP.....	1	...	...	1
New Hampshire:				
(a) AP.....	...	1	...	1
(b) UP.....	...	...	...	...
New Jersey:				
(a) AP.....	1	3	1	5
(b) UP.....	1	1	...	2
New Mexico:				
(a) AP.....	1	1	...	2
(b) UP.....	...	...	...	...
New York:				
(a) AP.....	6	6	7	19
(b) UP.....	3	1	...	4
North Carolina:				
(a) AP.....	1	4	3	8
(b) UP.....	1	...	...	1
[fol. 1360]				
North Dakota:				
(a) AP.....	...	2	...	2
(b) UP.....	...	...	...	...

## EXHIBIT C-3—Continued

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Ohio:				
(a) AP.....	...	5	3	8
(b) UP.....	...	...	...	...
Oklahoma:				
(a) AP.....	4	2	2	8
(b) UP.....	...	...	...	...
Oregon:				
(a) AP.....	2	...	1	3
(b) UP.....	2	...	...	2
Pennsylvania:				
(a) AP.....	12	13	3	28
(b) UP.....	3	...	...	3
Rhode Island:				
(a) AP.....	1	1	...	2
(b) UP.....	...	...	...	...
South Carolina:				
(a) AP.....	3	4	...	7
(b) UP.....	...	...	...	...
South Dakota:				
(a) AP.....	2	...	...	2
(b) UP.....	...	...	...	...
Tennessee:				
(a) AP.....	1	2	2	5
(b) UP.....	1	...	...	1
Texas:				
(a) AP.....	5	13	4	22
(b) UP.....	1	...	...	1
Utah:				
(a) AP.....	...	...	1	1
(b) UP.....	1	...	...	1
Vermont:				
(a) AP.....	...	2	...	2
(b) UP.....	...	...	...	...
Virginia:				
(a) AP.....	4	4	2	10
(b) UP.....	...	...	...	...
Washington:				
(a) AP.....	3	...	2	5
(b) UP.....	1	...	...	1
West Virginia:				
(a) AP.....	3	5	1	9
(b) UP.....	...	...	...	...
Wisconsin:				
(a) AP.....	...	1	1	2
(b) UP.....	...	...	...	...
Wyoming:				
(a) AP.....	...	...	...	...
(b) UP.....	4	1	...	5
Total:				
AP.....	106	126	64	296
UP.....	41	8	3	52

[fol. 1361]

## EXHIBIT C-4

*Distribution of Evening Daily English Language Newspapers by States (a) Regular Members of AP, (b) Not Regular Members of AP and Obligated to Furnish Their Local News to UP, and (c) Not Regular Members of AP and Obligated to Furnish Their Local News to INS.*

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Alabama:				
(a) AP.....	8	1	1	10
(b) UP.....	2	1	1	4
(c) INS.....	...	...	...	...
Arizona:				
(a) AP.....	2	2	...	4
(b) UP.....	1	...	...	1
(c) INS.....	...	...	...	...
Arkansas:				
(a) AP.....	16	1	1	18
(b) UP.....	7	...	...	7
(c) INS.....	...	...	...	...
California:				
(a) AP.....	18	13	5	36
(b) UP.....	47	2	2	51
(c) INS.....	2	1	...	3
Colorado:				
(a) AP.....	12	1	1	14
(b) UP.....	8	...	...	8
(c) INS.....	...	...	...	...
Connecticut:				
(a) AP.....	7	6	2	15
(b) UP.....	3	2	...	5
(c) INS.....	...	...	...	...
Delaware:				
(a) AP.....	...	1	...	1
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
District of Columbia:				
(a) AP.....	...	...	1	1
(b) UP.....	...	...	2	2
(c) INS.....	...	...	...	...
Florida:				
(a) AP.....	18	5	...	23
(b) UP.....	2	...	...	2
(c) INS.....	1	...	...	1
Georgia:				
(a) AP.....	12	4	1	17
(b) UP.....	3	...	...	3
(c) INS.....	...	...	...	...
Idaho:				
(a) AP.....	8	...	...	8
(b) UP.....	1	1	...	2
(c) INS.....	...	...	...	...
[fol. 1362]				
Illinois:				
(a) AP.....	22	19	3	44
(b) UP.....	26	3	...	29
(c) INS.....	5	...	...	5

## EXHIBIT C-4—Continued

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Indiana:				
(a) AP.....	15	8	3	26
(b) UP.....	28	3	1	32
(c) INS.....	8	1	...	9
Iowa:				
(a) AP.....	14	13	1	28
(b) UP.....	7	...	...	7
(c) INS.....	5	...	...	5
Kansas:				
(a) AP.....	35	3	1	39
(b) UP.....	1	1	...	2
(c) INS.....	...	...	...	...
Kentucky:				
(a) AP.....	13	3	1	17
(b) UP.....	1	...	...	1
(c) INS.....	1	...	...	1
Louisiana:				
(a) AP.....	3	4	2	9
(b) UP.....	1	...	...	1
(c) INS.....	...	...	...	...
Maine:				
(a) AP.....	2	3	...	5
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
Maryland:				
(a) AP.....	5	1	2	8
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
Massachusetts:				
(a) AP.....	9	12	5	26
(b) UP.....	2	5	...	7
(c) INS.....	8	...	...	8
Michigan:				
(a) AP.....	15	12	3	30
(b) UP.....	17	1	1	19
(c) INS.....	1	...	1	2
Minnesota:				
(a) AP.....	14	6	3	23
(b) UP.....	5	...	...	5
(c) INS.....	...	...	...	...
Mississippi:				
(a) AP.....	10	4	...	14
(b) UP.....	3	...	...	3
(c) INS.....	...	...	...	...
Missouri:				
(a) AP.....	21	3	2	26
(b) UP.....	10	1	1	12
(c) INS.....	...	...	...	...
Montana:				
(a) AP.....	7	1	...	8
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
[fol. 1363]				
Nebraska:				
(a) AP.....	3	4	1	8
(b) UP.....	6	1	...	7
(c) INS.....	...	...	...	...

## EXHIBIT C-4—Continued

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Nevada:				
(a) AP.....	...	1	...	1
(b) UP.....	6	...	...	6
(c) INS.....	...	...	...	...
New Hampshire:				
(a) AP.....	6	2	...	8
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
New Jersey:				
(a) AP.....	5	12	1	18
(b) UP.....	2	1	1	4
(c) INS.....	...	1	1	2
New Mexico:				
(a) AP.....	11	1	...	12
(b) UP.....	1	...	...	1
(c) INS.....	...	...	...	...
New York:				
(a) AP.....	27	17	7	51
(b) UP.....	7	6	4	17
(c) INS.....	2	...	...	2
North Carolina:				
(a) AP.....	20	8	...	28
(b) UP.....	4	...	...	4
(c) INS.....	...	...	...	...
North Dakota:				
(a) AP.....	7	2	...	9
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
Ohio:				
(a) AP.....	10	18	7	35
(b) UP.....	26	4	4	34
(c) INS.....	12	2	...	14
Oklahoma:				
(a) AP.....	17	...	2	19
(b) UP.....	24	...	...	24
(c) INS.....	...	...	...	...
Oregon:				
(a) AP.....	8	2	...	10
(b) UP.....	7	...	...	7
(c) INS.....	...	...	...	...
Pennsylvania:				
(a) AP.....	24	18	2	44
(b) UP.....	31	10	3	44
(c) INS.....	11	4	...	15
Rhode Island:				
(a) AP.....	2	2	1	5
(b) UP.....	...	...	...	...
(c) INS.....	1	...	...	1
[fol. 1364]				
South Carolina:				
(a) AP.....	6	3	...	9
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
South Dakota:				
(a) AP.....	8	3	...	11
(b) UP.....	2	...	...	2
(c) INS.....	...	...	...	...



## EXHIBIT C-4—Continued

State	Average daily circulation categories (number of newspapers)			Total
	Less than 10,000	10,000 to 50,000	Over 50,000	
Tennessee:				
(a) AP.....	11	2	1	14
(b) UP.....	3	...	2	5
(c) INS.....	...	...	...	...
Texas:				
(a) AP.....	31	11	5	47
(b) UP.....	22	2	1	25
(c) INS.....	2	1	...	3
Utah:				
(a) AP.....	...	3	...	3
(b) UP.....	2	...	...	2
(c) INS.....	...	...	...	...
Vermont:				
(a) AP.....	8	...	...	8
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
Virginia:				
(a) AP.....	10	7	1	18
(b) UP.....	3	...	...	33
(c) INS.....	...	...	...	...
Washington:				
(a) AP.....	8	6	2	16
(b) UP.....	3	1	1	5
(c) INS.....	...	...	...	...
West Virginia:				
(a) AP.....	13	3	...	16
(b) UP.....	2	2	...	4
(c) INS.....	...	...	...	...
Wisconsin:				
(a) AP.....	11	13	1	25
(b) UP.....	9	2	...	11
(c) INS.....	...	...	...	...
Wyoming:				
(a) AP.....	3	1	...	4
(b) UP.....	...	...	...	...
(c) INS.....	...	...	...	...
Total AP.....	535	265	69	869
Total UP.....	335	49	24	408
Total INS.....	59	10	2	71

[fol. 1365] AFFIDAVIT OF ALFRED McCLUNG LEE

STATE OF MICHIGAN,

County of Wayne, ss.:

Alfred McClung Lee, being duly sworn, deposes and says:

Since September 1, 1942, I have been Professor of Sociology and Chairman of the Department of Sociology of Wayne University at Detroit, Michigan. I was Lecturer in Sociology in 1938-1939 and Assistant Professor of Marketing in

1939-1942 at New York University; Assistant Professor of Sociology in 1937-1938 in the Institute of Human Relations, Yale University; and Assistant Professor of Journalism in 1934-1935 and Associate Professor of Sociology and Journalism in 1935-1938 at the University of Kansas. In 1931-1934 and again in 1937-1938, I was assistant editor of the New Haven *Journal-Courier*, and in 1928-1929, I was promotion manager of the Brownsville (Pa.) *Daily Telegraph*. I am author of *The Daily Newspaper in America*, published by The Macmillan Company in 1937, and co-author of *The Fine Art of Propaganda*, published by Harcourt, Brace and Company in 1939. I have also been a frequent contributor to professional journals. I hold A. B. and A. M. degrees from the University of Pittsburgh and a Ph. D. degree from Yale University. I have been since 1941 executive director of the Institute for Propaganda Analysis and since 1937 chairman of the public relations committee of the American Sociological Society. At present I am chairman of the Committee on Post-War Planning of Wayne University and chairman of the Department of Social Service, Detroit Council of the Churches of Christ.

I have prepared the statistical tabulations appearing in Exhibits Numbers 1 to 8 inclusive, which are attached to and form a part of this affidavit. Notes on these exhibits state the source or sources from which the tabulations were derived or compiled. In the case of tabulations involving classification or selection of source figures, notes on the exhibits explain the principles or methods used in such classification or selection. I explain below the character and scope of the data furnished in each exhibit and point out some of the salient facts disclosed:

*Exhibit Number 1.*—This gives the average circulation of newspapers, for each alternate year for the period 1921-[fol. 1366] 1939, showing separately the average circulation of (a) morning papers, (b) evening papers, (c) all dailies, and (d) Sunday papers. The exhibit shows that average circulation was highest for morning papers and for all dailies in 1939 and was highest for evening and Sunday papers in 1937 (with 1939 close to the 1937 peak and higher than in any year prior to 1937). If comparable figures for 1941 had been available, they would in my judgment have shown higher average circulation in 1941 than in 1939, in all four categories. The number of newspapers in each category

was substantially less in 1941 than in 1939, as shown by Exhibit Number 4, while the circulation trend in these years, as indicated by Exhibit Number 2, was upward.

This exhibit, read in conjunction with Exhibit Number 4, demonstrates that, accompanying a progressive decline in the number of newspapers in this country, the average circulation of the newspapers which remained in the field has increased. This is particularly marked in the case of morning newspapers. Between 1921 and 1939 the average circulation of morning papers has almost doubled. The exhibit also demonstrates that, since 1929, the circulation of morning papers has been, per paper, more than twice the circulation, per paper, of evening papers.

*Exhibit Number 2.*—This exhibit shows, for the years 1920, 1930, 1935, 1940, and 1942, the total circulation of newspapers, in each of the four categories covered by Exhibit Number 1. The peak year in all categories was 1942, with the rise from 1940 to 1942 substantial. The exhibit shows that, during the period covered, the increase in circulation for morning and Sunday papers has been much greater than for evening papers. Index numbers for 1942, using 1920 as the base, are 174 for morning papers, 207 for Sunday papers, and 146 for evening papers.

*Exhibit Number 3.*—This exhibit shows, for the years 1920, 1930, 1935, and 1940, the urban (i. e., urban area of the city of publication) and nonurban circulation of newspapers, in each case of the four categories covered by Exhibit Number 1. The exhibit demonstrates that the percentage of circulation outside the city of publication is considerably higher for morning papers than for evening papers; in [fol. 1367] other words, that morning papers serve a relatively less localized reader audience.

*Exhibit Number 4.*—This exhibit shows, for each year of the period 1919-1942, the total number of United States newspapers, in each of the four categories covered in Exhibit Number 1. Except for Sunday papers, the peak in each case during this period was 1919, and for Sunday papers the peak was 1925. Beginning with 1937, the number of papers in each category has declined every year, except that the number of Sunday papers, after remaining practically stationary for the years 1938-1940, declined substantially in 1941 and 1942, with the number in 1942 almost 10% less than in 1940.

*Exhibit Number 5.*—This exhibit shows, for the years 1899, 1909, 1919, 1929, and 1939, the number of daily newspapers in existence, by States. As to the totals for the whole country, the exhibit establishes that the peak in number of dailies was 1909 and that the number has dropped in each subsequent decade year. The exhibit also demonstrates that, apart from certain South Atlantic States, the peak came early in the older States.

*Exhibit Number 6.*—This exhibit shows what the 1941 circulation of AP and non-AP daily newspapers was in the morning field and in the afternoon field, in the 50 largest cities. The exhibit shows that the total circulation in these cities of morning AP papers was 11,140,590 and that the total morning circulation of non-AP papers was 620,287, of which 277,025 represents the circulation of the *Chicago Sun*. The exhibit shows that the total circulation in these cities of evening AP papers was 10,578,759 and that the total evening circulation of non-AP papers was 2,506,959.

*Exhibit Number 7.*—This exhibit shows, for the years 1900, 1910, 1920, 1930, 1935, 1940, and 1942, the number of morning dailies and the number of evening dailies in the 25 largest cities of this country, together with the population of the cities. It also shows, for the years 1920, 1930, 1935, 1940, and 1942, the number of ownerships in the 25 cities, treating each city as a unit in computing the number of ownerships, and the total morning circulation and evening circulation and the average morning circulation and average evening circulation.

[fol. 1368] The first page of the exhibit gives the totals for the 25 cities and also, beginning with the 1920 situation, index numbers for such totals, using 1920 as a base. The remaining pages give the same data but not the index numbers for each individual city.

The totals given on the first page of the exhibit show that the number of morning dailies, number of evening dailies, and number of separate ownerships dropped in each year covered by the exhibit, except that the number of morning papers was the same in 1940 and 1942, and that the number of evening papers increased slightly between 1900 and 1910. These figures indicate that the "consolidation period" or

“consolidation decade,” sometimes discussed as being in the 1930’s, cannot be restricted to such a brief period. The drop has been rather steady since 1910.

The relative drop from 1920 to 1942 is shown by the index numbers. The 1942 index number for morning papers was 76, for evening papers 70, and for number of ownerships 73. On the other hand, the 1942 index number for average morning circulation was 232 and for average evening circulation 184.

The tables for the individual cities show that in but one city in 1900 (Newark, N. J.) was the choice of papers restricted to as few as two daily newspapers, but by 1942, such a situation obtained in seven of these cities (Milwaukee, Buffalo, Newark, N. J., Kansas City, Mo., Rochester, N. Y., Denver, and Louisville). Of these seven cities, unified ownership existed in three (Kansas City, Mo., Rochester, N. Y., and Louisville). From an average of six dailies in a city in 1900, the number had declined by 1942 to a point where only two had more than five papers, and the average number in cities other than New York City and Boston was three.

With reference to morning papers in 1942, the tables for the individual cities show the following: In Detroit, Cleveland, Baltimore, St. Louis, and Pittsburgh (ranking, respectively, fourth, sixth, seventh, eighth, and tenth in size), one paper; in Chicago, Philadelphia, and Los Angeles (ranking second, third, and fifth), two papers, with one additional all-day paper in Los Angeles; in New York and Boston (ranking first and ninth), four papers; in 14 of the remaining 15 cities, one paper (with one additional all-day paper in Washington), and in San Francisco, two papers.

*Exhibit Number 8.*—This exhibit shows, for the years 1920, 1930, and for each year of the period 1936-1942, the number of cities in which a daily newspaper was published, the number of cities which had only one daily paper, the number in which all dailies were under common control, and the number with competing dailies. The exhibit shows that of the cities in which a daily newspaper was published, the per cent thereof represented by cities with competing dailies was 42.5 in 1920 and 9.1 in 1942, and that, in every year covered by the tabulation, there was a drop in the percentage of cities having competing dailies. The per-

centage of one-newspaper cities was also steadily upward from 1920, when it was 56.0%, to 1942, when it was 78.4%.

(Signed) Alfred McClung Lee.

Subscribed and sworn to before me this 10th day of  
May 1943. Mary Ellen Hall, Notary Public.  
Comm. exp. Oct. 6, 1946.

#### EXHIBIT No. 1

Average circulation of U. S. daily and Sunday newspapers: 1921-1939\*

Year	Morning	Evening	Total, daily	Sunday
1921**	18,278	11,975	13,841	38,761
1923	21,502	13,356	15,619	40,717
1925	28,342	14,344	17,678	42,931
1927	30,361	16,301	19,784	54,199
1929	34,296	16,149	20,142	50,193
1931	34,023	16,245	20,202	49,465
1933	34,169	15,547	19,774	52,053
1935	34,448	15,821	20,055	55,824
1937	34,279	16,688	20,990	61,957
1939**	36,263	16,473	21,062	60,898

\* Tabulated from Census of Manufactures data of U. S. Bureau of the Census; figures for 1921-1933 from Alfred McClung Lee, *The Daily Newspaper in America* (Macmillan, 1937), pp. 728-9.

\*\* Statistics prior to 1921 are not strictly comparable to those given. Statistics for 1941 are not available.

[fol. 1370]

#### EXHIBIT No. 2

Total circulation of U. S. daily and Sunday newspapers: 1920-1942\*

Year**	Morning	Index Num- ber	Evening	Index Num- ber	Total daily	Index Num- ber	Sunday	Index Num- ber
1920	9,827,775	100	17,962,881	100	27,790,656	100	17,083,604	100
1930	14,434,257	147	25,154,915	140	39,589,172	142	26,413,047	155
1935	14,434,431	147	23,721,109	132	38,155,540	137	28,147,343	165
1940	16,114,018	164	25,017,593	139	41,131,611	148	32,371,092	196
1942	17,110,611	174	26,264,239	146	43,374,850	156	35,293,543	207

\* Obtained from circulation figures reported, for the year shown in the first column, by *Editor & Publisher* "International Year Book Numbers" for 1921, 1931, 1936, 1941, and 1943. The figures include only English-language daily and Sunday newspapers of general circulation; the Sunday newspapers include both independent weeklies and the issues of daily newspapers.

\*\* The circulation reported by *Editor & Publisher* is generally the average net paid circulation for the period April 1 to September 30 for the year shown in the first column, but the circulation reported is sometimes the average circulation for a shorter or longer period ending September 30 in such year.

## EXHIBIT No. 3

Urban and nonurban circulation of U. S. daily and Sunday newspapers:  
1920-1940\*

Year	Morning Npp.		Evening Npp.		All dailies		Sunday papers	
	Urban** Percent	Other Percent	Urban** Percent	Other Percent	Urban** Percent	Other Percent	Urban** Percent	Other Percent
1920	52.7	47.3	67.2	32.8	61.2	38.8	49.9	50.1
1930	55.1	44.9	67.2	32.8	62.4	37.6	48.5	51.5
1935	55.7	44.3	66.6	33.4	62.4	37.6	46.1	53.9
1940	55.3	44.7	66.9	33.1	62.0	38.0	45.8	54.2

\* Computed from Audit Bureau of Circulations figures for English-language daily and Sunday papers, as reported in *Editor & Publisher* "International Year Book Numbers" for 1920-21, 1931, 1936, and 1941. No tabulation of Audit Bureau of Circulations figures given in 1943 year book.

\*\* This is the classification given by the Audit Bureau of Circulations as "City Zone." It is the circulation in the urban area of the city of publication, an area designated by the Audit Bureau of Circulations in consultation with the newspapers whose circulation the Bureau audits. It is recognized that these areas tended to expand during the period.

[fol. 1371]

## EXHIBIT No. 4

## Number of U. S. daily and Sunday newspapers: 1919-1942\*

Year**	Morning	Evening	Total, daily	Sunday
1919.....	457	1,621	2,078	506
1920.....	437	1,605	2,042	522
1921.....	427	1,601	2,028	545
1922.....	426	1,607	2,033	546
1923.....	426	1,610	2,036	547
1924.....	420	1,585	2,005	539
1925.....	427	1,581	2,008	548
1926.....	425	1,576	2,001	545
1927.....	411	1,538	1,949	526
1928.....	397	1,542	1,939	522
1929.....	381	1,563	1,944	528
1930.....	388	1,554	1,942	521
1931.....	384	1,539	1,923	513
1932.....	380	1,533	1,913	518
1933.....	378	1,533	1,911	506
1934.....	385	1,544	1,929	505
1935.....	390	1,560	1,950	518
1936.....	405	1,584	1,989	520
1937.....	416	1,577	1,993	539
1938.....	398	1,538	1,936	523
1939.....	383	1,505	1,888	524
1940.....	380	1,498	1,878	525
1941.....	377	1,480	1,857	510
1942.....	345	1,442	1,787	474

\* English-language daily and Sunday newspapers of general circulation as listed and tabulated in *Editor & Publisher* "International Year Book Numbers" for 1920-21 and 1922-1943; 1919 data from *Editor & Publisher*, 52:30 (December 25, 1919), p. 9. The Sunday newspapers are both issues of dailies and independent weeklies.

\*\* The year given is the year for which the circulation is given in *Editor & Publisher* rather than the year when the publication carried it.

## EXHIBIT No. 5

Daily newspapers in existence at decade years: 1899-1939\*  
 [Principal peak figure for each state italicized]

State	1899	1909	1919	1929	1939
Maine.....	15	14	12	11	11
New Hampshire.....	14	(**)	(**)	11	10
Vermont.....	9	(**)	(**)	9	11
Massachusetts.....	98	86	84	74	63
Rhode Island.....	12	12	12	11	9
Connecticut.....	44	38	36	32	29
[fol. 1372]					
New York.....	207	231	214	158	140
Pennsylvania.....	196	223	201	155	146
New Jersey.....	49	54	40	38	39
Delaware.....	6	(***)	(***)	3	2
Maryland.....	18	18	18	15	13
District of Columbia.....	8	(***)	(***)	8	7
Virginia.....	37	32	31	29	30
West Virginia.....	19	34	31	31	31
North Carolina.....	26	31	33	37	40
South Carolina.....	7	13	17	16	16
Georgia.....	27	27	30	25	29
Florida.....	11	19	35	40	43
Ohio.....	170	184	165	134	120
Indiana.....	156	172	138	105	100
Illinois.....	197	194	168	120	112
Michigan.....	70	87	73	64	59
Wisconsin.....	60	65	57	53	47
Minnesota.....	44	42	50	38	38
Iowa.....	65	68	58	43	45
Missouri.....	92	91	81	61	57
North Dakota.....	9	(****)	(****)	11	11
South Dakota.....	16	(****)	(****)	14	17
Nebraska.....	32	34	29	24	26
Kansas.....	53	78	70	59	59
Kentucky.....	27	35	32	30	29
Tennessee.....	16	16	18	22	24
Alabama.....	19	26	24	21	20
Mississippi.....	13	18	14	14	21
Arkansas.....	20	29	32	33	36
Louisiana.....	23	23	17	15	17
Oklahoma.....	15	67	62	58	61
Texas.....	83	99	115	117	127
Montana.....	11	17	22	20	25
Colorado.....	42	53	44	29	33
Arizona.....	10	19	20	17	12
Nevada.....	9	15	7	9	8
Idaho.....	5	(****)	(****)	16	19
Wyoming.....	4	(****)	(****)	6	13
New Mexico.....	3	(****)	(****)	9	13
Utah.....	6	(****)	(****)	8	7
Washington.....	15	41	42	36	32
Oregon.....	21	31	33	28	24
California.....	117	166	168	169	154
Total.....	2,226	2,600	2,441	2,086	2,040

\* Data from U. S. Bureau of the Census, Census of Manufactures, for 48 States and D. C., arranged by sections of the country.

\*\* Census figures combined New Hampshire and Vermont. Together they total 22 in 1909, 25 in 1919.

\*\*\* Census figures combine Delaware and District of Columbia. Together they total 12 in 1909, 9 in 1919.

\*\*\*\* Census figures combine North Dakota and South Dakota. Together they total 31 in 1909, 34 in 1919.

\*\*\*\*\* Census figures combine Idaho, Wyoming, New Mexico and Utah. Together they total 33 in 1909, 40 in 1919.



[fol. 1373]

EXHIBIT No. 6

Circulation of AP and non-AP dailies in fifty cities: 1941\*

Place	AP morning	Non-AP morning	AP evening	Non-AP evening	AP total	Non-AP total
Fifty Cities <sup>b</sup> .....	11,140,590	620,287	10,578,759	2,506,959	21,719,349	3,117,246
1. New York .....	3,571,041	81,494	1,497,721	321,986	5,068,762	403,480
2. Chicago .....	1,065,297	298,195	1,336,191	7,200	2,401,488	305,395
3. Philadelphia .....	652,901	.....	477,021	129,670	1,129,922	129,670
4. Detroit .....	329,682	.....	363,014	319,885	692,696	319,885
5. Los Angeles .....	441,445	105,430	243,924	113,400	685,369	218,830
6. Cleveland .....	233,640	.....	123,832	241,109	357,472	241,109
7. Baltimore .....	152,401	.....	352,362	.....	504,763	.....
8. St. Louis .....	241,606	.....	248,323	164,352	489,929	164,352
9. Boston .....	599,184	5,207	680,798	.....	1,279,982	5,207
10. Pittsburgh .....	234,202	.....	168,289	228,818	402,491	228,818
11. Washington .....	142,182	124,400	162,104	169,286	304,286	294,146
12. San Francisco .....	280,499	4,386	106,524	98,296	387,023	102,682
13. Milwaukee .....	125,243	.....	262,257	21,782	387,500	21,782
14. Buffalo .....	123,658	.....	219,907	.....	343,565	.....
15. New Orleans .....	133,965	.....	126,542	.....	260,507	.....
16. Minneapolis .....	63,610	.....	310,913	.....	374,523	.....
17. Cincinnati .....	127,329	.....	152,215	150,730	279,544	150,730
18. Newark, N. J. ....	107,521	.....	189,805	.....	297,326	.....
19. Kansas City, Mo. ....	308,100	.....	312,570	64,162	620,670	64,162
20. Indianapolis .....	132,615	1,175	162,515	92,251	295,130	93,426
21. Houston, Tex. ....	102,793	.....	118,941	71,063	221,734	71,063
22. Seattle, Wash. ....	106,108	.....	115,449	62,016	221,557	62,016
23. Rochester .....	85,127	.....	102,347	.....	187,474	.....
24. Denver, Colo. ....	44,423	.....	158,063	.....	202,486	.....
25. Louisville, Ky. ....	120,442	.....	133,858	.....	254,300	.....
26. Columbus, Ohio .....	59,197	.....	153,085	73,338	212,282	73,338
27. Portland, Oreg. ....	151,591	.....	147,159	.....	298,750	.....
28. Atlanta, Ga. ....	128,362	.....	160,729	.....	289,091	.....
[fol. 1374]						
29. Oakland, Calif. ....	.....	.....	88,166	48,217	88,166	48,217
30. Jersey City, N. J. ....	.....	.....	41,230	.....	41,230	.....

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31. Dallas, Tex.....	110,713	102,582	17,657	213,295	17,657
32. Memphis, Tenn.....	125,112	96,808		221,920	
33. St. Paul, Minn.....	63,802	102,010		165,812	
34. Toledo, Ohio.....	25,510	157,461		182,971	
35. Birmingham, Ala.....	45,801	109,680	72,280	155,481	72,280
36. San Antonio, Tex.....	57,819	118,729		176,548	
37. Providence, R. I.....	39,198	116,665		155,863	
38. Akron, Ohio.....		107,453		107,453	
39. Omaha, Nebr.....	93,657	91,975		185,632	
40. Dayton, Ohio.....	29,744	120,975		150,719	
41. Syracuse, N. Y.....	74,956	103,637		178,593	
42. Oklahoma City, Okla.....	99,660	90,744		190,404	
43. San Diego, Calif.....	32,791	51,289		84,080	
44. Worcester, Mass.....	45,457	88,163		133,620	
45. Richmond, Va.....	90,527	83,656		174,183	
46. Fort Worth, Tex.....	96,535	85,773	39,001	182,308	39,001
47. Jacksonville, Fla.....	92,430	47,204		139,634	
48. Miami, Fla.....	79,827	46,463		126,290	
49. Youngstown, Ohio.....		71,060		71,060	
50. Nashville, Tenn.....	72,887	70,578		143,465	

<sup>a</sup> Division between AP and non-AP dailies determined on the basis of the AP membership list attached as Exhibit F to the complaint in *U. S. v. Associated Press*, Civil Action No. 19-163 (U. S. D. C., S. D. N. Y.), and the associate AP memberships listed in AP's answer to interrogatory No. 24 of the interrogatories filed by the plaintiff in said action. Circulation figures obtained from list in *Editor & Publisher* "1942 International Year Book Number," except in the case noted in (c) below, and are in the main for average circulation during the period from April 1 to September 30, 1941. All papers listed as "Morning Evening," "Daily," or "All day" were counted as two papers and their circulations divided between the morning and evening fields upon the basis of reports of the Audit Bureaus of Circulations as noted in (d) and (e) below. All papers listed in *Editor & Publisher*, even though that publication's apparent rule of inclusion under the label "English-language general-circulation" is rather broad and not distinct, were considered in the tabulation.

<sup>b</sup> Fifty largest cities in the order of their size in 1940 as given by the U. S. Bureau of the Census.

<sup>c</sup> Included in this figure is the circulation of the Chicago Sun for the 6-month period ending September 30, 1942, an item of 277,025 (daily average).

<sup>d</sup> The circulation of the all-day paper, the Los Angeles News, is given as 216,740. Upon the basis of edition figures given in a report of the Audit Bureau of Circulations (dated March 31, 1942), this total was distributed as follows: Morning, 103,300, and evening, 113,400.

<sup>e</sup> The circulation of the all-day paper, the Washington Times-Herald, is given as 209,105. Upon the basis of edition figures given in a report of the Audit Bureau of Circulations (dated September 30, 1942), this total was distributed as follows: Morning, 124,400, and evening, 84,700.

## EXHIBIT No. 7

Number of daily newspapers in the 25 largest cities: 1900-1942. Number of ownerships and circulation: 1900-1942 <sup>1</sup>

[fol. 1375]

Year	Population	Morning newspapers		Evening newspapers		Morning, average circulation	Evening, average circulation	Total number	Number of ownerships
		Number	Circulation	Number	Circulation				
1900.....	2,576,438	69	.....	84	.....	.....	.....	153	...
1910.....	6,647,384	66	.....	86	.....	.....	.....	152	...
1920.....	10,696,355	49	6,014,331	76	8,418,687	125,299	116,926	125	104
1930.....	15,477,606	43	9,116,889	69	11,358,463	217,069	164,617	112	96
1935.....	.....	39	9,004,188	62	9,981,351	236,952	160,990	101	86
1940.....	16,745,522	37	10,044,196	57	10,747,547	271,465	191,921	94	79
1942.....	.....	37	10,529,791	53	10,826,850	284,589	204,280	90	76
1920 <sup>2</sup> .....	100	100	100	100	100	100	100	100	100
1930.....	145	88	152	91	135	173	141	90	92
1935.....	.....	80	150	82	119	189	138	81	83
1940.....	157	76	167	75	128	217	164	79	76
1942.....	.....	76	175	70	129	232	184	72	73
1. NEW YORK CITY									
1900.....	3,437,202	8	.....	8	.....	.....	.....	16	...
1910.....	4,766,883	9	.....	7	.....	.....	.....	16	...
1920.....	5,620,048	6	1,527,658	7	1,697,000	254,610	242,429	13	9
1930.....	6,930,446	6	3,061,732	9	2,141,303	510,289	237,923	15	12
1935.....	.....	5	3,235,207	7	1,726,272	647,041	246,610	12	10
1940.....	7,454,995	4	3,551,602	8	2,001,282	887,901	250,160	12	11
1942.....	.....	4	3,568,417	8	1,947,828	892,104	243,476	12	11

## 2. CHICAGO

1900.....	1,698,575	5	.....	8	.....	.....	.....	13	...
1910.....	2,185,283	4	.....	5	.....	.....	.....	9	...
1920.....	2,701,705	2	780,673	4	922,399	390,336	230,600	6	4
1930.....	3,376,438	2	1,250,093	4	1,158,642	625,047	289,661	6	5
1935.....	.....	2	1,163,549	3	1,040,528	581,775	346,843	5	4
1940.....	3,396,808	1	1,076,866	3	1,324,156	1,076,866	441,385	4	4
1942.....	.....	2	1,283,017	3	1,304,669	641,509	434,890	5	5

## 3. PHILADELPHIA

1900.....	1,293,697	6	.....	5	.....	.....	.....	11	...
1910.....	1,549,008	5	.....	6	.....	.....	.....	11	...
1920.....	1,823,158	4	517,538	<sup>3</sup> 3	<sup>3</sup> 614,160	129,385	<sup>3</sup> 307,080	7	6
1930.....	1,950,961	3	523,653	3	963,836	174,551	321,279	6	5
1935.....	.....	2	499,893	3	836,643	249,947	278,881	5	5
1940.....	1,931,334	2	643,112	3	763,738	321,556	254,579	5	5
1942.....	.....	2	692,441	2	760,505	346,221	380,253	4	4

<sup>1</sup> Tabulated from lists in N. W. Ayer & Son, *American Newspaper Annual: 1901* and *American Newspaper Annual and Directory: 1911*, and the "International Year Book Numbers" of *Editor and Publisher* for 1920-21, 1931, 1936, 1941, and 1943. Only newspapers the circulation of which was a 1 per cent or more of the population of the city of publication were counted. This limitation was adopted to exclude trade and other special-interest papers and thus to confine the tabulation to newspapers of general circulation. All foreign-language papers were also excluded. As shown in the tables for individual cities, circulation figures were not available for the following papers: In 1920, four evening dailies, the Philadelphia *Star*, Milwaukee *Leader*, Minneapolis *Star*, and Denver *Herald*, and one morning daily, the Boston *Advertiser*; in 1930, one morning daily, the Newark *Free Press*; in 1935, one morning daily, the Los Angeles *Times*; in 1940, one evening daily, the Kansas City *Journal*. These papers were counted in computing the number of newspapers but not in computing average circulation.

<sup>2</sup> Index numbers, base 1920.

<sup>3</sup> *Editor & Publisher* lists the evening *Star* but gives no circulation for it. The circulation is not otherwise available. The paper is counted in the number of dailies but was not used in calculating the average evening circulation.