

[fols. 1956-1957]

EXHIBIT 5-A

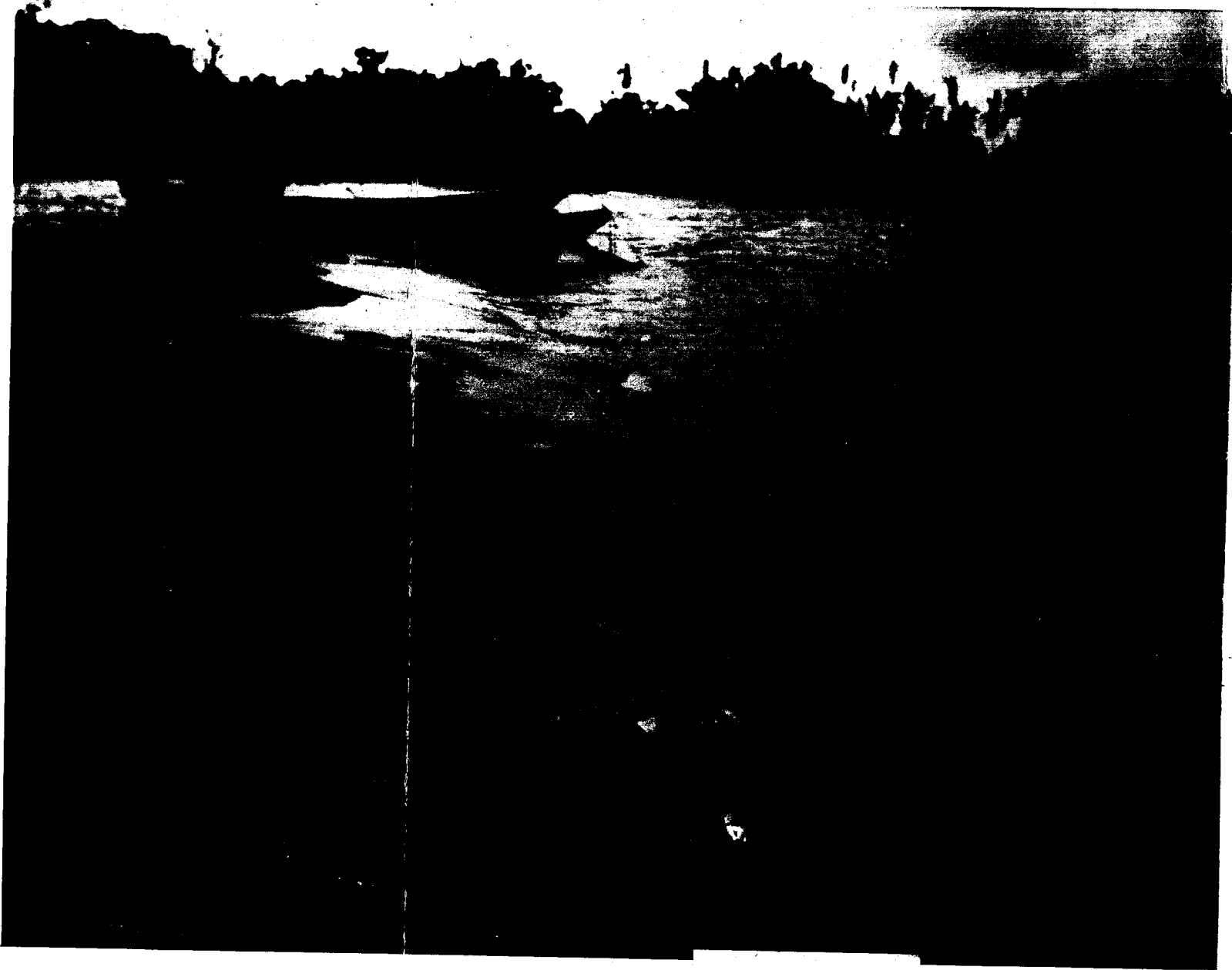


AP Wirephoto

1600

[fols. 1958-1959]

EXHIBIT 5



Acme Telephoto

[fols. 1960-1961]

EXHIBIT 5-A



AP Wirephoto

1602

[fols. 1962-1963]

EXHIBIT 5



Acme Telephoto

[fols. 1964-1965]

EXHIBIT 5-A

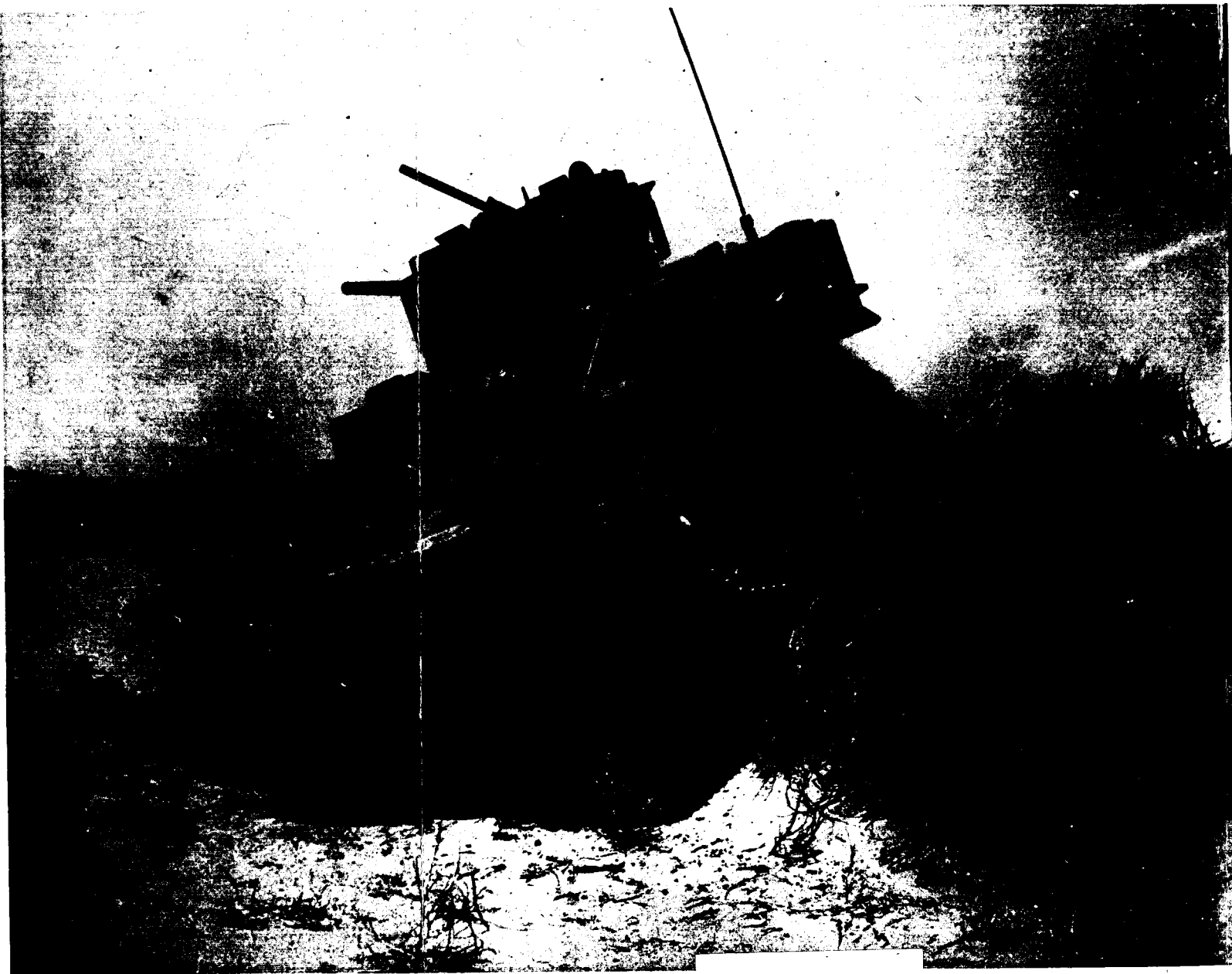


AP Wirephoto

1604

[fols. 1966-1967]

EXHIBIT 5



Acme Telephoto

[fols. 1968-1969]

EXHIBIT 5-A



AP Wirephoto

1606

[fols. 1970-1971]

EXHIBIT 5



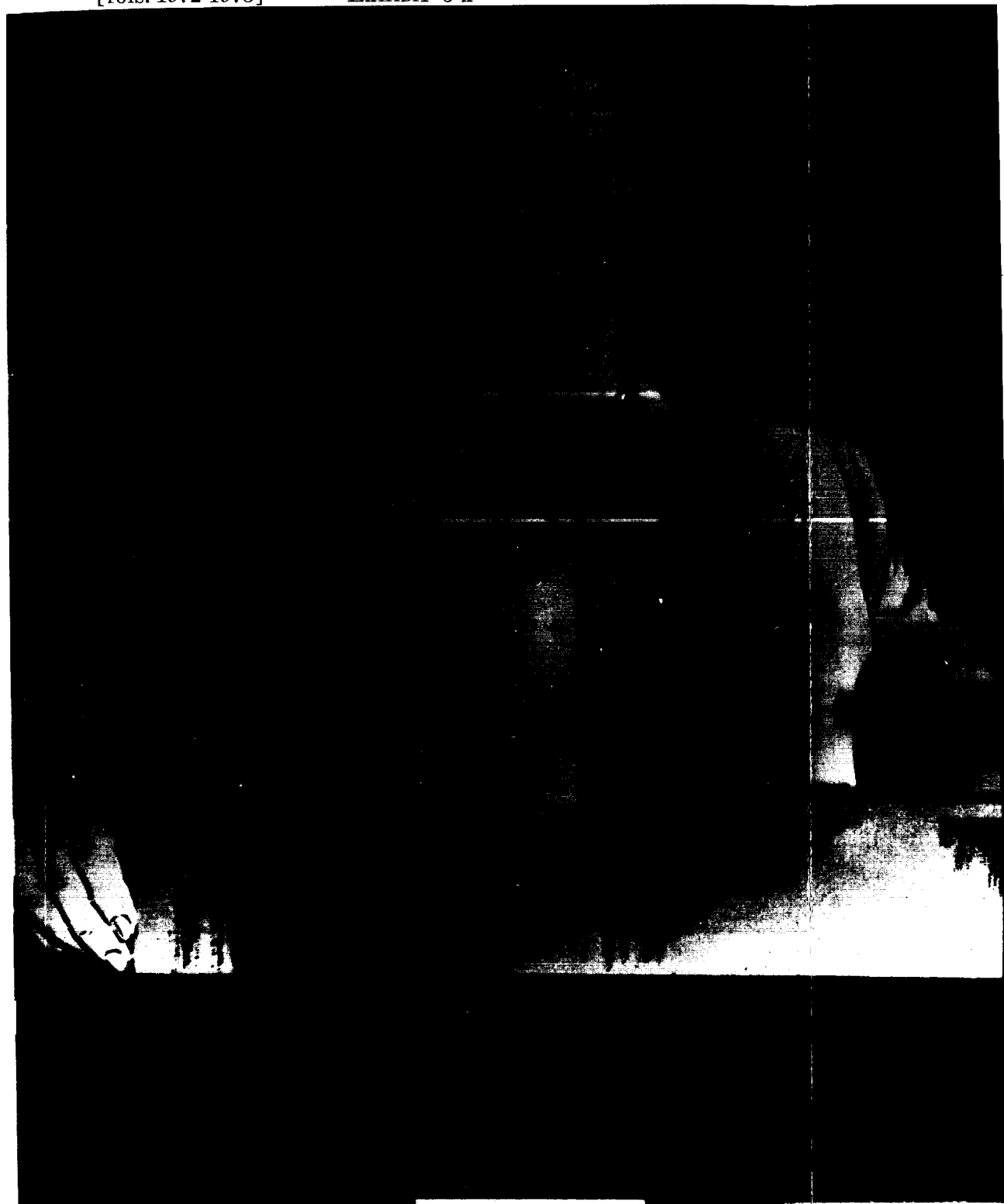
☆ The Life of *English - Chinese - English - French -
German - Italian - Japanese - Korean -
Latin - Polish - Russian - Spanish - Swedish - Turkish*
FRANKLIN D. ROOSEVELT

32nd President of the United States of America

Acme Telephoto

[fols. 1972-1973]

EXHIBIT 5-A

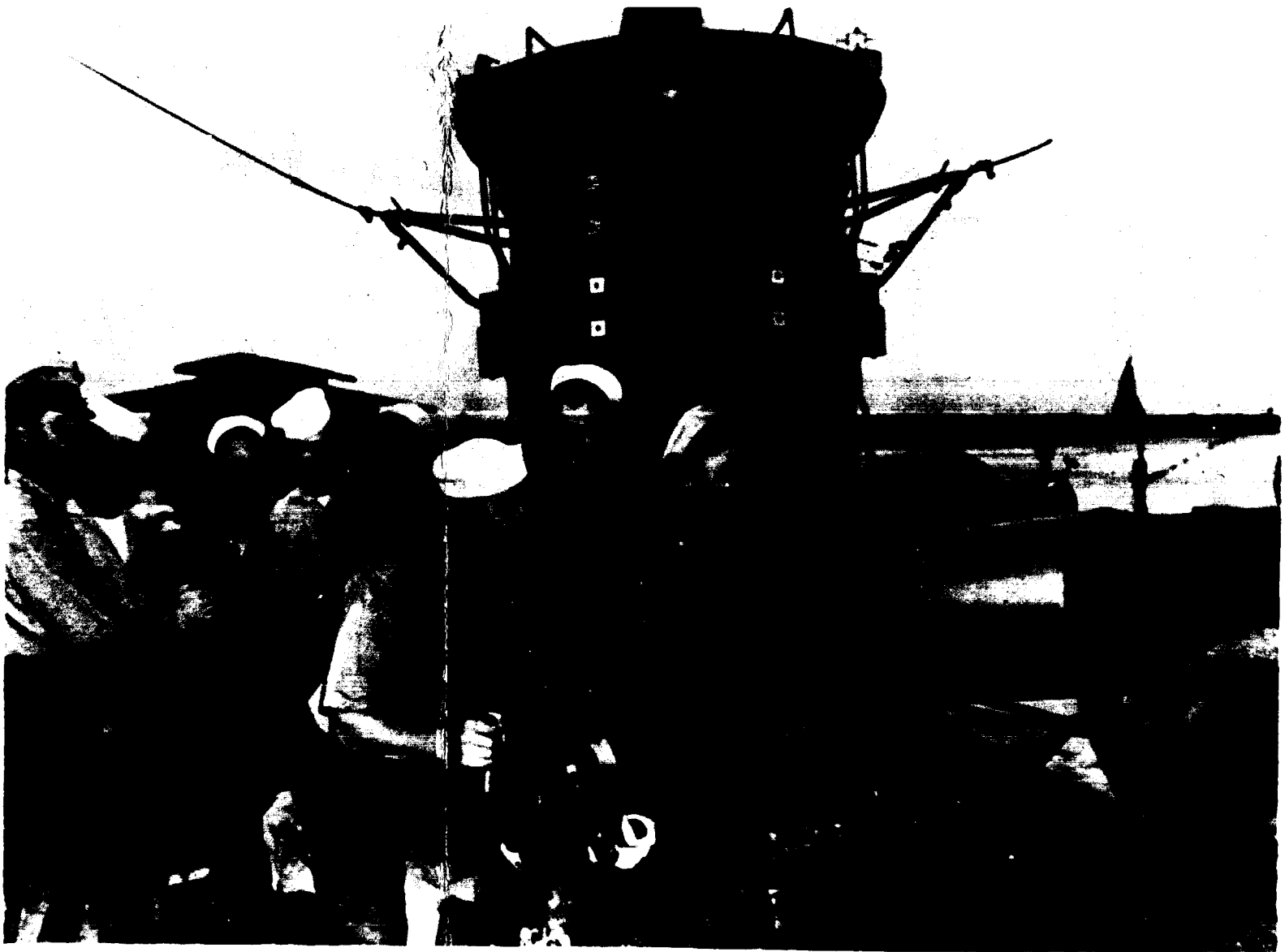


AP Wirephoto

1608

[fols. 1974-1975]

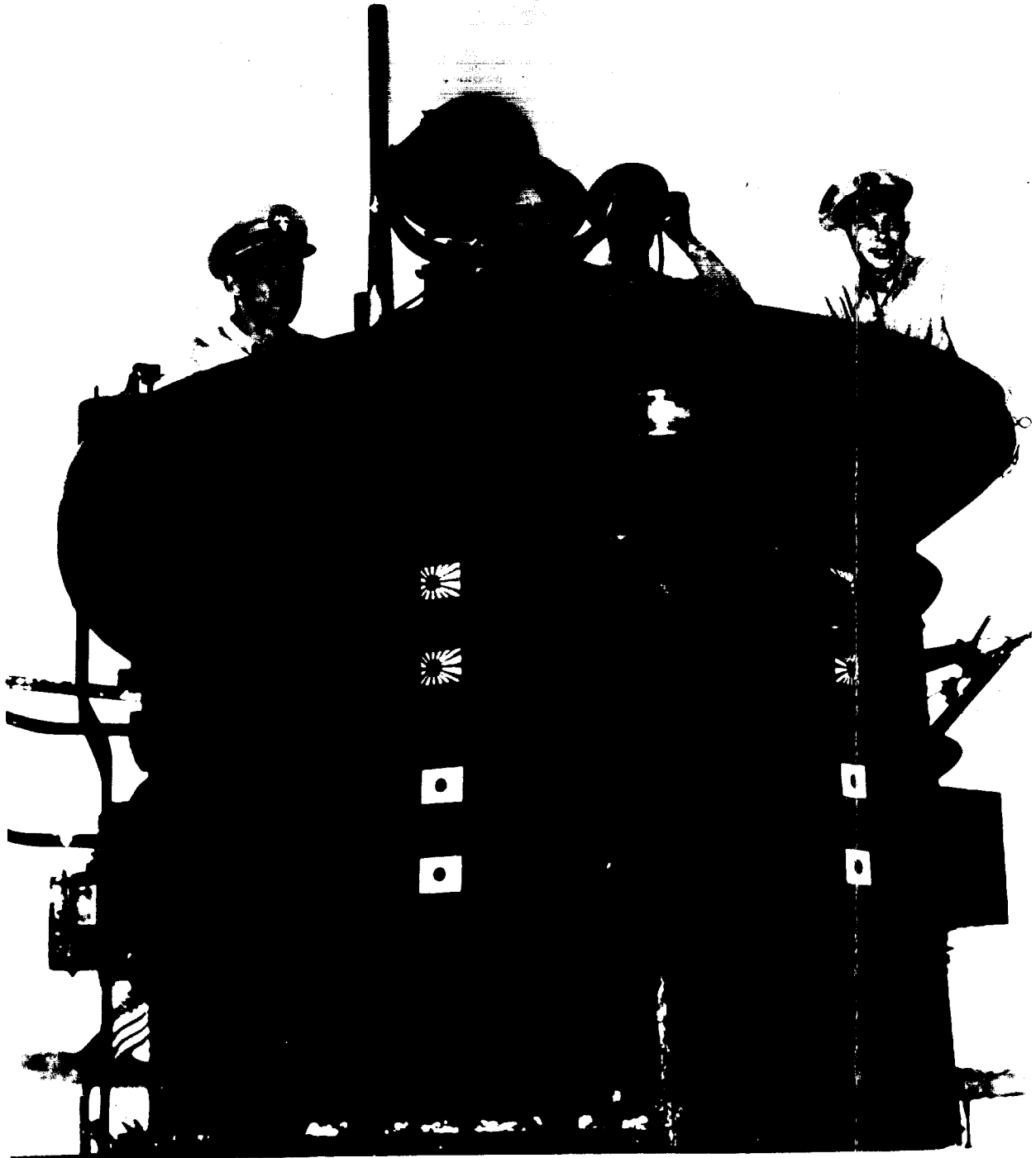
EXHIBIT 5



Acme Telephoto

[fols. 1976-1977]

EXHIBIT 5-A



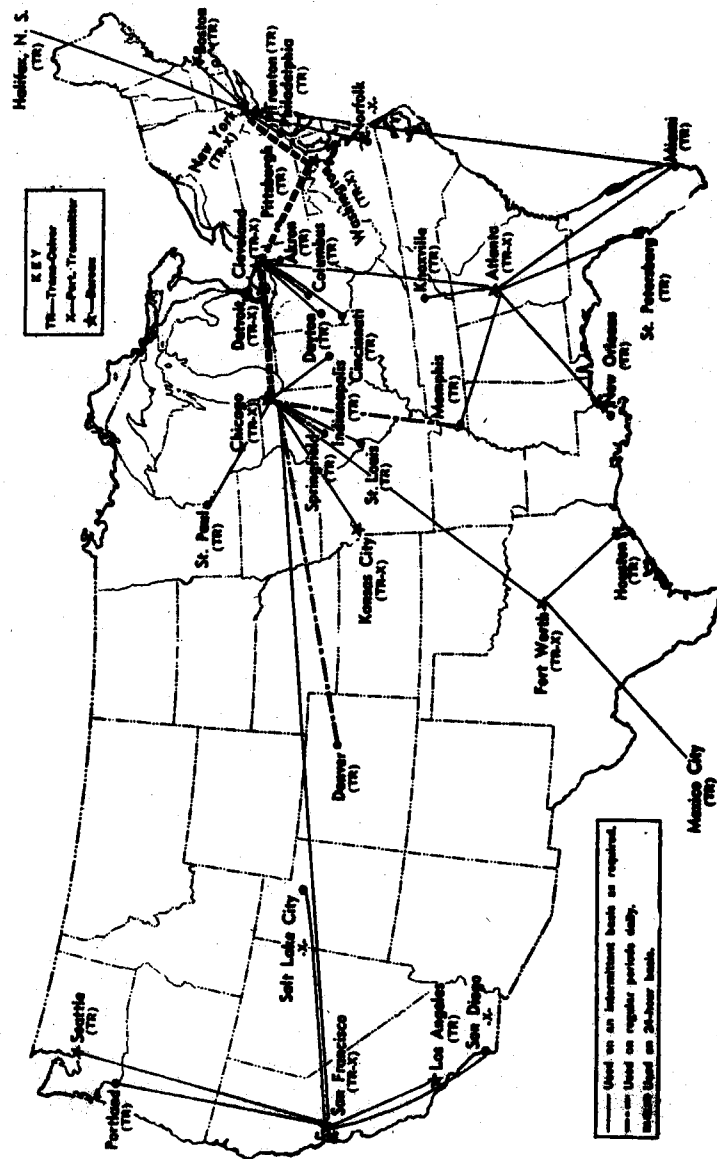
AP Wirephoto

1610

(Here follows 1 photo, side folio 1978)

Exhibit 6

ACME TELEPHOTO COVERAGE



[fol. 1978aa] AFFIDAVIT OF FRED E. MEINHOLTZ

STATE OF NEW YORK,
County of New York, ss.:

Fred E. Meinholtz, being duly sworn, deposes and says:

I am Director of Communications of The New York Times, and I am also Manager of The New York Times News Syndicate. I have been a member of the staff of The New York Times since 1920 and have been the Manager of its News Syndicate since 1931. As such, I am familiar with its syndicate operations.

I have read the affidavit of Herbert S. Moore verified May 12, 1943, submitted by the plaintiff in the above entitled action in support of its motion for summary judgment. I note that Mr. Moore states concerning the New York Times Syndicate (at p. 10):

“At certain hours they may use telegraph or telephone lines to deliver a certain portion of their rush material, but generally they simply market the by-product of that paper among large distant papers and their operations do not constitute a general news service.”

That statement is not a correct statement of the functioning of The New York Times News Syndicate. All news received by The New York Times for use by The New York Times (including news of local origin within a fifty-mile radius of The New York Times office) is made available to its subscribers and the subscriber determines which of the news thus made available it desires to have transmitted to the place of publication of the subscribing newspaper. The news so selected is then transmitted over the wires. In the case of the overwhelming majority of subscribers, the method whereby such subscribers obtain The New York Times Syndicate News is as follows:

Each subscribing paper has one or more correspondents who make their headquarters in the office of The New York Times. All of the news copy is available to their examination. They indicate which items of news they desire to have transmitted to their respective subscribing papers and when in doubt they send to their subscribing paper a short summary of the particular story. If the

subscribing paper desires that story it wires in and the story is then put on the wire. Everything which is sent to the subscribing paper, whether originally selected by the subscribing paper's correspondent or ordered by the subscribing paper through its correspondent, is sent over the wires.

There are a few instances where subscribers do not maintain a correspondent at The New York Times. Each such newspaper subscribes to an abbreviated war news service. The New York Times has an employee who is charged with the responsibility of selecting the news pertaining directly or indirectly to the war (whether originating from abroad, Washington or locally) and who causes the news items so selected to be transmitted on the wire to each such subscriber. In instances where the Times correspondent believes that a news item is only remotely connected with the war, but nevertheless might be of interest to the subscribers, he indicates the subject matter of the news item over the wire and if any subscriber desires to have the story transmitted, it is then put on the wire.

Many of the papers subscribing to The New York Times News Syndicate pay to The New York Times \$10,000 or more a year for the service and, in addition, they must defray the cost of their correspondents at The Times and the cost of maintaining their wires from The New York Times. It should be clear that no such amount of expense could be justified if the service were limited to the character suggested by Mr. Moore.

It is a fact that for a large Metropolitan newspaper such as The New York Times, the amount of money which it costs such paper for the Associated Press service or for the United Press service or for other wire services represents [fol. 1980] an exceedingly small percentage of the total expended for news coverage. While I do not have access to or knowledge of the precise amount expended by The New York Times for the collection of domestic and foreign news, I can state that, exclusive of executive salaries, overhead and special features not strictly news, The New York Times expends for the collection of domestic and foreign news in excess of \$2,000,000 a year. This figure is exclusive of the amount expended for the Associated Press and other wire services. I am informed and believe that the payments to the Associated Press for its news service con-

stitute approximately 4% of the amount expended for the collection of domestic and foreign news by The New York Times.

In his affidavit, Mr. Moore indicates that he does not believe that The New York Times is equipped to furnish world wide news coverage to other newspapers. Mr. Moore is mistaken. The New York Times has correspondents in every sizeable community throughout the United States and in a number of smaller communities; some full time and many part time, but available to cover any news which The Times requests them to cover. The Times also has working arrangements with a number of local News Bureaus throughout the country. While the war has seriously affected The Times world wide coverage, before the war and before the Fascist Governments took over the complete control of European countries under their domination, The Times maintained in excess of sixty foreign correspondents. It has maintained relations for many years with many important foreign newspapers and news agencies through which The Times can cover news at points where it does not have a correspondent of its own.

Mr. Moore suggests that only four organizations are able "to furnish general news of both domestic and foreign origin, with sufficient speed, in sufficient volume and variety and of reliable character" (Moore affidavit, p. 4). The four organizations which he includes are the Associated [fol. 1981] Press, United Press Association, International News Service and his own Trans-Radio Press Service, Inc., the last named concededly only to a limited extent. I venture to suggest that the service rendered by The New York Times News Syndicate more adequately meets the test laid down by Mr. Moore than does his own Trans-Radio Press Service, Inc. I can state categorically that if all four of the agencies mentioned by Mr. Moore should go out of existence overnight simultaneously and without warning, The New York Times could continue to publish its newspaper without interruption and with effective world wide news coverage. Furthermore, the quantity of news collected by The New York Times and made available to The New York Times News Syndicate subscribers would be sufficient for those subscribers to meet their emergency needs under the extraordinary circumstances above mentioned. The New York Times is in a position to supply these subscrib-

ing papers with fully adequate foreign news, with fully adequate news of New York City, with fully adequate news originating from the nation's capital and with fully adequate news originating in all of the important communities throughout the United States and in many of the less important communities. The only news features furnished by the Associated Press which The New York Times is not now in a position to furnish to other newspapers in the United States are the stock market tables and news of local interest originating in different states of the United States which the Associated Press now furnishes to newspapers within the particular state in which the news originates. It should be noted that the present subscribers to The New York Times News Syndicate each would have available to it the news of the latter nature within the state in which it is published so that with the news service which The Times is in a position to furnish to such subscribers they are in a position to publish complete papers with world wide coverage lacking only the stock market tables. The New York Times for many years compiled its own market tables, and [fol. 1982] could reestablish this feature in a reasonably brief period.

In order for The New York Times to be in a position to furnish papers in every state of the Union with this intrastate news coverage, The New York Times would require some time in order to build up an organization adequately to supply this particular service. Except as indicated, however, I repeat, that The New York Times is now in a position to furnish to its subscribers and to additional newspapers desiring to subscribe to its Syndicate News "general news of both domestic and foreign origin with sufficient speed, in sufficient volume and variety, and of reliable character".

Fred E. Meinholtz

Sworn to before me this 21st day of June, 1943.
Samuel Black, Notary Public. (Seal.)

[fol. 1983] AFFIDAVIT OF EARL J. JOHNSON

STATE OF NEW YORK

County of New York, ss:

EARL J. JOHNSON, being duly sworn, deposes and says:

I am Vice President and General News Manager of United Press Associations, in which capacity I am in charge of the news staff of the UP. I have held this position since 1935.

I have read the affidavit of Ernest von Hartz filed in this matter. I have examined the AP dispatches which von Hartz describes as "outstanding exclusives" of the AP which appeared in The Chicago Tribune and not in The Chicago Sun. I have re-examined the record of outstanding exclusives by the UP since December, 1941. Reporters for various news services do not travel in pairs, but roam their respective news fronts individually looking for information to lend distinction to the service for which they report. UP has had similar noted exclusives, among which are the following:

In December of 1941 the UP delivered the first eyewitness story of the attack on Pearl Harbor as telephoned to the mainland.

Through the early stages of the attack on the Philippines Frank Hewlett's dispatches from Manila describing the bombing after that capital had been declared an open city.

During January and February, 1942, Harold Guard's continuing account of the Japanese thrusts from Singapore through the Dutch East Indies.

On March 28, 1942, Joe James Custer's eyewitness account of the American engagement in the Pacific dispatched from aboard an aircraft carrier.

In March and April, 1942, Frank Hewlett's coverage of the Battle of Bataan and particularly at the end of that time as the last American newspaper man to leave Corregidor.

[fol. 1984] In June, 1942, Frederick Oechsner, former Berlin Manager for the UP, wrote a series of stories on Adolf Hitler's personalities and methods from information gathered by him prior to his internment in a German concentration camp.

In July, 1942, Robert Bellaire and Richard Wilson wrote a joint story upon their arrival at Lorencos Marques from a Japanese concentration camp describing their personal experiences while interned in Japan.

In August, 1942, Henry Gorrell wrote a story on the British naval expedition to relieve Malta. He was the only correspondent on this expedition.

On September 9, 1942, Walter Cronkite's eyewitness story of the burning at sea of the Stamship Manhattan.

On September 9, 1942, the UP disclosed exclusively that Churchill and Stalin had had a disagreement on war policy after a Moscow conference and carried exclusively Premier Herriot's letter to Marshal Petain warning him against attacking the Allies.

On September 16, 1942, William Tyree's eyewitness story of the sinking of the U. S. Carrier Yorktown in the Battle of Midway.

On September 17, 1942, Joe James Custer's story of the battle in the Southwest Pacific in which he was wounded.

On September 17, 1942, Robert C. Miller's story reporting the massacre of 750 Japanese in Tenaru in the Solomon Islands.

On September 17, 1942, George Palmer's story of the British raid on Tobruk, in which raid he was attached to the British fleet.

On September 27, 1942, UP's story of the Americans in Paris who were rounded up and interned in the zoo.

On December 2, 1942, Charles Arnot's story of the boxer Barney Ross' triumph over the Japs in Guadalcanal.

On December 2, 1942, Henry Gorell's story relating his experiences as the only reporter with the American fliers who bombed Naples.

[fol. 1985] In December, 1942, a series of exclusive stories by Henry Shapiro from the Stalingrad front. He is the only American reporter permitted to have a closeup view of this important front.

Early in 1943, Frank H. Bartholomew, Pacific Division Manager, went to the Southwest Pacific where he witnessed the wiping out of a Japanese garrison in New Guinea and sent detailed stories of American and Australian conduct during the fighting and conditions in New Guinea.

Throughout the campaign in North Africa Virgil Pinkley, Edward Beattie, Chris Cunningham, Ned Russell and

Phil Ault, in addition to their descriptions of battles and interpretive dispatches, wrote many personal experience stories furnishing a plethora of stories available to no one else except UP from the day when Leo Disher, UP reporter, was wounded while crashing the boom at Oran up to and including the series of stories on how the Allies did it written by Edward Beattie upon his return to New York.

On May 9, 1943, Reynolds Packard's story of his experiences while accompanying the British pilots on their first big bombing of Palermo in Sicily and the eyewitness account of the bombing.

This partial list of exclusives indicates that while AP's Yates McDaniels may stay one day longer in besieged Singapore, UP's Harold Guard simultaneously crosses over to Java and begins a series of dispatches disclosing for the first time the inside story of why the British lost Singapore and how the Japanese in sneakers and jungle camouflage crept in through the city's sewers.

The UP has pioneered in special dispatches of that type.

I have read the affidavit submitted by Warren Brown and filed in this matter. The Washington-Philadelphia and Brooklyn, New York professional football games were played on the afternoon of December 7, 1941. The UP carried the results of all three of these games in a 170 word story which was delivered to The Chicago Sun December 7, 1941, at 9:10 P. M. Central Standard Time. The final standings of the National Football Western and Eastern Divisions were delivered to The Chicago Sun December 7, 1941, at 8:46 P. M. Central Standard Time.

On January 20, 1943, UP at 5:49 P. M. Central War Time delivered to The Chicago Sun a story giving the time and place of the American and National League all-star game. In addition, an interview with Presidents Frick and Harridge of the two leagues was carried at the same time. These stories were marked "Attention Chicago". Further lengthy stories were carried on January 21 on the day wire to Chicago.

On January 25, 1943, the UP carried a 90 word story from Toronto delivered in Chicago at 8:45 P. M. Central War Time relating occurrences in Toronto at the meeting of the National Hockey League. The story did not report the heart attack of the League President.

On January 26, 1943, at 4:40 P. M. Central War Time, the UP delivered to The Chicago Sun, marked for its attention, a 490 word story relating to the sale of "Lefty" Gomez of the Yankees to Boston and that he had signed a contract with this team. The story delivered by the UP was marked "For morning paper release".

On February 7, 1943, with reference to a New York Baseball Writers' Association dinner held that night in New York the UP delivered 200 words of quotations from Commissioner Landis' speech at the dinner to The Chicago Sun at 12:35 A. M. Central War Time. Earlier that evening at 10:06 P. M. Central War Time the UP delivered quotations from Captain Rickenbacker's speech; then at 10:44 P. M. Central War Time a story of the awarding of a watch to Ted Williams of the Boston Red Sox was carried. At 11:15 P. M. Central War Time a story reporting Mayor LaGuardia's speech at the dinner was carried.

In August, 1942, the UP reported the St. Paul Open Golf Tournament at St. Paul, Minnesota. The first story [fol. 1987] relating to this was delivered to The Chicago Sun on August 1, 1942, at 4:45 P. M. Central War Time. Further stories were delivered to The Chicago Sun at 8 P. M. and 9:47 P. M. with a total of approximately 910 words. Cards of the leaders were delivered at 9 P. M. On August 2, UP carried approximately 400 words and on August 3, approximately 400 words.

In addition, UP covered the Women's State Golf Championship at Peoria, Illinois.

Because of the limited time I have not been able to search the UP news reports for the period from December 4, 1941, to November 21, 1942, with reference to the items mentioned by Mr. Brown in his affidavit, most of which items in my opinion represent unimportant reportings.

The UP did not keep complete reports or records during the years 1938-1942, inclusive, of the beats or instances in which the reports of UP of news events anticipated in time or excelled in accuracy or completeness (or vice versa) the reports of the same events by AP or International News Service.

It has not been the practice of UP to keep such reports or records illustrative of the instances in which the news reports of UP of important events substantially preceded the news reports of the AP of the same events or in which an important event was reported by UP on a given date

and not reported at all on the same day by the AP, but based upon information furnished me with reference to the time on which the AP reported a similar story or the absence of the story from the AP report as a list marked Exhibit 1 annexed hereto, which is a partial review of such instances.

On September 12, the UP carried a report of 400 words between the hours of 3:45 P. M. Central Time and 4:18 P. M. Central Time of the All Army-Giants Football Game.

On December 31, 1941, UP carried 400 words from New Orleans on the Missouri-Fordham Sugar Bowl Game, and [fol. 1988] on January 1, 1942, 500 words and line-ups, summaries and statistics.

On December 31, 1941, UP carried 400 words on the Oregon State-Duke Rose Bowl Game, and on January 1, 1942, 500 words and line-ups, summaries and statistics.

On December 31, 1941, UP carried 350 words on Georgia-Texas Christian Orange Bowl Game, and on January 1, 1942, 350 words and line-ups, summaries and statistics.

On December 31, 1941, UP carried 350 words on the Alabama-Texas Aggies Cotton Bowl Game, and on January 1, 1942, 350 words and line-ups, summaries and statistics.

On December 31, 1941, UP carried 200 words on the Sun Bowl Football Game, and on January 1, 1942, 350 words.

UP furnishes a full and complete election coverage report which has proved satisfactory to The Chicago Sun, as indicated by the copy of a letter received from the Editor of that paper which is as follows:

"November 18, 1942.

"Mr. Gene Gillette,
United Press Association,
News Building,
New York City.

DEAR GENE:

It was nice to have your note of November 7. I saw Lyle when I was in Washington last week and we had quite a talk about you. You will be hearing from us from time to time.

Let me say again that your boys here certainly did a magnificent job for us on the election.

Sincerely yours, (s) Turner Catledge, Editor."

1620

[fol. 1989] UP furnishes a full and complete financial service and has special financial correspondents in Washington reporting news of the Government bureaus, and special financial correspondents in Philadelphia covering the Securities and Exchange Commission.

Earl J. Johnson.

Sworn to before me this 17th day of June, 1943.
Carl B. Molander, Notary Public. (Seal.)

EXHIBIT 1

UP ahead

1939

3 hours

Warsaw, Sept. 1—German planes bombed Warsaw.
Eyewitness account of raid by Edward W. Beattie.

Exclusive

Danzig, Sept. 7—Description of the Siege of Westerplatte Fort by Germans. Fort held by small band of Poles.

Exclusive

From Steam Yacht Southern Cross off the coast of Scotland, Sept. 5—Rescue of survivors from torpedoed British liner *Athenia*.

[fol. 1990] 20 minutes

London, Sept. 18—Ministry of Information announced aircraft carrier *Courageous* had been sunk by enemy submarine.

30 minutes

Berlin, Sept. 27—Official announcement said Warsaw had capitulated unconditionally on 20th day of siege.

15 minutes

Chicago, Oct. 2—George Cardinal Mundelein died at 68.

UP ahead

30 minutes

Berlin Sept. 27 — German planes attacked British battleships in North Sea.

Exclusive

Berlin, Oct. 10—Widespread armistice rumor caused rejoicing. German radio blamed British secret service for spreading rumor.

Exclusive

Buenos Aires, Oct. 12—Ten-year-old girl gave birth to child after which the father petitioned for permission to marry the girl mother.

Oct. 27, Tokyo—Nomura told Japanese cabinet there was little prospect of patching up differences with the U. S.

2 hours

Munich, Nov. 8—Beer cellar bombed ten minutes after Hitler had left.

[fol. 1991] 8 hours

Amsterdam, Nov. 10—U. S. and British consuls advised their nationals to leave Holland.

½ hour

Tokyo, Nov. 13—British withdrew troops from North China.

6 hours

Caracas, Nov. 14—Lagunillas destroyed by fire with loss of more than 500 persons.

2 minutes

Washington, Nov. 16—Supreme Court Justice Pierce Butler died.

36 minutes

London, Nov. 21—Japanese liner Terukuni Maru sunk by mine off British Coast.

1622

UP ahead

½ hour

London, Nov. 22—German planes raided Shetland Islands.

1 hour

Berlin, Nov. 24—German submarine invaded Firth of Forth to torpedo British cruiser Belfast.

Tokyo, Nov. 24—Japanese announced fall of Nanking, China.

½ hour

London, Nov. 27—German pocket battleship Deutschland sank cruiser Rawalpindi.

London, Nov. 27—British invoked blockade of exports from Germany.

[fol. 1992] 22 minutes

Moscow, Nov. 29—Russia broke off relations with Finland.

25 minutes

Detroit, Nov. 29—Chrysler-UAW controversy settled.

47 minutes

Helsinki, Nov. 30—Russian troops invaded Finland; Helsinki bombed from air (Norman Deuel's eye witness story of bombing).

1 hr. 53 minutes

Terisoki, Finland, Dec. 1—Russian-sponsored government set up.

30 minutes

New York, Dec. 4—Judge Manton conviction upheld.

15 minutes

New York, Dec. 6—German consular secretary Dr. Walter Engelberg murdered in Brooklyn.

UP ahead

1 hour

Geneva, Dec. 13—League of Nations committee decided to propose expulsion of Russia from league.

45 minutes

Montevideo, Dec. 13—German battleship reported damaged in battle with British cruisers.

2 hours

German ship identified correctly as the *Graf Spee*.

[fol. 1993] 1½ hours

Berlin, Dec. 12—German liner *Bremen* ran safely through the British blockade to Bremerhaven.

7 minutes

Geneva, Dec. 14—Russia expelled from League of Nations.

Exclusive

Montevideo, Dec. 15—Uruguay government gave *Graf Spee* 72 hours to leave port or be interned.

26 minutes

Buenos Aires, Dec. 20—Captain Hans Langsdorff of the *Graf Spee* committed suicide.

Tokyo, Dec. 18—Japanese attempted to mollify U. S. by promising to reopen the Yangtze River to foreign commerce.

Washington, Dec. 19—German liner *Columbus* scuttled by her crew.

5-10 minutes

New York, Dec.—Henry L. Doherty died.

1940

28 minutes

Minneapolis, Jan. 3—Apartment hotel fire killed 18.

1624

UP ahead

14 minutes

Chicago, Jan. 9—Circuit Court of Appeals ruled written contract unnecessary between Inland Steel and CIO.

[fol. 1994] Springfield, Ill., Jan. 11—Governor Horner requested extradition of Willie Bioff from West Coast for pandering.

6 minutes

Washington, Feb. 8—Secretary Hull's letter to Senator Pittman revealed that Moscow had violated the agreement by which the U. S. recognized Russia in 1933.

14 minutes

Washington, Feb. 10—President Roosevelt bitterly condemned Soviet Russia for its dictatorship and the invasion of Finland.

½ hour

Berlin, Feb. 14—German government warned that neutral ships, including U. S. ships, would be sunk if enroute to contraband control ports.

Exclusive

London, March 12—Complete agreement reached in Russo-Finnish peace conference.

Exclusive

Moscow, March 12—Peace agreement signed by Russia and Finland.

2 hours

Moscow, March 12—Official terms and details of Russo-Finnish peace agreement.

35 minutes

Helsinki, March 13—Fighting ceased at 11 a. m. in Russo-Finnish war.

UP ahead

[fol. 1995] 1 hour, 7 minutes

Helsinki, March 15—Finnish Diet ratified peace treaty.

2 hours, 10 minutes

Moscow, March 29—Foreign Commissar Molotov spoke in Kremlin attacking neutrals and asserting that Russia would remain independent of alliances. Said Allies tried to spread war to Russia through Finland.

several hours

Stockholm, April 12—Major sea and air battle at mouth of Oslofjord.

6 minutes

London, April 15—British forces landed at several points in Norway.

Exclusive

Stockholm, April 17—Description of battle for Narvik, Norway.

Atlanta, Ga., April 17—Imperial Wizard ordered Ku Klux Klan to unmask and end terrorizing activities.

39 minutes

Stockholm, April 22—U. S. Military Attache Losey killed by German Shrapnel at Dombaas, Norway.

Exclusive

New York, April 24—Sailor Patrick Smith's account of how Germans took Narvik and shot British consul.

[fol. 1996] 7 minutes

Warm Springs, Ga., April 25—President Roosevelt invoked neutrality act; proclaimed war existed between Norway and Germany.

Exclusive

Namsos, May 1—Eye-witness story of German bombing of Namsos, Norway, and Allied departure.

1626

UP ahead

14 minutes

London, May 8—Lloyd George told the House of Commons that Britain was in a tougher spot than in 1914.
New York, May 9—Hopson, former head of Associated Gas and Electric, indicted.

1 hour

Amsterdam, May 10—Nazis invaded Holland.

9 minutes

London, May 14—Dutch radio reported that forces in the "Fortress of Holland" area had been ordered to cease fighting.

10 minutes

Washington, May 16—Leads and text of President Roosevelt's defense message featuring goal of 50,000 planes per year.

10 minutes

Berlin, May 17—German troops entered Brussels.

2 hours

Paris, May 22—U. S. consular attaches left Paris.

[fol. 1997] 1 hour

Mexico City, May 24—Attempted assassination of Leon Trotsky.

48 minutes

Paris, May 28—Premier Pierlot announced that Leopold had been deprived of Belgian throne.

5 minutes

London, May 30—Ministry of Information announced that the British evacuated Flanders.

½ hour

New York, June 3—Joseph Schenck, movie executive, indicted.

UP ahead

15 minutes

London, June 4—Dunkirk fell to Germans.

14 minutes

Bordeau, June 17—France asked Germany for armistice.

1 hour

Berlin, June 18—Hitler and Mussolini will meet at Munich to discuss terms of armistice with France.

20 minutes

Berlin, June 22—Officially, armistice signed between Germany and France.

7 minutes

Berlin, July 1—Germans occupied English Channel islands.

[fol. 1998] Exclusive

Vichy, July 5—French government severed diplomatic relations with Britain.

15 minutes-1½ hour

Washington, July 5—Secretary of State Hull disclosed that Germany had rejected the U. S. Monroe Doctrine note.

20 minutes

London, July 8—Norway's King Haakon refused to abdicate.

10 minutes

London, July 9—Duke of Windsor named governor-general of the Bahamas.

15 minutes

Chicago, July 17—Democratic convention platform presentation delayed because of Senator Pepper's aid-to-Britain fight.

1628

UP ahead

6 minutes

Tokyo, July 17—Prince Konoye charged with task of forming a new cabinet.

15 minutes

Washington, July 17—General George Marshall, chief of staff, predicted that the army's 16 divisions would be fully and completely equipped by the first of the year.

7 minutes

Washington, July 18—Senator Pepper revealed that Secretary of Agriculture Henry Wallace was President Roosevelt's candidate for vice-president.

[fol. 1999] 5 hours

Tokyo, July 19—Japan protested over alleged attack on two Jap Civilians by U. S. Marines in China.

1 hour

Vichy, July 23—Government ordered investigation of responsibility of former officials in collapse of France.

7 minutes

Washington, July 25—President Roosevelt extending licensing list to include oil and scrap iron, thus making embargo on export of these items possible.

½ hour

Washington, July 26—U. S. approved oil tanker charter for Siberia, although similar applications by Japanese and Spanish companies had been denied.

½ hour

Moscow, Aug. 6—Estonia incorporated into Soviet Union.

More than one hour

Mexico City, Aug. 8—Plot to assassinate president and president-elect revealed

UP ahead

10 minutes

Hyde Park, Aug. 8—Postmaster-General James A. Farley resigned.

5 minutes

Mexico City, Aug. 20—Leon Trotsky died of wounds inflicted by assassin.

[fol. 2000] 10 minutes

London, Aug. 22—Germans shelled British across English Channel.

1 hour

Madrid, Aug. 26—Duke of Guise, pretender to the French throne, died.

12 minutes

Washington, Aug. 26—Senator Wheeler charged that Sir George Paish, British economist, was trying to get the United States into war.

5 minutes

London, Sept. 12—Time bomb found near St. Paul Cathedral.

1 hour

Chicago, Sept. 22—Daughter born to Mr. and Mrs. Fred Snite, Jr. (Fred Snite confined for years to iron lung).

14 minutes

Washington, Sept. 23—Secretary of State Hull condemned Japanese invasion of Indo-China.

10 minutes

Los Angeles, Sept. 23—John Barrymore suing for divorce.

1630

UP ahead

48 hours

Tokyo, Sept. 25—Japanese-German agreement reported to combat any U. S.-British combination in the Far East.

[fol. 2001] 24 hours

Rome, Oct. 2—Hitler and Mussolini to meet at Brenner Pass.

Exclusive

Bucharest, Oct. 5—German troops moved into Rumania.

8 hours

Rome, Oct. 7—Herbert Matthews, N. Y. Times correspondent, expelled from Italy.

3 hours

Shanghai, Oct. 8—American consular officials ordered to advise all Americans to leave Japan and other danger spots.

6 minutes

Washington, Oct. 9—Top selective service post offered to President Dykstra of University of Wisconsin.

5 minutes

London, Oct. 10—St. Paul's Cathedral bombed.

8 minutes

Columbus, O., Oct. 14—Elliott Roosevelt offered his resignation from the army.

1 hour

With Willkie train, Oct. 17—Wendell L. Willkie demanded immediate aid for Britain.

10-30 minutes

Athens, Oct. 27—Italy sent an ultimatum to Greece.

[fol. 2002] 10-30 minutes

London, Nov. 8—Tower of London and St. Clement Danes Church bombed. Krupp works at Essen bombed by British.

Pittsburgh, Nov. 11—Poisoned pancakes kill 11 men at Salvation Army refuge.

15 minutes

New York, Nov. 12—Signal torpedo plant destroyed by blast in Woodbridge, N. J.

London, Nov. 13—Admiralty announced successful air attack on the Italian fleet at Taranto and Prime Minister Churchill described the victory in Commons.

(hours)

London, Nov. 15—Coventry badly damaged by German air attack. Hours ahead with story direct from Coventry.

10 minutes

Los Angeles, Nov. 26—John Barrymore divorced by Elaine Barrie.

41 minutes

Athens, Dec. 6—Greeks officially announced capture of Porto Edda.

$\frac{1}{2}$ hour

Cairo, Dec. 11—Sidi Barrani in Egypt recaptured by the British from the Italians.

Cairo, Dec. 16—British bombed Naples.

Helsinki, Dec. 19—President Kallio died.

[fol. 2003] 10 minutes

Philadelphia, Dec. 20—Playboy Buckner released from Lewisburg federal prison.

London, Dec. 23—Parliament building hit by bomb.

1632

UP ahead

28 minutes

London, Dec. 23—Prime Minister Churchill appealed to the Italians to get rid of Mussolini.

New York, Dec. 26—Daniel Frohman died.

1941

London, Jan. 6—Amy Mollison apparently killed at sea.

15 minutes

Jan. 11—Liner Manhattan grounded off Palm Beach.

Exclusive

On British destroyer in Mediterranean, Jan. 13—
Battle between British fleet and German dive bombers.
Jan. 21—Eye-witness account of siege of Tobruk.

Exclusive

Bucharest, Jan. 24—Rumanian Iron Guard rebellion;
Jewish pogrom.

5 minutes

Cairo, Jan. 30—British announced capture of Derna in Libya.

Several minutes

Berlin, Jan. 30—Hitler threatened to torpedo U. S. aid to Britain, in speech at Sports Palace.

[fol. 2004] 40 minutes

London, Jan. 31—German long-range guns dropped shells 10-12 miles inland in England.

Havana, Feb. 4—President Batista of Cuba frustrated a rebellion and plot to assassinate him.

Vichy, Feb. 10—Marshal Petain named Admiral Darlan as his successor.

New York, Feb. 13—Betty Compton filed divorce action against Jimmy Walker.

Washington, Feb. 14—Senate passed bill to raise the national debt limit.

UP ahead

Exclusive

Tokyo, Feb. 17—Jap government asked people to support importation of German technicians and inventions.

1 hour

Moscow, Feb. 21—Maxim Litvinov dropped from the central committee of the Soviet government.

1 hour

Tokyo, Feb. 24—Foreign Minister Matsuoka demanded that the white race cede Oceania to the Asiatics.

Montreal, Feb. 24—Sir Frederick Banting, co-discoverer of insulin, killed in Newfoundland air crash.

London, Feb. 25—Prime Minister Churchill told Foreign Minister Matsuoka of Japan that there could be no compromise in the war.

Nairobi, Feb. 26—British captured Mogadiscio, capital of Italian Somaliland.

9-20 minutes

Rome, Feb. 28—Former King Alfonso of Spain died.

[fol. 2005] 5 minutes.

Washington, Mar. 8—Senate passed Lend-Lease Bill.

3 days

Belgrade, Mar. 11—British forces prepared to land at Salonika.

2 hours

Tokyo, Mar. 12—French Indo-China and Thailand agreed to enter no agreement disadvantageous to Japan.

3 hours

Alexandria, Mar. 31—British fleet defeated Italian fleet in the Ionian Sea.

1634

UP ahead

3 hours

Caracas, Apr. 1—Three Italian and one German ship set afire by their crews in South American ports.

Exclusive

Alexandria, Apr. 2—Log of British aircraft carrier *Formidable*, giving details of Ionian sea battle with Italians.

7 minutes

Cairo, Apr. 3—British evacuated Benghazi, Libya.

Washington, Apr. 3—Italian naval attache's recall asked by Washington, because of his connection with ship sabotage.

London, Apr. 9—Salonika taken by Nazis.

[fol. 2006] 7 minutes

London, Apr. 9—British capture Massawa, Eritrea, from Italians.

Exclusive

Tobruk, Apr. 16—First dispatch from besieged British forces.

8 minutes

London, Apr. 17—Lord and Lady Stamp killed in German raid on London.

Exclusive

Apr. 22—First description of front-line fighting in Greece.

19 minutes

New York, Apr. 28—Charles A. Lindbergh resigned as air corps reserve colonel.

14 minutes

Nairobi, Africa, Apr. 28—Dessie, Ethiopia, taken from Italians by the British.

UP ahead

Exclusive

Tobruk, Apr. 28—Eye-witnesser from besieged Tobruk British garrison.

Exclusive

Henry T. Gorrell and Richard McMillan's joint story of the evacuation of British from Greece (about May 1).

40 minutes

Ottawa, May 6—Eleven American ferry pilots among 122 lost on a Britain-bound ship.

[fol. 2007] 24 minutes

London, May 6—Stalin replaced Molotov as premier.

18-20 minutes

Berlin, May 12—Disappearance of Rudolf Hess by plane.

several minutes

London, May 20—German parachute troops landed in Crete.

Vichy, May 21—Germany asked U. S. to remove diplomatic representatives from Paris by June 10.

10 minutes

London, May 24—H. M. S. *Hood* sunk by the *Bismarck*.

London, May 26—German air-borne tanks landed in Crete.

Exclusive (Lyle C. Wilson)

Washington, May 29—Indications point to gentle U. S. policy toward Japan.

7 minutes

Berlin, June 4—Former kaiser died at Doorn.

1636

UP ahead

15 minutes

Washington, June 6—President Roosevelt ordered Maritime Commission to take over foreign ships in U. S. ports.

Washington, June 9—President Roosevelt ordered Army to take over North American Aviation plant at Inglewood, Calif.

[fol. 2008] several hours

Berlin, June 13—Nazis asserted Germany will continue to sink every ship carrying contraband to Britain.

18 minutes

Berlin, June 19—German government ordered U. S. consulates closed.

39 minutes

Rome, June 19—Italian government ordered U. S. consulates closed.

Exclusive

Stockholm, June 19—Russia reported calling up reserves.

1½ hours

New York, July 15—33 persons alleged to be spies for Germany indicted in Brooklyn.

1½ hours

Washington, July 17—War Department backed Gen. Ben Lear in penalizing soldiers who yoo-hooed at girls on golf course.

July 26—UP outstanding from Tokyo, Hyde Park and Washington on Japanese finance freezing story and follows. Opposition had phony to effect Japan imposed freezing also on Britain assets.

UP ahead

20 minutes

Washington, July 28—Senator Burton Wheeler charged that the administration's criticism of his post card campaign was directed at terrifying American people into a foreign war.

[fol. 2009] 43 minutes

Shanghai, July 30—Japanese bombed U. S. gunboat *Tutuila* during air raid on Chungking.

11 minutes

Moscow, July 30—Harry Hopkins arrived in Moscow to confer on U. S. help to Russia.

Tokyo, Aug. 4—Japan cancelled steamship sailings, leaving many Americans stranded.

London and New York desks broke Roosevelt-Churchill meeting at sea far ahead of all competitors.

Exclusive

Washington, Aug. 6—First American war supplies on way to Russia.

20 minutes

Rome, Aug. 7—Bruno Mussolini killed in airplane crash.

28 minutes

Vichy, Aug. 27—Pierre Laval shot by an anti-Nazi at Versailles.

15 minutes

Moscow, Aug. 27—Japan protested U. S. shipments to Russia via Vladivostok.

5 minutes

Tokyo, Aug. 27—Japan protested to United States on shipments to Russia.

1638

UP ahead

32 minutes

Berlin, Aug. 29—Five-day meeting at Russian front between Hitler and Mussolini revealed.

[fol. 2010] several hours

Los Angeles and Washington, Sept. 4—First American oil tanker arrived at Vladivostok.

$\frac{1}{2}$ hour

Berlin, Sept. 8—High Command claimed encirclement of Leningrad.

1 hour, 25 minutes

Rio de Janeiro, Oct. 7—First story of survivors of the torpedoed Panamanian ship *I. C. White*.

1 hour, 35 minutes

Panama City, Oct. 9—Panamanian coupe d'etat.

12 minutes

Moscow, Oct. 9—Red Army halted German drives on Moscow.

several hours

Kuibyshev, Russia, Oct. 20—Ambassador Steinhardt, diplomatic corps and divisions of Soviet government arrived here from Moscow.

Exclusive

Honolulu, December—Detailed account of Japanese espionage in Hawaii.

30 minutes

Pearl Harbor, Dec. 7—Eye-witness reports of Jap attack.

10 minutes

Manila, Dec. 27—Manila bombed by Japs although declared open city.

UP ahead

[fol. 2011] 1942

1 hour, 15 minutes

Singapore, Feb. 9—Jap forces crossed Straits of Johore and established beachhead on Singapore.

Exclusive (Frank Hewlett, last newspaperman to leave Corregidor)

March and April—Battle of Bataan Peninsula.

20 minutes

April 18—American bombers attacked Tokyo, Yokohama, Kobe, and Nagoya.

20 minutes to an hour

Santa Barbara, Feb. 23—First shelling of American mainland by Jap submarine while President Roosevelt spoke on radio.

June—First-hand account of loss of aircraft carrier *Lexington*.

Ankara, August—American bombers landed in Turkey after raiding Reich.

Exclusive

(Henry Gorrell) Cairo—

August—Account of British naval expedition to relieve Malta.

24 hours

Laurenco Marques, Portuguese East Africa, July—Stories from Robert T. Bellaire and Richard C. Wilson on internment by Japanese.

[fol. 2012] 59 minutes

Montevideo, Aug. 22—Brazil declared war on Germany and Italy.

London, Aug. 25—Duke of Kent killed in plane crash.

23 minutes

Honolulu, Aug. 26—Admiral Nimitz's first communique on Gilbert Islands raid.

1640

UP ahead

50 minutes

Honolulu, Aug. 26—Admiral Nimitz's second communique on Solomon Islands raid.

25 minutes

General McArthur's communique on bombing of Jap ships in Solomons and announcement that Australian cruiser *Canberra* had been sunk.

Exclusive

New York, Sept. 9—Eye-witnesser on burning of the *Wakefield*, formerly the *Manhattan*, at sea.

Exclusive

Moscow, Sept. 9—Russian newspapers revealed that Churchill and Stalin had disagreement on war policy at Moscow conference.

Exclusive

Sept. 16—Eye-witness story of sinking of U. S. aircraft carrier *Yorktown* on June 7, in battle of Midway.

[fol. 2013] 17 minutes

Honolulu, Sept. 17—Communique on Americans raiding Japs at Kiska.

Exclusive

Sept. 17—Account of Aug. 9 naval battle in southwest Pacific in which Joe James Custer was wounded.

Exclusive

Sept. 17—British raid on Tobruk from the sea.

15 minutes

Nov. 8—Eye-witnesser on American invasion of North Africa.

22 minutes

Nov. 22—Communique announcing start of Russian offensive at Stalingrad.

UP ahead

52 minutes

Nov. 22—Gen. McArthur's communique announcing American advance into Gona.

20 minutes

London, Nov. 27—French fleet scuttled at Toulon.

12 minutes

Boston, Nov. 30—Buck Jones died from Boston fire injuries.

Exclusive

Guadalcanal, Dec. 2—Barney Ross' single-handed fight against Japs.

[fol. 2014] Exclusive

Dec. 6—Bombing of Naples as told by Henry Gorrell, who was there.

Exclusive

Dec. 21 et seq.—Henry Shapiro's series of dispatches from Stalingrad front.

1943

10 minutes

London, Feb. 4—Lieut. Gen. Frank M. Andrews appointed U. S. chief in Europe.

14 minutes

Los Angeles, Feb. 6—Errol Flynn acquitted of rape charges.

7 minutes

New York, Feb. 15—French battleship *Richelieu* arrived in New York to join the Allied fleet.

Exclusive

New York, Feb. 12—Mme. Chiang Kai-shek's plans for a nationwide tour.

1642

UP ahead

½ hour

March 13—J. P. Morgan died in Florida.

13 minutes

March 11—Germans announced evacuation of Vyazma, Russia.

[fol. 2015] 75 minutes

April 6—British 8th Army opened drive on Rommel in Tunisia.

10 minutes

April 7—Juncture of Americans and British 8th Army in Tunisia.

1 hour, 25 minutes

April 17—San Juan, P. R.—Lt. Tommy Harmon, former Michigan football star, reported safe at a South American base after plane crashed in jungle.

3 days

With Northwest African Strategic Air Force, Apr. 17—Revealed that U. S. raid on Tokyo was made by carrier based Mitchell B-25's.

1 hour

With British 8th Army near Enfidaville, Apr. 20—8th Army started attack on Enfidaville, Tunisia.

Washington, Apr. 19—Elmer Davis, OWI director, and William Jeffers, Rubber Director, disagreed over OWI's report on the nation's rubber situation.

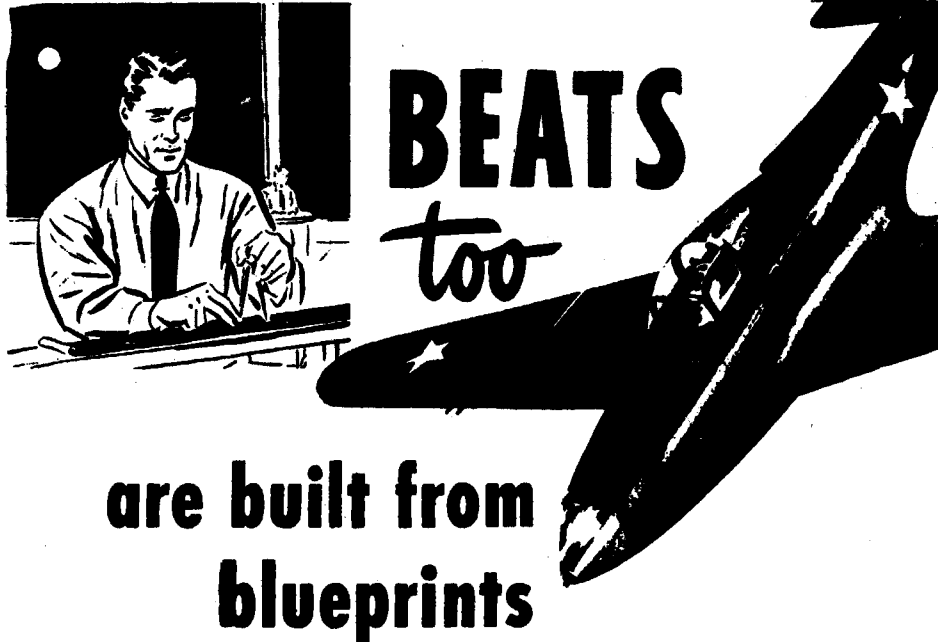
April 21—Tokyo radio warned that execution awaits fliers who raid Japan in future and are captured.

3 hours

May 1, AFHQ, North Africa—American Troops captured strategic Tahent Hill in Tunisia from the Nazis.

57 minutes

May 12—Algiers communique announces end of Axis resistance in North Africa.



Back of today's decisive war triumphs are years of planning and testing. The successes of whole campaigns, of crucial actions by tanks or sea or air fleets, spring from painstaking preparations in the staff room and drafting room, in the laboratory, the wind tunnel and on the proving ground. Victories are built from blueprints.

But not only military victories—

United Press was first by 24 hours with the long-awaited stories of internees from Japan. These gave America its first detailed account of U. S. bombing raids on Japanese industrial centers, of maltreatment of American and British internees, of how Japan's army keeps the people in the dark about Japanese reverses.

United Press correspondents Robert T. Bellaire and Richard C. Wilson filed their dispatches from Lourenco Marques. They reached New York ahead of all others because, even before the exchange ship had left Yokohama, United Press blueprinted its campaign for a series of beats by establishing an air-tight communications channel from remote Portuguese East Africa and keeping it open for the prompt movement of the big news.

News beats—victories in news coverage—like victories on the fighting fronts, are built from blueprints.



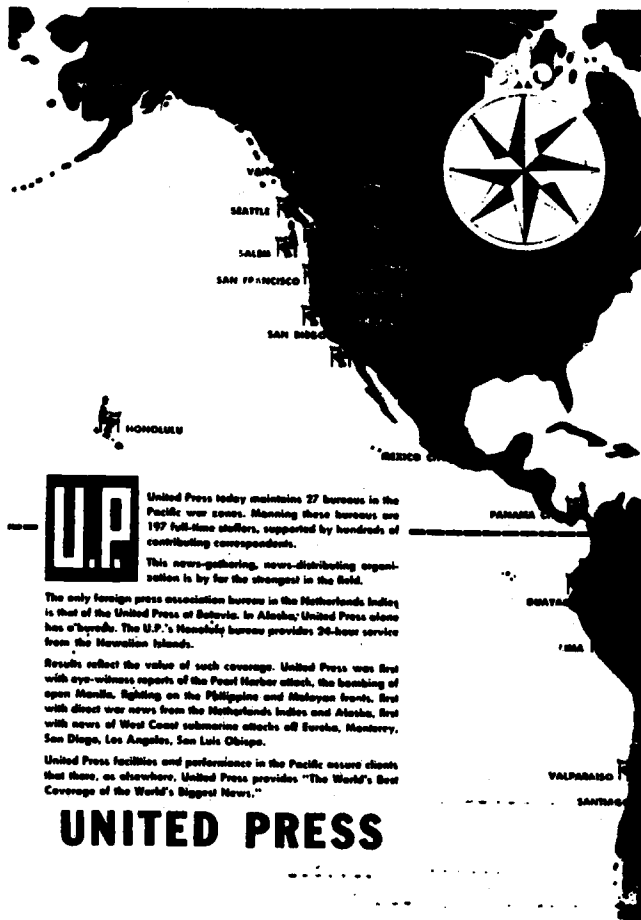
UNITED PRESS

*"The World's Best Coverage
of the World's Biggest News"*

2017



THE MOST COMPLETE COVERAGE ON THE PACIFIC FRONTS--



United Press today maintains 27 bureaus in the Pacific war zones. Manning these bureaus are 197 full-time staffers, supported by hundreds of contributing correspondents.

This news-gathering, news-distributing organization is by far the strongest in the field.

The only foreign press association bureau in the Netherlands Indies is that of the United Press of Batavia. In Alaska, United Press alone has a bureau. The U.P.'s Honolulu bureau provides 24-hour service from the Hawaiian Islands.

Results reflect the value of such coverage. United Press was first with eye-witness reports of the Pearl Harbor attack, the bombing of open Manila. Fighting on the Philippine and Malayan fronts, first with direct war news from the Netherlands Indies and Alaska, first with news of West Coast submarine attacks off Europe, Monterey, San Diego, Los Angeles, San Luis Obispo.

United Press facilities and performance in the Pacific assure clients that there, as elsewhere, United Press provides "The World's Best Coverage of the World's Biggest News."

UNITED PRESS

1644

FOR OCTOBER 11, 1941

21



Big-headline developments in Latin America find the United Press ready — with stronger coverage facilities than any other service.

Within the past week alone U.P. has scored these noteworthy news beats:

October 3—25 minutes ahead on the torpedo sinking of the Panamanian tanker I. C. White.

October 7—One hour and 25 minutes ahead with eye-witness stories of survivors of the I. C. White at Rio de Janeiro.

October 9—One hour and 35 minutes ahead on Panama's coup d'etat and the flight of President Arias.

Superior Latin American Coverage

Striking Latin American Beats

UNITED PRESS

2018

1646

“ELECTED!”

United Press Flashed It First

Reports from newspapers and radio stations all over the country show that at any given hour during election night and the next day United Press had decisive returns on more election contests than any other news service.

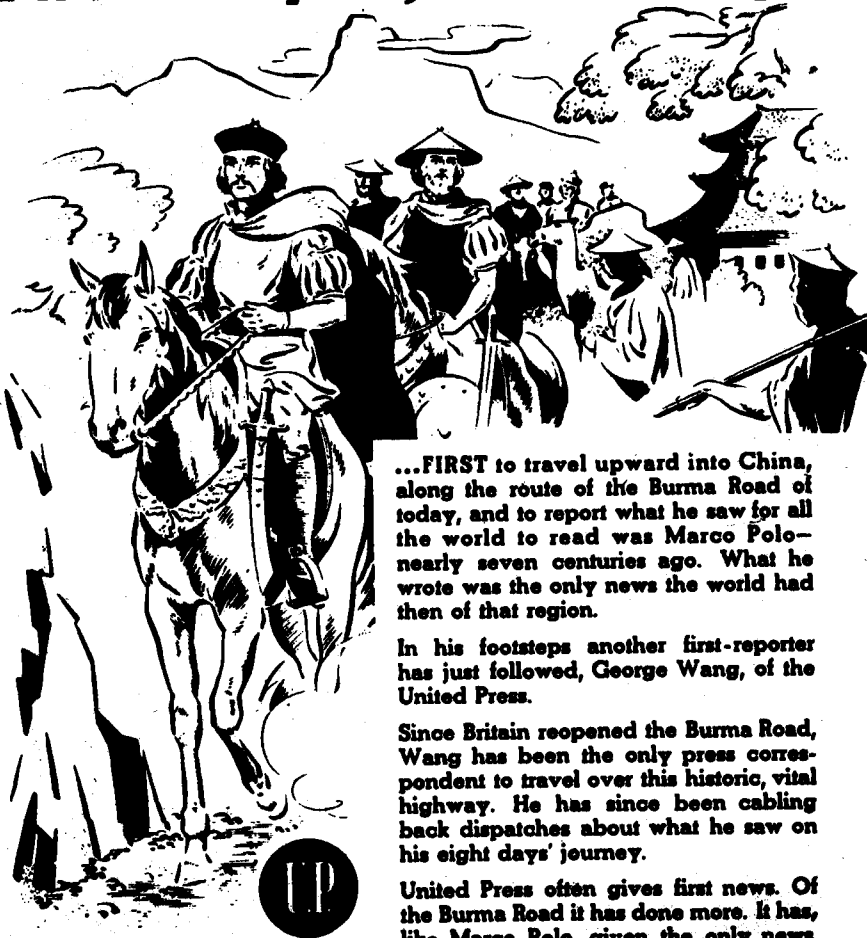


**THE WORLD'S BEST COVERAGE
OF THE WORLD'S BIGGEST NEWS**

2019

MARCO POLO... UNITED PRESS...

First to report, alone to report



...FIRST to travel upward into China, along the route of the Burma Road of today, and to report what he saw for all the world to read was Marco Polo—nearly seven centuries ago. What he wrote was the only news the world had then of that region.

In his footsteps another first-reporter has just followed, George Wang, of the United Press.

Since Britain reopened the Burma Road, Wang has been the only press correspondent to travel over this historic, vital highway. He has since been cabling back dispatches about what he saw on his eight days' journey.

United Press often gives first news. Of the Burma Road it has done more. It has, like Marco Polo, given the only news.

1648

[fol. 2021]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK CITY

SPECIAL PROSPECT LIST

March 21, 1941.

The United Press scored a beat of more than three days on the important news that Britain had sent troops to Greece. Here is the log:

Tuesday night, March 11, UP quoted Belgrade diplomatic quarters that British forces were preparing to land at Salonika.

Wednesday, March 12, United Press in a copyright dispatch reported landing of British soldiers in Greece.

Thursday, March 12, UB from Athens reported large convoy in Aegean.

Friday, March 14, British sources in Istanbul confirm to United Press the arrival of British troops in Greece.

All these were *exclusive* stories. Not until March 15 did other services carry news of this important development.

The attached display shows how this and other superior coverage enabled United Press to blanket front pages of newspapers having all three major press services.

Cordially, Walt Rundle.

1650

[fol. 2022]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK CITY

April 2, 1941

Division Managers
Business Representatives
Bureau Managers

GENTLEMEN:

The opposition recently has reverted to a 1917 practice of claiming beats on practically everything, apparently hoping that at least some of their claims will stick.

We do not intend to become involved in an advertising debate on this issue. However, for your information, I am giving you a list of the outstanding, proven United Press beats since the first of the year. You will notice that these range from approximately one-half hour to as much as six days. Naturally, there were scores of other stories on which U. P. was fractionally ahead or got the play through better writing.

Highlights of the log are:

Jan. 3—Cairo, Australians break through part of Italian defense lines at Bardia—30 minutes.

Jan. 6—New York, Private advices indicate German troops will move into Bulgaria—Exclusive.

Jan. 9—Armistice day disturbances in Paris—French riots against German troops—Exclusive.

Jan. 13—On board British destroyer in Mediterranean, Eye-witness account of battle between British fleet and German dive bombers—Exclusive.

Jan. 21—Richard McMillan's eye-witness account of siege of Tobruk—Exclusive.

Jan. 24—Bucharest, Rumanian Iron Guard rebellion and Jewish executions—12 hours.

Jan. 26—Budapest, Count Stephen Csaky dies—30 minutes.

Jan. 31—London, German long-range guns drop shells 10 to 12 miles inside England—40 minutes.

Feb. 6—Detroit, Ford's new riveting process for speeding airplane construction disclosed—Exclusive.

[fol. 2023] Feb. 17—London, R-A-F showers pamphlets on Poland in deepest flight into Greater Reich—30 minutes.

Feb. 17—Tokyo, Japanese government asks support for importation of German technicians and inventions—Exclusive.

Feb. 21—Moscow, Maxim Litvinov expelled from Soviet central committee—1 hour.

Feb. 28—Rome, Former King Alfonso of Spain dies—30 minutes.

Feb. 28—Buffalo, CIO official announces settlement of Bethlehem steel strike—50 minutes.

Mar. 7—London—Jane's almanac of fighting ships issued, showing effects of year of war on naval power—24 hours.

Mar. 11—Belgrade, British forces prepare to land in Greece—Three Days Ahead.

Mar. 12—New York, United Press copyright reveals British forces have arrived in Greece—Exclusive.

Mar. 12—French Indo-China and Thailand agree to enter no agreement disadvantageous to Japan.

Mar. 13—Washington, U. S. plans to send 99 warships to Britain this year—Exclusive.

Mar. 19—Six Days Ahead on Yugoslav decision to sign axis pact—including clear definition of reservations.

Mar. 21—Detroit, Ford Motor Co., agrees to re-instate discharged employes, postponing strike threat—30 minutes.

Mar. 27—Yugoslav government of Prince Paul overthrow by army coup—1 hour, 30 minutes.

Mar. 27—First eye-witness account, direct from Belgrade, after overthrow of Prince Paul—1 hour, 40 minutes.

Mar. 29—Washington, U. S. coast guard seizes Italian ships—22 minutes.

Mar. 29—London, ahead and only service identifying Italo-British naval battle in Mediterranean as greatest since Jutland.

Mar. 31—Detailed story of British Mediterranean naval victory—3 hours.

April 1—Caracas, seven axis ships scuttled—2 hours, 39 minutes.

Cordially, Walt Rundle.

WR:PM

1652

[fol. 2024]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK, CITY

April 2, 1941.

DEAR SIR:

News broadcasts must satisfy two vital audience demands in covering World War Two—speedy collection and transmission of the facts and, equally important, accurate evaluation of events.

United Press enabled its clients to score on both points when the British Mediterranean fleet ripped the Italian navy apart last week end.

U.P. was first with the news of the battle; was the only news source to correctly describe the naval engagement as “the biggest since Jutland.”

Cordially, Walt Rundle.

[fol. 2025]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK CITY

May 29, 1941.

Clients of the United Press within the past few days have shared the benefits of an imposing list of beats and exclusives.

United Press was first with the news that all passengers of the sunken liner Zamzam were safe; ahead on their arrival at St. Jean de Luz. Editors across the land logged United Press ahead on the London announcement that the Hood had been sunk; ahead on the disabling of the Bismarck by a British torpedo plane and on the attempted assassination of Italy's king.

In addition Ralph Heinzen, director of United Press coverage in Vichy, turned in a remarkable exclusive describing occupied Paris. And Glenn Stadler of the Paris bureau produced a brilliant, exclusive interview with survivors of the Zamzam, giving the first full account of the sinking. Copies of these stories are attached.

The increasing fury and spread of the war emphasize the need of your paper for the additional coverage the United Press provides. When may our representative call to discuss this matter with you?

Cordially yours, Walt Rundle.

1654

[fol. 2026]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK CITY

August 25, 1941.

To All United Press Clients and Prospects

DEAR SIR:

When on August 20 American-built Tomahawk pursuit planes drove off a German bomber which appeared over the United States defense outposts in Iceland, United Press clients broke the story 90 minutes ahead of their competitors.

This was possible because United Press Correspondent Axel Thornsteinsson is today as he has been for the past 12 years, the only representative of an American news agency in that remote but potentially important news center.

United Press coverage regularly looks ahead—traditionally extends beyond the obvious news fronts—to assure U.P. clients of the world's best coverage of the world's biggest news.

Cordially yours, Walter Rundle, Promotion Manager.

WR:MH.

[fol. 2027]

UNITED PRESS ASSOCIATIONS

INCORPORATED IN NEW YORK

GENERAL OFFICES

NEWS BUILDING, NEW YORK, CITY

February 11, 1942.

Letter to All Newspaper and Radio Clients and Prospects
—including Canadian.

DEAR SIR:

When, on February 9, Japanese forces crossed the Straits of Johore and established a beachhead on Singapore Island, *United Press* was *first by one hour and 15 minutes* with the news.

The beat provided on this extremely important war development reflects again the superiority of coverage facilities in the Pacific that enables the United Press to produce "The World's Best Coverage of the World's Biggest News."

Cordially, Walter Rundle, Promotion Manager.

WR:MH.



UNITED PRESS this week was first by 70 minutes with the news of the Russian-British invasion of Iran. Monday morning newspapers in New York and across the country reprinted for special editions to carry Edward W. Beattie's sensational dispatch from London. Throughout South America, too, this United Press beat won top position in headlines, gave new proof that United Press provides "the world's best coverage of the world's biggest news."

Other big U. P. war beats of the month: Five hours ahead with first news of the Roosevelt-Churchill Atlantic conference—28 minutes ahead on the shelling of Porto Lavezzi.

**UNITED
PRESS**

2028

1657

United Press Associations

GENERAL OFFICES

'Jugo-Slavs Yield to Axis Tieup'

By the United Press. BELGRADE, March 19. -- Jugo-Slavia was reported reliably tonight to have agreed to join the Berlin-Rome-Tokio Pact with the reservation that German armed forces would not be permitted to cross Jugo-Slav territory. Germany, however, will be permitted to move war materials and hospital trains across Jugo-Slavia, it was said. In return for adherence, Jugo-Slavia will receive the guarantees of Germany, Italy and Japan that her territorial frontiers will not be violated. The agreement also was said to contain guarantees that Hungary, Rumania, Bulgaria and other signers of the power pact would not violate Jugo-Slav territory. Jugo-Slavia will sign the agreement within a week, it was reported. Her economic structure will be harmonized further with the German economy and Jugo-Slavia will guarantee the suppression of all anti-Axis influence in the nation.

6
days
ahead!

AN OUTSTANDING BEAT WAS PROVIDED UNITED PRESS CLIENTS ON ADHERENCE OF JUGOSLAVIA TO THE TRI-POWER PACT.

On March 19---SIX FULL DAYS before any other service carried the report---Leon Kay, chief of the United Press Belgrade bureau reported that Jugoslavia had reached an agreement with Germany to join the axis, with reservations.

While other correspondents wavered uncertainly on the Jugoslav position Kay, during the succeeding week, correctly reported the day-to-day developments leading to the signing on Tuesday, March 25 of the pact between the Axis and Belgrade.

United Press was far ahead--unerringly accurate--on all developments on this important story.

2029

1658

FAR AHEAD IN THE FAR EAST



**First by 48 hours with news
of Japan's decision to join the
Rome-Berlin axis.**

**First by 5 days with news of
Britain's decision to re-open
Burma Road on October 17.**

**First by 3 hours with U. S.
warning to Americans to leave.**

Far Eastern danger zones.

**These are stirring times in the
Orient, with perhaps even
bigger news ahead.**

**Wherever big news breaks,
United Press gets it first.**

UNITED PRESS

2030

Reprinted from EDITOR & PUBLISHER for APRIL 12, 1941



They Saw a New Eastern Front



HOURS, DAYS AHEAD

MARCH 11—British troops arrive in Greece—2 days ahead.

MARCH 19—Yugoslav government decides to sign Axis pact—4 days ahead.

MARCH 27—Army coup calls King Peter to Yugoslav throne—1 hour 30 minutes ahead.

MARCH 27—First account, direct from Belgrade, of celebrations for new government—1 hour 30 minutes ahead.

MARCH 31—First detailed report of Britain's historic victory over Italian navy—3 hours ahead.

APRIL 6—German break-through to Athens and Greek abandonment of Salonika—2 hours ahead.

Alert, Balkan-wise correspondents of the United Press were first to see and first to report that a new and important war front was developing in Eastern Europe.

Because they worked ahead of the news — planned thoroughly in advance — these American-trained reporters scored consistently as this newest and crucial phase of the war unfolded.

Beginning with a three-day beat on the arrival of British troops in Greece, United Press clients were kept out in front on each key development leading to establishment of a new war front in the Balkans.

UNITED PRESS

33 Contracts in 3 months

INTERNATIONAL NEWS SERVICE
is growing at this amazing rate

Because

- ① is expanding its wire facilities at an unprecedented pace.
- ② is dispatching many additional correspondents to the far-flung war fronts.
- ③ is furnishing more news than ever and condensing it for practical use to meet the space-saving trend.

④ in spite of restrictions and censorship, leads in scoops, beats and exclusives.

Word for Word, I.N.S. Excels in
Compactness, Vividness and Accuracy

INTERNATIONAL NEWS SERVICE

[fol. 2033] AFFIDAVIT OF LEO TURNER

STATE OF ILLINOIS,
County of Cook, ss.:

LEO TURNER, being first duly sworn, deposes and says:

I am an employe of the United Press Associations as Night Manager of its Chicago bureau.

On Sunday, November 30, 1942, I came to work in mid-afternoon. Shortly after my arrival there began the delivery to Chicago of the casualty lists of the fire at the Coconut Grove night club in Boston which had occurred late the night before. These lists ran on the printer machine for a considerable period of time. While this was going on Mr. Lawrence Buttonweiser, Assistant Telegraph Editor of The Chicago Sun, called me on the telephone and asked if they were going to receive the casualty lists. I informed him that the lists were running at that time. Some time later Mr. James Mulroy, Assistant Managing Editor of The Chicago Sun, came to my office and demanded that we produce the casualty lists. I showed him the copy, told him that the lists had been running for some time, and that the Sun office was on the same wire that I was, and that he should have the entire file in his office. At the conclusion of that conversation Mr. Buttonweiser again called me on the telephone and asked if I would send him an extra copy of the casualty lists received by me because they had failed to receive them due to the fact that some employe in the Sun office had failed to turn on their printer machine which would have received them.'

Leo F. Turner.

Sworn to before me and subscribed in my presence
this 21st day of June, 1943. Gussie Levin, Notary
Public. (Seal.)

[fol. 2034] AFFIDAVIT OF BOYD LEWIS

STATE OF ILLINOIS,
County of Cook, ss:

BOYD LEWIS, being first duly sworn, deposes and says:

I am and have been since 1936 the Central Division news editor of the United Press Associations, hereinafter re-

ferred to as U.P. The Central Division of U.P. embraces the following states: North Dakota, South Dakota, Michigan, Indiana, Wisconsin, Illinois, Iowa, Minnesota, Nebraska, and the city of St. Louis, Missouri. My duties include the supervising, gathering, editing and distribution of news in the Central States of the United States; supervising the relay of news from the East to the West and from the West to the East on the transcontinental trunk news wires of U.P. In addition, I supervise all training of personnel in fifteen bureaus of the U.P. Central Division.

During the years 1933 to 1936 I was night bureau manager of the New York bureau of U.P. and from 1927 to 1933 I was Connecticut manager for U.P.

U.P. has had no serious difficulty in obtaining the services of its string correspondents in its Central Division, nor has it had difficulty in obtaining coverage of local news in this territory. In many cities in the Central Division, U.P. maintains news bureaus. Newspapers and radio stations obligated to furnish news collected by them to U.P. are further sources of news.

The U.P. bureau in Chicago is the main office for the U.P. Central Division and all news of the region comes directly and without interruption to that office, which is located in the Chicago Daily News Building on the 7th floor. Such news is promptly edited and transmitted without interruption or delay to the subscribers to the service.

The U.P. Illinois State wire ceases operation at 3:00 o'clock P. M. CWT. The U.P. Springfield, Illinois bureau remains open until 10:00 o'clock P. M. CWT. From 3:00 o'clock P. M. CWT to 10:00 o'clock P. M. CWT U.P. has [fol. 2035] an arrangement with Postal Telegraph which keeps a wire open constantly with one terminus in the Springfield, Illinois bureau and the other in the Chicago, Illinois bureau. U.P. may on this wire send queries to Springfield from Chicago and receive an immediate reply. The arrangement is equal in speed and efficiency to the operation of an A. T. & T. leased wire.

U. P. maintains in Milwaukee, Wisconsin a bureau which remains open until midnight and which is responsible for the coverage of news of the entire State of Wisconsin with the exception of the City of Madison. U.P. maintains a day leased wire between Chicago and Milwaukee which remains open until 5:00 P. M. CWT. U.P. maintains a leased wire between Chicago and Madison which remains open until

7:00 P. M. CWT. Wisconsin news is transmitted over this wire after the closing of the Milwaukee day wire at 5:00 P. M. CWT. From 7:00 P. M. CWT until midnight U.P. operates a leased wire between Chicago and Milwaukee.

Any subscriber to U.P. service desiring additional news coverage may request U.P. to obtain such news. This has been done repeatedly.

I know of no occasion, nor do the records of the U.P. office in Chicago disclose such, on which Thomas J. Barry complained to me or any other employee of the U.P. Chicago bureau of U. P.'s failure to cover any story from the Wisconsin region which appeared in the Chicago Tribune over an A.P. logline, although I have been asked for stories appearing in The Chicago Tribune as Chicago Tribune "Special" stories.

/s/ Boyd Lewis.

Sworn to before me and subscribed in my presence
this 16th day of June, 1943. Harold D. Hill, Notary
Public. (Seal.)

[fol. 2036] AFFIDAVIT OF WILLIAM MAPEL

STATE OF NEW YORK,
County of New York, ss:

I, WILLIAM MAPEL, of lawful age, being duly sworn, depose and say:

I have read the affidavit and the exhibits attached thereto submitted by the Government in support of its motion for summary judgment in the case of *United States v. The Associated Press*, Civil Action No. 19-163, now pending in the U. S. District Court for the Southern District of New York, which affidavit was made and sworn to by Virginia M. Marino.

I have had made available to me and have examined the documents produced by the defendant, the Associated Press, and referred to in the Marino affidavit as "comparison" or "beat" records, and cited in the Marino affidavit as:

"relating to the instances in which the Associated Press was ahead of the United Press Associations, or 'beat' said Association, 'scooped' it, anticipated it in time, or excelled it in accuracy or completeness in re-

ports of news events furnished to newspapers. Said documents and said examination of same also covered instances during the period covered by the 'beat' records for the United Press Associations was recorded as having been ahead of, having anticipated in time of release to newspapers, or as sometimes stated, having 'beat' the Associated Press in furnishing reports of news events to newspapers."

Furthermore, I have found it necessary and helpful to discuss this matter with representatives of both the Associated Press and United Press.

Examination of the Government affidavit shows that the deponent thereof submitted one page of text information called a copy of a daily comparison sheet and marked Exhibit A. Also, some 63 pages of tabulated matter summarizing such daily comparison sheets for virtually each day between May 1, 1940 and December 18, 1942. Examination [fol. 2037] of the affidavit discloses that it was submitted in an effort to show the number of "beats" or "scoops" achieved by both the Associated Press and the United Press, day by day, during the aforementioned period; and that it further sought to show the hours or minutes by which one or the other of these press associations "beat" or "scooped" the other.

The affidavit reaches a conclusion that between the aforementioned dates the Associated Press and the United Press recorded a total of 18,747 foreign and domestic "beats" one over the other; and that the Associated Press scored 13,473 or 71.9 per cent of these "beats".

Miss Marino lists herself as a senior stenographer attached to the New York office of the Anti-Trust Division of the U. S. Department of Justice. She says that in the preparation of the affidavit, or in the assembly of material before preparation of the affidavit, she was assisted by another senior stenographer employed in the same office.

This affidavit is offered as a comment on, critique of, and answer to the Government affidavit. I have been a newspaperman and a professor of journalism for more than twenty years, and in support of my qualifications to speak with authority on this subject submit that during this period I held various positions on newspapers which published reports from either one or both of the aforementioned press associations; that for a period of 1934

to 1937 I was Executive Editor of the Wilmington (Delaware) Morning News, and the Wilmington (Delaware) Journal-Every Evening, being in complete charge of all news and editorial matter in both of these papers; and that between 1927 and 1934 I was a journalism professor and particularly between 1930 and 1934 was Director of the Lee School of Journalism of Washington and Lee University in Lexington, Virginia.

Specifically, this affidavit is presented to demonstrate that the Marino document is misleading and of little value because:

[fol. 2038] 1. It is predicated on an Associated Press "log" by no means confined to "beats" or "scoops"; nevertheless, it assumes the "log" in question is so confined.

2. It seeks to apply a mathematical formula to factors not susceptible to such treatment, and, consequently, reaches a meaningless conclusion.

It should be recorded that the subject matter on which the Government affidavit was based was material from the files of the Associated Press. Upon examination of these records, I interrogated officials of the United Press and was informed that the United Press did not furnish this information to the Associated Press, and until publication of the affidavit did not know that the Associated Press was keeping such records. United Press officials further say that they keep no such extended records as those kept by the Associated Press on which the Government affidavit is based. The only records they keep are notations in a "beat" book showing how they fared in comparison with the Associated Press on the few really outstanding stories of each month. And they profess great satisfaction with their competitive record on these stories.

Consequently, without assuming the responsibility for questioning the accuracy of information about the United Press as shown in the records of the Associated Press, I wish to make clear that the figures and facts upon which the affidavit was based were not jointly presented to the Government by the two press associations in question.

Perhaps a few words of explanation from the point of view of a newspaperman will be of service in clarifying the subject at hand.

It is well to understand the meaning of "beat" or "scoop". In the Government affidavit, the terms so used are misnomers. First, because they are loosely applied, and second, because they refer to the subject from the point of view of press association persons rather than from [fol. 2039] the point of view of newspapermen. The distinction is important.

To the news service men, a "beat" is scored if an important story is dispatched from the news service to its member or client newspapers ahead of the dispatch of the same story by another news service to its member or client newspapers. For purposes of morale, *esprit de corps*, and general sustenance of competitive spirit, press association men and women make a great deal out of getting an important story on the wires first, but other than that the matter usually has little significance.

To newspapermen engaged in the editing and publishing of news service stories as part of the daily news content of their papers, a "beat" is nothing more or less than the publication of information which solely through such publication brings about a competitive advantage to the paper achieving such publication in advance of its competitors. By this token, it will be understood that in a one-paper field sufficiently remote from other fields to prevent outside competition coming in speedily, there can be no such thing as a "beat" or "scoop". Many papers using either the Associated Press or the United Press are in non-competitive fields.

As an example of the difference between a "scoop" as a press association man would hail it, and as a newspaperman would recognize it, one of the press associations herein discussed transmitted the news of the surrender of Pantelleria seven minutes ahead of the transmission of this news by the other press association. But newspapers using the service of the other press association were at no competitive disadvantage, because the story broke at a time when papers were not going to press, and therefore the only enthusiasm displayed by anybody was that within the newsroom of the association that delivered the message first.

Also of help in understanding this matter may be an explanation of the mechanics of sending news from a press association to a newspaper.

[fol. 2040] The machines used for sending such news stories are known as teletypes. All press associations use

similar machines. These machines are geared to send 60 words a minute, and except for intermittent pauses, are in operation for about 15 hours beginning at 3 a. m. for afternoon papers, and for about 13 hours beginning at 2 p. m. for morning papers.

Afternoon wires carry an average of roughly 150 separate stories daily. These stories frequently are broken into what are called "takes". For example, the association editor may send the first two or three paragraphs of a story, then send the first two or three paragraphs of another story, and so forth; coming back to the remaining paragraphs of the first story minutes or, in some cases, even hours later. There are usually about 300 "takes" per day, and the afternoon report averages between 50,000 and 54,000 words each day.

On the morning side (the night wire) from 90 to 100 separate stories are carried in from 175 to 200 "takes" for a total of between 40,000 and 44,000 words.

For the sake of illustration, suppose that on each side of a given wall, two teletype machines start filing the day report at 3 a. m. On one side of the wall is the Associated Press and on the other side of the wall is the United Press. Men of similar training and experience are in charge of the movement of each report. During the 15 hours following 3 a. m., these two men each will move roughly 150 stories. Given identical news to handle, the two associations will finish their movement of the day report at 6 p. m. and will end in a dead heat.

But if this procedure were followed day after day into infinity without consultation between the two press association editors, never could the two reports be expected to agree identically as to the hour and minute that each of the 150 stories was flashed across its respective wires. This being the case, it will be seen that it is entirely wrong to lay too much stress on the time of transmission for each and [fol. 2041] every story. On news of great moment this may be highly important, but as a rule it is of no consequence.

Even on big stories the time element often is not paramount to 90 per cent of the newspapers of the country.

With the understanding that a "beat" insofar as a newspaper is concerned is achieved only by publication and circulation of a story, it will be understood that if the Associated Press transmits a story three hours before a

paper goes to press, and the United Press transmits the same story only 30 minutes before the paper goes to press—but both stories arrive in time and are published in their respective papers—obviously no “beat” has been secured.

The Associated Press has some 1200 member papers in the United States, and the United Press has between 800 and 900 clients. Including foreign newspapers, both associations serve about the same number of papers. Of the domestic newspapers, by far the vast majority are outside of what might be termed metropolitan centers. Whereas in such cities as New York, Chicago, Philadelphia, and Washington papers have a number of editions, in the smaller cities and among daily papers in what might be called the rural sections editions are limited to one or maybe two. Where there are two editions (taking afternoon papers as an example), the first would be primarily for newsstand and mail delivery, while the second, which in many instances would come two or three hours later than the first, would be for home delivery by carrier boys.

From this it further can be seen that the UP might move a story an hour or more ahead of the AP, or vice versa, but unless such story came at such a late moment as to miss a deadline, no newspaper “beat” would be secured.

Information sent over a press association wire as a “take” or as a story may be put into one of four categories. The most important category is flash information. The second is bulletin information. The third is information that is to be moved ahead of everything except flashes or bulletins, and the fourth category is all that remains.

[fol. 2042] Flashes are broken into the report the moment they come, even if in the middle of a sentence that is being transmitted. On the receiving end of the wire, a bell rings five times when there is a flash. This is to attract the attention of the newspaperman and to warn him that something of great importance is being transmitted.

Bulletins are broken in at the end of sentences. On the receiving end of the wire a bell rings three times to indicate a bulletin.

News services, even in wartime, do not average one flash a week. As many as 30 or 40 bulletins would not be unusual in a daily report.

Analysis of the daily comparison sheets on which the Government affidavit was based shows that the vast ma-

jority of the stories listed certainly were not flashes, and many of them probably were not even bulletins. This really is not unusual. Day in and day out, exclusive of such departmentalized activities as sports, there are only about three or four stories of sufficient importance to make the time of dissemination a factor of primary importance.

Too much stress cannot be placed on the fact that frequently the quality of a story, the way it is put together, and the judgment of the newspaper editor in the manner in which he will "play" it, are far more important from a competitive point of view than is the moment at which a story was sent over press association wires.

The Marino affidavit makes the mistake of trying to compute "beats" or "scoops" scored by the Associated Press and the United Press on the basis of an identical unit value for each story listed, but with utter disregard for the news value of any story. As an example, the Marino affidavit weighs each of the following stories the same:

Washington: Roosevelt Signs China Loan.

Mel Ott Named Field Manager of Giants.

[fol. 2043] Washington: Biddle Says Government Taking Every Precaution Against Sabotage.
Thirty Arrests in Alleged Traffic in Stolen Auto Parts.

Washington: Roosevelt Nominates Henderson as Price Control Administrator.

Cairo: Lull Has Lasted 24 Hours.
Japanese Planes Raid Port Moresby.
Avenol Quits as Secretary-General of League of Nations.
Welles Says Nazis Cause Appalling Famine in Greece.

Lisbon: The Wind-ors Look Over Their Ship.
Moscow Guerilla Detachments Create Panic Behind German Lines.
Hamburg and Bremen Off Air.
Roosevelt Says Country Needs Congressmen Who Will Back the Government.
Wagner's Stepdaughter Dies.
Germany Invades Holland.
Normandy Afire.

1670

London: Boat With 320 Children U-Boated.
Washington: White House Says Pearl Harbor Attacked
By the Japanese.
Goebbels Tells of Protecting Art.
Costa Rica Declares War on Japan.
Congress Votes Declaration of War Against
Japan.
[fol. 2044] Rome: Gayda Accuses Swiss Papers of Bias.
Thailand Ceases Resistance.
CBS Reports the Army Says the Blackout
Was Test.
Washington: Roosevelt Declines to Comment on Respon-
sibility for Hawaiian Attack.
State Dept. Says Two U. S. Officials Arrested
In Indo China.

A competent newspaperman would have had to classify the aforementioned stories in perhaps as many as half a dozen categories according to their importance and news value. Certainly the fact that newspapers all over the country played some of these stories on the front page, some of them inside the paper, and threw some of them into the wastepaper basket indicates that there is no possible logic in trying to weigh them numerically as equivalent units.

It is misleading to compare the transmittal time of an item from two press associations without being assured that the matter in question has passed over comparable tele-type circuits. This is most important. For example, an item originating in Washington might go directly from Washington to Chicago on one press association circuit, but might be routed through New York or some other relay point by a competing press association. One example may be helpful:

The Government affidavit reproduces one page of Associated Press comparisons, those for February 13, 1942. Listed thereon is the story of Laura Ingalls' conviction, noted as handled by the Associated Press at 6:05 p. m. and by the United Press one minute later, or 6:06 p. m. From the files of the United Press, the report for that day shows that the United Press story about Miss Ingalls, signed by Joseph L. Myler, United Press Staff Correspondent, [fol. 2045] reached newspapers then on the United Press

direct circuit from Washington at 6:03 p. m., three minutes before it was cleared on the New York City circuit to New York newspapers, and two minutes before the time given as the Associated Press handling time. This being true, it is entirely possible that the United Press moved the story out of Washington at the same time or maybe before the Associated Press moved it out of Washington.

Other Washington stories mentioned in the AP comparisons for that day, when checked in the UP files, also showed earlier handling from Washington to newspapers on the direct Washington circuit than the times given in the AP comparisons. This being true, the only way to produce a set of time figures similar to those compiled by Miss Marino and be absolutely fair to both press associations would be to observe and record comparative operations of comparable teletype circuits of the two agencies over a given period of time and at various points throughout the United States. To produce the desired result, such observations could be made only by impartial observers with full cooperation of both agencies.

Miss Marino's obvious lack of familiarity with the subject at hand made it necessary for me to examine the Associated Press comparison sheets for the entire period covered and to give careful analysis to numbers of them, including the sheet offered as Exhibit A.

From the over-all examination, a number of obvious conclusions arose. The first of these is that the picture would have been entirely different had the UP assembled a "log" done in the same way as that of the AP and had the Government affidavit been based on the UP "log." For example, the tabulation in many cases was based on the AP comparison of the angle of a particular story which the AP picked as a lead, and which was compared in time with the movement of the same angle of the story by the UP, even though the UP might have moved an earlier story on the same subject but stressing a different angle.

[fol. 2046] To complete the example, the AP comparison for February 12, 1942 gives the comparative times for the movement of a Washington Army communique entitled, "Japanese Reorganizing in Philippines." The times given were 10:16 a. m. for the AP, and 10:19 a. m. for the UP, which according to the formula that was used in the affidavit was a 3-minute "beat" for the AP. Of interest, however,

it is a note on the AP comparison sheet which reads as follows:

“AP used this for top of communique. UP used Jap occupation of Island of Masbate and moved it at 10:15 a. m. AP had island taken timed 10:23 a. m.”

In other words, a “beat” was scored by the AP on an angle of the story and it is true this angle was moved three minutes earlier by the AP than by the UP. But the UP which used the occupation of the island of Masbate as the lead of its story, moved this lead one minute earlier than the AP moved its lead and moved the angle eight minutes earlier than the AP moved the same angle. Consequently, it will be seen that had the UP been preparing the “log,” this would have been listed as a UP “beat.”

Comparative news judgment plays an important part in the movement of stories. For example, in the AP comparison for February 2, 1942, it is shown that on that morning the AP dispatched an Aneta agency Batavia story about Japanese occupation of Pontianac at 7:09 a. m. while the UP, having simultaneous access to the Aneta story, transmitted it at 7:20 a. m. One would have to see the copy sent by the two agencies to draw any fair conclusion on value of the comparative stories. Certainly both versions were moved in ample time for all the afternoon newspapers and the story obviously was not one in which there was any reason for undue haste.

(It should be pointed out here that I do not ignore the factor of geography and the part it plays in newspaper publication. The material referred to in the [fol. 2047] Government affidavit was news filed into or out of New York City and New York City times of day are in question. Certainly the difference between Pacific Coast time and Eastern time plays a part in what stories get in what papers. It is impossible in this affidavit, therefore, to make adjustments for every statement referring to time of transmission. For this reason, this should be taken into consideration and it should be realized that whereas many stories originate in New York and may result in a time disadvantage for other locations, similarly, stories originating else-

where may result in a time disadvantage in the Eastern Seaboard.)

On the same day (Feb. 2, 1942), at 11:20 a. m., the UP transmitted an Aneta eye-witness account of the battle in Macassar Straits. The AP did not transmit this story until 12:33 p. m. The hour and 13 minutes of difference in transmitting this eye-witness account may have meant that some UP papers carried this story when AP competing papers did not have it, there being editions of many papers at about that time of the day.

Many of the "beats" listed in the Government affidavit are on the ordinary stories moved between 3 and 8 a. m., a time unimportant for most newspapers throughout the East. During these hours, press associations are moving copy for first editions of afternoon papers. Many news service editors prefer to file completed stories without interruption during this period. Consequently, if one association files a 700-word story in one "take" and another association files the first hundred words and then interrupts to file the first "take" of another story, obviously an early transmission of part of both stories thereby is achieved, but if time is not important this is a matter within the discretion of the association editor.

It has been my observation that telegraph editors of afternoon papers, by and large, prefer to have completed [fol. 2048] stories come over the wires at this time of day whenever possible.

It should be pointed out at this juncture that press associations at the beginning of each day-report and each night-report send a general schedule showing what news is at hand and is to be disseminated during the course of the report. This schedule is most helpful to telegraph editors because with it at hand they are able to plan in advance for a story which they know is coming later. This minimizes to some extent the importance of time of transmission of many stories. Obviously, no press association is able to forecast spot news of great importance which may break at any time and which of course is handled in the proper way in direct ratio to its importance.

A check of the first 17 days of February, 1942, shows that 59 out of the 283 items listed in the Government affi-

davit as "beats" were items filed between the hours of 3 and 8 a. m.

It is common practice in the press association field to move at any convenient time in advance, stories which have a release date some hours later. For example, on February 6, 1942, the AP moved at 5 p. m. an advance story telling that school-teachers were to issue sugar rationing books. The UP moved this story at 5:05 p. m. The release hour for the story by newspapers was 9 p. m., four hours later. Nevertheless, this is listed in the AP comparisons as a "beat."

Exhibit A of the Government affidavit reproduces the AP comparison sheet for February 13, 1942. Seventeen stories or items are listed for that day. I have examined the final editions of the New York World-Telegram and The New York Journal-American for that date, also the final editions of The New York Times, the New York Herald Tribune, the Daily News and the Daily Mirror for February 14, 1942, it being understood that the news transmitted and recorded on Government Exhibit A was for both [fol. 2049] afternoon papers of February 13 and morning papers of February 14.

Careful examination of these New York newspapers results in the following comment on the stories listed on the AP comparison sheet, one by one. A diligent research job was done in this newspaper examination, but it of course was subject to human error. For that reason I shall not say categorically that certain stories did not appear in certain newspapers; instead, it will be said that they were not noted or were not observed. Taking them in order:

"Washington: Army Corps. Increased Action on Bataan; Two Jap Bombers Down." This story was not noted in the World-Telegram or the Daily Mirror. The Journal-American final edition used one paragraph at the end of an AP story. The Times, Herald Tribune and Daily News all used the UP story on page 2, although the UP was listed as being a few minutes slower than the AP in transmission of the story.

"Washington: Roosevelt Signs China Loan." This story was not observed in the Herald Tribune, Mirror, World-Telegram or Journal-American. The Daily News used one paragraph on page 8 from the AP. The Times used 5 paragraphs on page 5 but it was a story from a

Times correspondent, not from one of the news services.

“Washington: Radio Manufacturers Ordered Convert to War Production.” This story appeared on page 1 of the Journal-American, Herald Tribune and Times, on page 3 of the World-Telegram, page 5 of the Mirror and page 6 of the Daily News. All used the AP story except The Times, which used its own correspondent’s story.

“Washington: Former King Carol of Roumania Not Welcome in U. S.” This story was not observed in the Daily Mirror, the Journal-American used one paragraph from the UP story and played it on page 1, the World-Telegram had the same story on page 10 using 4 paragraphs from the UP, the News used the UP story on page 10, the Herald Tribune used it on page 5 but from a special [fol. 2050] correspondent, as did The Times on page 6, although The Times also coupled its correspondent’s story with the UP story.

“Washington: Laura Ingalls Convicted.” This story was transmitted too late for use by the afternoon papers but The Times and Herald Tribune played the AP version on page 1, while the Mirror and News used the UP story on pages 5 and 7, respectively.

“London: Fleet: Three or Four Torpedo Hits Scored in Dover Straits Battle.” This story lists an 8-hour advantage for the UP on one of the many angles of one of the day’s important stories, the aftermath of the escape of the German battleships Gneisenau and Schornhorst and the cruiser Prinz Eugen, from Brest, through the English Channel to German ports. This was an important angle of the story, to be sure, but any analysis should have taken into consideration the fact that the night before both services had covered the first break of the story shortly before 9 o’clock. On the record for Thursday, February 12, the UP got a 1-minute “beat” on the comparison sheet on the basis of a bulletin. In reality, the original story the night before was carried at a time when several minutes one way or the other would have made little difference.

“London: Bremen Radio Says Battleships and Cruiser Arrived at Base.” This story was listed in the AP comparisons as an apparent exclusive, although UP had supplied similar information from London sources earlier in the day.

“London: Editorials Blast Churchill.” This was a “build-up” story wrapping together critical London news-

paper editorials. Analysis of the New York newspapers shows that both the AP and the UP carried extracts from such editorials at various times during that day.

"London: Singapore Radio on Air for Regular Broadcast." This again was one angle on the general story of the impending surrender of Singapore to the Japanese. It [fol. 2051] appeared in most newspapers as one or two paragraphs of the main Singapore story.

"Canberra: Emergency Parliament Session Called for February 20." This minor item was not noted in the final editions of the Journal-American or Herald Tribune. The Times used it on page 3 from a special correspondent. The World-Telegram used one paragraph from the UP story and played it on page 24. The News and the Mirror used the AP story on page 20. This is a good example of the part telegraph desk judgment plays in the use of a story. In this case, the News and the Mirror used the AP story, despite the fact that the UP delivered it seven hours ahead of the AP.

"Canberra: Word Received from Percival." On this small angle of the general story about Singapore, the Herald Tribune used one paragraph on page 2 and it was not noted in other newspapers.

"On China-Burma Border: Fresh Chinese Troops Arrive." This story received little attention from New York telegraph editors. The World-Telegram used one paragraph on page 9. It was not noted in the Journal-American. The Daily News used 2 paragraphs of the AP story on page 8, and the Daily Mirror on page 2. The Herald Tribune on page 1, instead of using this story, used a UP Chungking story and tacked the Chinese troop reinforcement angle on at the bottom thereof.

"Singapore: Reuters Reports Heavy Fighting West of the City." This story apparently was not included in the Marino Computations, because it was listed as an AP exclusive.

"Batavia: Jap Drive Slackening." This was a story on which the two associations had a different point of view. AP comparisons noted the UP was less optimistic. The Times and the Herald Tribune on pages 3 and 2, respectively, used brief portions of AP story, which seems not to be the same story, but undoubtedly was a later AP story about Macassar having been set afire.

[fol. 2052] "Rangoon: Heavy Fighting in Paan Sector." This story was not noted in the Herald Tribune, Journal-American, World-Telegram and Mirror. The News used the AP story on page 8, the Times used it on page 2.

"Tokio: Japs Admit Resistance Two Miles from Heart of Singapore." This angle of the general Singapore story was not noted in the World-Telegram or Mirror. The Journal-American used one paragraph of the AP story. The Herald Tribune, Times and News used the UP story on page 2. Again it will be noted that time of delivery was unimportant. The AP having delivered the story two hours ahead of the UP, nevertheless, as just noted, the Herald Tribune, Times and News used the UP story.

"Tokio: Japs to Treat Prisoners According to Hague Protocol." This story was listed in the Government exhibit as a UP exclusive. Examination of the UP report for the day does not disclose the story at all, so possibly the affidavit was in error.

"Moscow: Soviet Forces Enter White Russia." The Herald Tribune used the AP story on page 1. The Journal-American used a story from the International News Service. The Mirror used the AP story on page 2. The News used the AP story on page 3 and the World-Telegram used it on page 13. The Times used a Berne special story on page 3. (United Press records for the day disclose the fact that the UP Moscow Bureau was beaten by 7 hours on this story, but UP picked it up from the Exchange Telegraph in London in time for dissemination to all afternoon newspapers. This parenthetical reference is made merely because it illustrates the virtual impossibility of one agency sewing up all avenues of access to any story.)

"Berlin: British Destroyer Sunk; One Set Afire in Dover Straits." This minor angle of the Scharnhorst-Gneisenau story was observed only in the Journal-American, one paragraph on page 6.

The foregoing comment on the comparison for February 13 shows that many of the stories were not important, [fol. 2053] many of them received secondary treatment by New York newspapers, certainly among the most alert in the United States, and many of them were not used at all.

Many factors which cannot be reduced to statistics contribute to the value of a news service to a newspaper. One of these factors is transmission. The forward looking

news service will chart transmission shortcuts in advance and be ready to employ these quicker facilities when the big story breaks. Another factor is the timely placement of reportorial talent on potentially important news fronts.

No story tests the strength and flexibility of a press service as severely as war. This has been especially true in the last decade when first the ominous threats of war and then war itself have been the big continuing news story for all newspapers everywhere.

Without in any way drawing invidious comparisons, it is a matter of record that over the last ten years the UP—due to what appears to have been a keen appreciation of the meaning of certain world events plus advance transmission experiments in remote parts of the world, the canny placement of seasoned reporters ahead of the right time, and the willingness of management to underwrite such a program—has in fact scored notable wartime “beats” beginning with the invasion of Ethiopia in 1935 and running through the many developments which have followed in the wake of that aggressive thrust.

In this connection, attention is called to an AP memorandum taken from the material supplied the Government from the AP comparison records. This memorandum, signed T. H. O., and dated June 11, 1940, gives credit where credit is due for superior war coverage in the following language:

“On Monday, June 10, front pages of four non-New York evening members with plural news services were nearly all AP in dealing with Italy’s entry into the war. That is in marked contrast with Russia’s [fol. 2054] move into Poland, the German grab of Scandinavia, the German entrance into the Low Countries, and the Dutch surrender.”

Following up this T. H. O. memorandum, examination of the AP comparison report for the night of May 9 and the day of May 10, for example, illustrates the advantage secured by the UP in bringing the news of the German invasion of the Low Countries. A copy of the AP comparison sheets for these days is attached as Exhibit A to this affidavit. It shows a number of significant stories scored in the Government’s tabulation as “beats” for the UP. Certainly this invasion was important news. But

insofar as the tabulation of the Government affidavit is concerned, each of these news items was weighed the same as all of the other hundreds of items in the 63 pages of tabular material.

Ignoring the factor of weight in such a mathematical formula is not only erroneous but definitely misleading. The numerical conclusion drawn by the affidavit, namely, that a total of 18,747 "beats" were scored by the two news services in a period of 30½ months is absurd. 18,000 real "beats," which gave one press association or another a competitive advantage over its rival, have not been scored by all press associations in the United States during their combined lifetime.

In complete fairness to the subject at hand, much more could and should be presented. The material already given, however, will, it is believed, provide adequate basis for a sound evaluation of the matter. Briefly, therefore, it may be said in conclusion that "beats" or "scoops" as a newspaperman knows them are few and far between. One was scored spectacularly last year when the news of the execution of the Nazi saboteurs was transmitted by one press association half a day or more before it was carried by any of this service's competitors. This was a real [fol. 2055] "beat," but scored by the AP and not scored by the UP, but by the International News Service.

Newspaper "beats" in which press associations figure by and large are afternoon paper matters. Even with allowance for difference in time between the United States and news centers abroad, most news develops between 6:30 a. m. and 6:30 p. m. Consequently, morning papers have little opportunity through their wire services to secure competitive results. Today in particular other influences exert themselves insofar as "beats" and "scoops" are concerned. Wartime restrictions of the Federal Government play an important part in decisions of newspapers to bring out extras, to slow up press runs while waiting for a made-over page, or to expend unnecessarily any newsprint. These restrictions also have resulted in fewer pages in newspapers, and, consequently, fewer columns of news.

Whereas several years ago, for example New York afternoon newspapers had as many as 7 editions, now they are down to 4. Curtailment to a marked degree has been true also in the morning field.

It would seem logical to me that one reading this affidavit might be expected to ask this question:

“If what this says is true, why, then, did the AP list all these stories that are called of no great significance in this comparison sheet?”

I do not know the answer. Perhaps it was done to provide material for advertising promotion; perhaps it was done as a rather extensive daily record for busy AP executives; perhaps it was part of the program of the AP in keeping an extensive record because AP newspapers are members of an association rather than clients or customers. At any rate, in my judgment the hundreds of pages of comparisons include thousands of stories that, by and large in the newspapers over the land, both AP and UP, received insignificant treatment or ended up in the wastebasket. [fol. 2056] It should be noted, however, that it is the Government, and not the AP, which calls these comparisons “beat records.”

(S.) William Mapel.

Subscribed and sworn to before me this 17th day of June, 1943. Phillips Norton, Notary Public. (Seal.)

[fol. 2057]

EXHIBIT "A"

5/14/40
Comparative logs late night May 9 and early May 10 on
NAZIS INVADE NETHERLANDS,
BELGIUM AND LUXEMBURG
AP.....
UP.....

6:50p—Amsterdam, communications cut.
7:27p—Amsterdam, canal locks closed.
10:27p—anti-plane guns begin fire.
10:50p—They fire at German planes.

7:11p—Brussels, communications with Holland cut.
7:57p—Berlin, communication with Netherlands cut.
10:13p—New York, communication with Netherlands cut.
11:44p—Amsterdam, O'Sullivan radiocasts tension relaxed.

1:25a—London, reports of foreign planes over Holland.
1:34a—Berlin, Dutch hear by radio Nazi parachutists have landed in Holland; fighting on.
1:55a—Berlin, DNB tells of Germany telling Belgium and Holland Allies intend invasion.
1:57a—Berlin, DNB, Nazi troops will safeguard Dutch and Belgian neutrality.
1:58a—London, Reuter, Dutch radio says Nazis have landed at Waalhaven.
1:40a—Washington, Cudahy informs state dept Belgium, Holland and Luxembourg expect attack.
2:05a—Washington, Cudahy reports Luxembourg invaded.

12:11a—Amsterdam, air battle over Amsterdam.
12:13a—Amsterdam, planes dive on bombers believed to be German.
12:17a—Berlin denial that invasion of Holland is under way.
12:26a—Welschap drome bombed.
12:27a—Nazi planes try to land at Nouburg.
12:46a—parachutists at Sliecracht and Delft.
12:55a—parachutists at Dordrecht.
1:00a—Amsterdam, reports Germans crossed Dutch frontier.
1:09a—Amsterdam, general lead, Germany invaded Holland, land troops being preceded by blitzkrieg air attack on Dutch dromes and landing of parachutists.

1:40a—same as corresponding AP.

2:05a—Same as corresponding AP except flashed at 2:02a.
2:15a—Amsterdam, Dutch officially at war with Germany.
2:18a—Washington, Cudahy reports Nazi bombing Brussels airport.

[fol. 2058]

EXHIBIT "A"—Continued

Sheet Two

AP

UP

2:07a—Paris, air raid alarm

(UP at 2:03a).

2:0-a—Berlin, military operation launched against Holland, Belgium and Luxemburg.

2:11a—Brussels, planes cause alarm.

2:15a—Brussels, Belgium invaded by German planes.

2:22a—Brussels, airport bombed.

2:30a—London, Reuter, Dutch and Belgians ask aid.

2:33a—London, Dutch legation says we are allies of Britain and France.

2:37a—London, ExTel Belgium and Holland ask aid.

2:56a—Brussels, general lead Nazis invade three countries.

3:27a—London, Britain and Holland will get aid.

3:50a—London, Reuter, Lyons drome bombed. (UP Paris 4:20a).

3:51a—London, ExTel, killed by Nazi planes at Brussels.

4:13a—New York, CBS, Goebbels tells of Dutch-Belgian plot for revolt in Germany.

4:40a—Paris, Lyons drome bombed. (Cf AP 3:50a and UP 4:20a).

4:35a—Paris, France will aid.

5a—London, ExTel, 400 casualties at Brussels.

5:36a—London, ExTel, Hitler messages troops. (UP 5:37a).

5:40a—London, 5 Nazi planes downed in France. (UP 5:36a).

6:02a—Hilversum, Holland at war with Germany. (UP had at 2:13a).

6:12a—Paris, Havas, Nancy, Lille, Lyon, Colmar, Pontouse, Luxeuil bombed.

7:01a, New York, CBS, Hitler gone to front. (UP Berlin 7:17a).

7:08a—Berlin, Hitler gone front.

7:06a—Berne, damage by forn planes

2:28a—London, same as AP 2:20 (ExTel).

2:27a—New York, CBS Goebbels tells why.

2:30a—Amsterdam, Queen says will do her duty. (AP Hilvarsum 6:53a).

2:37a—Washington, Roosevelt freezes Dutch, Belgium, Lux' assets (AP 8:12a).

3:09a—Army ordered to protect the Low countries. (AP HAD IT AT 1:57a)

3:27a—London, same as corresponding AP except that UP flashed at 3:26a.

4:38a—London, Nazi mines laid outside Dutch and Belgian ports. (AP 4:58a).

5:31a—Washington, Bullitt phones Calais and Dunkirk bombed.

5:32a—Berne, Swiss points bombed. (Cf AP 7:06a).

7:13a—Zurich, Swiss Mobilize. (AP London Reuter 7:19a, AP Berne 7:21a.)

[fol. 2059]

5/13/40

Comparisons Friday, May 10, '40

	filed	recd	desk	AP	UP
London, Chamberlain resigns.....	3:14p	3:17p	?	3:20p	3:17p*
Churchill prime minister.....	3:15p	3:20p	?	3:22p	3:18p*
Nazi land on Frisian islands.....	8:02a	8:12a	8:24a	8:26a	8:15a*
Nazi fire bombs at Chilham.....	8:47a	8:59a	9:08a	9:22a	8:59a*
Labor willing if Chamberl' quits.....	12:35p	12:46p	12:50p	12:51p	12:47p*
Warning of Nazi parachutists.....	2:57p	3:08p	3:10p	3:12p	3:05p*
First take Chamberlain radiocast.....	(from Radio)			4:08p	4:08p
Dutch Nazi-held dromes bombed.....	4:03p	4:13p	4:15p	4:17p	4:14p*
Nazi troops planes destroyed.....	8:49p	9:09p	9:10p	9:14p	9:12p*
Berlin, Metz and other Fr dromes bomb...	9:45a	10:25a	10:28a	10:31a*	10:47a
Nazi sub sinks British sub.....	12:15p	12:59p	12:53p	1:09p	12:23p*
Maastricht captured.....	6:35a	2:30p	2:35p	2:41p	12:43p*
100 enemy planes destroyed.....	2:50p	3:21p	2:47p		
			(ex G radio)	2:55p	2:28p*
5 bombs for 1 threatened.....	5:45p	5:11p	6:17p	6:21p*	7:34p
(Reuter's Berlin)					
Kirk returns.....	11:25a		1:06p	1:35p*	1:38a
Paris, allied troops in Belgium, AP					
Havas, UP Agence Radio.....	8:12a	8:50a	8:55a	8:59a	7:45a*
Nazi warned of bomb reprisals.....	9:28a	10:35a	10:40a	10:41a*	11a
Reynaud reorganizes cabinet.....	1:05p	2:08p	2:10p	2:11p*	2:15p
AP London Reuter.....				1:47p*	
Gamelin peps up troops.....	10:50a	11:06a	11:11a	11:18a*	1:37p
The Hague, bomb near U. S. Min. Gordon..	5:15p	7:53p	7:55p	7:56p	8:54a*
Batavia, Nazi interned.....	8:10a	9:53a	10a	10:47a	10:10a*
Brussels, Nazi halted at border.....	7:30a	12:02p	?	12:35p*	12:38p
AP Amsterdam, UP London, Dutch					
announce attack failed.....	3:40p	4:58p	5:02p	5:03p	2:13p
Amsterdam, 100 Nazi planes downed.....					
(AP Reuters Amsterdam).....	9:09p	9:25p	9:29p	9:31p*	9:55p
Brussels, Leopold proclaims. (Paris).....	9:15p	9:30p	9:33p	9:34p*	11:40p

Front pages:

Providence Bulletin—Led with UP undated; used AP London Churchill in vice Chamberlain, AP Paris allied army in Belgium, AP Brussels Nazi stopped near border, AP Rotterdam, Nazi parachutists mopped up.

Detroit News—Led with UP Amsterdam general lead; used UP London, Dutch saying Nazi surprise attack failed, AP Paris allied army in Belgium, UP London Churchill, AP Rotterdam, UP Berlin 100 allied planes downed.

Buffalo News—Led with UP Berlin general lead; used AP Rotterdam with Harrelson's byline, AP Brussels with Okin's byline, UP London Churchill.

Newark News—Led with AP undated; used AP Brussels, AP Rotterdam, AP Paris allied army, UP London Churchill.

[fol. 2060] AFFIDAVIT OF HAROLD L. CROSS

STATE OF NEW YORK,
County of New York, ss:

HAROLD L. CROSS, being duly sworn, deposes and says:

I permanently reside at Harlaine Farm, Skowhegan, Maine, and in connection with a special mission I am undertaking am now temporarily residing at the Hotel Grosvenor, 35 Fifth Avenue, New York City.

Since October 1912 I have been a member of the Bar of the State of New York. For many years prior to 1937 I was a member of the firm of Sackett, Chapman, Brown & Cross, 154 Nassau Street, New York City, and since January 1, 1937 I have been counsel to that firm. Though withdrawn from active general practice since that date I have from time to time engaged in special counsel work for publishers and groups of publishers of daily newspapers. Between 1922 and 1937 I was secretary of and counsel to New York Tribune, Inc., owner and publisher of the daily and Sunday newspaper New York Herald Tribune.

Since September 1927 I have been a member of the faculty of the Graduate School of Journalism, Columbia University, New York City, and since January 1, 1937 have been professor of journalism therein.

Thus for varying periods for more than a quarter of a century, as lawyer, newspaper executive, occasional writer of news and editorials, and teacher, I have been in direct contact with the legal, editorial and financial problems of daily newspapers.

I have read the affidavits herein verified by Alfred McClung Lee and submitted by the plaintiff in support of its motion for summary judgment, and also the affidavit of Guy Raynor Hill, verified May 24, 1943.

Mr. Lee's affidavits are three in number, verified respectively May 10, May 20 and May 22, 1943. The first and third of those affidavits refer to and purport to explain and point out salient facts in voluminous exhibits and statistical [fol. 2061] tabulations. In the second affidavit, which contains no mathematical data, Mr. Lee expounds his philosophy as to what democracy must permit in order to be healthy, quotes miscellaneous utterances by William Allen White, William Randolph Hearst and Robert R. McCor-

mick, refers to a controversy concerning "non-competitive daily newspapers" in which the affiant takes his stand with those who "point to the correlation between the rise of unified control of dailies in so many of our cities and the increase in non-controversial circulation 'bait' in an economic or political sense in daily newspaper columns," refers with approval to several chapters in a book of which he is the author, and states certain conclusions which are commented upon below.

Analysis of the first and third Lee affidavits and the accompanying exhibits shows that in many respects they are incorrect in point of fact and misleading in aggregate effect. In the great mass of matter set forth there is, of course, included considerable material which is correct, but along with this there are included errors so serious as to cast grave doubt upon the whole. These errors are of two sorts: (1) factual errors in figures and compilations and (2) misleading presentation of material with the result that much of that which is presented as sworn fact is in reality mathematical special pleading masquerading as fact.

As a simple illustration of factual error, one that may easily be checked independently even by a non-mathematician, I direct attention to the first of Mr. Lee's affidavits (May 10, 1943) and take the most detailed exhibit (Exhibit No. 7), which sums up Mr. Lee's researches on relative population and circulation figures in five decades in the 25 largest cities in the United States, on the basis of which he finally arrives at a set of comparative index numbers. On the first page of this exhibit, which sums up the figures set forth on the following nine pages, Mr. Lee has [fol. 2062] given the aggregate population of the 25 largest cities in the United States as follows:

1900	.....	2,576,438
1910	.....	6,647,384
1920	.....	10,696,355
1930	.....	15,477,606
1940	.....	16,745,522

These are obviously wrong. In 1900 the population of New York City alone was over 3,000,000. Checking the above quoted figures against the total of the figures for the various cities in the following nine pages of Exhibit No. 7,

it appears that there is an error in the above figures of 10,000,000 all along the line. As that exhibit is concerned with ratios, the constant size of the error does not prevent serious results. The error of writing 2,576,438 for 12,576,438, if it stood alone, might be explained as an error in typing, but in three of the years given there has been a change in the figures, e. g., in 1930, "15" has been substituted for "25."

In spite of the fact that those figures are obviously wrong, they have been used in compiling the index numbers set forth in the middle of the first page of Exhibit 7. Here again I shall take only one example out of the several available. In arriving at the index number for 1940 Mr. Lee as a matter of arithmetic has correctly divided 16,745,522 by 10,696,355, thus obtaining 157 as the population index number for 1940. The trouble is that each set of figures thus used is wrong. If the calculation is made with the correct population figures the index number will be found to be 129 and not 157. Whereas the exhibit as prepared by Mr. Lee shows (for example) a large drop in evening circulation in proportion to population (128 for circulation as against 157 for population) the two actually ran almost exactly even (128 for circulation and 129 for population).

[fol. 2063] In this exhibit, as elsewhere in the affidavits, figures are presented as things apart and not as having connection with reality. Thus figures are presented for relative average morning circulation in different years and the statement is made (first affidavit, page 6) that "* * * the 1942 index number for average morning circulation was 232" when compared with 1920. Mathematically this may be correct, but how little it means in terms of reality may be illustrated by turning to the second page of Exhibit No. 7 and taking the figures for New York City, since this is the place where the case is being heard. In 1920 the circulation of New York morning papers is stated at 1,527,658. In 1942 it is stated at 3,568,417. It is true that the latter figure is somewhat more than twice the former, but this statement of averages is misleading rather than helpful because it tends to create the impression that the circulation of the group of newspapers being published in New York in 1920 had doubled by 1942. The truth is quite different. Actually the increase in the total figure is mainly

due to the arrival in the New York scene of the two newspapers commonly called tabloids, the Daily News and Mirror, the first of which was established in 1919 and the second of which began publication in 1924. In 1920, the first year after its founding, the circulation of the News was approximately 249,646. In the ensuing 22 years it swept to a circulation of over 2,000,000. It is interesting and significant to note that the Daily News did not become a member of The Associated Press until 1927 and that without such membership its circulation rose in eight years from nothing to approximately 1,002,976 daily. The corresponding Sunday circulation figure was approximately 1,244,316. The Mirror circulation between 1924 and 1942 went to approximately 804,684. Thus to present the result as if the other New York City newspapers which were in existence in 1920 had benefited by a doubled circulation is misleading. [fol. 2064] Another instance of similar character is to be found in Exhibit No. 3, which deals with urban and non-urban circulation of United States daily and Sunday newspapers from 1920 to 1940. Assuming these calculations to be correct as a matter of arithmetic, the tabulation is to be taken with great reserve so far as reality is concerned, because the tabulation depends upon shifting definitions of the terms urban and non-urban and also upon shifting designations of geographical areas comprehended within those terms. As Mr. Lee states in a note attached to the exhibit, the area within these terms is one designated by the Audit Bureau of Circulation in consultation with the particular newspaper involved. For a number of years I spent my summers at Grove Beach, Connecticut, and after that spent a number of summers at Sagaponack, Long Island. During each of those periods I habitually bought a New York morning newspaper at the railroad station news stand in the country and read the paper on the way in to New York. Similarly, I regularly purchased a New York evening newspaper at a news stand in the city and read it on my way down to the country. As a human being I was the same "reader audience" all day long, but as a statistical abstraction I was non-urban in the forenoon and urban in the afternoon. Similarly, during this past winter, due to gasoline and fuel oil shortages there were in the City of New York a number of newspaper readers who as statistical abstractions remained urban both morning and afternoon, who in their previous residential habits had been non-urban

in the forenoon. At all events that may be the case depending on the then current geographical area within the term non-urban as arranged between the particular newspaper publisher and the Audit Bureau of Circulation. Moreover, even if these tabulations evidence some kind of offense on the part of newspaper publishers (certainly neither sin nor responsibility is charged to The Associated Press, much less proved), the offense certainly may be characterized as a "little one," for the tabulation shows [fol. 2065] that the morning urban percentage figure increased in twenty years only from 52.7 to 55.3, which percentage actually went into a decline in the decade of the thirties from 55.7 to 55.3.

Another readily verifiable instance of discrepancies, though perhaps less harmful, may be obtained from Exhibits 4 and 5 to the same Lee affidavit (May 10, 1943) by comparing the "total daily" figures in Exhibit 4 for 1919, 1929 and 1939 with the total figures for the same years given in Exhibit 5. Thus the figures in Exhibit 4 for those three years are respectively 2,078, 1,944, and 1,888, whereas in Exhibit 5 the figures are 2,441, 2,086 and 2,040. Here one may hazard the conjecture that the source of the discrepancies is to be found in the varying sources from which the figures are drawn, but the affidavit contains neither an explanation of the discrepancy nor any indication which figures are the correct ones or which figures have been used by Mr. Lee in formulating his general conclusions expressed elsewhere in his affidavits.

I shall now give examples of the second type of error, of misleading presentation of material. Here the error lies in presenting under the guise of mathematical facts results which are actually solely due to the selection of material. Before illustrating this from the other affidavits, an example will be given from the first Lee affidavit (May 10, 1943), Exhibit No. 6. This exhibit shows, in two pages, the "circulation of AP and non-AP dailies in fifty cities." By this method of classification Mr. Lee lists as an AP evening paper, for example, the New York World-Telegram, which is owned by the owners of UP, and which furnishes its news to UP. As summarized in the body of the affidavit (page 4) the following statement is made:

"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 [fol. 2066] 10,578,759 and that the total evening circulation of non-AP papers was 2,506,959."

As the best way of illustrating the utter worthlessness of a table of this sort, I have attached an analogous exhibit, using the same supporting figures given by Mr. Lee on which he prepared his own exhibit, this Exhibit No. 1 of mine being entitled "Circulation of UP and non-UP dailies in fifty cities." This exhibit is attached. I repeat that it is of no more value than Mr. Lee's, and is simply given to illustrate my point. This exhibit shows that the total circulation in these same cities of morning UP papers was 8,840,614 and that the total morning circulation of non-UP papers was 3,313,649. This exhibit further shows that the total circulation in these cities of evening UP papers was 9,966,410 and that the total evening circulation of non-UP papers was 3,096,064.

The third Lee affidavit, dated May 22, 1943, with its supporting exhibits, is marked by the same defects already discussed in connection with the exhibits to the first Lee affidavit. For example, the same type of selective presentation discussed in connection with Exhibit No. 6 to the first Lee affidavit is found in Exhibit No. 13 to the third Lee affidavit. In the first classification in Exhibit No. 13, morning daily newspapers having circulations of over 200,000, sixteen papers are shown as AP and one paper is shown as non-AP. It is equally true that of these seventeen papers twelve are UP and five non-UP, as shown by the detailed statement in my Exhibit No. 1. In neither event is the result significant, except as showing that by selecting the categories in which the information is presented, it is possible to make the situation look predominantly AP, or predominantly UP, as the person making the selection may desire.

The same objection holds true to the material presented in connection with the affidavit of Guy Raynor Hill. Here again, much of the basic information is correct, but the [fol. 2067] form of presentation presents results that are not properly factual. For example, Exhibit C-1 is an outline map with many cities marked thereon entitled daily

morning newspapers published in the United States which were regular members of AP as of March, 1942. Exhibit C-2 is an outline map of the United States with very few cities marked on it entitled daily morning newspapers published in the United States which as of 1942 were not regular members of AP and were obligated, by contract, to furnish their local news to UP. By changing the form of presentation, as already illustrated in my Exhibit No. 1, a map can be prepared on which more cities are marked as cities where daily morning newspapers are published which are members of UP, with a second, accompanying map having fewer cities marked showing cities in which daily morning newspapers are published which were not members of UP and were members of AP.

Exhibit No. 1 (Lee affidavit, May 10, 1943) is devoted to the mathematics of "average circulation" of daily and Sunday newspapers in alternate years from 1921 to 1939. That which this exhibit appears actually to show is that the average circulation of newspapers has grown along with the growth of the country and of its population, which is natural, desirable and creditable.

Exhibit No. 2 deals with the total circulation of daily and Sunday newspapers from 1920 to 1942 and naturally shows substantial increases. Exhibits 1 and 2 read together appear to demonstrate the essential health of the newspaper publishing business as a public service by the best of all tests,—reader acceptance. Since journalism to fulfill its highest mission and purpose must at least, in my opinion, be by, for and of the people, this statistical proof of increased reader acceptance of American daily newspapers in the midst of the welter of competition of news by radio, news weeklies and pictorial magazines is gratifying evidence of sound health.

[fol. 2068] In respect to this Exhibit No. 2 dealing with total circulation, Mr. Lee states (page 3) that "the increase in circulation for morning and Sunday papers has been much greater than for evening papers." I believe that statement to be incorrect and it is not in accord with the understanding in the newspaper publishing business. It is, I believe, true that evening newspapers have gained *more* circulation than morning newspapers, though morning newspapers have gained a greater *percentage* in circulation. Indeed, analysis of the exhibit itself will show that my statement is correct.

Exhibits 4 and 5, though containing the discrepancies above mentioned, indicate a decline over the years in the number of daily and Sunday newspapers. In that connection it should be noted that Mr. Lee states (page 4 of the May 10, 1943 affidavit) that "the peak in the number of dailies was 1909." At that time The Associated Press was nine years old and practically alone in the news agency field. The INS had just been formed that year. The United Press, an amalgamation of three small news agencies in 1907, was, in 1909, almost as young an infant as INS. The fact is that the progressive decline in number of daily newspapers which so distresses Mr. Lee has gone along beside the great growth of the UP and INS in the news agency field. If there were a cause and effect relationship between number of newspapers and the situation in the news agency field, it would therefore appear desirable to do away with UP and INS. That, of course, is absurd. It is equally absurd to suggest a corresponding relationship between number of newspapers and The Associated Press.

Exhibits 1, 2, 4 and 5 (Lee affidavit, May 10, 1943) read together look as if there were something unfortunate or discreditable in a decrease in number of newspapers accompanied by an increase in circulation thereof. In my opinion, in view of the decline in number, the increase in [fol. 2069] circulation is not only natural but desirable from any standpoint. Indeed, if such an increase in circulation had not occurred the inherent probability is that the decrease in the number of newspapers which so distresses Mr. Lee would have been even more drastic.

The general purport of Mr. Lee's affidavit is to set forth a series of conditions in the daily newspaper field which distress the affiant, as, for example, the decline in number of newspapers, the increases in circulation, increase in percentage of non-urban circulation, etc. The effect, if any, appears to be to suggest that these are evils in themselves and that The Associated Press has some responsibility for them, although the affiant refrains from making any such charge and certainly presents no such proof.

From my experience and observation in the daily newspaper field, it is at least debatable whether any of these conditions is a real evil from any standpoint, and the fact is that the conditions, however they may be characterized, are the result of a great number of factors in the economic

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conditions of the nation. Certainly no inference that The Associated Press is responsible in the premises may be drawn without specific assertion and precise proof.

Harold L. Cross.

Sworn to before me this 17 day of June, 1943. Pearl
E. Loeber, Notary Public. (Seal.)

[fol. 2070]

EXHIBIT 1

Circulation of UP and non-UP Dailies in Fifty Cities

Place	UP Morning	Non-UP Morning	UP Evening	Non-UP Evening	UP Total	Non-UP Total
Fifty cities.....	8,840,614	3,313,649	9,966,410	3,096,064	18,807,024	6,409,713
1. New York.....	3,667,859	0	1,783,288	10,175	5,451,147	10,175
2. Chicago.....	298,195	1,065,297	880,427	462,964	1,178,622	1,528,261
3. Philadelphia....	654,341	0	606,691	0	1,261,032	0
4. Detroit.....	329,682	0	682,899	0	1,012,581	0
5. Los Angeles....	325,320	221,555	357,324	0	682,644	221,555
6. Cleveland.....	233,640	0	241,109	123,832	474,749	123,832
7. Baltimore.....	152,401	0	189,279	163,083	341,680	163,083
8. St. Louis.....	0	241,606	164,352	248,323	164,352	489,929
9. Boston.....	511,965	469,048	523,923	156,875	1,035,888	625,923
10. Pittsburgh....	234,202	0	228,818	168,289	463,020	168,289
11. Washington....	266,582	0	169,746	162,104	436,328	162,104
12. San Francisco..	119,151	165,734	98,296	106,524	217,447	272,258
13. Milwaukee....	0	125,243	284,039	0	284,039	125,243
14. Buffalo.....	123,658	0	219,907	0	343,565	0
15. New Orleans...	0	133,965	0	126,542	0	260,507
16. Minneapolis...	63,610	0	240,172	70,741	303,782	70,741
17. Cincinnati....	127,329	0	150,730	152,215	278,059	152,215

[fol. 2071]

18. Newark.....	107,521	0	189,805	0	297,326	0
19. Kansas City....	0	308,100	64,162	312,570	64,162	620,670
20. Indianapolis....	132,615	1,175	254,766	0	387,381	1,175
21. Houston.....	102,793	0	71,063	118,941	173,856	118,941
22. Seattle.....	0	106,108	177,465	0	177,465	106,108
23. Rochester.....	85,127	0	102,347	0	187,474	0
24. Denver.....	44,423	0	158,063	0	202,486	0
25. Louisville.....	120,442	0	133,858	0	254,300	0
26. Columbus.....	0	59,197	73,338	153,085	73,338	212,282
27. Portland.....	151,591	0	147,159	0	298,750	0
28. Atlanta.....	0	128,362	160,729	0	160,729	128,362
29. Oakland.....	0	0	136,383	0	136,383	0
30. Jersey City....	0	0	0	41,230	0	41,230
31. Dallas.....	110,713	0	102,582	17,657	213,295	17,657
32. Memphis.....	125,112	0	96,808	0	221,920	0
33. St. Paul.....	63,802	0	102,010	0	165,812	0
34. Toledo.....	0	25,510	157,461	0	157,461	25,510
35. Birmingham....	0	45,801	75,280	109,680	75,280	155,481

[fol. 2072]

36. San Antonio....	57,819	0	65,103	53,626	122,922	53,626
37. Providence....	39,198	0	116,665	0	155,863	0
38. Akron.....	0	0	107,453	0	107,453	0
39. Omaha.....	93,657	0	91,975	0	185,632	0
40. Dayton.....	29,744	0	0	120,975	29,744	120,975
41. Syracuse.....	0	74,956	103,637	0	103,637	74,956
42. Oklahoma City..	99,660	0	90,744	0	190,404	0
43. San Diego.....	32,791	0	51,289	0	84,080	0
44. Worcester.....	0	45,457	88,163	0	88,163	45,457
45. Richmond.....	90,527	0	0	83,656	90,527	83,656
46. Fort Worth....	0	96,535	39,001	85,773	39,001	182,308
47. Jacksonville....	92,430	0	0	47,204	92,430	47,204
48. Miami.....	79,827	0	46,463	0	126,290	0
49. Youngstown....	0	0	71,060	0	71,060	0
50. Nashville.....	72,887	0	70,578	0	143,465	0

[fol. 2073] AFFIDAVIT OF JAMES S. SHORT

STATE OF NEW YORK,
County of New York, ss:

JAMES S. SHORT, being duly sworn, deposes and says:

I reside at 330 East 31st Street, New York, New York.

I am in charge of newspaper space buying in the main office of J. Walter Thompson Company, New York, and have specialized in the purchase of newspaper space for seven and a half years. The J. Walter Thompson Company acts as advertising agent for a large list of leading advertisers and has over the last five years purchased in the newspapers of the United States space averaging many millions of dollars a year.

Newspapers desire to secure such advertising and such advertising is a substantial source of revenue to newspapers.

One of the J. Walter Thompson Company functions exercised through the Media Department is to currently evaluate newspapers as vehicles for reaching the public. Their value is determined by circulation, cost, character and influence with the group they reach.

There are nearly 1,800 English language daily newspapers published in the United States. They have achieved leadership and importance as advertising media in their markets by many different routes. While most newspapers are probably bought primarily for news content, readership surveys indicate comics, pictures, columnists and features have equal interest. It is the space buyer's responsibility to appraise the achievement, not the individual features that bring it about.

The representatives of newspapers urge upon your deponent and the J. Walter Thompson Company all factors which might induce your deponent and the J. Walter Thompson Company to recommend their newspapers when advertising is being allocated.

[fol. 2074] In the experience of deponent membership in the various press associations is not a factor stressed in advertising solicitations by newspaper representatives. Although interviewing such representatives continuously deponent does not recall any recent instance in which membership in any press association was stressed as an impor-

tant reason for selection of a newspaper as against a competitor which lacked membership in such association.

James S. Short.

Sworn to before me this 14th day of June, 1943.
Marcia Jenkins, Notary Public. [Seal.]

[fol. 2075] AFFIDAVIT OF FRANK J. STARZEL

STATE OF NEW YORK,
County of New York, ss:

FRANK J. STARZEL, being duly sworn, deposes and says:

I am the Traffic Executive and Assistant Secretary of The Associated Press and am responsible, among other duties, for arranging wire facilities, their operation, and all communications phases of the association's activities; have engaged in news gathering, news distributing and directly related work for approximately 25 years; have been employed by The Associated Press for 15 years; and have acquired a comprehensive practical knowledge of all phases of communications as applied to operations of a press association.

I have examined and analyzed the affidavit of Manfred K. Toeppen filed by the plaintiff in this case and also have examined statements prepared by the American Telephone and Telegraph Company and the Western Union Telegraph Company showing details of communications facilities furnished by these carriers to The Associated Press for its operations and by the A. T. & T. showing details of communications facilities furnished by it to United Press for its operations.

The statement by Mr. Toeppen purporting to be a comparison of the communications facilities employed by The Associated Press and the United Press contains errors of substantial proportions as to facts, arbitrarily excludes certain facilities utilized by the United Press with the effect that the result distorts the presentation, sets up a wholly impractical and illogical method of purported comparisons and disregards vital considerations essential to a fair analysis of the facilities used by The Associated Press and United Press.

Although Mr. Toeppen's affidavit states that the figures entitled "Mile Hours" are calculated on the *airline* channel miles utilized by the two organizations, an examination of the exhibit entitled "Circuits Leased from Western Union" [fol. 2076] shows that he has used *railroad* mileage on all Western Union circuits used by The Associated Press (with the exception of four circuits accounting for a total of 1,877 contract miles which actually are leased on an air mile basis). Mr. Toeppen's calculations show a total of 44,168 channel miles leased by The Associated Press from Western Union. Of this total therefore, 42,291 channel miles represent railroad mileage which is on an average fifteen percent or more greater than airline mileage connecting the same cities. Since the United Press uses only the facilities of the American Telephone and Telegraph Company which prices all circuits on an airline basis, the inclusion by Mr. Toeppen of railroad mileage in making the purported comparison of Associated Press circuits is grossly inaccurate. For example, a Western Union circuit operated by The Associated Press from Atlanta to certain points in Florida is 1,538 railroad miles while a parallel circuit of the American Telephone and Telegraph Company connecting the same cities is 1,214 airline miles, the railroad mileage in this instance being 26% greater than airline mileage. For another example, a single wire connecting all cities on the New York-Kansas City trunk circuits of The Associated Press would be 3,173 railroad miles or 2,853 airline miles, railroad mileage in this instance being 11% greater than airline. The American Telephone and Telegraph Company tariff rate for a teletype-writer circuit is \$18.00 annually per airline mile for continuous use while the Western Union rate is \$15.00 annually per railroad mile; the A. T. & T. rate is 20% higher to equalize the differences resulting from airline versus railroad mileage pricing policies. Since more than one third of the circuits, used by The Associated Press are Western Union facilities, including many on which the arbitrary formula has its greatest distorting effect, this error makes the calculation wholly valueless for comparative purposes.

Mr. Toeppen arbitrarily multiplied by two the weekly contract hours on circuits operated as "round robin duplexes" [fol. 2077] on the theory that such circuits provide double channels. In this he totally disregards the practical

considerations of round robin duplex operation in theorizing that double the round robin mileage is the equivalent of two single wires connecting the same cities. A single circuit connecting all the cities served on what is known as the New York-Kansas City round robin of The Associated Press would be 2,853 airline miles. Two such single circuits therefore would total 5,706 airline miles. A round robin circuit connecting these same cities is 3,397 airline miles; when this mileage is arbitrarily doubled (or the same effect produced by doubling the contract hours factor) the result is to produce a mileage of 6,794 miles. In other words, for purposes of comparison 1,088 miles have arbitrarily been added and in the case of Western Union circuits Mr. Toeppen's error in using railroad miles makes the figure 7,440 miles against 5,706 miles, a difference of more than 1,700 miles.

On the basis of Mr. Toeppen's calculations (and *including the errors* resulting from his use of railroad mileage), round robin duplex circuits leased by The Associated Press account for 1,026,455 mile hours or 28.7% of mile hours for all circuits leased from Western Union, while round robin circuits leased by The Associated Press account for 2,788,750 mile hours or 48% of mile hours for all circuits leased from the American Telephone and Telegraph Company. Combining the circuits leased from the two companies, round robin circuits leased by The Associated Press account for more than 40% of the mile hours in its entire system on Mr. Toeppen's method; against this, the round robin duplex circuits used by the United Press account for only 13% of its total mile hours. The distortion resulting from Mr. Toeppen's arbitrary and erroneous method of computing mile hours on round robin duplex channels is tremendous, producing a misleading and manifestly unfair comparison. I have not attempted to compute a comparison on another basis because it would necessarily be arbitrary and inconclusive since I know of no method for reasonably and accurately comparing round robin duplex facilities [fol. 2078] with single wires as Mr. Toeppen pretended to do.

Mr. Toeppen's calculation includes a total of 219,970 weekly mile hours covering wire connections to the borders of the United States on circuits to Canada, Mexico and Havana. Their inclusion is unjustified since this mileage