

does not affect service to newspapers within the United States and only domestic newspapers' services are at issue.

The calculation by Mr. Toeppen arbitrarily and without sound basis excluded from the facilities of the United Press A. T. & T. Circuits Nos. 7751 and 7752, on the ground that these were primarily serving broadcasting stations. These circuits are an integral part of the United Press news distribution system and, contrary to Mr. Toeppen's unsupported conclusion that these circuits are only "incidentally" used to serve newspapers, the United Press has been engaging in extensive and intensive sales campaigns to place this circuit with newspapers for newspaper publication. In any event, it is manifestly misleading to exclude arbitrarily such a substantial portion of the United Press system in making a comparison of this nature. The total mileage of A. T. & T. Circuits Nos. 7751 and 7752 is not less than 20,100 miles contracted 24 hours daily, making a weekly "miles hours" total of 3,376,800, which is greater than the weekly "miles hours" figure shown by Mr. Toeppen for the total United Press system. In other words, Mr. Toeppen has arbitrarily eliminated more than half of the United Press' facilities for purposes of a purported comparison.

Mr. Toeppen's statement shows that The Associated Press has 1,774 "printers connected" to its circuits. I do not know the source of the figure but it bears not even a reasonable relation to the correct number.

Mr. Toeppen's formula, apart from the substantial errors already cited, is one arbitrarily adopted by him to serve his purpose and insofar as I know or am able to determine through competent sources has never been accepted or used by communications companies or press associations [fol. 2079] as valid or accurate. This formula fails to differentiate between day and night services, fails to give any regard to geographical divisions and fails to allow for the practical differences between contract hours and actual operations (in many cases as of the date taken it was necessary to lease circuits for a period of hours prescribed by the tariffs as a minimum irrespective of their use.)

News distribution by press associations normally is handled by geographical divisions for reasons of related interests. The news report desired by a newspaper in Maine is substantially different in many respects from the report

which is ideal for a newspaper in California. The purported comparison by Mr. Toeppen fails to make any provision whatever for the practical consideration that a newspaper in Maine receiving a single wire eight hours daily is not affected or benefited by the fact that a group of large city newspapers in California receive a triple wire service running from ten to sixteen hours daily.

The figure "weekly mile hours", apart from the errors therein already pointed out, bears no relation to the relative ability of the two organizations to serve newspapers. Service to a morning paper in any city depends upon the facilities available during the late afternoon and night directly or reasonably calculated to serve that newspaper's interest and a morning paper is in no way benefited substantially by facilities leased by the news service in the early morning hours after the morning paper has been published or during the daytime hours. Similarly, service to an evening paper in that same city is in no substantial manner affected by the facilities available in the late afternoon, following the hour of publication for the evening newspapers, and during the night hours.

The purported comparison of "number of mile hours per city served" is a mathematical fiction and bears no relation to the practical aspects or physical facts. The same is true of the figure "number of mile hours per paper served." As a practical demonstration of the meaningless [fol. 2080] character of these purported comparisons there is cited the case of the Houghton (Mich.) Mining Gazette which in May, 1943, was transferred at its request from the Michigan day state wire of The Associated Press to the Wisconsin day state wire. On an actual leasing basis, 15,554 weekly "mile hours" of wire facilities were required to serve the Gazette on the Michigan wire while only 5,280 weekly "mile hours" were needed on the Wisconsin wire. Yet the change was made at the member's request because the newspaper received, in its judgment, a more adequate and satisfactory service on the Wisconsin wire. The practical considerations involved in facilities cannot be measured by mathematical formula.

The purported comparison of "number of mile hours per editorial employe" as cited by Mr. Toeppen is likewise meaningless. To demonstrate, The Associated Press operates one circuit a total of 129,051 weekly "mile hours" with a single editorial employe. On the other hand, another cir-

cuit is operated a total of 1,260 weekly "mile hours" and for this were needed 45 editorial employes as of December 31, 1942, and the staff has since been enlarged.

I have examined The Associated Press wire system and compared it with such data as are available to me on the United Press system. The greater extent of The Associated Press system is due solely to practical and reasonable differences between the two organizations; first, The Associated Press serves more newspapers than does the United Press; second, The Associated Press, following the principles of a mutual cooperative organization, in a considerable number of cases extends its wires to points remote from the normal routing of the circuit, thereby providing wire news service to newspapers in communities which on a strictly commercial basis would have been unable to afford the wire costs and, third, The Associated Press devotes considerably more wire space for transmission of what is known as "routine" (market quotations, [fol. 2081] sports summaries, text of speeches and documents, and the like) for the benefit of a few members and as a public service which The Associated Press as a mutual, cooperative organization renders. Any other advantages inherent in Associated Press wire facilities are those resulting from ingenuity and initiative of its employes, supported by a mutual, cooperative membership, in developing new and improved methods of news distribution.

There is no worthwhile competitive advantage in the extensive volume of copy that can be delivered during any given span of hours. Quite the contrary, and particularly in the current shortage of manpower, large volume of copy is a disadvantage more often than not because newspaper copy desks are unable to process it. The significant factor is not how much but how good.

News reported by string correspondents to associated Press bureaus is largely so reported in person or by "overhead" and not on AP leased wires. By "overhead" is meant telephone or ordinary telegram.

Frank J. Starzel.

Sworn to before me this 18th day of June, 1943.  
William W. Duson, Notary Public. (Seal.)

[fol. 2082] AFFIDAVIT OF WILLIAM J. McCAMBRIDGE

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

WILLIAM J. McCAMBRIDGE, being duly sworn, deposes and says:

I am the vice-president and general manager of Press Association, Inc. and am in charge of its operation. I am familiar with contracts which have been made by Press Association, Inc. with radio stations in the United States. In none of such contracts is a radio station obligated to furnish news to Press Association, Inc. or to The Associated Press. Except in five small cities, Press Association, Inc. leased wires are not utilized for the transmission of news to newspaper members of The Associated Press.

William J. McCambridge.

Sworn to before me this 17th day of June, 1943.  
William W. Duson, Notary Public. (Seal.)

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[fol. 2083] AFFIDAVIT OF F. A. RESCH

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

F. A. RESCH, being duly sworn, says:

I am the Newsphoto Editor of The Associated Press, directly in charge of the Newsphoto service.

Attached hereto and marked Exhibit A is a true and correct copy of an agreement dated January 29, 1942, between International News Photos, Acme Newspictures, Inc., Life Magazine and The Associated Press, covering the pooling of war pictures taken by the various photographers of the four parties to the agreement in various theatres of naval operation.

Attached hereto and marked Exhibit B is a true and correct copy of a letter dated February 4, 1942 from Rear Admiral A. J. Hepburn, U. S. Navy (Ret.), to Mr. Brian Bell of The Associated Press approving the said agreement.

Attached hereto and marked Exhibit C is a true and correct copy of an agreement dated January 28, 1942, be-

tween International News Photos, Acme Newspictures, Inc., Life Magazine and The Associated Press, covering the pooling of war pictures taken by the various photographers of the four parties to the agreement in various theatres of Army operations outside continental United States, but including Alaska.

Attached hereto and marked Exhibit D is a true and correct copy of a letter dated February 9, 1942, addressed to me by Brigadier General A. D. Surles, U. S. A., Director Bureau of Public Relations, approving the said agreement on behalf of the War Department.

Attached hereto and marked Exhibit E is a true and correct copy of an amendment to the aforesaid agreements dated January 29, 1942.

[fol. 2084] To the best of my recollection, the suggestion for a wartime still picture pool emanated originally from the United States Navy Department.

F. A. Resch.

Sworn to before me this 18th day of June, 1943.  
William W. Duson, Notary Public. (Seal.)

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#### EXHIBIT A

##### Agreement (Navy)

Representatives of The Associated Press, International News Photos, Acme Newspictures, Inc., and Life Magazine have agreed on the following plan for the pooling of still picture coverage of various theatres of naval operation outside continental United States, but including Alaska:

- (1) It was agreed that the four above-named organizations should constitute the pool;
- (2) That the regular full time photographers of those organizations, already maintained on assignment as approved by the Navy, constitute the pool effective immediately;
- (3) That the organizations now maintaining the fewest men on such assignments be the first to provide additional manpower as the Navy makes additional assignments available;

[fol. 2085] (4) That as soon as all organizations in the pool have an equal number of full time photographers on approved Navy assignment (namely, two men each), an order of rotation be agreed upon by lot to determine the sequence of each organizations' further assignments;

(5) That the number of photographers in each theater of naval operations shall be decided upon in each case by mutual agreement among the pool participants, in consultation with the Navy;

(6) That any pool participant desiring to assign one of its photographers, with the Navy's approval, to a theater of operations to which the pool as a whole has not agreed on additional manpower, may do so (not as a turn in the rota) with the understanding that such photographer's product automatically becomes pool material;

(7) That release of all pool pictures is to be on an immediate, simultaneous basis whenever the Navy makes approved pictures available, whether in the field or at the Navy Department, with the organization whose photographer has taken any given pictures to make a full set of prints or direct copy negatives available to the other pool participants, but with the approved original negatives in each case remaining the property of the organization whose photographer produced them for the pool;

(8) That each of the pool participants pay the salary and costs of assignment of each of its own representatives in the pool, with the understanding with the Navy Department that each photographer's expenses will be held to a minimum;

(9) If any other organization wishes to participate in this pool, it may do so provided it meets the accrediting standards of the Navy Department, and complies with the terms and conditions of this agreement;

[fol. 2086] (10) It is agreed by the pool participants that none of them will make promotional claims in their own interest in connection with their own representatives' performance;

(11) It is agreed and understood that all photographs showing combat action, damage or rescue work shall be forwarded by Navy authorities as rapidly as possible to the

Navy Department, Washington, D. C., for clearance, unless the Navy shall decide such pictures, in some instances, may be released elsewhere, such as San Francisco, or New York, etc.

(12) Pictorial material, in addition to those photos actually made by a photographer of a pool participant, obtained by or through such a photographer or a pool participant's correspondent or representative from any other source in the theaters of operation or concerning the same, will be subject to pooling.

(13) Whereas visiting correspondents will be entitled to "feature exclusives" under the terms of Navy Department regulations, all pictorial material of a spot news nature warranting mention in dispatches obtained by a visiting correspondent apart from those photos for which the visit was made, will be subject to general release as determined by the Navy Department. No pictures will be permitted of subject matter previously denied to members of the pool.

The present list of accredited photographers now on assignment from the above organizations, who will form the start of the pool's operation, is as follows: For Acme Newspictures, Inc., Alan Campbell and Jonathan Rice, at Honolulu; for The Associated Press, Jack Rice, at Honolulu, and Herbert White, at Panama; for International News Photos, [fol. 2087] Fred Parker, at Panama, and Robert Bryant, at Honolulu; for Life Magazine, Robert Landry, at Honolulu.

Signed at New York, January 29, 1942:

F. A. Resch, for Associated Press. E. M. Grundy,  
for International News Photos. Fred S. Ferguson,  
for Acme Newspictures, Inc. Edward K. Thompson,  
for Life Magazine.

Acknowledged and approved: — —, for the Navy Department.

## EXHIBIT B

Secretary of the Navy  
Office of Public Relations  
Washington

OOR-4

February 4, 1942.

DEAR MR. BELL:

Receipt is hereby acknowledged of the agreement between the Associated Press Photos, Acme Newspictures, International News Photos, and Life Magazine, concerning the pooling of still picture coverage in various theatres of operation by war correspondents of the above named agencies.

This agreement was signed by representatives of the four agencies in New York City, January 30, 1942. The terms will be incorporated in the directive being sent to commanding officers in the fleets for their guidance.

[fol. 2088] It is understood that you will inform the other agencies of the action being taken by this office.

Your co-operation is very much appreciated.

Very truly yours, A. J. Hepburn, Rear Admiral, U. S. Navy (Ret.).

Mr. Brian Bell, Washington Manager, Associated Press Photos, Washington, D. C.

## EXHIBIT C

## Agreement (Army)

Representatives of the Associated Press, Acme Newspictures, International News Photos, and Life Magazine have agreed upon the following plan for the pooling of still picture coverage of various theatres of operation outside continental United States, but including Alaska:

(1) It is agreed that the four above-named organizations should constitute the pool.

(2) That the regular full time photographers of those organizations already maintained on assignment as accredited by the War Department constitute the pool effective immediately.

(3) That the organization now maintaining the fewest men on such assignments be the first to provide additional



manpower as the War Department makes additional assignments available.

[fol. 2089] (4) That as soon as all organizations in the pool have an equal number of full time photographers on accredited War Department assignment (namely, two men each), an order of rotation be agreed upon by lot among the pool participants to determine the sequence of each organization's further assignments.

(5) That the number of photographers in each theatre of operations shall be decided upon in each case by mutual agreement among the pool participants, in consultation with the War Department.

(6) That any pool participant desiring to assign one of its photographers may with the War Department's approval assign a man to a theatre of operation to which the pool as a whole has not agreed on additional manpower, (not as a turn in the rota) with the understanding that such photographer's product automatically becomes pool material.

(7) That distribution of all pool pictures is to be on an immediate, simultaneous basis whenever the Army releases such pictures in the field or at the War Department, with the organization whose photographer has taken any given pictures to make a full set of prints or direct copy negatives available to all other pool participants, but with the approved original negatives in each case remaining the property of the organization whose photographer produced them for the pool.

(8) That each of the pool participants pay the salary and the costs of assignment of each of its own representatives in the pool, with the understanding with the War Department that each photographer's expense will be held to a minimum.

(9) If any other organization wishes to participate in this pool, it may do so provided it meets the accrediting [fol. 2090] standards of the War Department and complies with the terms and conditions of this agreement.

(10) It is agreed by the pool participants that none of them will make promotional claims in their own interest in connection with their own representatives' performance.

(11) Pictorial material in addition to those photos actually made by a correspondent but obtained by or through a

correspondent from any other source will be subject to pooling.

(12) Whereas visiting correspondents will be entitled to "feature exclusives" under the terms of War Department regulations, all pictorial material of a spot news nature warranting mention in dispatches obtained by a visiting correspondent apart from those photos for which the visit was made, will be subject to general release as determined by the War Department. No pictures will be permitted of subject matter previously denied to members of the pool.

Signed at New York, January 28, 1942:

F. A. Resch, For Associated Press; Edward M. Gundy, For International News Photos; Fred S. Ferguson, For Acme Newspictures, Inc.; Edward K. Thompson, For Life Magazine.

Acknowledged and approved:

For the War Department.

[fol. 2091]

EXHIBIT D

War Department  
Bureau of Public Relations  
Washington

February 9, 1942.

Mr. F. A. Resch, Associated Press Photos, 50 Rockefeller Center, New York, New York.

MY DEAR MR. RESCH:

This will acknowledge receipt of a copy of the joint agreement on war correspondents for pictorial purposes, signed at New York on January 28, 1942 by representatives of the following companies:

Associated Press  
Acme Newspictures Inc.  
International News Photos  
Life Magazine

Representing the War Department in this matter, I hereby approve the above mentioned agreement this date.

Very truly yours, A. D. Surles, Brigadier General,  
U. S. A., Director, Bureau of Public Relations.

1708

[fol. 2092]

EXHIBIT E

Pool Amendment

It is agreed by the army and navy pool participants that all pictures relating to naval and/or military action, rescues at sea, or any other pictures of a military or naval nature and having to do with the purpose of this pool, originating at any of the specified theatres of action, which may be bought or obtained by any pool participant from any outside or free lance source, shall become pool pictures for simultaneous release on the same basis as pictures from the pool staff itself. It is further agreed that advice of any such purchase on which an amount over \$100 is involved be relayed to New York as quickly as possible for joint consideration and decision by the pool participants. It is agreed that the purchase price of such pictures so obtained is to be shared equally by the pool participants.

New York, January 29, 1941 should be 1942.

F. A. Resch, For Associated Press; E. M. Gundy,  
For International News Photos; Fred S. Ferguson,  
For Acme Newspictures, Inc.; Edward K.  
Thompson, For Life Magazine.

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[fol. 2093] AFFIDAVIT OF WILLIAM W. DUSON

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

WILLIAM W. DUSON, being duly sworn, says:

I was born in Crowley, Louisiana, on April 9, 1896. I am a graduate of the Georgia School of Technology, Atlanta, Georgia, with a degree of Bachelor of Science in Electrical Engineering.

My first association with a newspaper was with the Crowley (La.) Daily Signal and I served with that paper for a period of 10 years ending January 1, 1930, in the capacities of publisher and editor.

In November 1930, I became associated with The Associated Press, and from that time through March 1, 1934, I was one of the editors of the Feature Service, continuing after that date in a position which combined editorial and business duties.

Early in 1941, I left the employ of The Associated Press and became associated with Press Association, Inc.

I have made a comparative story by story check of Associated Press member newspapers and nonmember newspapers in 15 of the principal cities of the United States to determine whether or not the nonmember newspapers received from their news agencies and published the main news stories of the day supplied to and published by Associated Press member newspapers in the same cities.

My study was made of the final editions of the newspapers in each city except in Fort Worth, Texas, where the home edition was studied.

Included among the newspapers studied was the Camden (N. J.) Courier, a nonmember newspaper published in the City of Camden, New Jersey, directly across the river from Philadelphia.

[fol. 2094] The newspapers studied and the cities in which they were published are as follows:

Pittsburgh (Pa.) Sun-Telegraph  
Pittsburgh (Pa.) Press

Washington (D. C.) Evening Star  
Washington (D. C.) Times Herald

Philadelphia (Pa.) Evening Bulletin  
Philadelphia (Pa.) Daily News  
Camden (N. J.) Evening Courier

Erie (Pa.) Dispatch-Herald  
Erie (Pa.) Daily Times

Cincinnati (Ohio) Times-Star  
Cincinnati (Ohio) Press

Columbus (Ohio) Evening Dispatch  
Columbus (Ohio) Citizen

St. Louis (Mo.) Post-Dispatch  
St. Louis (Mo.) Star-Times

Detroit (Mich.) News  
Detroit (Mich.) Times

Birmingham (Ala.) News  
Birmingham (Ala.) Post

Houston (Tex.) Chronicle  
Houston (Tex.) Press

Fort Worth (Tex.) Star-Telegram  
Fort Worth (Tex.) Press

Tacoma (Wash.) News Tribune  
Tacoma (Wash.) Times

Los Angeles (Cal.) Herald Express  
Los Angeles (Cal.) Daily News

San Francisco (Cal.) Call Bulletin  
San Francisco (Cal.) News

[fol. 2095] Before proceeding with the study and comparison of the news stories published in these papers, I picked out what to me, as a newspaper man, seemed to be 18 of the most important news stories of the day. The stories chosen were as follows:

Coal miners denied pay rise and ordered to resume negotiations.

ODT slashes all deliveries in the east to save gas and tires.

WPB cuts frills on women's clothes.

Americans continue advance on Attu Island.

Japs butcher Chinese in retaliation for harboring Doolittle raiders.

Floods cause damage in midwest.

U. S. planes hammer Sardinia.

Jack Dempsey-Hannah Williams divorce trial.

Akron rubber strike.

Churchill-Roosevelt conference continues in Washington.

OPA storm center over policy and resignation disputes.

Hot Springs food parley.

Germans admit success of campaign against U-boats.

Mrs. Randle sentenced for "vilest names" slaying.

42-48 sailors die in torpedoing.

Roosevelt reports on lend-lease aid to Russia.

American planes bomb Japanese-held Rabaul in New Guinea.

Japanese advance below Ichang in China.

[fol. 2096] Attached hereto and marked Exhibit A is a schedule showing separately for each story the newspapers in each city which published the story. The schedule also indicates in the case of each newspaper the name of the news agency given credit for the story published.

My study and comparison showed that the stories carried by Associated Press newspapers were also carried (in its own version, of course) by the United Press Associations service.

Attached hereto and marked Exhibit B is a compilation which I prepared from information contained in Editor & Publisher International Year Books, and from information contained in Ayer & Son's Directory of Newspapers and Periodicals, showing the circulation of daily newspapers in 11 principal cities of the United States for the years 1938-1942, both inclusive, the news service subscribed to during each year by such papers, and the date each newspaper was founded.

Attached hereto and marked Exhibit C is a compilation which I prepared from information contained in the January 9, 1943, and January 16, 1943, issues of Editor & Publisher showing the daily newspapers in the United States which suspended publication during the year 1942, together with the news service taken by each paper. The facts as to which of such papers were members of The Associated Press were obtained from the records of the Associated Press. The information with respect to other news services was obtained from Editor & Publisher International Year Books.

William W. Duson.

Sworn to before me this 21 day of June, 1943.  
Michael F. Moran, Notary Public. (Seal.)

[fol. 2097]

## EXHIBIT A

The following stories were used by the newspapers below (source of story indicated in parenthesis):

*Story*—Coal Miners Denied Pay Rise and Ordered to Resume Negotiations

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Pittsburgh Sun Telegraph (AP)	Pittsburgh Press (UP)
Washington Evening Star (AP)	Washington Times Herald (local)
Philadelphia Bulletin (AP)	
Cleveland News (AP)	Cleveland Press (UP)
Cincinnati Times-Star (AP)	Cincinnati Post (UP)
St. Louis Post Dispatch (AP)	St. Louis Star Times (UP)
Birmingham News (AP)	Birmingham Post (UP)
Houston Chronicle (AP)	Houston Press (UP)
Tacoma News Tribune (AP)	Tacoma Times (no credit)
Los Angeles Herald Express (AP)	Los Angeles News (UP)
San Francisco Call Bulletin (INS)	San Francisco News (UP)

*Story*—ODT Slashes All Deliveries in the East to Save Gas and Tires

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Pittsburgh Sun Telegraph (INS)	Pittsburgh Press (UP)
Washington Evening Star (local)	Washington Times Herald (local)
	Philadelphia News (UP)
Philadelphia Bulletin (AP)	Camden Courier (INS)
Erie Dispatch Herald (AP)	Erie Times (INS)
Cleveland News (AP)	Cleveland Press (UP)
Cincinnati Times Star (AP)	Cincinnati Post (UP)
Columbus Dispatch (AP)	Columbus Citizen (UP)
St. Louis Post Dispatch (AP)	St. Louis Star Times (UP)
Detroit News (AP)	Detroit Times (UP)
Birmingham News (AP)	Birmingham Post (UP)
	Houston Press (UP)
Fort Worth Star Telegram (AP)	Fort Worth Press (UP)
Tacoma News Tribune (AP)	
	San Francisco News (UP)

*Story*—WPB Cuts Frills on Women's Clothes

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Pittsburgh Sun Telegraph (INS)	Pittsburgh Press (UP)
Washington Evening Star (AP)	Washington Times Herald (local)
[fol. 2098]	
<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Philadelphia Bulletin (AP)	Camden Courier (UP)
	Erie Times (UP)
Columbus Dispatch (AP)	Columbus Citizen (UP)
	Cincinnati Post (UP)
St. Louis Post Dispatch (AP)	St. Louis Star Times (UP)
Detroit News (AP)	Detroit Times (UP)
Birmingham News (AP)	Birmingham Post (UP)
Houston Chronicle (AP)	Houston Press (UP)
Fort Worth Star Telegram (AP)	Fort Worth Press (UP)
Tacoma News Tribune (AP)	Tacoma Times (no credit)
Los Angeles Herald Express (UP)	Los Angeles News (UP)
San Francisco Call Bulletin (INS)	San Francisco News (UP)

*Story*—Americans Continue Advance on Attu Island

## EXHIBIT A—Continued

*Member Newspaper*

Pittsburgh Sun Telegraph (INS)  
 Washington Evening Star (AP)  
 Philadelphia Bulletin (AP)

Erie Dispatch Herald (AP)  
 Cleveland News (AP)  
 Columbus Dispatch (AP)  
 Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (AP)  
 Birmingham News (AP)

Houston Chronicle (AP)  
 Fort Worth Star Telegram (AP)  
 Tacoma News Tribune (AP)  
 Los Angeles Herald Express (INS)  
 San Francisco Call Bulletin (INS)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (local)  
 Philadelphia News (UP)  
 Camden Courier (INS)  
 Erie Times (INS)  
 Cleveland Press (UP)  
 Columbus Citizen (UP)  
 Cincinnati Post (UP)  
 St. Louis Star Times (UP)

Detroit Times (INS)  
 Houston Press (UP)  
 Fort Worth Press (UP)  
 Tacoma Times (no credit)  
 Los Angeles News (UP)  
 San Francisco News (UP)

*Story—Japs Butcher Chinese After Doolittle Raid on Tokyo*

*Member Newspaper*

Pittsburgh Sun-Telegraph (INS)  
 Washington Evening Star (AP)

Columbus Dispatch (AP)  
 St. Louis Post Dispatch (local)

Houston Chronicle (AP)  
 Fort Worth Star Telegram (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Philadelphia News (UP)  
 Columbus Citizen (UP)  
 St. Louis Star Times (local)  
 Birmingham Post (UP)  
 Houston Press (UP)  
 Fort Worth Press (UP)  
 Los Angeles News (UP)  
 San Francisco News (UP)

[fol. 2099]

*Story—Floods Cause Damage in Midwest*

*Member Newspaper*

Pittsburgh Sun Telegraph (INS)  
 Washington Evening Star (AP)

Erie Dispatch Herald (AP)  
 Cleveland News (AP)  
 Columbus Dispatch (AP)  
 Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (local)  
 Detroit News (AP)  
 Birmingham News (AP)  
 Houston Chronicle (AP)  
 Fort Worth Star Telegram (AP)  
 Tacoma News Tribune (AP)  
 Los Angeles Herald Express (AP) (INS)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Camden Courier (UP)  
 Philadelphia News (UP)  
 Erie Times (UP)  
 Cleveland Press (UP)  
 Columbus Citizen (UP)  
 Cincinnati Post (UP)  
 St. Louis Star Times (local)  
 Detroit Times (UP)  
 Birmingham Post (UP)  
 Houston Press (UP)  
 Fort Worth Press (UP)  
 Los Angeles News (UP)

*Story—Planes Hammer Sardinia*

*Member Newspaper*

Pittsburgh Sun Telegraph (AP)  
 Washington Evening Star (AP)  
 Philadelphia Bulletin (AP)

Erie Dispatch Herald (AP)  
 Cleveland News (AP)  
 Columbus Dispatch (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Philadelphia News (UP)  
 Camden Courier (INS)  
 Erie Times (INS)  
 Cleveland Press (UP)  
 Columbus Citizen (UP)



## EXHIBIT A—Continued

*Member Newspaper*

Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (AP)  
 Detroit News (AP)  
 Birmingham News (AP)  
 Houston Chronicle (AP)  
 Fort Worth Star Telegram (AP)  
 Tacoma News Tribune (no credit)  
 Los Angeles Herald Express (AP)  
 San Francisco Call-Bulletin (INS)

*Nonmember Competing Paper*

Cincinnati Post (UP)  
 St. Louis Star Times (UP)  
 Detroit Times (INS)  
 Birmingham Post (UP)  
 Houston Press (UP)  
 Fort Worth Press (UP)  
 Tacoma Times (no credit)  
 Los Angeles News (UP)  
 San Francisco News (UP)

*Story*—Jack Dempsey-Hannah Williams Divorce Trial

*Member Newspaper*

Pittsburgh Sun Telegraph (AP)  
 Washington Evening Star (AP)  
 Philadelphia Bulletin (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Philadelphia News (UP)  
 Camden Courier (UP)  
 Erie Times (INS)

[fol. 2100]

*Member Newspaper*

Cleveland News (no credit)  
  
 Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (AP)  
 Detroit News (AP)  
 Birmingham News (AP)  
 Fort Worth Star Telegram (INS)  
 Tacoma News Tribune (AP)  
 Los Angeles Herald Express (AP)  
 San Francisco Call Bulletin (AP)

*Nonmember Competing Paper*

Cleveland Press (UP)  
 Columbus Citizen (UP)  
 Cincinnati Post (UP)  
 St. Louis Star Times (UP)  
 Detroit Times (UP)  
 Birmingham Post (UP)  
 Fort Worth Press (UP)  
 Tacoma Times (no credit)  
 Los Angeles News (UP)  
 San Francisco News (UP)

*Story*—Akron Rubber Strike

*Member Newspaper*

Pittsburgh Sun Telegraph (AP)  
 Washington Evening Star (AP)  
 Philadelphia Evening Bulletin (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Philadelphia News (no credit)  
 Camden Courier (INS)

Erie Dispatch Herald (AP)  
 Cleveland News (AP)  
 Columbus Dispatch (AP)  
 Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (AP)  
 Detroit News (AP)  
 Birmingham News (AP)  
 Houston Chronicle (AP)  
 Fort Worth Star Telegram (AP)  
 Tacoma News Tribune (AP)  
 Los Angeles Herald Express (AP)  
 San Francisco Call Bulletin (AP)

Erie Times (UP)  
 Cleveland Press (Special)  
 Columbus Citizen (UP)  
 Cincinnati Post (UP)  
 St. Louis Star Times (UP)  
 Detroit Times (UP)  
 Birmingham Post (UP)  
 Houston Press (UP)  
 Fort Worth Press (UP)  
 Tacoma Times (no credit)  
 Los Angeles News (UP)  
 San Francisco News (UP)

*Story*—Churchill-Roosevelt Conference Continues in Washington

*Member Newspaper*

Washington Evening Star (local)  
  
 Philadelphia Bulletin (AP)  
 Cleveland News (INS)

*Nonmember Competing Paper*

Washington Times Herald (local)  
 Pittsburgh Press (UP)  
 Camden Courier (INS)  
 Cleveland Press (UP)  
 Cincinnati Post (UP)

## EXHIBIT A—Continued

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
St. Louis Post Dispatch (AP)	St. Louis Star Times (UP)
Fort Worth Star Telegram (INS)	
Los Angeles Herald Express (UP & AP)	Los Angeles News (UP)
San Francisco Call Bulletin (no credit)	San Francisco News (UP)

[fol. 2101]

*Story—OPA Storm Center Over Policy and Resignation Disputes*

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Cleveland News (AP)	Cleveland Press (UP)
Columbus Dispatch (AP)	
Cincinnati Times Star (AP)	Cincinnati Post (UP)
St. Louis Post Dispatch (AP)	St. Louis Star Times (UP)
Detroit News (AP)	
Birmingham News (AP)	
Houston Chronicle (AP)	Houston Press (UP)
Fort Worth Star Telegram (AP)	
Los Angeles Herald Express (UP)	Los Angeles News (UP)
San Francisco Call Bulletin (INS)	

*Story—Hot Springs Food Parley*

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Pittsburgh Sun Telegraph (INS)	Pittsburgh Press (UP)
Washington Evening Star (AP)	Washington Times Herald (N. Y. News)
Philadelphia Bulletin (AP)	
Erie Dispatch Herald (AP)	
Cleveland News (AP)	Cleveland Press (UP)
Columbus Dispatch (AP)	
Cincinnati Times Star (AP)	Cincinnati Post (UP)
St. Louis Post Dispatch (AP)	St. Louis Star Times (INS)
Detroit News (AP)	Detroit Times (INS)
Birmingham News (AP)	Birmingham Post (UP)
	Fort Worth Press (UP)
	Houston Press (UP)
Tacoma News Tribune (AP)	Tacoma Times (no credit)
Los Angeles Herald Express (UP)	Los Angeles News (UP)
San Francisco Call Bulletin (INS)	San Francisco News (UP)

*Story—Germans Admit Success of Campaign Against U-Boats*

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
	Pittsburgh Press (UP)
	Washington Times Herald (UP)
	Camden Courier (UP)
	Cleveland Press (UP)
	Cincinnati Post (UP)
	St. Louis Star Times (UP)
Detroit News (UP)	Detroit Times (UP)
	Birmingham Post (UP)
	Los Angeles News (UP)
	San Francisco News (UP)

## EXHIBIT A—Continued

[fol. 2102]

*Story*—Mrs. Randle sentenced for “vilest names” slaying*Member Newspaper*

Washington Evening Star (AP)  
 Philadelphia Bulletin (AP)  
 Erie Dispatch Herald (AP)  
 Cleveland News (AP)  
 Birmingham News (AP)  
 Houston Chronicle (AP)  
 Tacoma News Tribune (AP)  
 San Francisco Call Bulletin (AP)

*Nonmember Competing Paper*

Washington Times Herald (special)  
 Camden Courier (UP)  
 Philadelphia News (no credit)

Birmingham Post (UP)

*Story*—42-48 Sailors Die in Torpedoing*Member Newspaper*

Washington Evening Star (AP)

*Nonmember Competing Paper*

Camden Courier (UP)  
 Columbus Citizen (UP)  
 St. Louis Star Times (UP)

Detroit News (UP)

Birmingham Post (UP)  
 Houston Press (UP)  
 Fort Worth Press (UP)

*Story*—Roosevelt Reports on Lend-Lease Aid to Russia*Member Newspaper*

Philadelphia Bulletin (AP)  
 Los Angeles Herald Express (AP)  
 San Francisco Call Bulletin (INS)

*Nonmember Competing Paper*

Erie Times (UP)  
 Los Angeles News (UP)

*Story*—American Planes Bomb Japanese-held Rabaul in New Guinea*Member Newspaper*

Pittsburgh Sun Telegraph (AP)  
 Washington Evening Star (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Camden Courier (UP)  
 Columbus Citizen (UP)  
 Cincinnati Post (UP)  
 St. Louis Star Times (UP)  
 Detroit Times (INS)  
 Birmingham Post (UP)  
 Houston Press (UP)

Cincinnati Times Star (AP)  
 St. Louis Post Dispatch (AP)  
 Detroit News (AP)

[fol. 2103]

*Member Newspaper*

Fort Worth Star Telegram (AP)

*Nonmember Competing Paper*

Fort Worth Press (UP)  
 Tacoma Times (no credit)  
 Los Angeles News (UP)  
 San Francisco News (UP)

San Francisco Call Bulletin (INS)

*Story*—Japanese Advance in China Below Ichang*Member Newspaper*

Pittsburgh Sun Telegraph (AP)  
 Washington Evening Star (AP)

*Nonmember Competing Paper*

Pittsburgh Press (UP)  
 Washington Times Herald (UP)  
 Camden Courier (UP)  
 Philadelphia News (UP)

## EXHIBIT A—Continued

<i>Member Newspaper</i>	<i>Nonmember Competing Paper</i>
Erie Dispatch Herald (AP)	
Cleveland News (AP)	
Cincinnati Times Star (AP)	Columbus Citizen (UP)
St. Louis Post Dispatch (AP)	Cincinnati Post (UP)
Detroit News (AP)	St. Louis Star Times (UP)
Houston Chronicle (AP)	Birmingham Post (UP)
Fort Worth Star Telegram (AP)	Houston Press (UP)
San Francisco Call Bulletin (AP)	Fort Worth Press (UP)
	San Francisco News (UP)

[fol. 2104]

## EXHIBIT B

CIRCULATION OF DAILY NEWSPAPERS IN 11 PRINCIPAL CITIES OF THE UNITED STATES FOR THE YEARS 1938-1942,  
BOTH INCLUSIVE, TOGETHER WITH NEWS SERVICE SUBSCRIBED TO DURING EACH YEAR AND THE DATE EACH  
PAPER WAS FOUNDED(Compiled from Editor & Publisher International Year Books and  
Ayer & Sons Directory of Newspapers and Periodicals.)*New York City* Including only the regular daily newspapers in the boroughs of Manhattan and Brooklyn and excluding dailies such as the  
Bronx Home News, the Long Island City and Jamaica dailies—which are suburban and local in character.

	1938	1939	1940	1941	1942
Times (AM).....	493,024	474,277	477,385	455,825	440,086
1851.....	(AP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Journal & American (PM).....	611,174	609,407	612,976	604,497	618,694
1896.....	(INS, AP*)	(INS, AP*)	(INS, UP, AP*)	(INS, UP, AP)	(INS, UP, AP)
Herald-Tribune (AM).....	350,128	346,783	356,512	330,139	310,447
1841.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Mirror (AM).....	741,399	768,376	768,946	777,281	804,684
1924.....	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)
News (AM).....	1,783,341	1,880,370	1,948,759	2,007,797	2,013,200
1919.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Post (PM).....	252,145	235,625	226,829	208,918	219,363
1801.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP)
Sun (PM).....	291,410	295,807	312,112	289,105	276,805
1833.....	(AP, UP)	(AP)	(AP)	(AP)	(AP)
World-Telegram (PM).....	414,759	412,586	434,603	395,201	377,806
1867.....	(UP, AP)	(UP, AP)	(UP, AP)	(UP, AP)	(UP, AP)

\* Associated Press membership for Sunday only. Evening membership acquired on March 8, 1941.

[fol. 2105]	1938	1939	1940	1941	1942
Citizen (PM) (Bklyn).....	30,388	31,951	30,527	30,426	30,446
1886.....	(UP)	(UP)	(UP)	(UP)	(UP)
Eagle (PM) (Bklyn).....	101,616	95,644	93,244	97,601	97,265
1841.....	(AP, UP)	(AP, UP)	(AP, UP)	(UP)	(UP)
"PM" (PM).....	.....	.....	122,353	89,578	150,104
1940.....	.....	.....	(UP)	(UP)	(UP)
<i>Washington, D. C.</i>					
Herald (AM).....	116,711	Effective with years as listed in total line hereunder Times and Herald shown as daily paper publishing on 24-hour basis. Totals below:			
1906.....	(INS, UP)				
Times (PM).....	104,915				
1894.....	(INS, UP)				
Total Times & Herald Circ.....	221,626	187,090	193,612	209,105	220,233
	(INS, UP)	(INS, UP)	(INS, UP)	(INS, UP)	(INS, UP)
Post (AM).....	108,754	126,708	132,089	142,182	157,764
1877.....	(AP, UP)	(AP, UP)	(AP, UP, INS)	(AP, UP, INS)	(AP, INS)
Star (PM).....	133,366	144,762	151,469	162,104	177,461
1852.....	(AP)	(AP)	(AP)	(AP)	(AP)
News (PM).....	70,542	81,593	85,501	85,046	97,148
1921.....	(UP)	(UP)	(UP)	(UP)	(UP)
<i>Houston, Texas</i>					
Post (AM).....	86,023	91,575	102,709	102,793	104,639
1885.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Chronicle (PM).....	97,243	105,918	117,082	118,941	121,561
1901.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, UP, INS)

[fol. 2106]

*Houston, Texas—(Continued)*

	1938	1939	1940	1941	1942
Press (PM).....	58,541	60,841	62,187	71,063	73,605
1912.....	(UP)	(UP)	(UP)	(UP)	(UP)
<i>Birmingham, Ala.</i>					
Age-Herald (AM).....	37,869	38,033	41,075	45,801	49,965
1871.....	(AP)	(AP)	(AP)	(AP)	(AP)
News (PM).....	87,771	91,532	99,490	109,680	131,083
1888.....	(AP)	(AP)	(AP)	(AP)	(AP)
Post (PM).....	68,278	68,898	74,131	75,280	68,338
1921.....	(UP)	(UP)	(UP)	(UP)	(UP)
<i>Cleveland, Ohio</i>					
News (PM).....	121,285	125,953	122,094	128,832	116,196
1879.....	(AP)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)
Plain Dealer (AM).....	214,292	223,091	227,657	233,640	223,616
1842.....	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)
Press (PM).....	214,405	224,967	227,908	241,109	247,829
1878.....	(UP)	(UP)	(UP)	(UP)	(UP)
<i>Pittsburgh, Pa.</i>					
Post-Gazette (AM).....	223,314	219,428	235,839	234,202	233,650
1786.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Press (PM).....	197,541	206,473	223,081	228,818	240,411
1884.....	(UP)	(UP)	(UP)	(UP)	(UP)
Sun-Telegraph (PM).....	154,553	158,219	163,650	163,289	175,226
1927.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)

[fol. 2107]

	1938	1939	1940	1941	1942
<i>Cincinnati, Ohio</i>					
Enquirer (AM).....	114,332	122,005	122,672	127,329	131,017
1841.....	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)
Post (PM).....	148,700	148,456	151,220	150,730	154,956
1881.....	(UP)	(UP)	(UP)	(UP)	(UP)
Times-Star (PM).....	153,313	153,240	154,037	152,215	156,382
1840.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)
<i>Los Angeles, Calif.</i>					
News (AM).....	98,455	97,606	The listing for these years shows The News as a "round the clock" paper with circulations below:		
Evening News (PM).....	93,832	100,651			
News Totals.....	192,287	198,257	202,187	216,740	220,661
	(UP)	(UP)	(UP)	(UP)	(UP)
Examiner (AM).....	202,999	209,217	220,195	221,555	235,530
1903.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)
Herald & Express (PM).....	241,796	242,138	252,753	243,924	265,087
1911.....	(AP, UP)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)	(AP, UP, INS)
Times (AM).....	214,330	214,340	215,137	219,890	235,487
	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
<i>Columbus, Ohio</i>					
Citizen (PM).....	80,342	88,456	95,881	73,338	71,026
1909.....	(UP)	(UP)	(UP)	(UP)	(UP)
Dispatch (PM).....	160,097	162,891	150,695	153,085	139,713
1871.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)	(AP, INS)



[fol. 2108]

*Columbus, Ohio—(Continued)*

	1938	1939	1940	1941	1942
State Journal (AM).....	50,800	56,165	58,875	59,197	58,570
1811.....	(AP, INS)	(AP, INS)	(AP, INS)	(AP)	(AP)
<i>Detroit, Mich.</i>					
Free Press (AM).....	270,412	296,047	322,683	329,682	356,836
1831.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
News (PM).....	308,183	322,284	340,022	363,014	381,971
1873.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Times (PM).....	285,527	295,387	324,354	319,885	347,407
1920.....	(INS)	(INS)	(INS)	(INS, UP)	(INS, UP)
<i>Indianapolis, Ind.</i>					
News (PM).....	150,535	155,710	158,636	162,515	153,120
1869.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Star (AM).....	119,980	125,570	130,071	132,615	130,904
1903.....	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)	(AP, UP)
Times (PM).....	85,178	87,413	89,575	92,251	88,796
1888.....	(UP)	(UP)	(UP)	(UP)	(UP)

[fol. 2109]

## EXHIBIT C

## AP MEMBER DAILIES DISCONTINUED DURING 1942\*

New Bedford, Mass., Mercury	Mexico, Mo., News & Intelligencer
Trenton, N. J., State Gazette	Bristow, Okla., Daily Record
Casper, Wyo., Times	Vineland, N. J., Evening Journal
Lander, Wyo., Evening Post	Philadelphia, Pa., Eve. Public Ledger
Tallahassee, Fla., State News	Mt. Clemens, Mich., Daily Monitor
Klamath Falls, Ore., News	Pine Bluff, Ark., Graphic
Marshall, Minn., Messenger	Colton, Calif., Courier
Lodi, Calif., Times	Pocatello, Idaho, State Journal
Poughkeepsie, N. Y., Eagle News	Eufala, Ala., Tribune
Aberdeen, S. D., Morning American- News	Redding, Calif., Morning Searchlight

\* Editor & Publisher lists the Twin Falls, Idaho, News as having also discontinued. According to the records of the AP this member paper did not discontinue publication.

## NON-AP DAILIES DISCONTINUED DURING 1942

Kansas City, Mo., Journal	(UP, INS)
Dallas, Tex., Journal	(UP)
Austin, Tex., Tribune	(INS)
Boise, Idaho, Capital News	(UP)
Prescott, Ark., Daily News	(No Service Listed)
Bakersfield, Calif., Kern Herald	" " "
Placerville, Cal., Republican	" " "
Bedford, Ind., Mail	(UP)
Brigham, Utah, News Journal	(UP)
Eugene, Ore., Daily News	(INS)
Milwaukee, Wis., Post	(UP)
Redfield, S. D., Journal & Tribune	(UP)
Drumright, Okla., Derrick	(UP)
Columbus, Ind., Herald	(None)
Wynne, Ark., Star-Progress	(UP)
Salinas, Calif., Morning Post	(UP)
Atlanta, Ga., Post	(No Service Listed)
Milledgeville, Ga., Times	(UP)
Sebring, Fla., American	
Ft. Lauderdale, Fla., Times	(UP)
Yoakum, Tex., Daily Herald	
McAllen, Tex., Press	(UP)
Mangum, Okla., Star	(UP)
Sulphur, Okla., News	(UP)
Plattsburg, N. Y., Republican	(UP)
Bowling Green, Ky., Times-Journal	(INS)
Claremore, Okla., Daily Progress	(UP)

[fol. 2110]

Claremore, Okla., Daily Messenger	(None)
Center, Tex., News	(UP)
Cripple Creek, Col., Times Record	(None)
Hot Springs, Ark., Post	(INS)
Hastings, Neb., Spotlight	(Trans-Rad)
Berlin, Wis., Journal	(UP)
Columbus, Kan., Advocate	
DeQueen, Ark., Citizen	(UP)
Roseville, Calif., Press	(UP)
*Martins Ferry, Ohio, Times	(UP, INS)
*Bellaire, Ohio, Leader	(UP)

## EXHIBIT C—Continued

NON-AP DAILIES DISCONTINUED DURING 1942 (*Continued*)

Abilene, Kan., Chronicle.....	(UP)
Fort Scott, Kan., Herald.....	(UP)
Commerce, Tex., Journal.....	(UP)
Eastland, Tex., Telegram.....	(UP)
Hayward, Colo. Review.....	
Carthage, Mo., Democrat.....	(UP)
Newkirk, Okla., Daily Reporter.....	(None)
Caldwell, Kan., Messenger & News.....	(None)

\* These papers merged, one being discontinued.

[fol. 2111] AFFIDAVIT OF J. D. GORTATOWSKY

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

J. D. Gortatowsky, being duly sworn, deposes and says:

I am the general manager of the Hearst Newspapers, including the New York Journal American, New York Daily Mirror, Detroit Times and Oakland Post-Enquirer.

I started in the newspaper business in 1904 as a reporter, and have been continuously in the newspaper business since that time. My experience embraces that of reporter, city editor and managing editor of various daily and Sunday newspapers. In 1916 I joined King Features Syndicate, Inc., remaining with that organization for a period of approximately nineteen years. The greater part of that time I was the business manager of King Features Syndicate, Inc., of which International News Service is a Department. During the last four years, I have been general manager of the Hearst Newspapers, and for four years prior to that time I was the assistant general manager of the Hearst Newspapers. I have worked on newspapers which have had the services of The Associated Press or the International News Service or the United Press, or various combinations of two or three of these Services, and I have managed and/or directed such newspapers. I worked on and helped in the management and direction of a News Service which competed with that of The Associated Press.

The New York Journal American is now published as an evening and Sunday newspaper in the City of New York. In 1937, the New York Journal, an evening newspaper, and the New York American, a morning and Sunday newspaper, were merged into the New York Journal American. Both papers had been published since 1900. The New York American was an original member of The Associated Press [fol. 2112] beginning in 1900. The New York Journal was never a member of The Associated Press, its news services being International News Service and United Press. In 1937, at the time of the merger, publication of the American as a morning newspaper was discontinued and at that time the merged paper, the Journal American, was published daily without Associated Press membership and

Sunday with Associated Press membership. In 1941, the Journal American acquired a daily membership in The Associated Press.

For many years before the merger of the two papers in 1937, the circulation of the New York Journal was the largest of the evening newspapers published in the United States. Its circulation in the evening field in the city of New York is hundreds of thousands in excess of its nearest competitor.

The ABC figures of the daily circulation of the New York Journal for the five-year period preceding the acquisition in 1941 of a weekly membership in The Associated Press are as follows:

1936.....	620,902
1937.....	632,480
1938.....	611,174
1939.....	609,407
1940.....	612,976

The New York Daily Mirror is a morning and Sunday newspaper established in 1924. It did not acquire an Associated Press daily membership until 1937. It did not acquire a Sunday Associated Press membership until 1941. Before those dates, the only general news services used by the Mirror were the International News Service and United Press.

The ABC figures of the circulation of the Mirror, daily and Sunday, for the years 1932-1942, inclusive, were as follows:

[fol. 2113]	<i>Daily Mirror</i>	<i>Sunday Mirror</i>
1932.....	577,121	593,799
1933.....	534,808	729,969
1934.....	552,127	1,055,529
1935.....	563,718	1,222,625
1936.....	603,621	1,340,911
1937.....	656,561	1,441,018
1938.....	725,378	1,438,163
1939.....	752,949	1,471,674
1940.....	754,732	1,473,514
1941.....	758,381	1,484,202
1942.....	786,968	1,619,432

The Detroit Times is an evening and Sunday newspaper established in 1920. It is not now and never has been a member of The Associated Press. Since its establishment, the news services used by it have been International News Service and latterly United Press.

Oakland Post-Enquirer, an evening newspaper published in the City of Oakland, California, was established in 1886. It has never been a member of The Associated Press. Its general news services have always been those of International News Service and United Press.

By reason of my experience in the newspaper business over a period of thirty-nine years in many cities of the United States and in many different sections of the country, I am able to state that it is the fact that a successful newspaper can be published in the United States without access to the news services of a particular news agency.

The history of Hearst newspapers throughout the country demonstrates that newspapers can be and have been published with outstanding success as to circulation, advertising lineage and profit both with the use of the news reports of International News Service alone and with the use of the news reports of one or more news agencies other than The Associated Press.

Specifically, the history of Hearst Newspapers demonstrates that newspapers without membership in The Associated Press have been and can be published with success.

The coverage of local, Washington and other domestic news, and foreign news, provided by the news services of International News Service during the period when this was the only general news service used in the City of New York by the New York Journal was amply sufficient to enable the Journal, in competition with such Associated Press papers as the Evening World, the Sun, and, later, the World-Telegram, to maintain its lead in circulation and volume of advertising over all other evening newspapers in the City of New York. The coverage of the news services of International News Service and United Press provided to the Daily Mirror was likewise amply sufficient to enable it to compete with the other morning newspapers in New York and to attain the second largest morning circulation in that City.

In the cases of both the Detroit Times and the Oakland Post-Enquirer, neither of which has ever been a member of The Associated Press, the coverage of local, Washington, and other domestic news, and foreign news, provided by International News Service and United Press has been amply sufficient to enable each of those papers to compete with The Associated Press papers in the same field. This has been particularly true in the case of the Detroit Times, the circulation of which is almost equal to that of the Detroit News, an evening Associated Press paper in that city. The Sunday circulation of The Detroit Times, without Associated Press, is the largest in that city. Both of its competitors in the Sunday morning field do have Associated Press.

J. D. Gortatowsky.

Subscribed and sworn to before me this 22nd day of June, 1943. Genevieve M. Monahan, Notary Public. (Seal.)

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[fol. 2115]      AFFIDAVIT OF CARL D. GROAT

STATE OF OHIO,  
County of Hamilton, ss.:

Carl D. Groat, being first duly sworn, deposes and says:

I am the editor of the Cincinnati Post, a daily newspaper publication, publishing six days per week as an afternoon newspaper in the City of Cincinnati, Ohio. There are also in Cincinnati, Ohio, The Cincinnati Times-Star, a daily newspaper, likewise, publishing six days per week as an afternoon newspaper and The Cincinnati Enquirer which is published as a daily morning newspaper seven days per week.

The following facts are true as I verily believe:

From 1913 to 1933 I was employed by the United Press Associations. I was its Washington manager, its Berlin manager and its News Director. In 1933 I served briefly as editor of The Youngstown Ohio Telegram and since that time as editor of The Cincinnati Post.

According to the reports of the Audit Bureau of Circulations the average net paid circulations of the three daily newspapers, exclusive of Sunday editions in Cincinnati for

the years 1938 to 1942 inclusive stated as of March 31 annually are as follows:

	<i>Post</i>	<i>Times-Star</i>	<i>Enquirer Daily</i>
1938	163,351	166,000	118,709
1939	149,835	153,237	112,671
1940	148,481	153,279	119,699
1941	152,053	154,471	121,625
1942	153,364	155,096	127,302

According to Media Records the annual advertising lineage of The Post, The Times-Star and The Daily Enquirer, exclusive of advertising in any Sunday editions, for the years 1938 to 1942 inclusive are as follows:

	<i>Post</i>	<i>Times-Star</i>	<i>Enquirer Daily</i>
1938	6,896,201	9,621,124	4,759,913
1939	7,464,899	9,860,955	4,932,673
1940	8,073,959	10,076,420	5,098,084
1941	9,000,686	10,165,195	5,682,609
1942	8,198,900	9,070,988	5,755,971

The Cincinnati Post has used the services of The United Press Associations for at least twenty-five years. I have found its news report adequate, timely and complete for our purposes. Likewise, I have found Acme and NEA Services timely and complete with respect to pictures.

The feature services of United Features Syndicate and NEA, likewise, are completely satisfactory.

Carl D. Groat.

Sworn to before me and subscribed in my presence  
this 15th day of June, 1943. Robt. B. Hyde, Notary  
Public. (Seal.)

[fol. 2117] AFFIDAVIT OF E. T. LEECH

STATE OF PENNSYLVANIA,  
County of Allegheny, ss.:

E. T. Leech, being duly sworn, deposes and says:

I am the editor of The Pittsburgh Press, hereinafter referred to as The Press. I have been editor of The Press for twelve years. Prior to assuming this position I served



as editor of The Denver Rocky Mountain News from 1926 to 1931; editor of The Birmingham Post from 1921 to 1926; editor of The Memphis Press from 1917 to 1921; editor of The Denver Express from 1916 to 1917; prior to which time I was an editorial employee of The Denver Express. My newspaper experience started in 1912.

The following facts are true as I verily believe:

There are in Pittsburgh three daily newspapers, The Press, The Sun Telegraph and The Post Gazette. The Press and The Sun Telegraph publish daily newspapers known as afternoon newspapers; they also publish Sunday editions. The Post Gazette publishes six morning editions a week, omitting Sunday.

According to the reports of The Audit Bureau of Circulations of the three daily newspapers, exclusive of Sunday editions in Pittsburgh for the years 1938 to 1942 inclusive stated as of March 31 annually are as follows:

	<i>Press</i>	<i>Sun- Telegraph</i>	<i>Post- Gazette</i>
1938.....	206,173	163,590	216,491
1939.....	201,637	156,615	219,402
1940.....	214,268	159,507	221,166
1941.....	228,713	165,146	233,665
1942.....	235,935	170,928	236,164

According to our records the annual advertising lineage of the three daily newspapers in Pittsburgh exclusive of [fol. 2118] advertising in any Sunday editions for the years 1937 to 1942 inclusive are as follows:

	<i>Press</i>	<i>Sun- Telegraph</i>	<i>Post- Gazette</i>
1937 .....	1,087,580	805,884	533,183
1938 .....	857,895	589,133	456,022
1939 .....	869,978	588,712	455,387
1940 .....	893,858	607,922	483,513
1941 .....	929,386	639,662	495,706
1942 .....	873,070	616,562	490,012

In connection with the operation of The Pittsburgh Press, I have found the United Press news service adequate, timely and complete with respect to its coverage of state, international or national news for the purposes of The Press. We have used the United Press since 1913. The picture serv-

ices of Acme Newspictures and NEA Service including telephoto have likewise for the purposes of The Press been adequate, timely and complete.

We are supplied with what is in my opinion complete and adequate feature services for our paper in the feature services received from NEA and United Feature Syndicate.

E. T. Leech.

Sworn to before me and subscribed in my presence  
this 19th day of June, 1943. Louise Leachman,  
Notary Public. (Seal.)

[fol. 2119] AFFIDAVIT OF LOUIS B. SELTZER

STATE OF OHIO,  
County of Cuyahoga, ss.:

LOUIS B. SELTZER, being first duly sworn, deposes and says:

I am the editor of The Cleveland Press, hereinafter referred to as The Press. I have served in this capacity for approximately fifteen years and have for many years prior thereto been employed in the editorial branch of the newspaper business.

The following facts are true as I verily believe:

There are in Cleveland, Ohio three daily newspapers The Press, The News and The Plain Dealer. The Press and The News publish daily papers, known as afternoon papers six days per week omitting Sunday. The Plain Dealer publishes a morning newspaper each day of the week including Sunday.

According to the reports of the Audit Bureau of Circulations the average net paid circulations of the three daily newspapers, exclusive of Sunday editions in Cleveland for the years 1938 to 1942 inclusive stated as of March 31, annually are as follows:

	<i>Press</i>	<i>News</i>	<i>Plain Dealer</i> <i>Daily</i>
1938 .....	217,853	121,519	208,029
1939 .....	221,547	120,759	208,623
1940 .....	228,784	122,795	217,980
1941 .....	237,754	120,465	221,743
1942 .....	254,734	128,011	236,698

According to Media Records the annual advertising lineage of the three daily papers in Cleveland, exclusive of any [fol. 2120] advertising in any Sunday editions for the years 1937 to 1942 inclusive are as follows:

	<i>Press</i>	<i>News</i>	<i>Plain Dealer Daily</i>
1937 .....	13,908,000	8,475,000	8,408,000
1938 .....	10,986,000	6,663,000	7,085,000
1939 .....	11,595,000	6,627,000	7,525,000
1940 .....	12,090,000	7,226,000	7,755,000
1941 .....	12,611,000	7,078,000	8,174,000
1942 .....	11,809,000	6,459,000	7,969,000

In connection with the operation of The Cleveland Press I have found the United Press news service adequate, timely and complete for the purposes of The Press.

The United Press is in my opinion at all times adequate and in times of economical, political and social unbalance has exhibited a superior comprehension in its coverage and its far-sightedness to anticipate eventual crises in affairs.

Essentially the same things which have been stated with respect to the United Press apply similarly to the picture services and feature services of Acme, NEA and United Features Syndicate.

Louis B. Seltzer.

Sworn to before me and subscribed in my presence  
this 14th day of June, 1943. H. B. Pugsley, Notary  
Public. (Seal.)

[fol. 2121]      AFFIDAVIT OF ROSCOE ALCORN

STATE OF WYOMING,  
County of Carbon, ss.:

Roscoe H. Alcorn, being duly sworn, says:

First: I am the editor of the Rawlins Republican-Bulletin, a daily newspaper of Rawlins, Wyoming, established in 1888. I have been connected with the Republican-Bulletin since the year 1913, and in my present capacity since the year 1913, excepting for years 1929-1935 when I was Wyoming State Auditor and my brother was editor.

Second: The Republican-Bulletin became a member of the Associated Press in 1933. In 1937, the Republican-Bulletin gave up its Associated Press membership and began to take the United Press Service, and has taken it, exclusively, ever since. The circulation of the Republican-Bulletin is 2,962, and the population of Rawlins is about 6,200. The experience of the Republican-Bulletin is that the Associated Press is not necessary to the successful publication of a daily newspaper in such a place as Rawlins is.

Third: My experience as a newspaper man began in the year 1913, and commencing at that time and until now I have been editor and principal owner of the Republican-Bulletin excepting for years 1929 to 1935 when I served as Wyoming State Auditor.

I know about the United Press Service and I know about the Associated Press Service.

Fourth: The United Press Service is a comprehensive service, giving news reports of the United States in general, and also local news reports in the different localities, including Wyoming local news, and also reports from all over the world. Without saying that the service of the United Press is superior to that of the Associated Press, or even that it is in all respects equal to it, it is a fact that the United Press reports are sufficient to enable a daily news-[fol. 2122] paper to carry on its business successfully. Some prefer the Associated Press, but it is not a fact that the Associated Press Service is necessary to success in publishing a daily newspaper.

Fifth: The following facts known to me also show that a daily newspaper is able to carry on its business successfully without receiving the Associated Press news reports, namely: Since receiving the United Press service our subscriptions have increased from approximately 1,000 to 2,962. I know that our subscribers are well pleased with the news service we are giving to them.

Roscoe H. Alcorn.

Sworn to before me this 11 day of June, 1943. B.  
Alcorn, Notary Public. (Seal.)

[fol. 2123]      AFFIDAVIT OF NORMAN R. BAKER

STATE OF NEW YORK,  
County of Rockland, ss.:

Norman R. Baker, being duly sworn, says:

First: I am the editor of The Journal-News, a daily paper published in Nyack, New York, established in 1889 and since 1927 extending its news coverage to all of Rockland County. The Journal-News receives the International News Service news service. At one time the Journal-News received the United Press Service but that connection was severed about the year 1932. The Journal-News is not a member of the Associated Press.

The circulation of The Journal-News averages more than 6,500 daily under Audit Bureau of Circulation figures. The population of Nyack proper is about 5,200 but the newspaper circulates extensively throughout Rockland County, an area of 174 square miles with a population of more than 74,000 and including more than a score of average small hamlets and villages.

Second: The International News Service is a complete news service, supplying reports of foreign news, of domestic news of the country and state, and local news. It has served and continues to serve the purposes of the Journal-News adequately and satisfactorily. I of course know about the service of the United Press and the service of the Associated Press.

Third: My experience in the newspaper business dates back to the year 1928 and I have worked in every editorial capacity since that time. I was a news reporter for a number of years, working with the people in the small towns who were daily Journal-News readers; for several years I was sports editor, again in close contact with readers of whom I wrote daily; in 1939 I became acting editor and in 1941 editor.

[fol. 2124] Fourth: The management of the Journal-News has never thought it important for the newspaper to seek a membership in the Associated Press. We do not believe that such a membership would add anything to the publication which would greatly increase its merit or its success in other ways, and we certainly do not believe that

the Associated Press Service is necessary to a daily newspaper either in Nyack or elsewhere. In the country there are two complete news services besides the Associated Press Service, namely, that of the International News Service, and that of the United Press.

Fifth: The following facts, in addition to what has been said above, appear to me to show that it would be a mistake to think that membership in the Associated Press is necessary to a daily newspaper, namely:

1. The Journal-News, like many other small newspapers which are published close to a large metropolitan area like New York City (Rockland County in its entirety is little more than an hour's drive from New York), depends largely upon local news for reader interest and a great deal of space must be devoted to that news. Foreign and domestic news must be subordinated and those readers who want more complete information have easy and prompt access to metropolitan newspapers, many of them Associated Press members.

2. International News Service has given us since 1932 a comprehensive coverage of important news of the day, completely sufficient to our needs. Should we desire extra coverage on any particular story it is easily available from International News Service.

3. There has never been, to my knowledge, any wish expressed by any of our readers or non-readers that we become an Associated Press member. I cannot recall an in-[fols. 2125-2126] stance of a subscription cancelled because of inadequate coverage on foreign or domestic news.

4. I have heard comments from readers that Journal-News digests of war news as supplied to us by International News Service has been more concise and, although condensed, as complete as any that are found in larger metropolitan newspapers.

Norman R. Baker.

Sworn to before me this 11th day of June, 1943. Gertrude E. Gross, Notary Public. [Seal.]

[fols. 2127-2130] AFFIDAVIT OF W. B. CHILSEN

STATE OF WISCONSIN,  
LINCOLN COUNTY, ss:

W. B. Chilsen, being duly sworn, says:

First: The Merrill Herald of Merrill, Wisconsin, a daily newspaper having a circulation of something over 4,400 in a city of 9,000 people, was established in the year 1908. I am the president of the company which produces it, the Merrill Publishing Co., Inc., and I am the publisher of the paper. I have been in the newspaper business since the year 1900, and have been publishing the Merrill Herald since 1920.

Second: The Herald became a member of the Associated Press in 1927. In the Autumn of 1932 I moved to retire from the Associated Press, and the Herald has used the United Press report from that time on, to the exclusion of other news reports. The United Press service is a complete news service of both the domestic news of the United States and the local news, and the foreign news from all parts of the world, and the service which it renders has been a sufficient and adequate service.

Third: As I have stated above, my newspaper experience extends back to the year 1900. I am familiar with the service of the Associated Press and with the service of the United Press. I also know that the International News Service provides a complete news coverage, but I am not equally familiar with that service.

Fourth: The experience of the Merrill Herald shows that the Associated Press service is not necessary to the successful existence of a daily newspaper. A newspaper is not vitally affected by receiving one complete news service covering the whole field, rather than another. The vital factors in success or not, relate to the management and conduct of the paper, and not to what news service is received. I do not mean that one service may not be better than another; but neither the service of the Associated Press nor that of the United Press is necessary to full success.

Fifth: I also call attention to the following additional facts known to me as shewing that there is no necessity for

a daily newspaper to receive the Associated Press report rather than the United Press report, in order to make a good success, namely: that from 1914 to 1927, the Merrill Daily Herald availed itself of the services of the United Press reports; that from 1927 to 1932, it availed itself of the services of the Associated Press reports and that subsequent to such time, the undersigned, as publisher, felt that the news of the United Press would be more sprightly presented to the readers of the Merrill Daily Herald and accordingly has continued to operate his newspaper with the said United Press reports to the satisfaction of all of its readers, as he verily believes.

W. B. Chilsen.

Subscribed and sworn to before me this 14th day of  
June, 1943. Lillian S. Martens, Notary Public.  
[Seal.]

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[fol. 2132] AFFIDAVIT OF LAWRENCE A. CLARK

STATE OF ILLINOIS,  
Livingston County, ss:

Lawrence A. Clark, being first duly sworn, says:

First. That I am now, and have been for 26 years last past, the business manager of The Pontiac Daily Leader, a daily newspaper established in the year 1896 in Pontiac, Livingston County, Illinois, and regularly published thereafter about 3:30 o'clock P. M., on all days, except Sundays and holidays, to and including the present time.

That I am now, and have been for 26 years last past, Secretary and Treasurer of The Pontiac Leader Publishing Company, a corporation organized on November 12, 1902, and now existing, under and pursuant to the laws of the State of Illinois, which said corporation acquired the ownership of said daily newspaper on November 12, 1902, and has regularly printed and published said paper, as above set forth, continuously since November 12, 1902.

That the City of Pontiac, according to the 1940 United States census, has a net "free" population of 7,045 (which does not include the population of the Pontiac Branch of the Illinois State Prison, located in the fourth ward of said City, which contains from 2,000 to 3,000 inmates numbered



as part of the "official" population of said City in said 1940 census); and that the average daily net paid circulation of The Pontiac Daily Leader for the month of May, 1943, was 4,554 copies, of which 2,004 copies were delivered to paid subscribers, or sold at the regular established rate, within the corporate limits of said City of Pontiac.

Second. That The Pontiac Daily Leader relies on the United Press news service to the exclusion of The Associated Press and other news gathering agencies; that the character of the Associated Press and the quality of its services are well known to me, and, from my knowledge, I am of the opinion that The Associated Press, as a cooperative newsgathering agency, is an organization whose work [fol. 2133] and influence is beneficent and desirable; that, in my opinion, any serious injury to, or interference with, its free operation would greatly abridge the freedom of the press because the gathering of accurate up-to-the-minute news over the nation and the world, and the presenting of such news to the public day after day, would be seriously disrupted; that the free competition presently existing between the three large news services, namely, The Associated Press, The United Press and The International News Service, in my opinion, compels each of said services to use great care and skill to be accurate and prompt in gathering, writing and distributing domestic, national and world news; that I have a high regard for the Associated Press service, but the United Press service has been, and is now, fully adequate for the purposes of The Pontiac Daily Leader, and it is not necessary that The Pontiac Daily Leader be a member of The Associated Press for it, The Pontiac Daily Leader, to secure all the latest domestic, national and world news, and promptly furnish such news to the subscribers and readers of such paper through its columns; and that, in my opinion, it is, in no way, necessary that any particular newspaper be a member of The Associated Press to secure and publish the latest accurate domestic, national and world news.

Third. That the service given by the United Press is most complete, including, in addition to national and world news, a local service which embraces news of particular interest to persons in the locality in which the paper taking said United Press service is located; that, in my opinion, people are interested primarily in "What is the News?",

not in "Who writes the News?"; that The Pontiac Daily Leader has for many years given, and is now giving, its subscribers and readers complete prompt reports of local news, domestic news, national news and world news; that, by reason of the said competition existing between the said three major news gathering services, the United Press not infrequently furnishes accurate news in advance of the time [fol. 2134] that it is released by The Associated Press and, at all times, maintains most excellent service; and that, in my opinion, the United Press service is complete and adequate, and fully supplies all the needs of any daily newspaper published in the United States for all news any of said three services purport to furnish.

Fourth. That facts which are known to me personally, in my opinion, further show that the publication of a successful daily newspaper does not require membership in The Associated Press. Such facts are as follows:

1. The Pontiac Daily Leader has been successful from a financial and a circulation standpoint at all times since the publication of its first edition on September 14, 1896; that in the first few years of its existence, national and world news was furnished to said newspaper in plate form by the Western Newspaper Union, a Chicago corporation; that for several years thereafter, said newspaper contracted with United Press for what was called a "Pony News Service" the telephoning of news by the United Press to said newspaper; and that not until November, 1928, was full leased wire United Press service installed by The Pontiac Daily Leader.

2. The Pontiac Daily Leader has been invited to become one of the associated member newspapers of The Associated Press, but the management of said The Pontiac Daily Leader declined the invitation because the United Press service was adequate, good, accurate and dependable.

3. The Pontiac Daily Leader has never, to affiant's knowledge, had a complaint from any of its readers because news furnished by the United Press, or news which would be furnished by either of the other said services, was inadequately, inaccurately or tardily published.

[fol. 2135] 4. Pontiac is located about 92 miles southwest of Chicago, about 20 miles southeast of Streator, about 35 miles northeast of Bloomington and about 60 miles east of Peoria. All are much larger cities than Pontiac, and connect with Pontiac by good rail, bus and mail service. Several good popular newspapers are published in these cities and are promptly and freely circulated in Pontiac by mail, carrier boy and news-stands, and, naturally they offer competition to The Pontiac Daily Leader. Nevertheless, The Pontiac Daily Leader's paid circulation in the City of Pontiac during May, 1943, was 2,004 copies, although there are but 1816 dwellings in said City and all said circulation is by carrier boys or sale at said paper's office and one news-stand. That paid circulation exceeds the number of dwellings in the City of Pontiac, which situation has existed for several years last past, is attributed, by this affiant, to the fact that two or more papers go to certain dwellings in which rooms are taken.

5. The population of Livingston County has shown a minor decline during the past two decades, but the circulation of The Pontiac Daily Leader over the County has shown a steady increase during the last twenty years and its gross revenues have more than doubled since 1916.

Further affiant sayeth not.

Dated this 17th day of June, 1943.

Lawrence A. Clark.

Subscribed and sworn to by the said Lawrence A. Clark, before me, a Notary Public, this 17th day of June, 1943. Anna M. Holmes, Notary Public.  
(Seal.)

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[fol. 2136] AFFIDAVIT OF ARTHUR L. FAGAN

STATE OF NEW JERSEY,

County of Hudson, ss:

Arthur L. Fagan, being duly sworn, says:

I am the editor and co-owner of the Hoboken (N. J.) Jersey Observer, a newspaper published in the City of Hoboken, New Jersey, every evening except Sunday.

The Hoboken Jersey Observer was established over 51 years ago by my father. I became connected with the paper 22 years ago.

I was born in Hoboken and was graduated from Princeton University in 1921. Since that time—22 years—I have been editor of the Jersey Observer and actively directed its news policy.

I have been informed by the attorneys for The Associated Press that the plaintiff in this case contends that the news service rendered by The Associated Press is so vastly superior to that rendered by other news gathering agencies in the United States, such as the United Press Associations and International News Service, that a newspaper which is not a member of The Associated Press "is deprived of freedom in determining the character of its publication and freedom in determining those elements of the newspaper-reading public to which it will particularly address its appeal."

In my experience and in my judgment based upon such experience, this contention cannot be supported.

The Hoboken Jersey Observer competes in the area of Jersey City, Bayonne, Hoboken, Union City, West New York, Weehawken, North Bergen, Guttenberg, and Secaucus with all New York dailies and with the Jersey City Jersey Journal, a member of The Associated Press. It has never been a member of The Associated Press.

The Hoboken Jersey Observer subscribes to the leased wire service of the United Press Associations and International News Service. We have used the service of the United Press Associations for over 30 years and that of [fol. 2137] International News Service since 1923. We also subscribe to the picture service of International News Photos.

In my judgment, The Associated Press service is a great news service, but, in my opinion, it is not the only news service upon which a newspaper can be successfully published.

The choice of a news service rests upon the personal judgment of the individual newspaper editors and owners. In my experience, the general reading public is not interested in the name of the particular news service which a newspaper uses. The desire of newspaper readers is for accurate, well-written, and complete news. In my opinion,

any one of the three large services—The Associated Press, International News Service, United Press Associations—adequately fills such a demand.

I have found that the reports of the United Press Associations and that of International News Service are more interesting and better written than the reports of The Associated Press. I feel that United Press Associations reporting is not only just as accurate, complete, and unbiased as The Associated Press, but has more reader appeal. I base that statement upon my studies of the two services for many years. In connection with the publication of our paper, I continually have occasion to compare The Associated Press news reports appearing in our competitor, the Jersey Journal, and the news reports which we receive from United Press Associations and International News Service.

In my years of association with the Hoboken Jersey Observer, I have never considered that we have been at any competitive disadvantage in connection with local, domestic, or foreign news.

It is my experience that the success of a newspaper depends, first, upon the caliber of its management and its editors, and, second, upon the handling of its local news. I might add a third element—that of the features and comics employed.

[fol. 2138] The Hoboken Jersey Observer is not merely a local newspaper. Situated as we are, so near to New York, we must give considerable attention to the general domestic news and to news of world events.

We publish on our front page, on the average, two columns of general domestic news, two columns of world news, and four columns of local news. This is the usual average, which I have found most large metropolitan dailies employ.

The Hoboken Jersey Observer subscribes to many of the features and comics of King Features Syndicate, Inc.; we also subscribe to many well-known independent features. We frequently run a whole page of news pictures which we receive from International News Photos. In my judgment, the pictures which we reproduce in our paper are more interesting and of as high a photographic quality as those reproduced by the Jersey Journal, which depends upon The Associated Press. So far as features and comics are concerned, employing as we do well-known features and comics,

we have, in my opinion, a distinct competitive advantage over the Jersey Journal.

The Hoboken Jersey Observer maintains a staff of correspondents gathering our local news throughout the state just as the Jersey Journal maintains its staff of correspondents and just as, in my opinion, any newspaper must, whether or not it has The Associated Press, the service of United Press Associations, the service of International News Service or any other press service, for, in my opinion, the local news is the life blood of any newspaper and the local news can be obtained only by the newspaper's own staff. No newspaper, to my knowledge, relies and depends upon any press service for its local news. Press services are relied upon by newspapers to furnish general domestic news and news of world events and, in my opinion, the services of United Press Associations, The Associated Press, or International News Service duplicate one another in furnishing such news.

[fol. 2139] It has been my experience that our stories of state news written by our own correspondents located throughout the state are more interesting because they are written expressly for our paper and for our readers. Local state stories of Associated Press origin used by the Jersey Journal are not so well adapted for reader interest since they are written not only to serve the readers of the Jersey Journal but also for all other members of The Associated Press.

In my judgment, a newspaper's success depends largely on its presentation of its local news. Regardless of whether a newspaper subscribes to The Associated Press service or any of the other press services, it must have a staff of its own correspondents gathering its local news. So far as we are concerned, we feel that we have a fine staff of local correspondents covering our New Jersey news. I would be reluctant to furnish this local news to any press association for distribution to my competitors. I feel that the local news which we produce and publish is one of our greatest assets. Its exclusiveness with us, to my way of thinking, is essential to our success.

Jersey City and Hoboken are contiguous municipalities in the Metropolitan area of New York.

Jersey City has a population, according to the last census, of 301,173. Hoboken has a population, according to the last census, of 50,115.

The Jersey Journal is published in Jersey City. Its average net paid circulation for 1942 was 42,895. This represents sales of approximately 14 per cent to population. The Jersey Journal uses The Associated Press exclusively.

The Jersey Observer is published in Hoboken. Its average net paid circulation for 1942 was 39,816. This represents sales of over 79 per cent to population. The Jersey Observer uses the United Press and International News [fol. 2140] Service. It is not, and has never been, a member of The Associated Press.

Arthur L. Fagan.

Sworn to before me this 14th day of June, 1943.  
James A. Borthwick, Notary Public. (Seal.)

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[fol. 2141] AFFIDAVIT OF M. G. FITZPATRICK

STATE OF NEW YORK,  
County of Cattaraugus, ss:

M. G. Fitzpatrick, being duly sworn, deposes and says:

1. That the Olean Times-Herald of Olean, New York, is a daily newspaper with a history going back to 1860. It results from a merger of the Olean Times and the Olean Herald in 1932. I have been connected with the Times-Herald since the merger of January 1, 1932. It has a circulation of 11,815 (Audit Bureau of Circulations), and the population of Olean is about 21,500.

2. Before the merger mentioned above, the Olean Times took the United Press service while the Olean Herald was an Associated Press member. At the time of the merger, and ever since, the United Press service alone was retained.

3. I first entered the newspaper field by purchasing the Olean Times on February 20, 1911, and since that time I have been in this business continuously as President and Publisher of the Olean Times Publishing Company, publishers of Olean Times, and after the merger I continued as President and Publisher of Olean Times-Herald Corporation, publishers of Olean Times-Herald. As part of my newspaper business it has been necessary that I keep in touch with the world of journalism and so I am familiar with other newspapers and sources of news, and I am well-acquainted

with the United Press service, the Associated Press service, and the International New service. For a number of years the Olean Times had International News service in addition to United Press service.

4. The Olean Times-Herald has used the United Press service ever since the merger and prior to that time its predecessor, Olean Times, had full United Press service since about 1916. This service has been, and still is, satisfactory. It is a complete news service, providing the needs [fol. 2142] of a daily newspaper fully. It reaches and reports the news of all parts of the world through its foreign connections and correspondents, and it gives adequately all the domestic news of the United States and it gives good local service, such as a local newspapers' readers are peculiarly interested in. Neither the Olean Times-Herald nor the Olean Times was a member of the Associated Press. When the Olean Times and the Olean Herald were consolidated we had the choice of whose service. Our decision was to continue the United Press service which is still the only news service we have. We did not then, nor do we now, feel that the Associated Press service is necessary for the production of a successful newspaper.

5. That the service of the Associated Press is not necessary to a daily newspaper is shown by the history of our newspaper. At the time that I purchased the Olean Times in 1911, its circulation was less than 1500. Since that time circulation has expanded so that the circulation of the present Olean Times-Herald is nearly 12,000 and this has been without the service of the Associated Press.

M. G. Fitzpatrick.

Sworn to before me this 11th day of June, 1943. Earl  
N. Hornburg, Notary Public. (Seal.)

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[fol. 2143]      AFFIDAVIT OF HARRY GOODWIN

STATE OF NEW YORK,  
County of Bronx, ss:

Harry Goodwin, being duly sworn, says:

First. I am the editor of the Home News, published by the Bronx Home News Publishing Co., Inc., of 373 East 148th Street, New York City. This newspaper is a daily



newspaper circulating principally in The Bronx, and it has a daily circulation of 130,000. The Home News has no Associated Press membership, and does not receive the news reports of the Associated Press, but depends wholly on the news reports of the United Press.

Second. I have been connected with the Home News since 1920. I first became a newspaper man in the year 1920, and between that time and the present time I have occupied the following positions with the following publications, namely:

Circulation Inspector, Bronx Home News  
Reporter, Harlem Home News  
City Editor, Bronx Home News  
Managing Editor, The Home News

I of course am familiar with the news service furnished by the United Press. I also am familiar with the news service of the Associated Press, and to a considerable extent with that of the International News Service. I have to be familiar with what is going on in the newspaper world, and with what newspapers other than mine are doing, and therefore have to have knowledge of these things.

Third. It is not necessary for a newspaper situated as the Home News is, to have the Associated Press report rather than the United Press report. The United Press report, like the Associated Press report, and also like the International News Service, furnishes a complete news coverage, giving good service of local news such as particularly interests the readers of the locality of publication, and giving a complete report of the domestic news of the United States, and a complete report of the foreign news from all over the world. The United Press maintains particularly complete and effective foreign connections and maintains its own foreign correspondents. Whether or not this service is in all respects equal to the service of the Associated Press, it is certain that the United Press service covers the ground fully.

Fourth: It is my opinion that the service of the Associated Press is not necessary to the success of a daily newspaper. The primary factors which determine success are matters other than which of the three major news services the publication receives. From my knowledge of the business of publishing newspapers I know that good success can

be achieved and maintained with the news service of the United Press exclusively. The following additional facts known to me lead me to the conclusion stated above, that the United Press report adequately serves the needs of a daily newspaper, namely:

The Home News has depended exclusively upon United Press for many years for its non-local news coverage and feels that it never has missed prompt coverage of an important news item.

Harry Goodwin.

Sworn to before me this 18th day of June, 1943. Edward Bergemann, Notary Public. (Seal.)

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[fol. 2145]      AFFIDAVIT OF ALFRED G. HILL

COMMONWEALTH OF PENNSYLVANIA,  
County of Delaware, ss:

Alfred G. Hill, being duly sworn, says:

First: I am the publisher and partner of the Chester Times Publishing Company of Chester, Pennsylvania, operating a daily newspaper established in 1876. It has a circulation in excess of 29,000. The federal population of Chester in 1940 was 60,000. I assumed direction of the Chester Times in 1942 after it had been suspended because of a strike, and after a survey showed that the nearby Philadelphia papers had encroached heavily in the Chester Times territory.

Second: The Chester Times receives the news service of the United Press and also that of the International News Service, but it receives no Associated Press Service, and has not done so in my time, or, as I believe, at any previous time. The newspaper was put to a severe test in resuming publication after ten months' suspension. However, in the adverse conditions and in the face of exceptional efforts of nearby newspapers to hold circulation, the Chester Times now has a circulation of 4,000 in excess of the previous high mark. My prior newspaper experience has been primarily with newspapers which were Associated Press members. My experience here through the Chester Times has been a crowning demonstration at first hand of

what can be accomplished with the service of the United Press.

This is substantiated by my experience with the United Press in two other states, namely: in 1937 I purchased the Wyoming State Tribune, an Associated Press newspaper and a long established newspaper at Cheyenne, having as my competitor the Wyoming Eagle, a morning newspaper. The Tribune depended on the Associated Press exclusively; the Eagle (a relatively new newspaper) on the United Press. So great was the prestige and, I may say, the potency of the Eagle in the Cheyenne field that within [fol. 2146] six months I agreed to the merger of the two newspapers on an equal basis although evening newspapers, normally are considered to have the advantage, particularly in that area.

At Reno, Nevada, in 1939 I became part owner and manager of the Nevada State Journal, a morning newspaper, depending exclusively upon the United Press, and discovered that in this state all of the daily newspapers outside of Reno at that time were served by the United Press. The advantage of this to our newspaper was manifest. During the period of my managership we made pleasing progress which culminated in our carrying out a commitment to sell the paper to Merritt C. Speidel, who also purchased the evening newspaper in Reno. It is my understanding that under the single management and with the Associated Press of course available, the Nevada State Journal has continued to use the United Press exclusively.

Third: My experience in newspaper business commenced in 1908, and has included the following: High School reporter for William Allen White's Emporia Gazette (AP); Topeka Daily Capital (AP), reporter; Philadelphia Public Ledger (AP), reporter; Washington Bureau United Press, correspondent; Arkansas City, Kansas Traveler (AP), advertising manager and assistant publisher; Fort Collins, Colorado Express Courier—(AP) publisher; Jamestown, N. Y. Jamestown Evening Journal—(AP) general manager; Jamestown Post-Journal, general manager (in which capacity I purchased the United Press in addition to AP in order to give readers what I considered adequate service for that community). I am now the controlling partner of the Fremont, Nebraska Guide and Tribune, an Associated Press member newspaper.

Fourth: My experience leads me to the conclusion that whether a daily newspaper receives one good and complete, accurate news service or another, is not a matter vitally affecting success. I believe that the factors of success re-[fol. 2147] side in the conduct of the management, and to some extent in the character of the locality, and that the success of a newspaper enterprise is not seriously affected, certainly not vitally affected, by having one news service instead of another. Besides the Associated Press and the United Press, there is the International News Service which my paper takes, also a full and highly developed news service.

Fifth: The United Press gives a complete news service covering all the news. It maintains contacts all over the world for the gathering of news and gives a full report of foreign news of everywhere, besides giving a full report of the domestic news of the United States, and the local news of the locality of publication, such as peculiarly interest a newspaper's local readers. My experience and belief are, and I am sure it is a fact, that it is not true to say that it is necessary for a daily newspaper in order to have a good success, to be a member of the Associated Press.

Alfred G. Hill.

Sworn to before me this 11th day of June, 1943.  
E. A. O'Connor, Notary Public. (Seal.)

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[fol. 2148] AFFIDAVIT OF FREDERICK H. KEEFE

STATE OF NEW YORK,  
County of Orange, ss:

Frederick H. Keefe, being duly sworn, deposes and says:

I reside in Newburgh, New York, and am the publisher of the Newburgh (New York) News and the Beacon (New York) News. I have been the publisher of the Newburgh News since 1925 and of the Beacon News since 1929.

Both of these papers have used the United Press and use it today. The United Press provides full, adequate and complete news coverage. Neither of these papers has ever had the Associated Press. Both are successful papers

and are popular in their communities. Associated Press membership has been available for these papers at any time I care to make application. In fact, we have been urged repeatedly by a representative of the Associated Press to substitute its service for that of the United Press.

I am so satisfied with the service I have received from the United Press, and with the completeness of its service, that I see no reason to change to the Associated Press, and prefer to continue with the United Press.

Frederick H. Keefe.

Sworn to before me this 11 day of June, 1943. Hubert V. Nocton, Notary Public. (Seal.)

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[fol. 2149]      AFFIDAVIT OF O. M. KINNISON

STATE OF INDIANA,  
County of Elkhart, ss:

O. M. Kinnison, being duly sworn, says:

First: I am the president and publisher of The News-Democrat of Goshen, Indiana, a daily newspaper established in the year 1837. It has a circulation of between 5,700 and 5,800 in a population of about 12,500. I have been connected with this paper since 1901.

Second: In and prior to June 1933, there was one paper in Goshen called the News-Times, and another, the Daily Democrat. The Daily Democrat was an Associated Press member, and the News Times took the United Service. The News-Times acquired the Daily Democrat in June 1933. The consolidated paper used a small amount of Associated Press service for a time, but definitely severed relations with the Associated Press in 1941 voluntarily. The publication relies on the United Press service exclusively, and has done so for twenty years by preference.

Third: My experience in the newspaper business goes back to the year 1906. During the time between then and now, I have worked in the following capacities and in the following connections, namely:

Reporter, Editor, Managing Editor.

I am familiar with the service given by the United Press, and also with that given by the Associated Press. I am

aware also that there is a third highly developed news service available to newspapers in this county, called the International News Service.

Fourth: I have been responsible for the policy of The News-Democrat, in preferring United Press service to Associated Press service upon the whole and in all circumstances. It is my opinion, as is shown by my conduct, that a daily newspaper is able to succeed very well using [fol. 2150] the United Press service. United Press provides a complete news service covering all the news. It receives its reports from points in all parts of the world, and supplies an adequate and complete service of foreign news. Its service of domestic news is likewise complete, and it provides the local news which appeals to the local readers. It is certainly not true that the service of the Associated Press is necessary to a daily newspaper.

Fifth: Some people undoubtedly prefer the service of the Associated Press to that of the United Press. That is a very different thing from saying that the service of the Associated Press is necessary even in their opinions. I am quite sure that a daily newspaper which succeeds with the Associated Press service, would succeed equally well with the United Press service, and no doubt the reverse also is true. Any difference between these services is not such as to be a primary element in the success, or not of any newspaper publishing enterprise.

Sixth: I set forth the following additional facts which are known to me, showing that membership in the Associated Press is not necessary at all to the success of a daily newspaper when it can have one of the other news services, such as the United Press, namely:

The fact that there were three daily papers in Goshen at one time and the paper using the United Press exclusively is now the only one left, would indicate our readers are fully satisfied with United Press.

O. M. Kinnison.

Sworn to before me this 14th day of June, 1943, Bella  
Weinstein, Notary Public. (Seal.)

[fol. 2151] AFFIDAVIT OF CHARLES E. KOONS

STATE OF NEW YORK,  
County of Orange, ss:

Charles E. Koons, being duly sworn, says:

First: The Middletown Times Herald is a daily newspaper established in 1851, having a circulation of something over 7,000. The population of Middletown is about 22,000. The Middletown Times Herald takes the service of the United Press and takes no Associated Press service.

Second: The Middletown Times Herald is the result of a merger of the Times Press and the Herald, which took place at the end of the year 1926. The Times Press was a member of the Associated Press, while the Herald had been receiving the United Press service. After the merger the Associated Press service was discontinued, in January 1927. Since then the Times Herald has frequently been asked to join the Associated Press.

Third: I have been the Publisher and General Manager of the Times Herald since the merger of the Times Press and Herald at the end of 1926. I know the service of the Associated Press and I know the service of the United Press. I know that the third great news service of the country is that of the International News Service.

Fourth: In view of what I have said above, it is evident, and it is a fact, that the Middletown Times Herald does not find membership in the Associated Press necessary for the successful publication of a newspaper. If it did, it would seek that membership, and it could have that membership if it wished. As is stated above, it has been asked to become a member. The service of the United Press is adequate. It is a complete news service, covering the world. Its foreign news is complete and the service efficient, it covers completely the domestic news of the United States, and provides a good and efficient report of local news such [fol. 2152] as peculiarly interests the bulk of readers of any daily newspaper serving a particular locality. It not only is not true to say that the service of the Associated Press is in any sense necessary to a daily newspaper, but the fact is that this could not be true since so many daily newspapers flourish which receive no Associated Press service. I in-

stance the following cases, known to me, showing that the Associated Press service is not necessary to the fully successful conduct of a daily newspaper, namely:

Catskill Mail, Catskill, New York  
 Dunkirk Observer, Dunkirk, New York  
 Hudson Star, Hudson, New York  
 Newburgh News, Newburgh, New York

Charles E. Koons.

Sworn to before me this 10th day of June, 1943.  
 Frank P. Cox, Notary Public. (Seal.)

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[fol. 2153] AFFIDAVIT OF W. D. MANSFIELD

COMMONWEALTH OF PENNSYLVANIA,  
 County of Allegheny, ss:

W. D. Mansfield, being duly sworn, says:

First: I am the Editor of The Daily News of McKeesport, Pennsylvania. This paper has a circulation approaching 28,000. The population of the City of McKeesport, which is near to Pittsburgh, is over 55,000. The Daily News is not a member of the Associated Press, and depends entirely upon the services of the United Press and the International News Service.

Second: Both of the services which The Daily News receives are complete services of domestic and foreign news, local and state news also.

Third: I have been connected with The Daily News since the year 1925. Before that I had no experience as a newspaperman.

Fourth: Of course, I am very familiar with the United Press service and the International News Service. Also, since I must keep up with the important things of the newspaper world, I know the service of the Associated Press also. Certainly it is not true that membership in the Associated Press is necessary to the success of a daily Newspaper. The Daily News would not have a circulation of nearly 28,000 in a town of less than 60,000 only ten miles



from Pittsburgh if the service of the Associated Press was vitally necessary, or even necessary at all. It is not true to say that the service of the Associated Press is necessary, and I do not believe that the degree of success of a daily newspaper can be very seriously affected by a change in the news service which it receives.

Fifth: The following facts, which I know of my own knowledge appear to me to show that it is not true that a [fol. 2154] daily newspaper really needs membership in the Associated Press when it can have the service of the United Press or the service of the International News Service or both, namely:

The latest report of the Audit Bureau of Circulations shows that for the period ending March 31, 1942, the net paid circulation of the Pittsburgh Sun-Telegraph, the only afternoon paper circulated in the McKeesport District that is a member of the Associated Press as compared with the net paid circulation of The Daily News in McKeesport and district municipalities was as follows; to wit:

<i>Municipality</i>	<i>Sun Telegraph</i>	<i>The Daily News</i>
<b>ALLEGHENY COUNTY</b>		
Bellebridge .....	—	99
Blythedale ) .....	29	102
Douglas ) .....	—	—
Boston .....	7	334
Buena Vista .....	8	114
Bunola .....	9	29
Camden .....	2	54
Clairton .....	767	2,016
Coal Valley .....	13	152
Coulter .....	4	53
Dravosburg .....	72	847
Duquesne .....	785	2,234
East McKeesport .....	310	598
Elizabeth .....	240	662
Elizabeth Township (Mt. Vernon Area) .....	—	245
Floreffe .....	14	33
Frank .....	10	117
Glassport .....	143	1,435
Greenock .....	2	237

<i>Municipality</i>	<i>Sun Telegraph</i>	<i>The Daily News</i>
Large .....	37	91
Liberty .....	—	334
McKeesport .....	1,075	14,307
Mifflin Township .....	—	38
[fol. 2155] Port Vue ...	5	285
Versailles .....	23	505
Versailles Township ..	—	63
West Elizabeth .....	85	262
Wylie .....	—	129

## WESTMORELAND COUNTY

North Huntington Twp. (R. D. 3 Irwin) ...	—	32
Suterville .....	45	74
West Newton .....	282	205

## WASHINGTON COUNTY

Elrama .....	53	106
Totals .....	4,020	25,792

W. D. Mansfield.

Sworn to before me this 18th day of June, 1943. Robert J. Kurtz, Notary Public. (Seal.)

[fol. 2156] AFFIDAVIT OF JOSEPH F. McDONALD

STATE OF NEVADA,  
County of Washoe, ss:

Joseph F. McDonald, being duly sworn says:

First: I am, and since the year 1939, have been the Editor and Manager of the Nevada State Journal of Reno, Nevada, a daily newspaper published in Reno, established in the year 1870. I have been connected with the Nevada State Journal of Reno, Nevada, since the year 1939, and I have been in the newspaper business since the year 1915.

Second: The Nevada State Journal of Reno, Nevada, was a member of the Associated Press prior to 1931.

Towards the end of the year 1931, the Nevada State Journal ceased to take the Associated Press Service and severed all connection with the Associated Press. Since then it has been taking the United Press Service. It has a daily circulation of upwards of 9,000 and 11,000 Sundays in a population of approximately 22,500 for the City of Reno.

Third: During my experience as a newspaper man, I have worked for the following newspapers in the following capacities, commencing in the year 1915, namely:

Nevada State Journal-Reporter, 1915  
 Reno Evening Gazette-Reporter, 1915 to 1922  
 Nevada State Journal-Editor & Manager, 1922-1927  
 Reno Evening Gazette-City Editor, 1927-1939  
 Nevada State Journal-Editor & Manager, 1939—

I am, of course, familiar with the service rendered by the United Press, and also the Associated Press Service as I have used both of them.

Fourth: The Nevada State Journal has been invited on several occasions to become again a member of the Associated Press, but has not chosen to do so. The United Press Service fills adequately our needs as a daily newspaper, [fol. 2157] and enables us to carry on our business successfully. If we did not know by experience that we can go on successfully with the United Press Service, but thought the Associated Press Service necessary to our success, we, of course, would take the Associated Press Service as soon as we could arrange for it. Our experience is, that both for local news for the State of Nevada, and for news of the United States, and for news from all over the world, the United Press gives a satisfactory and complete service and we do not feel that we need another service or a different service. From what I have said above, it is evident that I do not regard it as a vital matter, on which success might depend, to have one good news service rather than another. The service of the Associated Press is in no sense necessary to success in publishing a daily newspaper, and we are today paying a higher charge for the United Press report than we would have to pay for the Associated Press report.

Fifth: I call attention to the following additional facts, showing that the success of a daily newspaper does not re-

quire it have the service of the Associated Press news reports: The circulation of the Nevada State Journal has increased gradually over a period of years and is still gaining. We receive more news each day than we can use, and the coverage is complete.

(S.) Joseph F. McDonald.

Sworn to before me this 12th day of June, 1943. Clarence K. Jones, Notary Public. (Seal.)

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[fol. 2158]      AFFIDAVIT OF JOHN J. MEAD, JR.

COMMONWEALTH OF PENNSYLVANIA,  
County of Erie, ss:

John J. Mead, Jr., being duly sworn, says:

First: I am the Editor and Co-Publisher of The Erie Daily Times of Erie, Pennsylvania. This paper was established in the year 1888. The City of Erie has a population of about 125,000, and The Erie Daily Times has a circulation of 45,600. I have been connected with The Erie Daily Times since 1915.

Second: The Erie Daily Times was a member of the Associated Press from around 1900 through 1904. We voluntarily withdrew from the association and discontinued the service with no adverse effect on our progress.

The Erie Daily Times has been served by the United Press News Service for approximately the past twenty years and by the International News Service for approximately twenty-seven years.

Its immediate and only newspaper competitor, The Dispatch-Herald, a member of the Associated Press, has a circulation 10,000 smaller than the circulation of The Erie Daily Times.

Third: During my experience as a newspaper man, which goes back to the year 1915, I have worked in the following capacities in the following connections, namely: Advertising Solicitor, Erie Daily Times; Reporter, Erie Daily Times; Desk Man, Erie Daily Times; Managing Editor, Erie Daily Times; Editor and Co-Publisher, Erie Daily Times.

I, of course, am familiar with the United Press News Service and with that of the International News Service,

and because I have to know what is going on in my line, and because by paper's competitor takes the Associated Press Service and I have to watch the competitor, I am familiar also with the Associated Press Service.

[fol. 2159] Fourth: I am not of the opinion that a daily newspaper is at any great disadvantage in competition in that it has to be content with other news service while its competitor receives the service of the Associated Press. Naturally I could not think it a disadvantage in the face of the fact that my paper maintains a circulation of over 45,000 while its competitor with Associated Press Service has a circulation of approximately 35,000. The service of the United Press is a complete news service, covering all the world and all the news. It has its contacts and representatives at all points, and reports the foreign news fully and accurately. It also covers the domestic news of the United States equally well, and it covers the local news such as is of peculiar interest to a newspaper's local readers, which constitutes the bulk of its readers of course. The International News Service is also a complete service, and with these two services the Erie Daily Times is well supplied and well able to maintain itself in competition.

Fifth: I am not of the opinion that any particular news service is necessary. The three named above in this affidavit are all good services. Certainly a daily paper needs a good news service. But its success or failure is not going to be determined by which service or services it receives nor is the degree of its success likely to be very greatly influenced in that way, because the controlling factors of success are matters of the immediate conduct of the publication by those who manage it and its business.

Sixth: It is not true that membership in the Associated Press is necessary to a daily newspaper, or that a daily newspaper cannot attain a full success without membership in the Associated Press, and I believe that the record in competition with an Associated Press paper, of The Erie Daily Times, is clear proof of the truth of this statement.

The following circumstances known to me are additional evidence that membership in the Associated Press is not necessary to the success of a daily newspaper, namely:

[fol. 2160] The fact that The Erie Daily Times is not a member of the Associated Press is not nor never has been a

deterrent to our advertising patronage nor to our advertising or circulation price structure.

We carry a greater advertising column than our Associated Press competitor and at a rate consistent with our higher circulation.

John J. Mead, Jr.

Sworn to before me this 11th day of June, 1943. Alice  
C. Peerboom, Notary Public. (Seal.)

[fol. 2161]      AFFIDAVIT OF RALPH O. NUSBAUM

STATE OF INDIANA,  
County of Kosciusko, ss.:

Ralph O. Nusbaum, being duly sworn, says:

First: I am the editor of the Warsaw Union of Warsaw, Indiana, a daily newspaper established in the year 1860, published by Reub. Williams & Sons. Warsaw has a population of 6,600, and the Union has a circulation of 2,415. I have been in the newspaper business since the year 1904 and have been connected with the Warsaw Union since the year 1923.

Second: From some time before 1923 until early in the year 1940, the Union was a member of the Associated Press. In February, 1940, the Union discontinued taking Associated Press Service, and it ceased to be a member. The Union has been served by the United Press since February, 1940.

Third: Since the beginning of my newspaper experience, in the year 1904, I have had the following business connections, in the following capacities, namely:

Reporter, Elkhart Truth, Elkhart, Ind.  
Advertising Manager, Elkhart Review, Elkhart.  
City Editor, Warsaw Times, Warsaw, Ind.  
Editor, Warsaw Union, Warsaw, Ind.

My duties require me to keep in touch with what goes on in the newspaper world, and what neighbors are doing, and I am familiar with the important news services. I know the United Press Service well, of course, and I know the Associated Press Service, too. Another comprehensive and complete service is the International News Service.

Fourth: The service rendered by the United Press Service is a complete and comprehensive service. It covers every-[fol. 2162] thing. It covers the whole world efficiently, receiving news reports from everywhere and supplying a good report of the news of the world. It covers thoroughly also the domestic news of the United States and the local news of the regions of publication of the papers which it serves. It supplies a service sufficient to the good success of any daily newspaper. The Union, as shown above, could have had Associated Press Service had it so desired, since it was a member until 1940 and could have remained a member had it chosen to do so. If it had been believed that the Associated Press Service is necessary to the success of a daily newspaper, or that a daily newspaper would have appreciably greater success if it received the Associated Press report than it would have if it received the United Press report, then the Warsaw Union would have remained with the Associated Press.

Fifth: As a matter of fact, I do not believe that the receipt of one of the complete and comprehensive news services, rather than that of another, is a determining factor in the success of a daily newspaper. I think that the qualities of management are what count. Of course, a daily newspaper cannot exist successfully today without a complete news coverage. But it is by no means true that the Associated Press gives the only such service. The service given by the United Press is ample and adequate.

Sixth: In addition to what I have said above, I state the following things, which are known to me, as showing that it is by no means necessary that a daily newspaper have the Associated Press reports, namely: The Warsaw (Ind.) Times, served by UP only, competed successfully from 1910 to 1940 with its rival Warsaw Union, served by AP only. The Goshen (Ind.) News Times, served by UP only competed successfully with Goshen Democrat from about 1910 to 1936. I edited the AP report 20 years (1923 to 1940) and [fol. 2163] UP report 16 years, 1910-1923, 1940-1943, prefer the UP for a town of our size.

Ralph O. Nusbaum.

Sworn to before me this 9th day of June, 1943. Ruby  
A. Carroll, Notary Public. (Seal.)

[fol. 2164]      AFFIDAVIT OF ROY PINKERTON

STATE OF CALIFORNIA,  
County of Ventura, ss.:

Roy Pinkerton, being duly sworn, says:

First: The Star-Free Press of Ventura, California, is a daily newspaper that developed from the founding of the Ventura County Star in 1925 and the subsequent purchase and merging of two older dailies, the Post and the Ventura Free Press, one of them established in 1875. The population of Ventura is about 15,000, and of Ventura county about 70,000. The circulation of the Star-Free Press for the first quarter of 1943 was 8201.

Second: Since the date of its first issue, June 15, 1925, the Ventura County Star, and the Star-Free Press after it, has used the United Press news service exclusively. The Ventura Free Press became a member of the Associated Press at some time prior to 1932 and used that service exclusively until purchased by the Ventura County Star in August, 1936. The owners of the merged newspapers discontinued the Associated Press service at that time, and declined to assume the Free Press membership in Associated Press.

Third: My experience as a newspaperman goes back to my graduation from the University of Washington in 1911, and even prior to that, since which I have worked continuously up to date in the following capacities and in the following connections:

Reporter, desk man, Tacoma (Wash.) Ledger.  
Desk, Los Angeles (Calif.) Tribune.  
Desk, reporter, Los Angeles Express.  
City Editor, Seattle (Wash.) Sun.  
Editor, Tacoma (Wash.) Times.  
Editor, Seattle Star.  
[fol. 2165] Associate editor, Cleveland (O.) Press.  
Editor, San Diego (Calif.) Sun.

Since 1925, in establishment, purchase and operation of various California small-city dailies, in recent years in association with John P. Scripps. I am now president and editor-in-chief of John P. Scripps Newspapers, a California corporation.



I am familiar with the service of the United Press, and almost equally so with the Associated Press service. One of our dailies, the Redding (Calif.) Record-Searchlight is a member of Associated Press. I also know that there is a third news service available to newspaper publishers, namely, International News Service.

Fourth: Without undertaking to say that the service of the United Press is better than that of the Associated Press, or *vice versa*, it is my belief that the United Press as well as the Associated Press furnishes a reasonably complete news service which covers the news from local news through the domestic news of the United States, to foreign news which comes from all parts of the world. It has been my experience that a daily newspaper having the United Press service is in a position to succeed fully in its business and in its presentation of news to its community. In negotiating for press service for our various papers from time to time, I have not felt it was a matter of essential importance whether such service were procured from Associated Press or from United Press. It has been my experience that the measure of success achieved by the paper was due to other factors.

Fifth: As a further fact bearing on the subject of newspaper operation, I might state that John P. Scripps Newspapers, a corporation, with which I have been connected as mentioned in paragraph Third, in 1935 founded the Santa Ana Journal, at Santa Ana, California, and operated it for [fol. 2166] three and a half years in an unsuccessful effort to establish it on a paying basis. Throughout that period we had an Associated Press Membership and used the leased wire service that it provided, yet sustained considerable losses at all times and found ourselves unable to attract a circulation of sufficient volume to make the Journal essential in the community life. During that period the older established daily in the field, the Santa Ana Register, used the United Press service exclusively.

Roy Pinkerton.

Sworn to before me this 18th day of June, 1943. Mil-  
dred H. Heck, Notary Public. (Seal.)

[fol. 2167]      AFFIDAVIT OF W. F. PRISK

STATE OF CALIFORNIA,  
County of Los Angeles, ss:

W. F. Prisk, being duly sworn, says:

First: I am the president and publisher of the Long Beach Sun of Long Beach, California, established in 1923 and owned by the Long Beach Press-Telegram Publishing Company. I am also president of the Pasadena Star-News Publishing Company, which publishes The Pasadena Post, established in 1919 in Pasadena, California. I have been connected with both the Long Beach Sun and The Pasadena Post since the year 1932. For 54 years I have been in the business of newspaper publishing.

Second: The Long Beach Sun has never applied for membership in the Associated Press. It is served by the United Press and is a successful newspaper, operating in a highly competitive field. Long Beach has a population of approximately 230,000 and The Sun has a circulation of approximately 12,000. The Pasadena Post used the Associated Press until 1932, when the newspaper was placed on the market and purchased by the Pasadena Star-News Publishing Company. Since then it has used only the United Press. Pasadena's population is approximately 85,000 and The Post has a circulation above 21,500.

Third: In my 54 years as a newspaper man I have been business manager of the Grass Valley, California, Telegraph; president of the Grass Valley Union Publishing Company since 1894; president of the Press-Telegram Publishing Company, Long Beach, California, since 1911; and since 1940 president of the Pasadena Star-News Publishing Company, Pasadena, California. In the operation of our newspapers I am thoroughly familiar with services of the Associated Press and the International News Service. The Long Beach Sun and the Pasadena Post are adequately served by the United Press and I do not feel [fol. 2168] that they need an Associated Press service. I am persuaded that the United Press service is adequate. The International News Service also furnishes reliable coverage of Southern California, state, national and world news. Without saying that the Associated Press is inferior to either of these services, or that it is better than

either of them, I am persuaded, and my experience proves to me that a daily newspaper can be operated successfully, without the Associated Press news reports. The history of the Pasadena Post illustrates this point. Until 1932, it used the Associated Press only. Placed upon the market by former owners, it was purchased that year by the Pasadena Star-News Publishing Company, which transferred the Associated Press news to the Star-News, buying United Press news for The Post. The Post since has become a successful newspaper. While a daily newspaper must have a good wire news service, I feel experience shows either of these services is adequate, and that success of a newspaper depends more upon management and skilled editorial direction than upon the sole factor of which news service it uses.

Fourth: I state the following facts which are known to me, as further evidencing the fact that a daily newspaper can be successfully operated without taking any Associated Press Service: The Pasadena Star-News, served only by the United Press, in 1932, was in position to purchase its less successful opposition, The Pasadena Post, served only by the Associated Press.

W. F. Prisk.

Sworn to before me this 8 day of June, 1943. Robert E. Miller, Notary Public. (Seal.)

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[fol. 2169] AFFIDAVIT OF WALTER A. SCHMITZ

COMMONWEALTH OF MASSACHUSETTS,  
County of Norfolk, ss:

Walter A. Schmitz, being duly sworn, says:

First: The Quincy Patriot Ledger of Quincy, Massachusetts, is a daily newspaper established in 1837. Quincy, which is within the Boston metropolitan area, has a population approaching 76,000, and the Patriot Ledger has a circulation approaching 27,000.

Second: In 1927 the Patriot Ledger became a member of the Associated Press. It was not altogether satisfied, and found that it was on a circuit with several other papers further from Boston, and that a good deal of the news

served on this circuit probably was of interest to those other papers, but not to the Patriot Ledger and in most cases was being beat by news pertaining to this territory by another publication in this city using United Press exclusively. The Patriot Ledger voluntarily ceased to be a member of the Associated Press in February 1934.

Third: I have been connected with the Patriot Ledger since the year 1930. My experience as a newspaper man began in the year 1916, since when I have worked on the following newspapers before becoming associated with the Patriot Ledger, namely:

Kansas City Post  
Kansas City Journal Post  
California Fresno Bee  
Los Angeles Examiner  
Copley Publications, covering nineteen publications in  
southern California

etc.

I know the service which the Associated Press supplies, and the service which the United Press and International News Service supplies.

Fourth: When the Patriot Ledger withdrew from the Associated Press, which it did voluntarily because it preferred to take the service of the International News, it later contracted for the United Press service and has continued to receive that service thenceforward. The service supplied by the United Press is a complete service covering all the news, foreign, domestic, and local. All of these fields, namely, the world at large, the United States, and the vicinity of publication of the particular paper, are covered in a satisfactory, complete, and accurate manner.

Fifth: As to any idea that membership in the Associated Press is necessary to a daily newspaper, the experience of the Patriot Ledger, as well as the experience of many other daily newspapers, proves that there is nothing in that. If that were a fact, the Patriot Ledger would never have withdrawn from the Associated Press, and if it had been so, it would certainly have sought to get back long since, because it would have found that it could not get along. That Associated Press service is necessary is not true. Furthermore, it is the opinion of the management of

the Quincy Patriot Ledger that the United Press service is thoroughly satisfactory. It would be at least as true to say that the United Press service is necessary to a daily newspaper, as it would be to say that the Associated Press service is.

Sixth: I know from my own experience the following facts which, in addition to what is said above, shows that membership in the Associated Press is not necessary to the successful conduct of a daily newspaper, namely: We grew from less than 10,000 circulation to about 27,000 circulation covering the same size territory.

Walter A. Schmitz.

Sworn to before me this 10th day of June, 1943.  
Lucie A. Spicer, Notary Public. (Seal.)

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[fol. 2171] AFFIDAVIT OF FRANK D. SCHROTH

STATE OF NEW YORK,  
County of Kings, ss:

Frank D. Schroth, being duly sworn, says:

First: I am the publisher of the Brooklyn Eagle, a daily newspaper published in Brooklyn, New York. I have been publisher of this newspaper for four and one-half years. When I took over the property, it was a member of the Associated Press and received regularly the Associated Press news service. It was at the same time a client of the United Press and received its wire service. In March of 1941 I disposed of the Associated Press membership for reasons of economy and since then have relied completely upon the service of the United Press.

Second: For March of 1941 the average daily circulation of the Brooklyn Eagle, on a six-day basis, was 97,078. For May of 1943 the average daily circulation of the Brooklyn Eagle, on a six-day basis, was 99,386. On a five-day basis the circulation of the Brooklyn Eagle for May 1943 was 102,101. The average Sunday circulation for March of 1941 was 93,280. The average Sunday circulation for May of 1943 was 96,051. The disposition of the Associated Press service was not detrimental to the circulation of the paper.

Third: I have been a newspaper man for thirty-five years. I was Associate Publisher and General Manager of the Trenton Times Newspapers for eight years. I was Editor and Publisher of the Scranton Tribune for five years. In each of these places I had membership in the Associated Press, and for a year or two I was the President of the Associated Press of New Jersey.

Fourth: I believe in the excellence of the service of the Associated Press. My experience, however, does not indicate that this service is completely essential to the success of a daily newspaper. Other factors, such as local news [fol. 2172] coverage and editorial attitude, are involved. There are three wire services, each of which provides splendid news coverage.

Fifth: With as full a coverage of local community news as is possible, the complete service of the United Press has been entirely sufficient for the purposes of the Brooklyn Eagle. I have the highest regard for the service of the United Press, especially its widespread foreign connections, and in my opinion it fully supplies the needs of my daily newspaper. I am also acquainted with the splendid service furnished by the International News.

Sixth: As a result of my experience, my judgment is that newspapers of importance can be successful in their various communities with any one of the three world wide services.

Frank D. Schroth.

Sworn to before me this 17th day of June, 1943.  
Vincent E. Sheridan, Notary Public. (Seal.)

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[fol. 2173] AFFIDAVIT OF D. N. SLEP

COMMONWEALTH OF PENNSYLVANIA,  
County of Blair, ss.:

D. N. Slep, being duly sworn, says:

First: I have been connected with the publication of newspapers for almost fifty-one years. For the last twenty years or more I have been the publisher of the Altoona Mirror, of Altoona, Pennsylvania, which was established in 1874.

Second: In 1922, my father as publisher of the Mirror resigned from the Associated Press. He died shortly afterwards, and I then became the publisher of the Mirror and have continued to publish it in Altoona ever since. On resigning from the Associated Press, my father caused the Mirror to take the service of the United Press, and the Mirror has continued to use the United Press service alone ever since, namely, for some twenty-one years.

Third: In my personal experience in newspaper publishing, which goes back to the year 1892, I have worked in the following capacities, namely: pressman, mechanical superintendent and now a director, president and general manager of the company. I am familiar, through my general experience, with the service of the Associated Press, and was familiar with it while it was being used by the Altoona Mirror. I am also familiar with the service of the United Press of course.

Fourth: As is noted above, my paper, the Mirror, has not had Associated Press service since 1922. It has had opportunities, and could have renewed its Associated Press service, but it has found the United Press service entirely satisfactory and has not desired to change. Altoona is a city of upwards of 80,000, and the Mirror had in September 1942 a circulation of 26,930. We maintain ourselves successfully with the United Press service and no other.

[fol. 2174] Fifth: According to my experience and observation, the service of the United Press is fully adequate, covering local news which interests our readers, domestic news of the United States, and the news of the world at large. It supplies adequately the needs of a daily newspaper, as appears from my own experience stated above. The service of the United Press is adequate to enable a properly managed newspaper to compete successfully against a newspaper having the Associated Press service, according to my opinion.

Sixth: It is my opinion that the press service on which a daily newspaper depends, namely, whether it depends on Associated Press service, or on United Press service, or on service of the International News Service, is not a factor determinative of success or the contrary. I am sure that a paper will succeed with either Associated Press service or United Press service, if it has a good and competent

management, and that a paper which is incompetently managed will not succeed, whichever service it takes. Of course a good and comprehensive news service is necessary to any daily newspaper. Such a service is furnished by the United Press for one, and by the Associated Press for another, and, I believe, by the International News Service too, although my experience does not extend to that.

D. N. Slep.

Sworn to before me this 8th day of June, 1943. Ada  
E. Reynolds, Notary Public. (Seal.)

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[fol. 2175]      AFFIDAVIT OF CURTIS G. SMALL

STATE OF ILLINOIS,  
County of —, ss.:

Curtis G. Small, being duly sworn, says:

First: "The Daily Register" of Harrisburg, Illinois, is a daily newspaper which has been published continuously since 1915, the outgrowth of the Saline County Register established in the year 1869. Harrisburg has a population of some 12,000, and The Register has a circulation of close to 5,500 as of September 1942. I am the editor and manager of The Daily Register, and have been connected with it since the year 1918.

Second: For twenty-five years and more The Daily Register has been receiving the United Press news service exclusively. I, of course, am familiar with that service, and I also take note of the character of the news service of the Associated Press and I know about it.

Third: I have been connected with the business of publishing newspapers since the year 1918, and during the period from then until now I have worked in the following capacities and in the following connections, namely: Street Salesman, Circulation Manager, Reporter, News Editor, Assistant General Manager and Editor and Manager of The Daily Register, Harrisburg, Illinois.

Fourth: There is no doubt in my mind that the news service of the United Press is sufficient and adequate for the needs of a daily newspaper. Without making a comparison between the service of the United Press and the service of the Associated Press, I am perfectly sure that there is not



enough difference between them to make the use of one rather than the other a factor of any real importance in the success of a newspaper enterprise. The United Press service is a very complete service, and it covers the news completely, both local and domestic news of all sorts, and the [fol. 2176] news of the world at large. Its report covers all the foreign news. I do not make a point that the United Press service is superior to the Associated Press service, or even necessarily as good, but that it is sufficient and complete and adequate to maintain the success of a daily newspaper. I do not believe that the success or not of a daily newspaper could be substantially changed by switching from United Press to Associated Press or *vice-versa*.

Fifth: I know the additional facts hereafter stated which also show that receipt of the service of the Associated Press is not necessary to the success of a daily newspaper, namely: The fact that some newspapers which have been Associated Press members have been forced to suspend publication while others with United Press or International News Service connections have survived would indicate that personal initiative of the management and/or local business conditions are a factor in the newspaper's success. I cite specifically that in my home county of Saline County, Illinois, The Eldorado Daily Journal, a client of International News Service, continues publication, whereas the Eldorado Daily News, at one time a client of the Associated Press, has since January 1, 1943, suspended daily publication.

Curtis G. Small.

Sworn to before me this 14th day of June, 1943.

Arthur M. Debes, Notary Public. (Seal.)

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[fol. 2177]      AFFIDAVIT OF ALLEN T. WITTER

STATE OF CALIFORNIA,

County of Imperial, ss.:

Allen T. Witter, being duly sworn, says:

First: I am the managing editor of The Brawley News of Brawley, California, a daily newspaper established in the year 1903. I have been connected with the Brawley News in my present capacity since the year 1931 and have been in the newspaper business since the year 1920.

Second: The Brawley News was formerly a member of the Associated Press, but ceased to be a member on the 10th day of January, 1937, when it began to take the United Press service, as it has done ever since. The Brawley News has a circulation of 2800 and the population of Brawley, California is about 11,000.

Third: My experience as a newspaper man began in the year 1920, and I have filled the following positions since then until now, namely:

On the Brawley News: Carrier boy, printers devil, printers apprentice, Duplex pressman, assistant in the business office, bookkeeper, reporter, assistant to publisher, managing editor in charge of all departments.

In California Newspaper Publishers Association: past member of the advisory council, past secretary Imperial Valley Unit California Newspaper Publishers Assn., Past President Imperial Valley Unit California Newspaper Publishers Assn.

I am familiar with the service rendered by the Associated Press and likewise with the service rendered by the United Press.

Fourth: Without making comparisons as between the Associated Press and the United Press, I know from experience [fol. 2178] that the United Press is sufficient and adequate to provide a daily newspaper in a place similar to Brawley, with what it needs, both in the way of local news service, of national news service, and of news reports from all over the world. It is not true, as I know from experience, that a daily newspaper in a place comparable to Brawley, has to have the Associated Press service in order to have a good chance for success. If one of the established services of the country is better than others, having it rather than one of the others will make a good paper better, still it will not make an unsuccessful paper successful, nor will having a less excellent service make a successful paper unsuccessful. Success or failure depends on other forces, because there are several news services sufficiently good for all the purposes of a successful daily paper.

Allen T. Witter.

Sworn to before me this 14th day of June, 1943.  
S. D. Carey, Notary Public.

[fol. 2179]     AFFIDAVIT OF PAUL PATTERSON

CITY OF BALTIMORE,  
State of Maryland, ss.:

Paul Patterson, being duly sworn, deposes and says:

I reside in Baltimore, Maryland, and am the president of the A. S. Abell Company, the publisher of the Baltimore Sun and the Baltimore Evening Sun.

I have been in the newspaper business since 1899 in the following capacities:

In 1899, I was University of Chicago correspondent for the Chicago Tribune, while I was a student at that University. In 1900, I was a reporter on the Chicago Journal and in the succeeding three years became telegraph editor and later make-up editor, on that paper.

In 1903, I became night city editor of the Chicago Inter-ocean.

In 1904, I went to the Chicago Examiner, first as copy reader and shortly thereafter became city editor, which position I held for two years.

All of these Chicago newspapers were members of The Associated Press.

In 1906, I was called to Washington by Mr. Scott Bone to assist in the establishment of a new morning newspaper in that city, the Washington Herald. I became White House correspondent for that paper. It was not a member of The Associated Press and the only news agency to which it was a subscriber was the Laffan News Bureau a news agency controlled by the New York Sun which was then a morning paper in the City of New York. Shortly after the Washington Herald began publication, I became its city editor until 1907, when I became city editor of the Washington Times, an evening paper, owned by Frank A. Munsey, which was not a member of The Associated Press.

Between that time and 1911, I was city editor, managing editor, and general manager of the Times. Subsequently these two papers were merged into the present Washington Times-Herald.

[fol. 2180] In 1911, I became the managing editor of the Baltimore Evening Sun, a newspaper which had been started the year before and which was not a member of The

Associated Press. In 1913, I became business manager of both the morning Sun and the Evening Sun. In 1914 I was elected Assistant Secretary and Assistant Treasurer of the A. S. Abell Company, the publisher of the two Sun papers. In 1916 I became Secretary and Treasurer. In 1919, I was elected president of The A. S. Abell Company and have continued as president since that time, giving particular attention to the direction of the editorial and news departments of the two papers.

From 1920 to 1922 I was vice president, and from 1922 to 1924 president, of the American Newspaper Publishers Association.

I have been familiar with the operations of The Associated Press and its news reports during its entire existence of the past forty three years. From 1930 to 1932, I was a vice president of The Associated Press and since 1932, I have been a director. During the past eleven years, I have acquired an intimate knowledge of the character of the organization of The Associated Press, its personnel, and operations.

As stated above, the Baltimore Evening Sun was established in 1910. It did not become a member of The Associated Press until eighteen years thereafter, in 1928.

Beginning in 1911, I have personal knowledge of the history of the Evening Sun, both as to its growth in circulation and advertising lineage and also its financial condition.

In 1910, before the establishment of the Evening Sun, there were in Baltimore, two evening papers, (1) Baltimore News, established in 1872, an original member of The Associated Press and then owned by Frank A. Munsey; and (2) The Evening Star, established in 1908, not a member of The Associated Press, which was the evening edition [fol. 2181] of the Baltimore American, another original member of The Associated Press.

With the establishment of the Evening Sun, there were then three evening newspapers in Baltimore of which only one, the News, was a member of The Associated Press.

In 1911, a year after the establishment of the Evening Sun, the average daily circulation of the Evening Sun was 29,028; in that same year, the average daily circulation of the News was 69,776.

By 1923, the average daily circulation of the Evening Sun, the non-Associated Press paper, exceeded the average

daily circulation of the News, an Associated Press paper, by approximately 10,000. A comparative table of the average daily circulations of the Evening Sun and the News for each year from 1911 to 1930, inclusive, is annexed hereto and marked Exhibit I.

In 1912, the earliest year for which comparative figures are available, the total advertising lineage of the Evening Sun was 3,674,308 agate lines and for the News 7,200,236 agate lines.

In 1923, the total advertising lineage of the Evening Sun was 15,950,752 agate lines and in that year, the total advertising lineage of the News was 9,877,837 agate lines.

In 1926, while the Evening Sun was still not a member of The Associated Press, its total advertising lineage was 17,844,842 agate lines whereas in that same year the total advertising lineage of the News was 7,905,894 agate lines.

In 1914, complete reorganization of the business management was effected with the result that losses were stopped and by 1916, the Sun papers began to show a profit from operations. They continued to do so increasingly in the succeeding years, so that The Abell Company was fully established on a sound financial basis long before 1928, when membership in The Associated Press was acquired for the Evening Sun.

The Evening Sun sought membership in The Associated Press not because it could not operate successfully [fol. 2182] without such membership but for quite other reasons. Its first editor, Mr. Charles H. Gresty, had been a director of The Associated Press for many years. It was his personal desire that the new paper should be conducted in accordance with Associated Press patterns which he had helped to establish and with which he was most familiar. Moreover, the offices and plant of the Evening Sun were housed in the same building in which the offices and plant of the morning Sun were and there were numerous technical difficulties and financial operating waste in publishing in the same plant an AP and non-AP paper.

In the beginning, accordingly, membership in the Associated Press was sought for the Evening Sun. It was not obtained at that time and application for membership in AP was not again made until 1924. This was unsuccessful and it was not until 1928, that membership was attained.

During the entire period from 1910 to 1926, the only

news agency to which the Evening Sun subscribed was United Press.

I know from my personal knowledge that the Evening Sun utilizing only the UP wire service from 1910 to 1928 was able to compete and did compete successfully with the other evening newspapers in Baltimore and established itself as one of the predominantly successful evening newspapers in the United States.

Throughout that period, competition of evening newspapers in Baltimore was extremely vigorous. In 1922, the Scripps-Howard Newspapers established a new evening newspaper called the Post. This paper had, of course, UP service and the resources of the entire Scripps-Howard organization. It was not a member of The Associated Press.

In 1923, William R. Hearst bought from Mr. Munsey the News, which in 1920 had acquired the Evening Star, and consolidated it with the News. From 1923 on, the News had behind it all the resources of the vast Hearst [fol. 2183] Newspaper organization. When Mr. Hearst took over the News, he utilized INS wire reports, as well as AP news reports, in the publication of the News.

In the face of such intense competition, the Evening Sun not only prospered but attained and maintained a dominance in the evening newspaper field in Baltimore.

In 1900, there were four English language and one German language morning newspapers in Baltimore: the World, the Herald, the American, the Sun and the Deutsche Correspondent. All but the World were members of The Associated Press.

In 1904, the Herald, which I am informed had become increasingly unsuccessful financially, shifted from a morning paper with AP membership to an afternoon paper without AP membership. This shift did not bring prosperity and in 1906, the Herald failed. The World ceased publication in 1910. In 1918, the Deutsche Correspondent ceased publication.

When I came to Baltimore in 1911, the situation in the morning newspaper field reflected the general trend of conditions which had been developing in metropolitan cities throughout the United States since 1900, or even earlier. The only morning English language newspapers still published were the Sun and the American. Publication of the

American as a daily ceased in 1928 and it continues now only on Sundays.

In my opinion, the value of an AP membership in the morning field in Baltimore at the present time is at least the sum of \$175,000, and in the evening field at least the sum of \$150,000, or even more, because of (1) opportunities for economies which are available to a member of The Associated Press in Baltimore, (2) the sums which an AP member would have to expend in publishing his newspaper to compensate for the advantage gained by his competitor in obtaining the AP news service, and (3) the interest which an existing member has in the assets, tangible and intangible, of the Associated Press.

[fol. 2184] In 1940, the cost to the Baltimore morning Sun and Evening Sun of the AP news reports and wirephoto services was only 1.6% of the total cost of the Sun papers operations and in 1941, the percentage was only 1.57% of the total cost of operations.

Since 1936, the Evening Sun has not been a subscriber to UP or any general news agency service other than The Associated Press. The morning Sun has never been a subscriber to UP or INS news services.

On March 6, 1942, two representatives of the Federal Bureau of Investigation of the Department of Justice called upon me at my office in Baltimore. Mr. Neil Swanson, Executive Editor of the Sun, was present. After preliminary questions, one of the agents stated that the real purpose of their interrogation of me was to ascertain what I knew in connection with any campaign for proxies against the election of Marshall Field for membership in the Associated Press. I stated that no such campaign had come to my knowledge. Shortly thereafter the interrogation ceased. On the following day, I received in the mail a letter signed by Marshall Field soliciting my proxy in favor of his election to membership in the Associated Press. I so informed one of the FBI agents by telephone. I heard nothing further from any representative of the Department of Justice.

When in the following month the application of Marshall Field for membership in the Associated Press came before the annual meeting of members, I voted against his election. I did so because (1) in the fall of 1941, in submitting his application, he coupled with it a peremptory demand for

a special meeting of members of The Associated Press to act upon his application forthwith; (2) he coupled with his application a threat of litigation if his demand for an immediate meeting of The Associated Press members was not complied with; and (3) he sought and secured the assistance of the Department of Justice by having its FBI agents interrogate many members of The Associated Press [fol. 2185] concerning the solicitation of proxies by those opposed to his application.

I voted against Field's election but I did not advise any one else to vote against him. I know from comments by Associated Press members which I heard on the floor of the annual meeting that other members were influenced by the same considerations which influenced me in voting against Field's election.

Paul Patterson.

Sworn to before me this 9th day of June, 1943. Helen G. James, Notary Public [Seal.]

[fol. 2186]

EXHIBIT 1

<i>Year</i>	<i>Evening Sun</i>	<i>News</i>
1911	29,028	69,776
1912	34,077	72,654
1913	38,633	71,508
1914	42,978	74,895
1915	50,543	73,062
1916	60,805	71,230
1917	69,165	87,334
1918	79,311	106,994
1919	71,475	101,540
1920	82,071	99,871
1921	101,065	115,195
1922	110,844	113,149
1923	114,047	104,179
1924	114,870	108,712
1925	114,932	103,389
1926	123,868	118,538
1927	127,625	137,566
1928	140,083	146,696
1929	146,132	153,515
1930	149,233	162,639



[fol. 2187] AFFIDAVIT OF VANCE C. MCCORMICK

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

Vance C. McCormick, being duly sworn, deposes and says:

I reside in Harrisburg, Pennsylvania, and am president of The Patriot Company, publishers of The Patriot, a morning paper, and The Evening News, an evening paper, both published in Harrisburg, the population of which, according to the 1940 census was 83,893. I am the principal stockholder of The Patriot Company and have been since 1902. The Patriot Company has been the publisher of The Patriot, established in 1852, since the early nineties. In 1902, there were in Harrisburg, in addition to the morning paper, two afternoon papers, The Telegraph and the Star-Independent. All three of these papers were members of The Associated Press.

In 1916, their circulations were as follows: The Patriot, 20,405; The Telegraph, 23,583; The Star-Independent, 13,719.

In 1917, The Star-Independent was purchased and merged with The Telegraph.

On February 15, 1917, The Patriot Company began the publication of The Evening News, utilizing United Press and International News Service wire reports which it has continued to utilize from that time.

The Evening News has never been a member of The Associated Press, nor has The Patriot Company sought membership for The Evening News.

It has operated at a profit since 1919, and in every year from 1923 to 1942, inclusive, its circulation has exceeded the circulation of The Telegraph, its Associated Press competitor in the evening field in Harrisburg. Annexed hereto and marked Exhibit 1 is a table showing the Audit Bureau of Circulation (ABC) figures of the circulations of The Evening News and The Telegraph for 1923 through 1942, inclusive.

[fol. 2188] From 1918 to 1937, both The Evening News and The Telegraph sold for 2¢ per copy. Since October, 1937, both have sold for 3¢ per copy.

In 1934, the publisher of the Telegraph, the evening Associated Press paper in Harrisburg, established a morn-

ing newspaper there, the Morning Telegraph, without Associated Press membership. The Morning Telegraph did not subscribe to either the United Press or International News Service news services but utilized the new services of Transradio and the New York Herald Tribune. In 1935, the year after it first began publication, the circulation of the Morning Telegraph as reported in the Ayer Directory, was 18,524, while the circulation in that year of The Patriot, the Associated Press morning paper, was 15,296.

Vance C. McCormick.

Sworn to before me this 15th day of June, 1943.  
Hazel S. Snyder, Notary Public. (Seal.)

[fol. 2189]

EXHIBIT 1

A. B. C. Figures of Harrisburg, Pennsylvania, Evening Newspapers

<i>Year</i>	<i>The Evening News</i>	<i>Telegraph</i>
1923	39,229	36,956
1924	43,802	39,115
1925	46,455	39,306
1926	47,874	43,062
1927	53,191	45,092
1928	55,582	46,915
1929	60,369	50,969
1930	63,486	49,063
1931	61,990	46,359
1932	60,185	45,150
1933	57,900	40,768
1934	60,952	41,100
1935	64,148	39,375
1936	67,203	36,584
1937	68,878	42,003
1938	59,397	35,284
1939	60,504	38,231
1940	61,826	38,102
1941	62,104	39,109
1942	64,038	40,181

[fol. 2190] AFFIDAVIT OF V. HUMMEL BERGHAUS, JR.

COMMONWEALTH OF PENNSYLVANIA,  
County of Dauphin, ss:

V. HUMMEL BERGHAUS, JR., being duly sworn, deposes and says:

I reside in Harrisburg, Pennsylvania and am the managing editor of The Evening News, an afternoon newspaper published in that city. I have been its managing editor since 1917.

My newspaper career began in Harrisburg in 1901, when I was a reporter on the Star-Independent, an afternoon newspaper which was a member of The Associated Press. I remained with the Star-Independent for approximately two years and then was managing editor for approximately two years of The Patriot, an Associated Press morning newspaper, published in Harrisburg.

In 1905, I became a reporter on the New York Press, a morning Associated Press newspaper in the City of New York. I remained with the Press for approximately seven years, during which time I became copy reader and financial editor.

In 1912, I became business manager of the Frederick, Maryland, Post and remained there for a year and a half. In 1914, I returned to Harrisburg and became managing editor of the Star-Independent with which paper I was associated until 1916, when I again became associated with The Patriot as city editor.

Upon the establishment of The Evening News in February, 1917, I became its managing editor.

By reason of my long experience with the foregoing newspapers, I am familiar with the wire reports of the various news agencies including The Associated Press, United Press and International News Service.

Since its establishment in 1917, The Evening News has subscribed to the services of United Press and International News Service and has not had available to it the news reports of The Associated Press. The news reports of [fol. 2191] United Press and International News Service have proved completely adequate for the publication successfully of The Evening News in competition with the

other Harrisburg evening newspaper, the Telegraph, which has always had available to it the news reports of The Associated Press. This is demonstrated not only by the comparative circulations of The Evening News and its Associated Press competitor, the Telegraph, but also by the comparative volume of advertising in the two papers. In every year since 1923, the circulation of The Evening News has exceeded the circulation of the Telegraph. In 1942, the latest available ABC (Audit Bureau of Circulation) figures, the circulation of the Evening News was 64,038; the circulation of the Telegraph was 40,181. In every year since 1922, the volume of advertising in The Evening News has exceeded the volume of advertising in the Telegraph. Annexed hereto and marked Exhibit 1, is a statement of the volume of advertising in The Evening News and in the Telegraph for each year from 1922 to 5/31/43 inclusive. The greater volume of advertising appearing in The Evening News has been achieved despite the fact that, unlike its competitor, it does not accept liquor advertising.

The Evening News has subscribed for many years to the NEA Service, Inc. picture mat service. This service provides spot news pictures. It has proved to be entirely satisfactory for a long period of years. I have frequently compared the pictures appearing in The Evening News with the pictures appearing in the Telegraph which carried The Associated Press picture service and have found that our pictures, in respect of completeness of coverage, timeliness and reader appeal have been at least equal to The Associated Press pictures appearing in the Telegraph.

The Evening News also subscribes to the picture mat service of International News Photos, Inc., the quality of which is comparable to that of the NEA mat service. The absence of The Associated Press pictures in The Evening News has in no way impaired the competitive position of The Evening News in relation to the Telegraph.

[fol. 2192] The Evening News has the largest circulation of any daily newspaper, morning or evening, in Pennsylvania outside the two metropolitan centres of the state, Philadelphia and Pittsburgh. This is true although the population of the City of Harrisburg is eighth in the state. Allentown, Scranton, Reading, Erie, Wilkes-Barre, besides

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Philadelphia and Pittsburgh, have larger populations than has Harrisburg. In all of these cities, there are papers which are members of The Associated Press.

V. Hummel Berghaus, Jr.

Sworn to before me this 7th day of June, 1943.  
Benj. F. Lantz, Notary Public. (Seal.)

[fol. 2193]

## EXHIBIT ONE

## Comparative Advertising Figures for Harrisburg, Penna.

\* \* \* \* \*

1922 to 1943 (5 Months)

Year		—Inches— Evening News		—Inches— Telegraph	
1922	Local . . . . .	421,097		378,365	
	National . . . . .	105,066	526,163	84,496	462,861
1923	Local . . . . .	470,582		386,016	
	National . . . . .	127,195	597,777	86,368	472,384
1924	Local . . . . .	435,515		346,692	
	National . . . . .	127,631	563,146	93,046	439,738
1925	Local . . . . .	432,908		312,896	
	National . . . . .	138,092	571,000	90,184	403,080
1926	Local . . . . .	469,649		316,864	
	National . . . . .	155,455	625,104	93,053	409,917
1927	Local . . . . .	463,583		293,254	
	National . . . . .	149,780	613,363	91,573	384,827
1928	Local . . . . .	477,114		290,042	
	National . . . . .	142,293	619,407	93,210	383,252
1929	Local . . . . .	465,815		295,345	
	National . . . . .	171,200	637,015	104,521	399,866
1930	Local . . . . .	416,202		241,794	
	National . . . . .	144,148	560,350	81,434	323,228
1931	Local . . . . .	419,912		252,848	
	National . . . . .	119,640	539,552	74,640	327,488
1932	Local . . . . .	344,720		186,547	
	National . . . . .	96,511	441,231	51,426	237,973
[fol. 2194]					
1933	Local . . . . .	294,526		187,812	
	National . . . . .	87,606	382,132	54,152	241,964
1934	Local . . . . .	305,104		212,719	
	National . . . . .	98,781	403,885	72,443	285,162
1935	Local . . . . .	307,286		241,360	
	National . . . . .	94,016	401,302	79,011	320,371
1936	Local . . . . .	334,501		209,555	
	National . . . . .	101,413	435,914	84,833	294,388
1937	Local . . . . .	364,185		351,848	
	National . . . . .	94,016	458,201	73,074	424,922
1938	Local . . . . .	340,079		327,757	
	National . . . . .	71,725	411,804	52,652	380,409

## EXHIBIT ONE—Continued

Year	—Inches— Evening News		—Inches— Telegraph	
1939	Local . . . . .	361,902		296,772
	National . . . . .	79,606	441,508	48,693
1940	Local . . . . .	372,160		323,552
	National . . . . .	83,572	455,732	51,397
1941	Local . . . . .	375,232		355,059
	National . . . . .	82,698	457,930	56,768
1942	Local . . . . .	353,343		304,224
	National . . . . .	66,848	420,191	49,396
1943 (5 mos.)	Local . . . . .	140,249		112,603
	National . . . . .	29,981	170,230	18,184
			<u>10,732,937</u>	<u>7,808,478</u>

[fol. 2195] AFFIDAVIT OF F. W. BRINKERHOFF

STATE OF KANSAS,

County of Crawford, ss:

Having first been sworn, F. W. Brinkerhoff makes affidavit to the following facts:

My name is F. W. Brinkerhoff. I am the editor of The Pittsburg Headlight, an evening paper, and The Pittsburg Sun, located in Pittsburg, Crawford County, Kansas.

Pittsburg, according to the state census of 1942, had a population of 18,500. I estimate the present population as 20,000, the population of Crawford County is approximately 45,000. There are nine other incorporated towns in the county. Six of these are within a radius of eighteen miles of Pittsburg, either in Cherokee County, or cross the state line in Missouri. All are connected with Pittsburg by surfaced highways. Pittsburg is 125 miles south of Kansas City. The nearest towns in Pittsburg's class are Fort Scott, thirty miles north, Parsons, thirty-five miles west, and Joplin, Missouri, thirty miles southeast. The only newspapers outside of the Pittsburg papers delivered in Pittsburg by carrier or having any appreciable circulation are the Kansas City newspapers. This holds good for virtually all of the smaller towns within the Pittsburg area. The Pittsburg newspapers, The Pittsburg Headlight, afternoon, and The Pittsburg Sun, morning, circulate throughout this area by carrier system and by rural route. The Headlight has the largest circulation in Pittsburg and in several of the towns where a carrier delivery is maintained. The Sun circulates extensively on the rural routes and of course in the various small towns. We have endeavored to so arrange our circulation so as to avoid duplication, i. e., only about ten percent of our subscribers take both papers.

Pittsburg was founded in 1876. In its early years it was merely a coal camp but it developed industrially. Coal brought about the location of zinc smelters. The town grew steadily. In ten years from its beginning it had between [fol. 2196] 4,000 and 5,000 population. In its early years weekly newspapers operated with indifferent success, but in 1887 some printers established The Headlight. The town continued to grow. A railroad project from Kansas City to the Gulf of Mexico was routed through Pittsburg.



It was made a division point and machine shops were located here. Two other railroads extended their lines to Pittsburg. In addition to its coal mining, Pittsburg became a railroad center.

The Pittsburg Headlight existed as a very slim journal for many years, but with good business management it continued to develop. Other publishers endeavored to establish newspapers but they were founded on politics and failed. In its early history The Headlight gave its entire attention to local news. It used a plate telegraph system made up in Kansas City by the Western Newspaper Union or some other service of that day. Telegraph news was sent during the night and the plates were made and sent by express to Pittsburg. This was a common practice among Kansas papers of that day. Afternoon newspapers would have several columns of telegraph news of the day before—twenty-four hours old before it was printed. About 1904 The Headlight applied for membership in The Associated Press and obtained it. Its first service was a skeletonized report of 500 words. All of the earlier Associated Press papers of Kansas had about the same service. The report was served by telegraph, delivery being made from the commercial telegraph offices by the telegraph companies. Having this service gave The Headlight a real boost, materially increasing its circulation. In 1913, it installed the leased wire service, being the first newspaper in the state outside of Topeka and Wichita to have a leased wire operator in its office. This was appreciated generally and increased The Headlight's circulation. In 1914, The Pittsburg Sun was started. Suspended after a few months of free circulation, it was revived in about two years by the same publisher as a more pretentious sheet, although at first it was circulated free. It was entirely local but in a year or so a telegraph report of one [fol. 2197] of the commercial agencies was installed, and for a while it had either the International News or the United Press. It continued to grow but was not financially prosperous. After about two years it applied for Associated Press membership. The Headlight protested, on the ground that the field did not justify it and because the paper could not live, nor afford to pay its assessment. Nevertheless, The Sun was elected to membership in July, 1917, and it was real competition between The Headlight and The Sun for advertising and for circulation. Although it changed management, The Pittsburgh Sun was unable to get on a paying financial basis. The Headlight continued more or less pros-

perous. In other words, the fact that The Sun had an Associated Press membership did not make it a solvent newspaper.

In 1927, the publishers of The Headlight purchased The Sun and from then both papers were published in one plant and have been so published ever since. This is necessary economic business management.

In any given field, the success of one newspaper as checked against the lack of success of another depends to a far greater extent on the ability of the publisher than on the possession of a superior telegraph news service. In the smaller cities, the quality of the local news is of far greater importance in determining the success or failure of a newspaper.

I know this to be a fact. The Associated Press is composed of hundreds of newspaper publishers having two obligations to their cooperative organization—first to promptly supply the news of their community to The Associated Press; second, to pay an assessment to meet the operating expenses of gathering and distributing the news. The plan has been successful because of honest cooperation. The better the cooperation, the more able The Associated Press is to furnish its members with news extending over the entire world. Made up of members of all sizes, divergent business interests, of every variation of politics, no clique can run it. This is a strong appeal to the smaller member. [fol. 2198] While a small member generally depends mostly on local news, it must have some outside news, and that should be news that is of big importance and stated factually with honest accuracy.

The smaller papers naturally comprise an overwhelming majority in the membership and most of them are able to have only one press service for outside news.

The members by cooperation have built up a source of newspaper publishers that obtains and furnishes news to each other and through their cooperatives, the smaller papers are entitled and secure the world news which otherwise they could not afford to have and yet which is the right of the rural reading public.

Except for this cooperation, nearly every Kansas newspaper would be a purely local newspaper with a telegraph news of world events and possibly of events at Topeka, the state capital. Practically no Kansas newspaper could afford to gather news all over the state. I doubt if they could afford to band themselves together and alone carry on a

cooperative system of their own. The cost of transmitting the news would prohibit such a course. The utilization of Associated Press wires and machines is a commanding factor in the Kansas Associated Press news service.

There are twenty-eight afternoon newspapers on The Associated Press leased wire and six morning newspapers. This gives to every afternoon Associated Press member in Kansas twenty-eight staff correspondents and to each of the morning papers six staff correspondents. These practically cover Kansas. They take the news that originates in their localities which is of more than local value and contribute it to the day or to the night state news service. If there is a murder in Crawford County, an airplane wreck, or a prominent citizen dies, a story promptly goes out of Pittsburg on our Associated Press sending wire and into twenty-seven other newspapers in Kansas. Many of the offices have sending machines. Where there are not senders, [fol. 2199] The Associated Press members either telephone or telegraph their stories to the Kansas City office from whence they are distributed throughout the state. Thus the Kansas newspapers obtain a real Kansas news service of real state news of all kinds.

We Kansas publishers by hard work have developed this news service to a high degree.

Another benefit to us in Kansas of Associated Press membership is the gathering of election returns. Kansas has no central election office. The newspapers in order to obtain the returns before the returns are officially made must go out and gather the returns from the precincts. Our Associated Press in Kansas has developed its system of gathering election returns to a point where they are fairly complete for the whole state a very few hours after the polls are closed. Any delay is due to the slowness of the counting, not to our member's sending the returns after the precinct votes are in. For this purpose the state is divided among The Associated Press members. Pittsburg is responsible for Crawford and Cherokee counties, they being in the territory of The Pittsburg Headlight and The Pittsburg Sun. In addition, these papers bear a share of the expense of covering other Kansas counties where there are no Associated Press newspapers.

In addition to the Associated Press newspapers on the leased wire, there are fifteen or twenty papers that get only the telephone service or a brief telegraph report from The

Associated Press. These members have the same responsibility of protecting The Associated Press on stories originating in their territory, and they discharge their duty.

There is no telling when a small town member may discover news of state importance, and news of state importance is of far more interest to our readers and in building up circulation, than national news, except the high spots. An instance: Friday night, January 29, while traveling on the highway, I and some companions came to a car that had struck a parked truck. The sheriff of Neosho County, that [fol. 2200] joins Crawford County on the west, was dead at the wheel. Three of four men with him were terribly injured. The fourth was dazed. The scene of the accident was approximately half way between two county seat towns thirty miles apart. Having done what we could for the injured, I obtained from the uninjured man such details as he could give. On reaching Yates Center in Woodson County—I did not wait to get to Pittsburg, ninety miles away—I telephoned the news to my office at Pittsburg where a staff was working on the Pittsburg Sun (morning paper). It was promptly put on The Associated Press wire and went outside. Of course news of this sort is big state news in Kansas. It appeared in the Kansas City morning newspapers and in the morning newspapers throughout Kansas. The story, as sent out from our office, was given to all of The Associated Press afternoon newspapers on Saturday.

Owing to the extremely bad weather conditions and the isolated location, it is entirely probable that the morning papers might have missed the story. But if that had happened, the story would have been supplied to all of the afternoon papers the next day, either by the Iola (AP) Register of Allen County, the town to which two of the injured men were taken, forty miles away, or by the Chanute (AP) Tribune in Neosho, the home county of the sheriff and his fellows.

This unfortunate incident typifies the value of The Associated Press to its small members by illustrating the zeal with which they uniformly act to assist their cooperative association.

(Signed) F. W. Brinkerhoff.

Sworn to and subscribed to before me this 9th day of  
June, 1943. (S.) Bertha Carlyon, Notary Public.  
(Seal.)

[fol. 2201]      AFFIDAVIT OF R. A. CLYMER

STATE OF KANSAS,  
County of Butler, ss.:

R. A. CLYMER, first having been sworn, on his own personal knowledge of the facts, makes this affidavit:

My name is R. A. Clymer. I am the editor and manager of the El Dorado Times, a daily evening newspaper published in El Dorado, Butler County, Kansas, and I have been such editor and manager for over twenty-three years. I have been actively engaged in the newspaper business as a publisher and as my means of livelihood for thirty-six years. My experience is as follows: Reporter and city editor of the Emporia, Kansas, Gazette; editor and manager of the Olathe, Kansas, Register; editor and manager El Dorado, Kansas Republican; editor and manager Santa Fe, New Mexico, New Mexican; president of the Kansas Editorial Association.

The El Dorado Times, a defendant in this suit, is a small town daily in a town of about ten thousand population with a county population of approximately thirty thousand. Its daily circulation was 5,175 as per government statement of October 1, 1942. It is a member of The Associated Press, and has been continually since December 1, 1919, taking what is commonly termed "the pony report." By pony report I mean five hundred words per day by telegraph.

The El Dorado Times is the result of a merger of the El Dorado Republican and the Walnut Valley Times which took place on December 1, 1919. At that date I was the editor and manager of the El Dorado Republican.

Careful business management is essential to the success of a newspaper whether in a large city or in a village. The Times is the only Kansas paper of its size in a town as large as El Dorado that relies on a pony report. It can and does do this only because it follows the policy of studied economy, of making its paper intensely local in content and because from twenty-three years experience it knows that it can rely [fol. 2202] with confidence for its outside news upon its Associated Press report.

Due to The Associated Press' non-profit character, the Times' weekly assessment now totals \$33.15 for all services, that is to say, a five hundred word daily report by telegraph and features which include spot and regular photo mats,

serial story, sport features, "dress-ups" for holidays, women's page illustrations and briefs and fillers. This figure does not include overhead expansions of stories which the Times is able to secure when in its judgment they are worthwhile, either by telephone or telegram from Wichita, Kansas, our nearest Associated Press branch office. The Times is promptly and adequately supplied with additional articles by mail at no extra cost.

Competing services have several times tried to interest us in their reports, but the figures were not less than the Times was paying and such extra service is not needed, and it would be an economic waste to subscribe to another service that at best could be no more than a duplication of what we are receiving from our own cooperative.

Moreover, as a subscriber to any other news service, the Times would be restricted to such features as have not been gobbled up by larger papers, while as a member of The Associated Press, it can now obtain any features which AP controls and features are of prime importance in the publication of our paper.

Being a rural community, the El Dorado Times is not financially able and lacks the facilities for news gathering on a national or a world-wide scale that metropolitan papers have. Therefore it must depend either upon The Associated Press or upon one of the privately-owned commercial news agencies.

Because of the cooperative policy of The Associated Press, the Times through its membership is an integrated part of a newsgathering organization which my experience has shown to be highly efficient. Although a small paper, [fol. 2203] the Times has its voice and vote in the management and policy of The Associated Press. By way of carrying our part of the load, the Times shares its report of events of more than local importance immediately. We do not hold it until our paper goes to press; it is put on the wire just as soon as we get it, so that all of our fellow members may promptly use it if they wish. From daily observation and profitable experience, we know that our fellow members are doing the same thing for the El Dorado Times. Thus we have found the service complete in every region. Moreover, The Associated Press can and does protect us immediately night and day on extraordinary occasions, such as major war developments (North African invasion), news developing during the night, coal strikes and many other events of

prime importance. President Harding's death may be cited as a case in point. This in itself affords a substantial measure of assurance and satisfaction that we will at all times have such news from the outside world as may be of reader interest to our subscribers.

It is of greatest possible importance to a small town paper that what it publishes as news be truthful and accurate. If it loses its reputation for being truthful and accurate, it is ruined. Its subscribers read their paper thoroughly and critically. It is something personal and a factor in their daily lives.

Illustrating the value of our membership in The Associated Press, in 1918 there were two daily evening newspapers in El Dorado; the El Dorado Republican, a member of The Associated Press, and the Walnut Valley Times, served by one of the commercial news agencies. On November 7 the latter broke on the streets with an extra, announcing that an armistice in the World War had been declared. The Associated Press refused to confirm this statement. The report occasioned the greatest confusion and anxiety. When the armistice was actually signed, November 11, our Associated Press was the first to announce it. Therefore it was entirely natural that with this confidence in Associated [fol. 2204] Press reporting, when the two papers were merged in 1919, we retained our membership in The Associated Press and dispensed with the other service.

While a politically partisan paper, the Times knows from experience that it can rely upon the Associated Press brief, factual report of political events as being accurate. This holds true as to The Associated Press report in the field of all other controversial subjects. Obviously the Times could not afford foreign correspondents, nor could it send a representative to Washington to sit at the presidential press conference or to observe Congress, nor to describe World Series baseball games.

Experience over a period of twenty-three years has demonstrated that for news outside of our locality, and of state, national and world scope, we can best serve our family of readers by the cooperative method. That is why the El Dorado Times is a member of The Associated Press and why it and its staff has labored for twenty-three years to upbuild and maintain The Associated Press, and why it has paid its assessment over that period of time. Affiant has found that there is a real, if intangible, benefit derived

from a membership in a cooperative association of first rate reputation the vast majority of whose members are also small papers.

R. A. Clymer.

Sworn to and subscribed to before me this 4th day of  
June, 1943. Gene Gardner, Notary Public. (Seal.)

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[fol. 2205]      AFFIDAVIT OF J. H. CROTHERS

STATE OF CALIFORNIA,  
County of Humboldt, ss:

J. H. Crothers, first having been sworn, deposes of his personal knowledge of the facts herein set forth as follows:

My name, is J. H. Crothers, residence Eureka, Humboldt County, California.

I have been continuously in the newspaper business for a great many years. From 1895 until 1910 I was with the San Francisco Bulletin, the last five years as Business Manager. I then came to Eureka and have been associated with the Humboldt Times since then as Editor and General Manager up to the time of the consolidation of the Humboldt Times "a morning paper" and the Humboldt Standard "an evening paper." Then Mr. Don O'Kane was appointed general manager and I was made president of the corporation—The Eureka Newspapers, Inc.

Humboldt County is somewhat isolated, being a considerable distance from any larger centers of population. It is approximately 250 miles from San Francisco and 450 miles from Portland, Oregon. The county has a population, according to the last official census, of 45,812. Eureka's population is 17,055. The principal industries are the Redwood Lumber, employing approximately 8,000 men; extensive dairying; stock raising, including sheep; a well-equipped woolen mill, producing at present blankets and cloth for the government; two small ship building plants, Chicago Bridge Company, building dry docks for the government and employing 2,100 men; there is quite a commercial fleet of fishing boats shipping from here to New York and to other points throughout America.

The Humboldt Times began publication in 1852. It has been a member of The Associated Press since shortly after



1900. It is published mornings, except Mondays when no issue is printed. Two years ago it subscribed to the International News Service also.

[fol. 2206] The Humboldt Standard began operations in 1872. Until November, 1913, it did not have a membership in The Associated Press. At that date it consolidated with the Evening Herald, a paper then published here in Eureka. In 1922 the Humboldt Standard dropped The Associated Press service and subscribed to the United Press service. It has been publishing with that service alone up to now. During the last 20 years or more, the Standard was a strong competitor of the Times, and succeeded in holding an equal, and at times a higher circulation than the Times. On May 1st, 1941, the two papers consolidated and according to the Audit Bureau of Circulation report at that date, the Standard had a daily average circulation of 6,879 and the Times a daily average of 6,399. Since the time that the Standard purchased the Herald and the Herald thereby was discontinued, there have been only two newspapers in Eureka.

During the entire period since 1922 an evening membership in The Associated Press has been available to any newspaper that might care to subscribe but the publishers of the Standard have not seen fit to do so, feeling the United Press is entirely adequate.

The Humboldt Times derives a real and substantial benefit from its membership in The Associated Press. It receives several thousand words and worldly news daily and it can depend upon such reports being honestly made and accurate. Of course, the Times prints only a very small percentage of this daily report, but it is afforded an opportunity to select the news most interesting to its readers. A small town newspaper depends, to a greater extent, on local news or news pertinent to its territory. However, its readers insist upon having, and are entitled to, daily reports of the outside news of the United States and of the world. By the time such reports reach the Humboldt Times they have been filtered, so to speak, so that in an abbreviated form they bring the facts from which the Times can select what is of reader interest. It depends on valuable features. [fol. 2207] With this service added to the news gathered by our local staff, we are able to give to our readers a selected news service that is not surpassed.

That a newspaper properly edited and managed can be a first rate and successful newspaper without having a mem-

bership in The Associated Press is clearly demonstrated by the history of the past twenty years of the Humboldt Standard which had had only the United Press News together with several independent features such as King Features, United Features, N. E. A. and several others of which are valuable to any newspaper.

(S.) J. H. Crothers.

Sworn to and subscribed to before me this tenth day of June, 1943. (s) Marian Townsend, Notary Public. (Seal.)

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[fol. 2208] AFFIDAVIT OF HARRIS ELLSWORTH

DISTRICT OF COLUMBIA,

City of Washington, ss.:

Harris Ellsworth, having been duly sworn, on his own personal knowledge of the facts, makes this affidavit:

My name is Harris Ellsworth. My residence is in Roseburg, Douglas County, Oregon. I am secretary, editor, and general manager of the News-Review Company, which corporation publishes the Roseburg News-Review, a newspaper published every evening except Sunday.

I graduated from the University of Oregon School of Journalism in 1922, and immediately upon graduation became the advertising manager of the Eugene Register in Eugene, Oregon. In 1925, I became the business manager of the 4-L Lumber News, a lumber industry publication published in Portland, Oregon. In 1928, I was made secretary and field manager of the Oregon Newspaper Publishers' Association, with offices in Eugene, Oregon, and coincidentally with that employment, served as an associate professor in journalism in the University of Oregon School of Journalism.

March 1st, 1929, I became associated with Mr. Frank Jenkins and Mr. Ernest Gilstrap in the purchase of the Roseburg News-Review and have been the secretary of the publishing corporation and editor and manager of the Roseburg News-Review since that time.

The City of Roseburg, which is located 200 miles south of Portland, Oregon, has a population of approximately 6,500. It is located in the center of a large farming and

lumbering area. The population of Douglas County, which is the trade area served by the Roseburg News-Review is approximately 32,000. The circulation of the Roseburg News-Review averages 3,700 daily, some 1,500 of this circulation being in the City of Roseburg, and the remainder circulated throughout the county by mail.

The Roseburg News-Review has been a member of the Associated Press since 1921 and has the full Associated [fol. 2209] Press leased wire printerized service. There is no other daily newspaper in the City of Roseburg. However, a weekly newspaper is published there, and there are several weekly newspapers in various towns in Douglas County.

The News-Review is a complete small-town newspaper carrying, in addition to news from the Associated Press leased wire, features, comic strips and news pictures furnished by the Newspaper Enterprises Association, and some feature material obtained by mail from the Associated Press. In addition to three news staff people, the News-Review has 17 rural correspondents, covering the outlying area in Douglas County.

Just as we cover our city and county with staff men and paid correspondents, we obtain our coverage of the rest of the world through our membership in the Associated Press. The Roseburg News-Review is an integral part of this cooperative news-gathering association known as the Associated Press. The News-Review has a sending keyboard on its teleprinter machine. We immediately transmit to all other Associated Press members news of general interest developing in our area. Likewise, we promptly receive news transmitted to us in the same way from the other members. Associated Press members in Oregon and Washington have their own local organization, and determine, by their own vote, numerous matters in connection with the gathering and distribution of news and pictures in those two states. For example, when the National Guard troops were mobilized, at one of our meetings we decided to employ a full-time correspondent to be located at Fort Lewis, Washington. This was done, and the cost thereof was added to our weekly assessment. About a year later, it was determined, at a meeting of the members, to discontinue this service. Similarly, methods of payment to correspondents in our two states have been changed from

time to time to meet changing conditions or to improve the service.

[fol. 2210] Similarly, in the national organization, we are entitled to a voice in determining all matters in relation to the operation of the Associated Press, including the election of its officers. As a small newspaper, we are assured of having a voice on the Board of Directors by reason of the by-laws of the Associated Press requirement that at least three of the directors of the Associated Press shall represent newspapers published in cities of less than 50,000 population.

I have been frequently solicited by representatives of privately owned press services, namely the United Press and the International News Service, and am very familiar with their methods of operation and with their contracts. Both of the other news services mentioned are good services, but I prefer the Associated Press because it is a cooperative and is well managed. ~~Furthermore, I know that I have a right to raise my voice toward the improvement of the service, or the management of the organization, at any time I so desire, and I exercise this right.~~

Only recently we were actively solicited by the United Press to contract for its service. I gave very serious consideration to making the change to United Press, but did not do so, principally for the reasons of my preference for Associated Press outlined above.

The Roseburg-News-Review does not, at this time, have a daily competitor, but if a competitor should enter the field, he could be well served by the United Press, or if I had decided to change to United Press, such a competitor could be served by the Associated Press. In making my decision to continue with Associated Press rather than changing to United Press, I was never at any time concerned with the problem of what a competitor might do. From that standpoint, I know that I could compete as well with United Press wire service as I could with Associated Press. I would never at any time want a competing newspaper to have the same identical wire news service, feature service or reporting service as that used by my own paper. [fol. 2211] A newspaper, to be successful, must have its own identity and be able to be proud of its product as something of its own making. We would no more, for example, want a competitor to use our wire service than we would