The Kentucky Press

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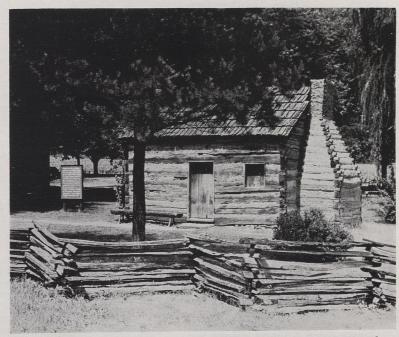
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VOLUME TWENTY-SEVEN NUMBER TWO



Kentucky's Showcase: Lincoln's Boyhood Home, Knobs Creek

Official Publication Kentucky Press Association

The Kentucky Press

Volume 27, Number 2

Official Publication Kentucky Press Association, Inc. Kentucky Press Service, Inc.

Victor R. Portmann, Editor Perry J. Ashley, Associate Editor

Member Kentucky Chamber of Commerce Newspaper Managers Association Sustaining Member National Editorial Association

Associate Member National Newspaper Promotion Association Printed by The Kernel Press

The Kentucky Press Association recognizes the fundamental importance of the imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its adver-tising column. It opposes the publication of propaganda under the guise of news. It affirms obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every in-dividual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social, and cultural community de-velopment and progress.

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+ As We See It +

Commerce Survey Indicates Printing Business Healthy

The U.S. Department of Commerce released its economic summary of the printing and publishing industries for the mid-year, 1959-1960, which should prove interesting to all in our business, as follows:

Output of the printing and publishing industries, as measured by the Federal Reserve Board industrial production index- averaged 109.7 for the first 6 months of 1960—the same average attained by the nation's utilities, mining, and manufacturing industries. The total index for June 1960, at 109, was down a point from both May 1960 and June 1959, whereas the printing and publishing index rose to 112 in June, up a point from 111 in May and up 8 points from the June 1959 index of 104. Printing and publishing showed a 6-month average gain of 6.7 percent over 1959, all industries combined a gain of 4.2 percent.

Midyear employment in the printing and publishing industries was 3.3 percent higher than in 1959. The rise in production workers was at a slightly lower rate, a trend evident in most of the component industries of the group. In commercial printing, however, the rate of increase for production workers was the same as for total employment, in lithographing, it was higher.

Employment was down slightly in miscellaneous publishing and printing industries (music, directory, and map publishing, and printing-trade services).

Both weekly and hourly earnings of production workers ran ahead of 1959 averages, the increase in weekly earnings exceeding that in hourly earnings for most of the industries. The reverse was true for the commercial printing, greeting card, and miscellaneous publishing and printing industries. The 6-percent rise in hourly earnings in the greeting card industry was the largest recorded in the printing and publishing group, twice the percentage increase for the group as a whole. Average hourly earnings in this industry for the first 6 months of 1960 were \$1.93, compared with \$2.75 for the group and the newspaper industry high of \$3.10.

Advertising gains were recorded by all media. Nearly identical increases were made in newspaper and periodical linage (4.6 and 4.7 percent, respectively). The rise in periodical advertising revenue was 14.4 percent. Direct-mail volume, which topped \$1 billion for the first half of the year, was 9.4 percent ahead of the comparable 1959 period. Outdoor advertising, as measured by the Printers' Ink index, was up 5.5 percent.

Profits of printing and publishing industry corporations (excluding newspapers) for the first 6 months of 1960 were 6.5 percent

higher before taxes than for the comparable 1959 period; 5.5 percent higher after taxes Sales rose 9 percent.

Newsprint consumption by publisher went up 5.7 percent. Production of other printing papers, which is usually equivalent to consumption, rose 9.4 percent. Whi newsprint prices remained stable, the whole sale price index indicated a 2.9 percent crease for other printing papers.

Activity in the printing and publishing in dustries should continue at a high lend throughout the remainder of the year. See sonal increases during the last third of the year are characteristic of many segments of the industries and, if the normal pattern prevails, will result in continued gains in employment, sales, and earnings.

Discretion Of The Publisher

Publishers will be interested in reading this recent item from the Indiana bulleting which contains a question from a publisher and an answer by the manager of the a sociation: "Although the HSPA Bulletin advocates, as it did this week in connection with the Council for Industrial Peace ad that no reason be given when an ad is to jected, doesn't it seem rather silly not b give a reason or merely to state 'this ad is against our policy' without explaining the policy? Recently, we turned down an ad from a nearby town and the advertiser and direct mail to send out mimeographed sheet which charged we interfered with his right to advertise. It was embarrassing to say the least."

The Bulletin did not advocate turning down the CIP ad without giving a reason It merely stated that "no reason need bt given in returning the ad order and check." Whether a reason is or is not given must depend upon the discretion of the publisher. In this particular case, the publisher feared reprisal if he gave as the reason for turning down the ad that he is opposed to repeal of the Right To Work law. He also tumed down a cigarette ad and gave as the reason that it is against the policy of the paper to publish tobacco or liquor advertising. In one instance he exercised discretion, and in the other he relied on established policy. Some papers run patent medicine ads, some don't, some publish details of divorce complaints, some do not. It's all a matter of discretion which every publisher has the right to exercise.

Twenty-eight percent of the nation's weekly newspapers and twenty-four percent of the small dailies plan to replace the presses within the next two years, according to a survey by the magazine American Press The poll included 1,014 of the nation's 3,150 weeklies and small dailies.

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P.O. Department Issues New Bulletin On Lotteries

Recorded History

The history of lotteries goes far back in recorded time, even into the days of the Bible when there were many matter decided by lot. Roman emperors used lotteries to finance building projects and increase imperial revenue, and they were held in Europe from the fifteenth century on. When this nation was young, the lottery was still in good standing, and it was often used to raise money for public purposes instead of levying taxes upon the citizens. As an il-lustration, on November 1, 1775, the American Congress adopted the following resolution:

"Resolved, That a sum of money be raised by way of lottery for defraying the expense of the next campaign, the lottery to be

drawn in Philadelphia.'

In England money raised by lottery was put to various uses, including aid in colonizing Virginia. This method was described as a means of assessing a voluntary tax and a "fair way to reach the pockets of misers and persons disposed to dissipate their funds."

In France the national lottery enjoyed success until "the king and his henchmen began winning the top prizes with unseemly regularity," which understandably dampened the enthusiasm of those who had been contributing regularly to the fund with their ticket purchases.

Drawings were conducted in this country by some of the states, and the District of Columbia, but the tide gradually turned them. In 1827, postmasters and their assistants were barred from selling lottery tickets, and in 1868, as the anti-lottery sentiment grew stronger, Congress decided to prohibit the depositing in any post office of letters or circulars concerning "lotteries, so-called gift concerts, or other similar enterprises offering prizes of any kind on any pretext whatever." This law, with occasional revisions and extensions, has come down today as section 1302, title 18, of the United States Code. This is reflected in the Postal Manual as section 124.41.

Additional authority is given the Postmaster General to curb lotteries by section 259, title 39, U.S. Code, which provides that mail destined for a scheme of this kind may be withheld from the operator and returned to senders after having been stamped with the word "Fraudulent." This applies to any lottery, whether it is actually a fraud

Laws Strengthened

Much of the impetus for strengthening the postal laws came from the Louisiana State Lottery, which was chartered by that state and grew to enormous proportions, reaching into states which were helpless to combat it. At its height the average ticket sales for each monthly drawing amounted to almost \$2 million. In 1890 President Benjamin Harrison urged the Congress to enact strong legislation, holding that "the people of all states are debauched and defrauded" by the lotteries, and "The use of the mails by these companies is a prostitution of an agency only intended to serve the purposes of a legitimate trade and decent social intercourse."

Members of Congress agreed, condemning lotteries "as swindling and demoralizing agencies, as skin games of the most corrupting order," and blaming their earlier acceptance on a "code of morals, based on the toleration of vice rather than on its suppression."

The Supreme Court approved the several mail exclusion statutes, holding (Ex parte

Jackson, 96 U.S. 727 (1878):

"In excluding various articles from the mail, the object of Congress has not been to interfere with the freedom of the press, or with any other rights of the press, but to refuse its facilities for the distribution of matter deemed injurious to the public morals . . The same inhibition has been extended to circulars concerning lotteries—institutions which are supposed to have a demoralizing influence upon the people."

The explicit language of the lottery statutes leaves no room to doubt that Congress intended to prohibit use of the mails in any way to serve the interests of a lottery or those taking part in it. There is general familiarity with the fact that the law bans lottery announcements; nevertheless, questions will arise from time to time as to whether particular schemes constitute lotteries, and whether any and all announcements of them are nonmailable. Because of the endless types of prize plans that crop up, it is impracticable to cover all possibilities here; but the following should serve as a general guide in deciding which announcements may be mailed.

Elements Of A Lottery

To begin To begin with, a lottery is a scheme where a consideration is furnished for a prize that is dependent upon chance. In other words, there are three elements—consideration, prize, and chance—which must all be present to have a lottery.

Ordinarily it is obvious whether there is a prize, which the courts have said may be "anything of value." Deciding whether there is a consideration, or a prize award

which depends upon chance, might not be as easy. Considerations may be in the form of money or something else of substance. but a mere visit to a store without any element of purchase would not make the scheme a lottery. There was a time when the Post Office Department applied a strict rule, holding that even a trip to the store was a consideration. This was modified under a so-called time-and-effort rule which held, for example, that while a single store visit did not constitute a consideration, two visits would; that is, one to register and one to attend the drawing. The same would be true of other combinations of effort; such as visiting several different stores, or different places in a store, to ascertain winning numbers. Following later court decisions it was necessary to modify the rule once again. Consideration may still be present if there is a substantial expenditure of time and effort required, but this would be an unusual case and the application of the law is now largely confined to schemes where money, merchandise, or other things of value are given by contestants.

Merchants often hold prize drawings to increase their trade, and announce that the chances are "free," when the fact is that goods must be purchased or a payment made on account before the customer receives his chance. This is a lottery despite the absence of an extra charge for the chance; the consideration is the necessity for making a payment to the store in order to become eligible for a prize. The Supreme Court dealt with this question as far back as 1893, in the case of Horner v. U.S. (147 U.S. 449), which involved the sale of foreign government bonds, and annual drawings to redeem certain of them at a figure in excess of the price paid and to award large cash prizes. This was held to be a lottery even though each buyer received full value for the money paid in. The law has been uniformly applied in this way ever since.

There is sometimes a misapprehension that no lottery exists because chances may be obtained free," even though others are given with purchases. The fact that there is "free" participation would make the scheme nonetheless a lottery if, in addition, some chances are given with purchases or other considerations. The scheme is a lottery as long as some pay, even though others play free.

Consideration is present when a box top, label, or other evidence of purchase, must be submitted. Frequently the contest opera-

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(Continued From Page One)

tor will accept reasonable facsimiles of the box tops, labels, or entry blanks in lieu of the originals. If these facsimiles are easily made from the advertisement announcing the contest, the scheme may not fall within the strict purview of the law. However, each case must be considered on an individual basis, and anyone interested in conducting or advertising such a plan should first check with the Post Office Department to get a ruling on its mailability.

The third element of the lotterychance—is easy to detect in some contests, but in others it is not so clear. It should be borne in mind that, aside from the method used to select winners, chance may also be found in the determination of the amount of the prize. If the amount is not fixed and certain at the beginning of the contest, but is controlled by factors resolved at a later time, it would be chance to the contestant as to how large or small his prize will be if successful. The law on this point was settled back in 1904 when the Supreme Court held, in Public Clearing House v. Coyne, 194 U.S. 497

"That they were not engaged in conducting a lottery in the sense in which that word is ordinarily used is entirely clear, since this involves fixed prizes and the allotment of the prizes to the holders of numbered tickets which are drawn from a box. In such case the word lot or chance attaches only to the name or number of the ticket drawn, and not to the amount of the prize, but the statute covers any scheme for the distribution of money by lot or chance . . . and by the word chance, as defined by Webster, is meant something that befalls, as the result of unknown or unconsidered forces; the issue of uncertain conditions; an event not calculated upon; an unexpected occurrence: a happening; accident, fortuity, casualty . . .'

The return to members who have been able to secure a large number of other members, and to pay their own monthly dues, may be very large in comparison with the amount paid in, but the amount of such return depends so largely, and indeed almost wholly, upon conditions which the member is unable to control, that we think it fulfills all the conditions of a distribution of money by change . . ."

Chance is obviously present in a drawing, as in a raffle or a game like "bingo." may be chance based upon priority; for example, where a prize is awarded to the first 50 ladies arriving at a store after it opens on a certain day, or where the winner is one whose entry bears the earliest postmark. Also, if there is a random selection of homes to be visited, a prize to be given those having the sponsor's product on hand.

There may be chance in contests which actually involve an exercise of skill. To illustrate, this would be so if the operator fails to adopt and announce appropriate standards for judging the entries; or if, despite such announcement, the standards are ig-

nored in selecting the winners.

Another type of lottery is the guessing contest, such as a scheme which calls for predictions of the outcome of football games, baseball games, or other athletic matches, or the number of votes a candidate will receive in his race for public office. The law may apply to another form of contest popular these days, where the player is to indicate which of two or three words is the so-called "correct" one in completing a series of sentences or "clues"—when the fact is that there is no genuine basis of logic, reason, grammar or sentence structure for choosing one of the words over the others.

It should be noted that the postal lottery law applies to a winning which depends in whole or in part upon chance. Therefore, one may not mail advertisements of a contest (in which a consideration is furnished) which involves some skill but also some chance. This would take care of a contest to guess the number of beans in a jar, where a trained mathematician might be able to approximate the number by exercising his professional skill; or a contest where there is opportunity to solve a problem by means of skill, but a drawing is then held from the names of all who answered correctly to decide which will get the prize. The reverse of this would also be a lottery; that is, if there is first a drawing, and the person whose name is drawn must answer a question on history before receiving his prize.

As already mentioned, the law reaches schemes where the amount of the prize depends upon chance, aside from the manner in which the winner is chosen. The following are examples—the amount of the award is governed by the number of persons entering the contest; or the prize is divided in case of a tie; or the amount is determined by the store's sales total on a given day; or balloons contain discount slips and the customer discovers the amount of his discount only after he makes his purchase and breaks the baloon.

Nonmailability

If it has been decided that a scheme is a lottery, there still remains the problem of determining what can be said about it in the mails, if anything. This is of special concern to newspapers. One begins with the language of the statute, which bars "Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery . . ." The term "advertisement" applies to any lottery notice in

the newspaper, whether it is inserted at the expense of the promoter, or is merely a news item concerning the event. The fact that there is no payment for the item, makes nonetheless an advertisement, which is defined as "a public notice, especially in some public print, as a newspaper . . public print, as a newspaper . . .; and thing that advertises . . . ," and "advertises ," tise" is defined as "to give notice to; to inform . . . to make known to. To give pub lic notice of, to announce especially by a printed notice." (Webster's International Dictionary, Second Edition.)

A lottery advertisement is nonmailable even though it does not give the full story of the scheme's operation. Announcement of "bingo" games sometimes say nothing more than "Games," or "Party," or "Entertainment," or some other word or designation-for example, a dollar sign-which is understood by the reader to give notice that the games of chance will be played, at the time and place noted. Any of these references would be nonmailable.

Section 1302 of Title 18, U.S. Code, provides further that the mails shall not be used to send newspapers "containing any list of the prizes drawn or awarded by means of any such lottery." This means that it is not permitted to mail the results of the lottery, telling who won or how much. The question comes up regularly in connection with the Irish Sweepstakes, but of course it applies equally to other lotteries.

Exception For News

In administering this part of the law, an exception has been made for newspaper articles which have a news value in their own right, and in which the lottery element is only incidental to a newsworthy event The law is not designed to suppress information of news value to the public which is only incidentally connected with a lottery, for example, a report that the winner of a raffle was denied his prize because of his Notwithstanding the incidental reporting of the lottery's results, such a news story would be regarded as mailable.

Uniformity of Enforcement

It should also be noted that the postal law provides no exemption for lotteries conducted by churches, fraternal groups or other worthy organizations; nor does it exempt games of chance which are legal under state laws. Many years ago the postal law was amended so that it would clearly apply to any lottery, whether legal or not. Therefore the Post Office Department must enforce the statute uniformly and without regard to laws which various states have enacted declaring certain games of chance to be permissible.

The foregoing furnishes guidelines with

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Journalism Foundation Scholarships



Students holding scholarships granted by the School of Journalism Foundation at the University for 1960-61 include (seated left to right) Marcia E. Thurber, Louisville; Anne Price Mitchell, Ashland; Donald Eugene Lee, McQuady, Breckinridge County; Jane Gilbert Gaffin, Cynthiana; Warren Nicholas Pope, Catlettsburg; Michele Fearing, Ashland; John F. Ffeiffer, Louisville; and Beverly Cardwell, Morgantown. The scholarships were made available to this selected, qualified group by the Ashland Independent, the Louisville Courier-Journal and Times, the Lexington Herald-Leader, the Park City News, Bowling Green, the Paducah Sun-Democrat, and the Brandenburg Messenger and the Hardinsburg Herald-News. A grant by the Russell Times to David Carter makes it possible for him to attend the U. of K. Extension Center at Ashland under the same scholarship plan.

Cincinnati Dentist Exonerated Of Unethical Conduct Charge

Judicial Council, American Dental Association, exonerated Dr. Peter Garvin, Cincinnati dentist, of charge of unethical conduct, reversing ruling by Cincinnati Dental Society which expelled him from profession.

Dr. Garvin was expelled Jan. 1, 1958, because it was alleged his syndicated column, "Your Teeth," carried in Cincinnati Times Star constituted an effort to use column to derive publicity or to advertise, contrary to Cincinnati Dental Society Code of Ethics. Dr. Garvin appealed decision, first to general membership of Cincinnati Dental Society, then to Ohio State Dental Associa-

tion. In both cases expulsion was upheld. Judicial Council of A.D.A. found no evidence that Dr. Garvin "schemed or contived to use his dental column as a device to bring patients to his office." It also ruled procedure in disciplinary action "did not meet standards of full and fair hearing." Council found no objection to "the publication of a dental health column that is prepared properly and in keeping with the dignity of the dental profession."

With a view to improving public confidence in advertising, the Association of Better Business Bureaus urges that the following principles be adopted by all ad media.

- 1. That advertisers accept responsibility to present competent proof of claims when questioned.
- 2. That media accept responsibility for requiring competent proof of claims prior to publication when copy is considered questionable or if it is subsequently questioned by any responsible source.
- 3. That Better Business Bureaus accept responsibility as the agencies of all segments of business to achieve voluntary self-regulation by serving as the impartial source to receive or initiate, investigate and evaluate questions as to the validity of advertising claims and to recommend modification, when necessary, to advertisers, agencies and media to eliminate deceptive or misleading practices.
- 4. That all cooperating groups support these principles and, through affirmative leadership, seek their implementation by the members of their respective organizations.

In Memoriam...

Former Publisher-Rep. Dies At Florida Home

Henry Arrowood, founder of the Paintsville News and one-time writer for the Courier-Journal, died Saturday, November 12, at his home in Vero Beach, Fla. He was 64 years old.

Arrowood began his newspaper career as a business reporter for the Courier-Journal in the 1920's. He reported the banking and business failures after the stock-market crash in 1929 which ended in the collapse of Banco Kentucky and the Bank of Kentucky.

In 1931, physicians advised him he had six months to live as he was suffering from a strange bone malady. He resigned from the C-J, returned to Paintsville, and in 1934 established the Paintsville News. It was later merged with the Paintsville Herald and he became editor and co-publisher of the combined operation. At one time, he endeavored to start a paper at Inez, but business conditions would not permit publication.

However, ill health forced him out of the newspaper business in 1941. He then ran for State representative in Johnson and Martin counties, was elected that year and again in 1943, 1945 and 1951. During this time, he wrote a column for the Courier-Journal entitled "A Republican Says."

Another change in health conditions forced him to move to the more favorable climate of Florida. He continued, however, to write a column for the Herald entitled "Arrowpoints" which was one of the best known and read in Eastern Kentucky.

Arrowood is survived by his wife, a daughter, Mrs. Ruth Jaskovich, and his mother, Mrs. Mary Arrowood.

Send Yourself a Copy

Do you address one of your newspapers to yourself when you put your subscribers' copies in the mail? The condition of the newspaper when you receive it is a good indication of the way your subscribers see their newspapers after a journey through the mail. Publishers in other states have discovered that postal employees sometimes stuff advertising circulars inside the wrappers of newspapers. A publisher in one state discovered that postal employees had been putting a small tabloid advertiser in his newspapers. Immediately following this discovery, a subscriber wrote him requesting removal from the "advertiser" mailing list.

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Washington Notes--

By EDGAR S. BAYOL

KENNEDY: President-elect Kennedy's thread- thin victory has led to a debate as to whether he received a mandate to carry out his program for liberal legislation, but there appears to be no doubt that he intends to try to fulfill his pledges. The big city bosses and minority groups that had so much to do with his election will be pushing hard for fast action.

Paradoxically, the 87th Congress elected with Kennedy appears to be slightly more conservative than its predecessor. Not only did the Republicans register slight gains in both the House and Senate but most of the incumbents who lost were liberals. So trouble may lie ahead if Kennedy tries to go too far too fast. Southern conservatives still control Congress, and their reluctant support of the Democratic ticket was also essential to the Kennedy victory.

Several matters of pocketbook interest to publishers are likely to be among the first legislative tests of 1961. Included are an increased minimum wage and medical care for the aged. Both were Kennedy failures of the last Congress and the new chief executive will surely push for their passage in the opening months. Odds appear to favor the enactment of both, although perhaps somewhat watered down.

As sponsor of the Senate minimum wage bill for the past two years, Kennedy at first sought passage of a bill which would have both removed the small newspaper exemption and broadened coverage of newspaperboys. After NEA registered strong opposition to both proposals, Kennedy agreed to scrap both proposals. A new start will have to be made in Congress on this and all other legislation. NEA will be alert to see to it that the status quo on press exemptions is maintained. However, publishers covered by the wage-hour law should plan on a higher hourly minimum, probably at least \$1.15

Kennedy has already named his White House press team. Press Secretary will be Pierre Salinger, 35-year old ex-night city editor of the San Francisco Chronicle, who served in the same capacity on the Kennedy campaign team. Associate Press Secretary will be Andrew Hatcher, former editor of a San Francisco negro paper. He has been Assistant Labor Commissioner of California.

CONGRESS: Most of the same faces will be running Congress again. Few committee chairmanships will shift, and Southern conservatives will remain in key spots. How far they will be willing to go along the liberal road will be determined in the next few months, possibly on the very first major

legislation to arise. This could be the minimum wage bill or the medical care proposal

Most new presidents enjoy at least a brief "honeymoon" with Congress, during which White House proposals are received with a cooperative attitude. Surely Kennedy will seek to take advantage of this situation. He has spoken of a 100-day drive like President F. D. Roosevelt achieved in 1933, but in the absence of a strong mandate from the voters and no landslide victory to claim the legislative pace is bound to be a bit slower.

SUPREME COURT: Three cases involving newspapers have been docketed by the Supreme Court, two of them dealing with the precise interpretation of union working rules. NLRB complains that a clause in the present union agreement of the New York mailers is misleading because it requires employees to follow union rules 'not in conflict with federal or state law" but does not spell out what these union rules are.

The board also says the union contract gives the impression that membership is a requirement for employment, a violation of Taft-Hartley. The present appeal is an attempt to invalidate an earlier decision by the New York Circuit Court which declared the union agreement "should be taken at face value" and was thus a defeat for NLRB.

An appeal by the Boston ITU unit asks the court to authorize a contract with rules "not in conflict with federal or state law" and to permit a union foreman with full authority for hiring. A Boston court ruled the ITU action illegal because it is a deliberate encouragement of union member-

In another action, the Supreme Court has refused to reconsider an Atlanta judge's ruling which imposed a news and photo ban in the courthouse area. The appeal was brought by Atlanta Newspapers, Inc. and the Georgia Press Association, which termed the ruling "a severe curtailment of freedom of the press."

ADVERTISING: Assistant Secretary of Defense Murray Snyder told a meeting of the American Association of Advertising Agencies in New York that he favors advertising by defense contractors. There has been Congressional criticism of newspaper campaigns by missile makers, on grounds that they had nothing to sell the public and government money was wasted by competitive promotion.

Snyder argued that American manufacturers have registered tremendous successes in the space age and should be permitted to say so. "Why should they then not carry the space score sheet and show their pride in the entire program" said Snyder.

Explaining the Defense Department atti-

Public Law 86-781, relating to allowable deductions for cooperative advertising newspapers, on radio and television, dos not define a newspaper. Treasury Dept. reported to be considering the definition of a newspaper under this law, which becomes effective Jan. 1, 1961, according to ANPA

Law allows a manufacturer to deduct from his sales price, for federal excise tar purposes, that portion paid by him for local advertising up to 5 percent.

ANPA has asked that same definition of a newspaper used by the Post Office Dept for second-class entry be adopted by Trea. ury Dept. Request was made in letter to | W. Glassman, Legal Advisory Staff, Treas-

Criteria for newspaper entry as secondclass mail follow:

Title 39, Section 226: First. It must regularly be issued at stated intervals, a frequently as four times a year, and bear a date of issue, and be numbered consecutively. Second. It must be issued from 1 known office of publication. Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: Provided, That publications produced by the stencil, mimeograph or hectograph process or in imitation of typewriting shall not be regarded as printed within the meaning of this clause. Fourth. It must be originated and published for the dissemination of information of a public character, or de voted to literature, the sciences, arts, or some special industry, and having a legitmate list of subscribers. Nothing herein contained shall be so construed as to admit to the second-class rates regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

tude toward advertising, Snyder pointed out that while most ad costs should not be chargeable to the government "we do not feel that we should prohibit a contractor from spending his own funds as he sees fit. Even where government is the primary customer, we believe the contractor has the right to identify himself with the great technological developments upon which our 12 tional security rests."

The Hickman County Gazette, Clinton, has just installed a model 5 Meteor line type machine. The Gazette is edited by Ed

BER, 1960 Law Still Undecided Whether

Wifey Can Deduct Expenses Can a company deduct a wife's conven-

tion expenses which she attends with her husband? The Alabama District Court, in Thomas, 4 AFTR 2nd 5737, on appeal,

In this case, the purpose of the (insurance) convention was to promote professional skills and abilities and the morale of the men and their wives. In the company's view, the wives played a major role in their husbands' success or failure. The presence of the wife at the meeting served a bona fide business purpose. The business purpose is manifested by employment practices of the company by interviewing the wife, sending literature to the wife to aid her in acquiring a knowledge of the nature of the business and win her loyalty to the company. The wife was invited to attend the convention. The company felt the wife's presence kept the convention on a higher plane, and reduces her resentment against business conventions and increases her in-

In the case of newspapers, the wives of the publishers and their executive assistants, play an important part in their husband's business careers. In many cases, the wives have already attained first-hand experience and wish to keep themselves informed on many phases of newspaper operation. These women frequently assume the post of publisher upon their husband's death. It is therefore essential for the company to keep both the husband and wife acquainted with newspaper practice for now as well as for the future.

The attendance of the publisher and his wife at the sessions of a convention where newspaper practices and problems are presented and discussed; where they, both, meet others with similar problems; and have access to men who have made studies of important phases of the newspaper business, represents a type of opportunity for information and self-improvement which neither of them can well afford to miss.

If the convention is designed for a presentation of expert opinion, introspective discussions of ways and means, and frequent associations with one another, and both men and their wives are invited to attend, it may be possible for some newspaper companies to justify paying the expenses of wives to the convention, remembering that each taxpayer's case must rest upon its own merits.

It is a fact that the wife attends the convention merely for social purposes, it is purely a personal expense and is indefensible as a tax deduction.

In either case, whenever deductions are made, detail records must be kept and be

available for the review by the Internal Revenue Service, since its Aevenue Agents are concentrating on expense deductions for travel and entertainment.

But the Dallas District Court says "NO"! It was held that employe's convention expenses paid by the employer constitutes gross income and the employe is not entitled to deduct the amount as a business expense.

In C. J. D. Rudolph, et ux, case recently decided September 21, 1960 by the Dallas District, it was held in the case of an insurance agent who, after selling a certain amount of insurance, received a trip to New York, which was in the nature of a bonus or a reward earned by him, that the amount of such expenses paid by the employer was gross income. Also since the trip was primarily a pleasure trip, the taxpayer could not deduct the amount as a business ex-

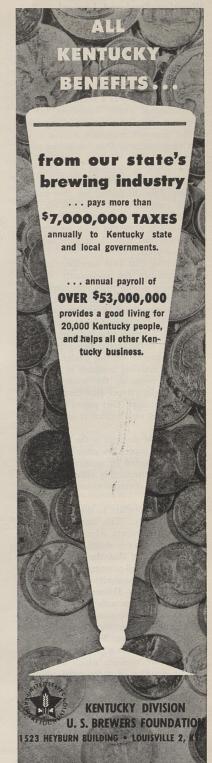
In view of the evident conflict as between the "Dallas" and the "Alabama" courts, it is advisable that all deductions be factually supported since each case will be judged on its own merits, states Joe Terry, our KPA official consultant.

(Continued From Page Two)

some specific illustrations of the way in which the law is administered by the Post Office Department. It would be impracticable to cover all the forms and shapes in which lotteries might be found, for ". sooner is a lottery defined, and the definition applied to a given state of facts, than ingenuity is at work to evolve some scheme of evasion which is within the mischief, but not quite the letter, of the definition." (State v. Lipkin, 84 S.E. 340). The court in this case went on to hold, "But, in this way, it is not possible to escape the law's condemnation, for it will strip the transaction of all its thin and false apparel and consider it in its very nakedness. It will look to the substance and not to the form of it, in order to disclose its real elements and the pernicious tendencies which the law is seeking to prevent. The court will inquire, not into the name, but into the game, however skillfully disguised . .

Mailability Rulings

The Department will be glad to assist newspaper publishers and other members of the public with any questions arising under the postal lottery statutes. The question, with a full statement of the facts, may be submitted directly, or through the local postmaster, to the Office of the General Counsel, Fraud and Mailability Division, Post Office Department, Washington 25, D. C., and a ruling will be furnished as promptly as circumstances permit.



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That's What The Judge Said - - -

By L. Niel Plummer, Director U. of K. School of Journalism

Weeklies Declared Logical Bases For National Advertising

(The following article appeared in the March, 1960 issue of The Imperial Type Metal Magazine. It is entitled "Plight of the Weeklies.")

Few enterprises, if any, have a more valid claim of the loyalty of a neighborhood than the traditional weekly newspaper, yet the gusts and eddies of latter day change carry to this treasured institution a crisis in current operation as well as foreboding of extinction.

The attack is threefold. Weeklies, like dailies, have to contend with a rising level of costs. Like the dailies, too, they encounter the competition of radio and television. Beyond these comes the competition of city papers which, more and more, are extending circulation and advertising into suburban and rural areas.

Presuming that local merchants are loval and appreciate the community value of maintaining a local paper, the weekly publisher still needs some share of the millions poured into national advertising campaigns.

Some of the earliest and greatest merchandising successes were made by persistent advertising in the smaller newspapers of the nation. Agencies did not grudge the effort spent in scheduling hundreds of rural mediums and preparing the mounted stereotypes and electrotypes that carried the advertising messages. City papers had city circulations and were treated as separate prob-

Today rural coverage is the special boast of most city papers. In some instances the claim is supported by maintaining salaried reporters in surrounding villages and a degree of news coverage unknown in earlier times

All this is corollary to the easier present day accessibility. This same accessibility moves rural shoppers, whizzing over superhighways, to the city stores.

Still we doubt that the city paper does the job that a well-managed local paper can do for a rural community. The city-trained reporter, exiled to Homeville, will send in news in accordance with the values he has learned-whatever crimes and sensations the region affords, plus the "quaint" feature stories he encounters. The intimacy and local flavor that makes a good country weekly successful are qualities which come from lifetime devotion of a dedicated editor-a man who really thrills or winces at the ups and downs of his beloved community.

From the standpoint of the community, often the county seat of a less populous county, the preservation of a truly local organ of events and opinions is a vital matter. Loss of its local paper can rob a village of its

Three minor cases of shooting had occurred in town during a summer week back in 1920, so the editor did what many an editor has done: he joined the three minor items into one more comprehensive story and headed it: "Shootings in Town." A suit for \$50,000 for libel was filed because one of the principals in one of the shootings believed that the combined article disgraced him.

In brief the situation was this: A Negro citizen reported that he had been peppered with shot from a gun fired at him from outside his home. The other shootings in town, joined in the combined article, told of a citizen firing upon an unknown chicken thief at his home, and another citizen taking a shot at a prowler.

Was this a libel upon the Negro citizen? The court decided it wasn't, saying:

"It is the general rule that to constitute Times-Tribune a libel it is sufficient that the publicationwhich must be malicious, though it may be expressed in printing, or writing, or by sign em Kentucky or pictures—tends to injure the reputation scheduled to take of the party, or to throw contumely or to Louisa. W. D reflect shame and disgrace upon him.'

The court examined the combined report on the shootings and declared that it could not be reasonably said to impute to the chased the Pe Negro citizen any connection with the other from J. M. Wil two shooting incidents or to indicate any in of the Reformer dication or purpose of so connecting him has published His construction of the article to the con 1918. Mr. Wil trary "seems to us to be wholly fanciful, for ville, it certainly is not warranted by any fair interpretation of the publication itself."

196 Ky. 512, 244 S.W. 880.

Next month: The case of the unhappy election official.

sense of unity and demote it from the status of a community to that of a mere "wide place in the road."

Hope is expressed in a letter from Publisher Wallace S. Emmons, whose Enterprise-Chronicle is published in Burlingame, Kansas, a community of less than 2,000, some 20 miles south westerly of Topeka.

In a plea for allies, he writes, "We seem to have sparked an effort . . . with fair hopes of getting a fair share of national advertising for the rural newspapers of the state and nation.

"Every basic manufacturer," he adds, "should be made aware of the reader interest in the weekly newspaper. It does not seem reasonable to think that all goods and all services can be distributed through cities and big stores.

Decision on that point is evidently up to the space buyer of the advertising agency, modified by whatever nudge he may receive from his client.

We sincerely hope that his decision will be to make generous use of the weekly newspaper and to seek wide distribution via the village dealer. In suggesting this we are quite aware of the mental obstacle encountered. It is obviously easier to make and administer contracts with three or four city papers that claim to "blanket the state" than to deal with 25 to 40 rural publications.

Actually both should be used, but with intelligent discrimination in preparation of copy, based on the discoveries of intelligent research. The push to citify country folks has not reached the stage where traditional thinking can be disregarded.

Job Shop For Sale: Owing to death of owner, a small, but complete job shop is for sale. Includes a Kluge automatic, 10x15 CP open, old series, 10x15 CP open, new series, plenty of type, cases, stands, and small equipment. Can be purchased with a large stock of paper in a packet around \$6,000. Inquire of KPA Central Office.

Want a 00 Meihle Press? No. 4 Meihle, 25x38, or other equipment? Write G. C. Patten, Adel News, Georgia.

Operator Available: 42 years old, 14 years country-shop experience; available immediately. Alger Wilson, Route 3, Russell Springs, Ky.

The Associated Press Managing Editors Association has recently cited the Owens boro Messenger and Inquirer for its photo and news coverage of Northwest Airplanes plane crash near Tell City, Ind.

Messenger and Inquirer photographer Frank Abrams flew over the scene of the crash shortly after the disaster. Within three hours his pictures were being trans mitted on the nationwide AP Wirephoto network to all members of the Associated Those

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From the back

J. O. Crawfor Crawford, has jo

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The executiv tion providing columns of me sale by any po credited represe papers and tha this Association sales agency or KPA newspape

Those were the days ...

(From the back files of the Kentucky Press)

30 Years Ago

[. O. Crawford, younger brother of J. L. Crawford, has joined the staff of the Corbin t to constitute Times-Tribune as associate editor.

The regular monthly meeting of the Eastng, or by signs em Kentucky Editorial Association was the reputation scheduled to take place on November 15 at ntumely or to Louisa. W. D. Grote, editor of the Big Sandy News-Recorder was the host.

W. W. Porter of Cincinnati, has purmpute to the chased the Pendleton Reformer, Butler, with the other from J. M. Wilson. Mr. Porter took charge ndicate any in- of the Reformer on October 2. Mr. Wilson nnecting him. has published the Reformer since April le to the constant of the cons

> Every cloud has a silver lining. During the present business depression a surplus of paper has developed and it is said that as a result print paper prices will be lower.

* *

. 20 Years Ago

Kentucky was one of 17 states that showed a net gain in rural population in the last decade according to analysis of the preliminary 1941 census figures. The net gain was two percent.

Charles Q. C. Leigh, 94 years old, retired businessman, died at his home in Paducah. Mr. Leigh was one of the first newspaper newspaper publishers in Paducah, having been associated with his brothers in the publication of the Standard in 1884.

The executive committee met in Lexington, with Harry Lee Waterfield as chairman.

Seymour B. Goodman, for the past five years editor of the Lancaster Central Record, took possession of the Hardin County Enterprise, Elizabethtown after purchasing the plant from Wesley E. Carter. Ardery "Red" McCauley, formerly connected with the Cynthiana Democrat, has assumed the editorship of the Central Record.

The executive committee passed a resolution providing that "space in the advertising scene of the columns of members of the KPA is not for sale by any person other than duly accredited representatives of individual newspapers and that no group of members of this Association has any contract with any sales agency or individual to sell space for KPA newspapers as a whole.'

10 Years Ago

The following KPA members attended the National Editorial Association meeting in Chicago: President and Mrs. Joe LaGore, Paducah Sun-Democrat; Vice President Douglas Cornette, Courier-Journal; D. M. and Jane Hutton, Harrodsburg Herald; Mr. and Mrs. Roscoe Downs, Hawesville Clarion; Mr. and Mrs. Seymour Goodman, Elizabethtown Enterprise, and Secretary-Manager Portmann.

Victor R. Portmann was elected president of the Newspaper Managers Association, Inc., during its Chicago meeting.

Mrs. James C. Young, Versailles housewife, was awarded a \$10 prize for submitting the name chosen for the Crippled Children's Convalescent Home at Lexington. Mrs. Young suggested the name, "Cardinal

Seymour Goodman, Elizabethtown Enterprise, was named by Governor Clements to the Kentucky National Park Commission.

The campaign to beautify Danville, conducted by the Advocate-Messenger, reached a climax with residents of the city buying 400 white dogwood trees for planting.

Herndon Evans, editor of the Pineville Sun, was appointed an alumni member of the Board of Trustees at the University of Kentucky.

Another test of the confidence laws has sprung up-in Colorado this time. Reporter Vi Murphy of the Colorado Springs Gazette Telegram, was found guilty of criminal contempt by the Colorado Supreme Court for refusing to divulge the source of a news story. She was sentenced to 30 days in jail, basing her refusal on the First Amendment to the U.S. Constitution, which guarantees freedom of the press. Sentence was suspended awaiting court action on ap-

Joseph H. Dressman, city manager of Covington since 1958, has resigned to join the staff of the Cincinnati Enquirer. He had been a newspaper man for more than 30 years before taking the city post with Covington. He was assistant managing editor of the Cincinnati Times-Star when it went out of existence with its sale to the Cincinnati Post in 1958.

Publicity vs. Publication

Superior Judge Ellsworth Meyer ruled last week that the Los Angeles County Treasurer must sign \$21,000,000 worth of bonds which were not given statutory mandatory public notice in a newspaper of general circulation prior to the election. The election authorized issuance of 21,787,000 in bonds for construction of new general hospital facilities and a county jail for

In accordance with the ruling, County Treasurer Howard L. Byram was ordered to sign \$25,466,000 in bonds for a General Hospital Clinic, a nursing school and dormitories for nurses and interns, and \$6,315,000 for the jail project.

Judge Meyer made the decision in a suit brought by the Board of Supervisors to compel Byram to affix his signature, required to validate the bonds. Byram had refused on the ground that through a clerical error on the part of the staff of the board no legal notice of the June 7 balloting on the bond issue had been published.

Byram took the position that the error had made the election invalid. But the court agreed with Dept. County Counsel William M. Lemoreaux, who contended that the bond issues had received wide newspaper, television, radio and motion picture coverage long prior to the election and that the voters were not deprived of their right to exercise their free choice because of the

Judge Meyer declared in a brief memorandum that the validity of such an election might be challenged successfully prior to its being held, but that the failure to publish and similar irregularities would not nullify the results unless it could be shown that the electors were prevented from giving full and free decision.

Human Relations

Here's a short course in human relations The 6 most important words I ADMIT I MADE A MISTAKE The 5 most important words. I AM PROUD OF YOU The 4 most important words WHAT IS YOUR OPINION The 3 most important words . . . IF YOU PLEASE The 2 most important words . . . THANK YOU The 1 most important word . . . WE. The least important word . . .

Newspaper advertising rates rose less during the year ending in April than those of any other major media.

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Office Rules In 1872

An office manager in Boston, Mass., in cleaning out an old file, came across this set of rules, drawn up by the proprietor in 1872:

- 1. Office employees each day will fill lamps, clean chimneys and trim wicks. Wash windows once a week.
- 2. Each clerk will bring in a bucket of water and a scuttle of coal for the day's business.
- 3. Make your pens carefully. You may whittle nibs to your individual taste.
- 4. Men employees will be given an evening off each week for courting purposes, or two evenings a week if they go regularly to church.
- 5. After 13 hours of labor in the office, the employe should spend the remaining time reading the Bible and other good books.
- 6. Every employe should lay aside from each pay day a goodly sum of his earnings for his benefit during his declining years so that he will not become a burden on society.
 - 7. Any employe who smokes Spanish

cigars, uses liquor in any form, frequents pool and public halls or gets shaved in a barber shop, will give good reason to suspect his worth, intentions, integrity and honesty.

8. The employee who has performed his labor faithfully and without fail for five years, will be given an increase of five cents per day in his pay, providing profits from business permit it.

The Bostonia office manager wanted to read the rules to his office force, but they were all out on one of the day's several coffee breaks.

In April 1958 the Miami News offered to furnish Dade county public schools with complete copies of its Sunday Review of the Week section, free of charge. Requests were received from every Junior and Senior High School in Dade county. Now in the third year, the News delivers 22,000 copies of the section to the public schools in the surrounding area. The sections are used for social studies, history, debates, and many other classes.









ECONOMICAL INTERTYPE MODEL V

The Model V is the simplest, most productive single-magazine news machine . . . and as fast as any machine made by anyone. It is equally efficient for manual or high-speed automatic operation. Write for Model V folder.



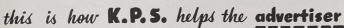
INTERTYPE COMPANY
A Division of Harris-Intertype Corp.
360 Furman Street
Brooklyn 1, New York

Chicago, Cleveland, San Francisco, Los Angeles, New Orleans, Bostos





















ABER, 1960

AIM APER RVICE

Lovette ne, Ft. Wayne, Ind.

SERVICE

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SPAPIR RVICE

VE, NY NI BUSINESS W Spaper

STOP stly Estimating Mistakes!

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OMPANY City 6, Utah

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FOR COMPANY BUSINESS ONLY

TO

President

FROM

Vice President - Manufacturing

As directed we have made an exhaustive survey of the several states which our marketing survey indicated we should consider to select states which our marketing survey indicated we should consider to select

a new plant location.

We wish to recommend Anytown, Ky. Our recommendation is

Site: Anytown industrial development group has excellent site under option. Attached are copies of option, soil bearing tests, core drillings and topographic map of site.

Water, gas, and electric service will be extended to site by respective companies. All utilities are in ample supply.

Living Conditions: The community has good schools, numerous churches, excellent recreational facilities. It has a hospital. Business district shows evidence of well planned modernization program. Residential areas are well kept, show high degree of civic pride.

Other Industries: Management of other local plants
extremely cooperative. Indicated they would welcome new industry.
High in praise of local labor's productivity and ability to learn. Also
confirmed that local Chamber of Commerce met problems honestly and

Chamber of Commerce Industrial Committee is unusually well-informed on the community, a business-like group that made no exaggerated offers or promises.

 $_{\mbox{\sc A}}$ more detailed report is attached for your reference when the proposal is presented to the Board of Directors.

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DOES THIS MEMO DESCRIBE YOURTOWN, KY?

KENTUCKY UTILITIES COMPANY

WORKING FOR A BETTER KENTUCKY

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School Univers Lexing

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