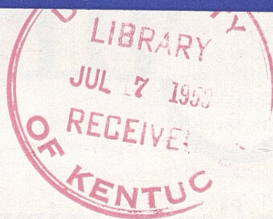


# The Kentucky Press

July, 1958



Published in the Interest of Community Journalism . . . Of, By, and For Kentucky Newspapers



Kentucky's Showcase: Bluegrass And Horses, Tourists' Mecca

VOLUME TWENTY-FOUR  
NUMBER TEN

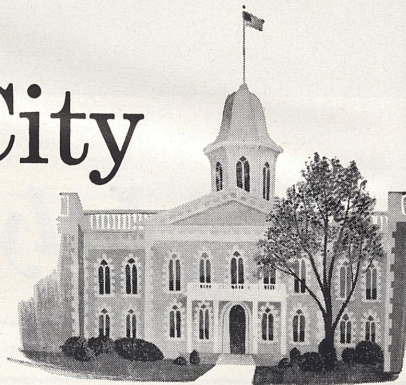
Publication Office:  
School of Journalism  
University of Kentucky  
Lexington

Official Publication Kentucky Press Association

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your **C**apitals?

**C**arson City

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**“C”**

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important to our trade-mark

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## Municipal League's Contentions Refuted By KPA Officials

Recent published statements of the Kentucky Municipal League, erroneous or advantageously assumed, in which the League announced that it would seek a declaratory judgment concerning the Legal Publication Statute, KRS Chapter 424, cause the Kentucky Press Association to issue a public statement to correct and/or refute the League's interpretations of certain sections. The League has lost sight of two important facts relative to the passage of the Legal Statute. First, the inherent right of the people to have access and to know and understand through printed reports how their elected officials are receiving and dispersing public moneys entrusted to their care, and official acts which are passed to regulate, direct, or curtail the public's actions; and,

Second, that the new statute was compiled to clarify, consolidate, and make uniform the 22 statutes governing the county, municipal, town, and other political sub-divisions. This modification was deemed necessary after a thorough and complete study and analysis of the existing statutes found many contradictions, out-moded requirements, and unnecessary directives. Factually, many of the passages included in the League's contentions and arguments have been on the statutes for many years.

The need of stricter compliance of legal publication laws is evidenced every day when news stories report glaring discrepancies and misuse of entrusted funds discovered through state audits. This emphasizes the disregard of certain responsible officials of the public's right to know which might be corrected through legal publication.

A free press was retained constitutionally so that the people as a whole might use the printed medium as an instrument, or weapon, whereby they could retain control of their government, rather than be ruled without their expressed consent.

This right guaranteed to the people was not written into the Constitution for the special benefit, or financial profit, of persons within the newspaper industry or trade. It was written because of three fundamental rights of the people: (1) to know what their agents in government were doing; (2) to discuss it freely according to the constitutional guarantee of free speech; and (3) to meet in assemblies of their own choosing to take action upon it according to a third constitutional guarantee of free assembly. These

were deemed essential to a free government.

Reputable legal opinions exist to the general effect that these three rights, fundamental to the process of free government, are so inter-twined though seemingly separate, that the invalidation will make the others useless and futile. Of all the three, it well may be argued by precedent, set in many courts at the local grass roots of government and by the writers of the founders of the Republic, that the right of the people to a free press, so that they may know what their government is doing, is the most important. Without it all other rights, and the usefulness of the ballot itself, are impaired.

It is for this reason that publication of legal notices, especially those which are required as a report to the people how their moneys are received and spent, is so important in our system of government "of, for, and by the people."

In the study, culminating in the new statute, it was found that there were 232 separate statutes, many of which had numerous deficiencies or were contradictory, with a distressing lack of uniformity. The analysis was conducted upon six categories: what is to be published; who is responsible for causing the publication; qualification of the printed medium; alternative or additional methods of notice; period of publication; and form or content of publication.

In the analysis it was found that 30 statutes required proceedings or official actions of governmental bodies or officers such as ordinances, journals, regulations, and orders; 12 statutes required financial statements, audits or reports of public officers or bodies (and of certain corporations).

Fifty-two statutes required advertisement for bids and notices of sales; 73 required notices of hearings or meetings, or tests or examinations, or of opportunity to inspect or protest; 36 required notices of elections and publications in connection with elections; four required service of process by publication in court proceeding; and 20 required notice to creditors, or prospective creditors, or to claimants, or owners of property. Only six former statutes did not fit under any one of the six categories.

There was indeed need for clarification and unification. One disclosure was no statute defined or qualified a newspaper. There were 97 different ways of designating the kind and number of newspapers in which publication was to be made; 24 statutes re-

quired state wide publication; 78 required county publication; 87 required city publication; 31 required district publication; and 19 required publication "in a business area".

The analysis further found that there were 67 different ways of specifying periods of time of publication; 62 statutes required publication once; two required publication every day for 60 days; other specified consecutive publication from 2 to 30 days. Many required publication once a week for a specified number of weeks ranging from two to 12. Many were ambiguous, using such language as "twenty days' notice" or "at least five days prior thereto."

This "time" analysis surely indicated the need for uniformity in the new statute which, with few exceptions especially stated in special statutes, were incorporated in chapter 424, section 3, which allocated the majority of publications into three time-categories—once for completed actions; twice regarding elections, hearings, or tax due-dates; and three times when the public is required to file petitions, exceptions, protests, or objections, or the submission of bids.

This Section 3 refutes the implications of the Municipal League that ALL public notices "must be advertised from one to thirty times before they can become law or be carried out." Many notices of a completed act of a governing body, such as ordinances, resolutions, regulations, statements, etc., where the purpose of the publication is not to inform the public that they may or shall do an act or exercise a right within a designated period, need only one publication, not an excessive number of publications as the League implies. Many former requirements of "times" of publication were reduced to the maximum of three, thus saving the taxpayers many hundreds of dollars.

Section 17 of Chapter 424 states, "No regulation promulgated by any officer, board or commission of a city, county or district, which is intended to impose liabilities or restrictions on the public, shall be valid unless and until it has been advertised by newspaper publication." This section is under attack by the League, and, in the opinion of the Association, the arguments advanced are downright preposterous. The League cites an example in these words pertaining to Louisville:

"To be even more ridiculous, we could use the incident of a big fire. Before the fire chief could redirect or reroute traffic, he would have to advertise his intentions in the newspapers three times over a period of two weeks."

Indeed, what could be more ridiculous than this statement. Perhaps established by previous ordinance, the Chief of Police of that city has every right to direct traffic at

any and all times without any previous notice, especially in time of emergency; this is just ordinary police power, regulated or implied.

There are many rules, regulations, resolutions, or minutes, passed by governing bodies of political divisions which are not required to be published under section 17 which expressly states: Only that "which is intended to impose liabilities or restrictions on the public." Let's be reasonable in application. To take the League's example. Under the police power, the Chief of police can issue regulations, permanent or temporary (as in case of emergency) without public notice. On the other hand, a directive to the Chief of Police, designating certain one-way streets, is surely of public interest as an ordinance directing or restricting public use of certain streets "imposes liabilities or restrictions on the public."

Again, many actions by governing boards will not come under this "restrictive and directive" clause; let's be reasonable in the application without reading into the section requirements that are not there. No one will contend that the minutes of any governing board are required to be published, another false contention of the League. We call attention of the League to the definition of "regulations" as found in KRS Chapter 13.080.

Another premise of the League is that political subdivisions are bound strictly by section 16 in that all agencies must advertise for bids if the amount involved is more than \$500, and that no provision is made for emergency purchases. The Association acknowledges that this was an oversight in the preparation of the chapter, but emphasizes that no newspaper publisher would oppose emergency purchases even if the purchase was not legally (sic) made by means of advertisement. Again common sense should prevail in the interpretation of section 16.

The League's opposition to section 12 which requires officers to print annual financial statements is not well founded as section 12 is simply a restatement of the old KRS 61.290—there has been nothing added or subtracted to the statute which has been in force since 1928. The provisions of this section definitely state that an officer must report and itemize, in a prescribed manner, all expenditures made during a fiscal period. It does not prescribe that every single amount received must be itemized, only that the source and amount be given accordingly to receipt-periods. For instance, tax receipts by the sheriff's office can be given in a "lump" sum each month, a practice that has been followed for many years.

The provisions of Section 12 were upheld by an opinion of the State Court of Appeals

### Daily Newspapers Spending Large Sums For Expansion

NEW YORK—Daily newspapers are making heavy outlays to expand their plants and buy new equipment despite the recession, the American Newspaper Publishers Association stated May 23.

ANPA said 415 dailies plan to spend \$62,911,986 in 1958 for plant expansion and new equipment. Capital expenditures by the same group of newspapers last year totaled \$87,250,585.

### Buries 'Mr. Gloom'

The cleverest editorial attack on recession psychology comes from the Kankakee Daily Journal. They made up a local citizen to look like a bearded, nondescript character in deep black clothing. He was named "Mr. Gloom". His arrival in Kankakee, demise, and burial was cleverly told in a picture series on Wednesday through Friday papers.

The first day showed citizens with pitchforks, clubs, bats, etc., meeting Mr. Gloom. Other pictures show the arrest and trial. Thursday photos show him riding on the rail to his hanging, show the hangman putting the noose around his neck, his funeral procession, and his burial. Kankakee used the Wednesday paper as a build up for their big 92-page anti-recession issue. The slogan was "Let's Go".

The promotion was sponsored by the Trade Development Department of the Chamber of Commerce. They picked up a lot of national advertising copy from local manufacturers and other organizations along with the retail for their big Thursday paper. —NNPA Bulletin.

in the case of Robert F. Cooper, et al, vs. The (Paris) Kentuckian-Citizen. Many public officers have known, and have followed, these provisions since 1928. It is illogical and absurd for the League to now state that it interprets this statute of long-standing to mean that every single payment, such as an electric light account must be itemized in "accounts received". The Association respectfully requests that the officers of the League read the Court of Appeals' opinion—and keep it on file.

The Association plans to join in a test suit seeking declaratory judgment as a third party should such a suit be filed by the League. The Association believes that it has kept the best interests of the public in mind when it entered into the task of writing this uniform publication statute and procuring its passage by the Legislature. In all deliberations the public's right to know was paramount.

### Ohio Supreme Court Rules Ad Is 'Warranty'

The Ohio Supreme Court has denied petition for rehearing of case in which it previously held a consumer may sue a manufacturer on basis of "warranty" if harm is suffered because product is not what producer's advertising claimed it to be.

Case is Rogers v. a well known Permanent Company. Mrs. Mabel Rogers is suing for \$30,000 damages on grounds that the firm's home permanent was warranted in advertising to be "very gentle." Mrs. Rogers claimed loss of nearly all of her hair after using the product. Case was returned to Common Pleas Court, Cleveland, to determine extent of damages.

The Ohio Supreme Court declared: "The consuming public ordinarily relies exclusively on the representations of the manufacturer in his advertising. The warranties made by the manufacturer in his advertisements and by the labels are inducements to the ultimate consumers. The manufacturer ought to be held to strict accountability to any consumer who buys his product . . . and later suffers injury because the product proves to be defective or deleterious."

### Advertising Restriction Voted By New York State Assembly

The come-on advertising message, such as "This book has been banned in Boston!" has been declared illegal in a measure approved by the New York State Assembly.

The bill makes it a misdemeanor to try to sell any book, magazine, film, or recording by announcing "that the decency or morality of the same has been challenged in any court, by any board of review, or by any group or agency."

The measure also makes it a violation to induce patrons into a place of amusement, such as a movie, with similar claims that the product has been banned elsewhere.

FOR SALE: Model 19 Linotype, two magazines and 28-channel auxiliary; font of 12 pt. mats and 24 pt. for auxiliary. Sale on floor, no reasonable offer refused. Ro Gardner, Hickman Gazette, Hickman, Ky.

FOR SALE: Since changing type face, we have for sale at bargain prices, 1 font (1500 count) 5½ Tri 64 Ionic No. 5 with Gothic No. 16, \$40.00; 1 font (1200 count) 7½ Tri 10 Opticon with BF No. 2, \$35.00; 6 fonts (1200 count) 7 Tri 166 Opticon with BF No. 2, \$35.00 each; 1 font (1500 count) 7 Tri 166 Opticon with BF No. 2, \$65.00. Inquire of J. W. Mann, Office Manager, Herald-Leader, Lexington, Ky.

## State Auditor Foust Urges Adequate Financial Records

(Editor's Note: This article is the substance of an address delivered by Mary Louise Foust, State Auditor of Public Accounts, at the recent KPA Mid-summer meeting at Cumberland Falls. It is worth reprinting in the press of the state.)

"Audits and Requirements"—I liked that topic you assigned me, especially the word requirements. According to the law we are required to audit records, and the first requirement for us to fulfill our duties is for there to be records to audit. We have found a great lack of records.

We have attempted to sell the officials on the importance of adequate records as a protection for themselves; and have been lenient where the records were not complete, but are adopting a policy of not considering any type of expense for which there is not documentary evidence presented at the time we are in the county auditing.

The income amounts we can determine fairly accurately on most offices in the absence of complete records. The County Court Clerk is the office where most fees are collected and the one where income may be hidden. We have concluded that the only way to audit the clerk's office is to count all documents that have been lodged to record, and charge him with the fee amount he should have collected. Some clerks say that they don't collect certain fees. When the law says they "shall" collect, that is mandatory and the forgiveness of an amount, which in many instances is done to curry political favor, is a violation of the law. A clerk in a small county where fees never approximate \$7200 let alone net that much to the official is only giving away part of his own income when he fails to collect a fee. However, when the income in the office nets \$7200.00 or approximates a net of that amount "It's Your Money" he is giving away. Once I called a talk before a civic group, "It's Your Money," and related incidents that the field auditors had experienced in their rounds.

One sheriff when questioned as to where the recorded fees collected in his office responded, "they're not recorded, that is what we buy our groceries with." He paid his county some excess fees as a result of our audit.

Inadequate records eat into the taxpayer's money in another way. When records are not complete and properly kept the time required to audit is more. The county must bear the expense of the audit and any added

charge for our services takes funds that may have gone to benefit the taxpayers locally. The Fiscal Court has the power to require an accounting from each official which if required would demand that proper records be kept. These same fiscal courts that have ignored their responsibility in requiring proper accounting from officials can't understand why the charges for our services mount.

The fiscal courts should take a lesson from those banks that advertise to get persons to use checks to pay accounts, for without the proof of payment they may have to pay an account a second time. Why should not an official be as careful in handling the people's money? It is appalling how many of these trusted servants of the people have maintained no separate bank account for fees in the office.

Fiscal Court members are asked to approve expenses with no documentary support. In order to protect their political favor they approve, little realizing that they could become personally liable, because in a taxpayer suit the court would require evidence.

In one county we determined that an official owed between nine and ten thousand dollars in excess fees. After our audit he had paid approximately \$2,500.00 and said he had unaccounted for expenses amounting to better than \$7,000.00. That was just it, the expenses were "unaccounted for." Why did he not produce evidence that he had the expenses?

What kind of campaign can you wage to convince the voters that on all levels of government it is in their own interest to elect persons to represent them that assume the post as a responsible servant of the people and not as a lord with a halo around his head and accountable only to himself and his political allies? The first mentioned attitude is already existent in many counties, but for those officials who do not evidence the understanding that they owe their post to the people we have harsh words.

I have engaged the preceding remarks about the Fiscal Court, the body headed by the County Judge who has a great responsibility if he is there to serve the people. The county judge and fiscal court are the key to good government in the county. The county attorney should be capable and of unblemished character, but I shall not proceed to comment concerning each county office—you know what they are and you know the type men who hold them in your community. If

they aren't there serving the people your presenting the facts in your newspaper may result in their retirement at the next election.

One section of the statutes that has been ignored in some counties is KRS 64.530 that requires the fiscal court not later than the first Monday in May in the year the county officers are elected to set the salaries for the officers, and those salaries cannot be changed during the four year term. KRS 64.730 states that if such action is not timely taken the salaries paid during the preceding term are controlling. You may want to study the fiscal court Order Book in your county and publish a story on officials' salaries. In some counties it is properly handled. It appears that in some there was no awareness of the legal requirement. While in others the statute is ignored completely and raises are voted subsequently.

One thing that is disturbing us is now that we have started auditing for excess fees and it has been discovered the office has an amount returnable to the county the official is putting on additional help, even though not needed, to absorb the excess amount. Sometimes he is even doing it with the approval of the fiscal court. To curtail this practice of employing unneeded personnel to absorb the excess you may wage a campaign to recommend personnel ceilings for each office in order to protect excess fees for the county. Authority for the fiscal court to fix these personnel ceilings is given in KRS 64.530 (1).

When I campaigned in 1955 I visited 86 counties and found only one air-conditioned courthouse. That may not be the noblest aspiration for spending excess fees but if the counties were receiving the fees due them there could be more air-conditioned courthouses. It is an amazing thing that officials in the counties ignoring their responsibility for requiring each officer to account for excess fees are the ones most frequent with sob stories about the financial condition of the county. I have one particular county in mind. Every time I see the county judge he comments concerning the county's financial plight. It is always something else that has resulted in no money. Yet that same judge in as few words as possible informed me that those people, meaning the officials, didn't want me coming there and telling them what to do. It is an excess fee county but my observation is that politics is keeping the people from receiving the services they deserve, while the officials are reaping excessive reward.

At the first meeting of the county court clerks that I addressed in Louisville one member of the group rose to his feet and

(Please Turn To Page Five)

# The Kentucky Press

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

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

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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 implied trust 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 advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual 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 development and progress.*

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## Scripps Purchase Cincinnati Times-Star

The E. W. Scripps Company purchased The Cincinnati Times-Star July 20, and immediately merged it with the other afternoon newspaper in the city, The Cincinnati Post.

With the acquisition of The Times-Star property—held for years by the widely known Taft family and their relatives—Scripps assumed complete control of the daily-news-paper field in that city.

The company acquired control of The Cincinnati Enquirer, the only morning newspaper in the city, May 4, 1956.

E. W. Scripps is an affiliate of the Scripps-Howard Newspapers. It also publishes The Cleveland Press and The Columbus, Ohio, Citizen.

Roger H. Ferger, publisher of The Enquirer, said in a statement later Sunday that, while Scripps is also majority stockholder in The Enquirer, "the two papers will operate separately and independently, both editorially and in the business office, as The Enquirer has in the past."

The radio and television properties, known as Radio Cincinnati, Inc., were not a part of the sale to Scripps.

The purchase was announced jointly by Ingalls and Charles E. Scripps, chairman of the board of the Scripps-Howard Newspapers.

Publisher David S. Ingalls, in explanation of the sale, said The Times-Star had been losing money since 1952. The losses increased steadily, he added, "to a point where losses for the fiscal year ended March 31, 1958, were over \$1,000,000."

The 649 employees of The Times-Star were notified immediately that their employment ended as of Saturday. They were told they would be given their pay Tuesday. Among those who lost their jobs as a result of the sale were 102 persons from the news department, 152 from the composing room, 58 in circulation, 34 executives, and 69 in advertising.

The Times-Star became known by that name in 1880. It began as The Times in 1840 and then merged with The Star. Its circulation as of March 31, this year, was 149,443, while that of The Post was 157,695.

Also affected was Northern Kentucky, where both The Post and The Times-Star had operated one-edition dailies. The Kentucky Post had a circulation of more than 41,000, and The Times-Star 21,700. They, too, were merged.

The late Charles P. Taft founded The Times, and was succeeded as publisher by Hulbert Taft, a nephew. Hulbert Taft retired in 1954 and became chairman of the

## Municipal League Studies Newspaper Advertising Tax

News dispatches state that the Executive Committee of the American Municipal Association voted to direct its staff to study proposals for taxing newspaper advertising. The staff will make its recommendation in December in Boston.

The study will attempt to determine the impact on a community where such a municipal tax might be imposed.

The Press suggests that the answer has already been given in Maryland where the Baltimore Tax ordinance was declared unconstitutional by a Circuit Court and now before the Maryland Court of Appeals.

This is another threat to the freedom of the press because experience of the years has proved that "the right to tax has the right to destroy." Municipal leagues do have the propensity to "stick their necks way out."

## Arnold's Book Wins Him A Polk Award

Edmund C. Arnold, long-time Michigan newspaperman who as editor of the Linotype News has become recognized nationally as an authority on newspaper design, was named in April as winner of a George Polk Memorial Award.

Mr. Arnold and several other outstanding newspapermen were presented with plaques at a luncheon in New York City. The award to Mr. Arnold was for his book, "Functional Newspaper Design." It was the first time that a special Polk award has been made to an author of a book on journalism.

The George Polk Memorial Awards are presented each year for "distinguished achievements in journalism."

You can't buy civic pride . . . but you can help sell it!

board. Ingalls said Taft voted against sale of The Times-Star. Ingalls succeeded him as publisher.

Ingalls is a grandson of Charles P. Taft, and a grand-nephew of the late William Howard Taft, former President and Chief Justice of the United States Supreme Court. He is a cousin of the late U. S. Senator Robert A. Taft, who owned a small interest in the newspaper.

Scripps obtained control of the 118-year-old Cincinnati Enquirer through heavy stock purchases after dissension developed between employees who were buying the paper. Employees and persons living in the community bought the paper from the John R. McClean estate in 1952 for \$7,600,000.



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(Continued From Page Three)

asked that we design a uniform system that would serve all clerks. We are progressing toward that in that we have selected what are the best accounting records we encountered, and that clerk, Mr. Glenn Wilson of Henderson, is working with the members of his group to encourage better record keeping. One of the officers of the sheriff's association who had very good records is working with the members of his group to encourage proper accounting for fees of their offices. It is surprising how many sheriffs we met who were unaware of KRS 64.100 which requires them to keep accurate records of fees, or knowing of it flagrantly ignored it.

Perhaps you are wondering where you fit into this picture with your cold type and sheet of paper. Miss Lilo Linke, a German writer living in Ecuador, addressing Kentucky agricultural journalists in Louisville last week said, and I quote, "The people have a great faith in the journalist and somehow feel that if you write about their problems that is the first step toward solving problems. Once it is in print they are confident that the situation will be corrected, no matter how bad or how minor it is."

Do you think the people consider the accountability of their officials their problem? If they don't then I think your first mission is livening up your pages with factual stories concerning the organization of their county government. Many citizens are not aware that the Fiscal Court is the legislative body of county government. They elect Mr. So and So magistrate because he is a good fellow and needs the job. If the elected member has no knowledge of the responsibility attached to the honor and cares less, which in many cases is fact, as evidenced by their own greed in voting funds unto themselves when a welfare program may have to be curtailed in order to make the payments, it would be less of a financial burden to the county to place him on the assistance roll and secure a member who has business ability and the taxpayer's welfare at heart. The key to good county government is a capable and dedicated fiscal court. Do your people know that? Give them a few facts before the next election that will open their eyes to what they are doing to themselves.

During the last legislative session we attempted passage of a bill that would have required each county official:

1. To maintain a bank account independent of his personal funds.
2. To keep complete records of receipts and disbursements starting with the use of pre-numbered receipts and pre-numbered checks.
3. To present an annual accounting to the fiscal court.

## U. S. Weekly Papers Have 75 Million Readers

A total of 8,268 weekly newspapers having a combined circulation of 18,725,952 and an estimated readership 75 million are listed in the new 1958 WNR National Directory of Weekly Newspapers.

The 38th annual edition, this is the only complete, up-to-date directory showing rates of all paid circulation weekly newspapers in the U. S., Alaska and Hawaii.

The average circulation of all weeklies listed is 2,265.

Contained in the directory are new publications, new market information, current circulation figures, national ad rates, mechanical data, and city and county location and population. The directory also shows the days of publication, state maps with county index, publisher's names and policy on alcoholic beverage advertising.

Information about the directory can be obtained at the WNR general office, 404 Fifth Avenue, New York 18, N. Y.

Oscar Bennett Zimmerman, 69, a retired printer, died Sunday, July 20. Zimmerman worked for The Lexington Leader for more than 35 years. Survivors include his wife and five children.

Our law did not get passed. However, the Model Publication Law which you were successful in getting enacted carries a provision that is mandatory that I trust will be interpreted to serve a similar purpose to what we were attempting in the third requirement above mentioned. I refer to the provision of Section 12 which reads "Every public officer of any . . . county . . . whose duty it is to collect . . . public funds . . . shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed." The requirement of the publication of the statement should get it before the people what is being done with "the people's money."

If we work together to raise the standard of government at the local level we have taken two steps forward to raise it at the State and Federal level. In the first place an organized effort for better government at the local level will alert those serving in the higher posts to the fact that good government is what the people want. In the second place, who are your future public servants at the state and national level? Most of those who go to Frankfort or Washington have served at a lower level of government earlier. President Eisenhower is the only one who started at the top in political office.


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INDUSTRY...**

**... HELPS ALL OF  
KENTUCKY**

**... makes jobs for  
more than 19,000  
Kentucky people**

**... pays out more than  
\$39 million in  
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**Washington Notes--**

By **RICHARD D. GREEN**  
NEA Washington Representative

**Census Bureau Rejects Newspaper Survey:** The U. S. Bureau of the Census has rejected an NEA proposal that the 1960 population census include an inquiry to determine the number of homes receiving daily and/or weekly newspapers by mail or carrier service.

Census publicity indicated that the 1960 survey would include questions regarding television in the home which would develop important data for an opposing media. NEA proposed that a question about newspaper services would develop equally beneficial data to the newspaper publishing industry.

Bureau Director Burgess in his reply to NEA stated that costs for the 1960 census were being held to the level of those of the 1950 survey. "In reviewing the numerous proposals for inclusion in the 1960 Census," Burgess wrote, "we have been giving primary consideration to items of broad public interest and have endeavored to avoid items for which information is already available. We can readily agree that newspaper readership is a matter of broad public interest, but in view of what is currently available and the difficulties of getting the information wanted, we doubt if the value of the resulting statistics would be in line with the additional costs which would be involved."

The Census director pointed out what he felt were "complex problems" in a newspaper survey. Enumerators would need detailed instructions to qualify them to distinguish bona fide newspapers from shopping guides, controlled circulation papers, labor organization papers, etc. A displacement of several items considered essential by the Bureau would be necessary.

In conclusion, Burgess stressed that the newspaper inquiry in locations with only one or two papers could result in the disclosure of information on the operations of individual newspapers contrary to Census

law. "Census law is specific," Burgess wrote, "that no publication of information collected from individuals or establishments may be made in such manner as might result in disclosure of private information about persons or about operations of individual businesses."

**Wage-Hour:** Clarence T. Lundquist, who has been acting administrator of the Wage and Hour Division of the U. S. Labor Department since Newell Brown moved up to Assistant Secretary of Labor last September, has been confirmed by the Senate and sworn in as the new administrator.

Lundquist is a career government official with over 20 years service in the Labor and Defense Departments. He transferred from Labor's Bureau of Labor Statistics in 1938 to become one of the first Wage-Hour investigators in his native Chicago area. He served as an administrative official in the Wage and Hour Division in Washington from 1946 to 1949. After a few years in the Defense Department he returned to Labor as the division's Deputy Administrator.

Shortly after being sworn in, Lundquist told the House Labor Committee he favors extension of Wage-Hour provisions. Meanwhile, there has been no decision by Lundquist's division on the status of stringer correspondents nor has the House Labor Committee set a specific date for hearings on abuses in administration of wage-hour laws.

**Small Business Tax Relief:** The House Ways and Means Committee has approved a bill providing a \$250 million program of tax relief for small business. The measure includes:

1. Permits business firms to reduce their taxable income by deducting for depreciation in the first year a larger percentage of the cost of the machinery and equipment. This would apply only to personal property acquired after Dec. 31, 1957. It permits depreciation of an added 20 per cent of the cost of investment outlays up to \$10,000 or in the case of joint returns up to \$20,000. The plan applies to both new and used machinery and equipment.
2. Permits estate taxes from closely held businesses to be paid in ten annual installments.
3. Aids investment in small businesses by providing liberal deductions for losses.
4. Permits retroactive tax refunds for three years as a result of net operating losses.
5. Boosts to \$100,000 the present \$60,000 credit offset against penalty taxes for accumulating earnings.

**Controlled Circulation:** It is rumored that a controlled circulation publication may soon apply for second class entry but at the higher controlled circulation mail rate. Throw-away publications have been trying several years to obtain second class status in spite of

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the paid circulation requirement. Strong efforts last year and this year were repulsed by NEA, state press associations and others after bitterly contested struggles.

Controlled circulation groups succeeded in getting Congress to arrange the section on their rates in the postal rate increase law as a subsection under the second-class heading. They hoped to claim this arrangement indicated it was the intent of Congress to have controlled circulation publications be a part of second class mail.

Through the efforts of NEA, Sen. Monroney (D., Okla.) told the Senate during debate on the rate bill that the Senate Post Office Committee took no action that could be interpreted to mean that controlled circulation publications should have second class status. Ranking minority member of the committee, Sen. Carlson (R., Kans.) agreed. When the Senate later considered the conference report, Sen. Carlson told the Senate that House-Senate conferees took no action that was not in line with his and Sen. Monroney's earlier remarks.

Post Office Department officials state they would reject any controlled circulation publication application for second class entry. They point out that in spite of the arrangement of the text in the bill, the unchallenged statements of Monroney and Carlson in the Senate plus the fact the House receded to the Senate on second class rates and text, the intent of Congress is clear that controlled circulation publications are not to have second class entry.

Any rejection, however, is eligible for appeal to a postal board. Should such an appeal be made, NEA and others may find it necessary to appear in opposition at hearings before the board. This area of activity is being closely watched.

**Freedom Of Information:** Several weeks ago the House passed and the Senate Judiciary Committee favorably reported the Moss-Hennings Freedom of Information bill. This bill would prevent government agencies from withholding information by claiming authority to do so under a 1789 statute. This law authorizes departmental heads to regulate the "custody, use and preservation" of agency documents. The Senate has not taken action on this bill and early consideration is not indicated. Strong possibility exists the bill may die in the drive for adjournment and the hurried passage of "must" legislation.

**Baltimore Ad Tax:** A ruling on the legality of Baltimore's controversial advertising taxes is expected to be handed down early in July by a Maryland court. Although the taxes have been repealed effective next January, advertisers and media are challenging the constitutionality of the taxes in the hope

of collecting refunds.

The challengers of the taxes argued that these levies were a threat to the freedom of the press, that they were discriminatory in that the newspapers were forced to bear the major share of the tax burden, that they were discriminatory in not being applicable to all forms of advertising, and violated the bans on strict restrictions on interstate commerce.

Figures presented during the trial indicated that Baltimore's advertising lineage decrease in 1958 had been greater than that in comparable cities affected only by business conditions. It was off 12% in Baltimore, 6.3% in Washington, 6.7% in Pittsburgh, 6.3% in Philadelphia and 7.8% on an average for 52 cities throughout the nation.

Canada, meanwhile, has repealed the 20% tax on ad revenues of Canadian editions of U. S. publications. The tax caused a lot of headaches and ill feeling and did not protect the Canadian publications it was supposed to protect.

**Taxes:** House-Senate conferees agreed on a tax bill to maintain at present levels the 52% corporate income tax and certain excise levies, which otherwise would drop automatically June 30. The conferees agreed to end the 3% excise levy on freight shipments August 1 and the 4-cents-a-ton tax on hauling coal and the 4 1/2% excise on oil transportation by pipelines. The conferees rejected a provision that would have ended the 10% excise tax on passenger travel.

**Internal Revenue Service:** The Internal Revenue Service is continuing to enforce its ban on tax deductions for "political" advertising. IRS has disallowed all "public relations" advertising by Timken Roller Bearing Company for tax deduction purposes. The ruling covers all money spent by Timken for "public relations" ads in newspapers and magazines for 1951 through 1954. During this period, Timken used publications in areas it had plants for ads on such topics as the Bill of Rights, Capitalism vs. Socialism, good neighbor relations and federal vs. local taxes for local improvements.

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**Lexington Boy Studies Ancient Adena Culture**

By CHARLES F. HINES  
Kentucky Historical Society

Charles W. Hackensmith II, Lexington, whose father is a University of Kentucky professor, is one of the state's most promising young students of the Adena culture in Kentucky. On July 7, young Hackensmith received the Outstanding Boy Historian award from Governor Albert B. Chandler. The award, presented each year by the Kentucky Historical Society in its annual Boone Day exercises, was given by the Kentucky Press Association.

In his paper, submitted in the statewide contest, Hackensmith dates the Adena culture in Kentucky from approximately 800 B.C. to 700 A.D., which he said has been verified by radiocarbon tests made from artifacts taken from the Newt Kash Rockshelter and the Drake Mound:

Further information submitted by the outstanding boy historian reveals the origin of these people, sometimes referred to as mound builders, their physical characteristics and customs, and their methods of obtaining a living.

About 10,000 years ago, the forerunners of the Adena people migrated from Asia to the Western Hemisphere across land bridge, which no longer exists, on the site of the Bering Strait and the Aleutian island chain. One group moved slowly southward along the western slopes of the Rocky Mountains to Mexico and thence across the Isthmus of Panama to South America. Another group descended along the eastern slopes of the Rockies and finally eastward across the plains, settling in what is now Illinois, Kentucky, Ohio and points as far east as the present state of New York.

The skeletal remains and the artifacts of the Kentucky Adenas of 2,500 years ago disclose that the Adenas were about five feet six inches in height and had round heads and straight black hair. Other physical characteristics held in common were prominent foreheads, large cheek bones and wide chins. They were muscular, deep chested and stoop shouldered and had the habit of squatting on their haunches. Their dead have been found also in a cremated state and their weapons were flint knives, grooved axes and spear throwers which antedate the use of the bows and arrows.

They lived in rock shelters at first and later in rude hogans, or earth-covered dwellings. They were principally hunters and fishermen, but they supplemented their diets with such agricultural products as gourds, pumpkins, squash, and sunflowers.

When young Charlie, a student of Morton

**Establish Freedom Of Information Center**

The University of Missouri has established a Freedom of Information Center.

Paul Fisher, 222 Walter Williams Hall, Columbia, Missouri, says the Center will be on its way to success when people in all media and divisions of media begin sending him material concerning freedom of information problems. Simply enclose this material in an envelope without further information.

Newspaper and railroad representatives reached agreement in negotiations on May 23 on a 7c per 100 pound increase in interstate baggage car rates on newspaper shipments. The new rates will become effective August 1. The settlement represents a rate advance of approximately 6%. The railroads had originally requested a 25% tariff increase. The following table sets forth the present and the new rate in each of the zones:

	Present	New Rate
1-50 miles .....	.70	.77
51-100 miles .....	.83	.90
101-200 miles .....	1.03	1.10
201-1100 miles .....	1.25	1.32
Over 1100 miles .....	1.45	1.52

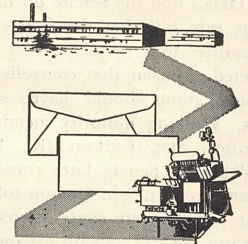
The minimum charge per month was increased from \$1.00 to \$3.50. This minimum is not a charge per shipment but is the minimum charge which each paper shipping by baggage car must pay each month. The rate on shipment of newspaper supplements was increased 5c per hundred weight on shipments of less than 7500 pounds.

The intrastate tariffs filed by the railroads usually parallel the interstate rate. It is expected that new intrastate tariffs will be filed prior to August 1 establishing the same rates on intrastate shipments that will apply under the negotiations to interstate shipments. There is a possibility that many member papers are now paying more than the intrastate tariff requires. Most members who answered the questionnaire concerning their baggage car use reported the payment of a \$1.25 per hundred rate on intrastate shipments. Under the existing intrastate tariff this rate applies only to shipments in excess of 201 miles but less than the 1100. The rates on shipments of 200 miles or less range downward from \$1.03 to .70 as shown on the above interstate rate table. On future shipments of 200 miles or less the new rates will still be considerably below the \$1.25 figure.

Junior High, was asked how he became interested in the Adena people, he gave the credit to a neighbor. That neighbor is Dr. Charles E. Snow, head of the Department of Anthropology at the University of Kentucky.

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**Takes Legal Action  
Against Courtroom Ban**

The Oklahoma Press Association took legal action May 2 against any ban of news cameras in courtrooms. The Association's legal counsel requested the state supreme court, in behalf of OPA, to grant permission to protest a proposed American Bar Association.

This was the third protest in Oklahoma by news groups. Previously the Oklahoma Publishing Company and Oklahoma Television Association asked permission to state their views. There has been some indication by the bar association that they may revise the controversial Canon 35 at their August meeting in California.

At an April News Clinic, Judge A. P. Murrah in a speech entitled "Does the Press Help or Hamper Justice," stated, "I have come to the reluctant conclusion that Canon 35 does not serve its purpose—that it is defeating its noble ends."

The Scripps-Howard chain, which owned and controlled more than 25 dailies in 1930, succeeded Scripp-McRae as the name of the syndicate in 1922.

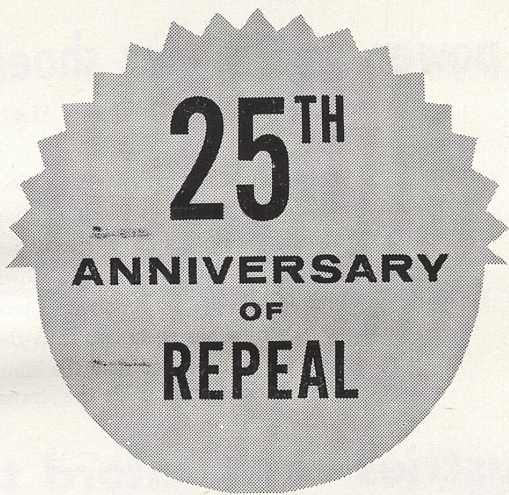
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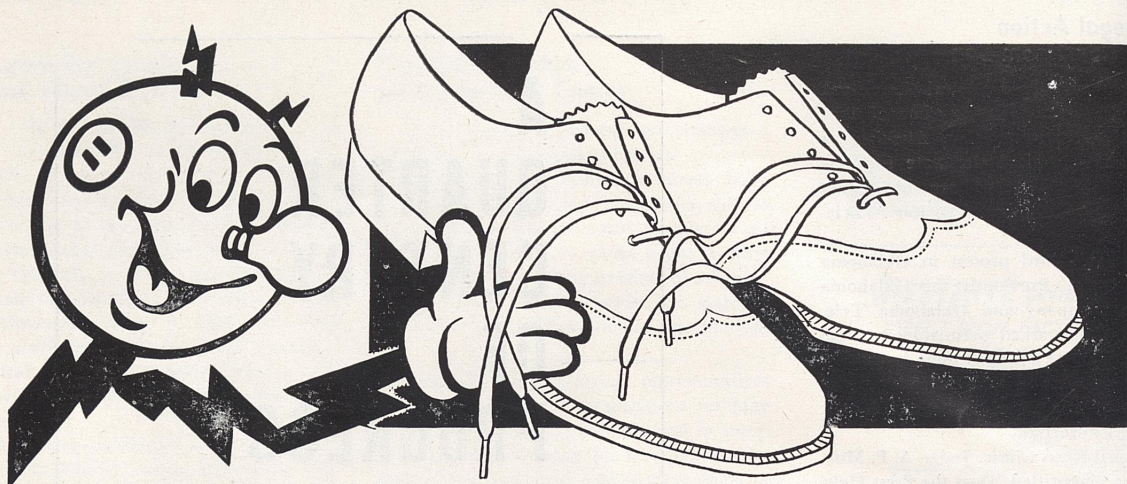


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Earl Baldwin, Manager, General Shoe Company, Danville, Ky.

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It takes teamwork to bring new industry to Kentucky, and there's a team working at that job—local development committees, utilities, the State Chamber of Commerce and the Department of Economic Development. Members of KU's Industrial Department are active members of this team.

**KU has helped bring many industries to Kentucky**

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