

ate and very effective elimination of competition.

We would like you to know that there are presently thirty-seven cities in the United States in which independent, wholly separate newspapers compete and survive. If they can exist in a competitive market, we ask why the "joint newspaper operators" benefitted by H.R. 279 cannot also survive without special legislation?

We do not believe that the failure to pass H.R. 279 will result in the abandonment of existing joint printing arrangements. Neither will the failure to adopt this legislation require the curtailment of joint distribution, joint accounting and business operation, the offering of combination (morning and evening) advertising rates or a joint Sunday edition, if one exists.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. MACGREGOR. Mr. Speaker, I thank the gentleman for yielding.

I continue to quote:

All of these practices are acceptable under existing law, as recently established in the Tucson newspaper suit which gave rise to the request for this legislation. Federal Judge James A. Walsh has issued a final order in the Tucson case which allows all these joint activities and, in addition, the joint sale of combination advertising.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. As I understand it, all the bill does, really, is to exempt certain newspapers from the provisions of the antitrust law?

Mr. MACGREGOR. Certain newspapers which meet certain requirements.

Mr. BROWN of Ohio. If this legislation were to exempt steel mills, let us say, from the provisions of the antitrust law, or some retail establishment or other manufacturing establishment, does the gentleman believe this bill ever would have gotten before us?

Mr. MACGREGOR. Some of the newspaper editors and publishers who are for this legislation are those who editorialize most strongly against any exemption from the antitrust laws for others and any discriminatory special interest legislation, which this is.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MACGREGOR. Mr. Speaker, I yield further to the gentleman from Ohio.

Mr. BROWN of Ohio. If this were a bill to establish such an exemption for some other means of communication, such as a UHF television station, does the gentleman feel it might have gotten here for consideration? Is there something peculiar about the communications media which brings this bill to the floor of the House?

Mr. MACGREGOR. I rather think that the gentleman's question answers itself.

Mr. BROWN of Ohio. One final question, then. Could the gentleman tell me, in that vote of the bar association committee, if those who supported the provisions of this legislation were candi-

dates for public office? Or were they just lawyers not seeking office?

Mr. MACGREGOR. I do not know that any of the 15 referred to by the gentleman from Arizona (Mr. Rhodes) were or have been or contemplate being candidates for public office. The closely divided vote in the committee on antitrust is not the significant thing, but the important thing here is the adoption of the resolution by the board of governors of the ABA.

Mr. BELCHER. Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman.

Mr. BELCHER. Do you know what line of business the gentleman from Ohio is in?

Mr. MACGREGOR. He is in the legislative business.

Mr. BELCHER. He is in the newspaper business.

Mr. MACGREGOR. In my associations with him, he has been a very competent legislator.

Mr. BELCHER. He is also a competent newspaperman.

Mr. MACGREGOR. I am pleased that we have colleagues who have competence in outside fields to advise us in technical areas of this kind, and I think that the gentleman from Ohio, by virtue of his extensive experience in this field will be of great help to us.

Mr. BELCHER. He is trying to protect his industry here, and he has a perfect right to do that.

But with regard to this bar in New York, how many newspapers in New York have gone broke? Do you know that?

Mr. MACGREGOR. Now the gentleman brings up a very interesting point. Like population, which is growing in suburbia, as it shrinks in the central cities—

Mr. BELCHER. The gentleman can give me a better answer than that.

Mr. MACGREGOR. The total number of newspapers is growing in suburbia even as the numbers decrease in the central cities.

Mr. BELCHER. The gentleman can give me a better answer than that.

Mr. MACGREGOR. I thought my answer was a darn good one. Does the gentleman want me to agree that there has been a decrease of newspapers in the core cities? I have done so.

Mr. BELCHER. Newspapers all over the United States have gone broke. Of course, the gentleman's newspapers in Ohio never have, but a lot of others have gone broke. In addition to that, I would say in these 22 cities, if one bought out the other, that would not violate the antitrust law, would it?

Mr. MACGREGOR. No.

Mr. BELCHER. But if you keep them separate it does violate it, does it not? However, when you put it under one man and under one head and under one corporation, it does not violate it. The gentleman is a better lawyer than that.

Mr. MACGREGOR. As the gentleman knows—and I have discussed this with him—he is familiar with the final order handed down in the Tucson case, and he knows that in seven specific operations it is now established in Federal law that joint newspaper operations are legiti-

mate and do not violate the antitrust laws.

Our whole thesis, may I say to the gentleman from Oklahoma, is that this bill is unnecessary because settled Federal law, in accordance with the order handed down by Judge Walsh in Tucson, permits these jointly operating newspapers like you have in Tulsa, Okla., to survive by doing certain things jointly but it does not let them fix prices or pool profits.

Mr. BELCHER. It may not hurt the gentleman's newspapers in Ohio, but it certainly does hurt my newspapers in Tulsa, Okla.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman.

Mr. BROWN of Ohio. Let me say in response to the comments of the gentleman from Oklahoma that I am in the newspaper business in real life and I would like to suggest that those newspapers operate successfully without asking for any special exemption from the provisions of the antitrust law. We do not violate the antitrust law, but we do joint printing for the newspapers which we own and for other newspapers which we do not own. We do it successfully without violation of the law. We ask for no special exemption. I do not want to be a part of seeking a special exemption for any portion of the industry in which I am involved outside of my responsibilities in this body or for any other industry, let me say to the gentleman.

The SPEAKER. The time of the gentleman has expired again.

Mr. MATSUNAGA. Mr. Speaker, I yield 1 additional minute to the gentleman.

Will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman.

Mr. MATSUNAGA. Is the gentleman opposed to the rule?

Mr. MACGREGOR. No. I indicated at the outset I was seeking this time not to argue the merits of the bill but, rather, to spread on the Record the prestigious list of highly informed, qualified people who have registered opposition to the bill.

Although I oppose the bill it deserves to be debated, and thus I will vote for the rule.

Mr. MATSUNAGA. I am glad that the gentleman will. Of course, the gentleman, as I recall it, did vote to grant exemptions to banks from the antitrust law and to cooperatives and to small business and to football, also. I do not know which way the gentleman went on that football issue, which came before his committee.

Mr. MACGREGOR. The list is entirely long enough and I feel that we should not add one more to it.

Mr. MATSUNAGA. Actually, what this bill proposes to do is to keep competition between two newspapers alive. This is surely in keeping with the intent and purpose of the antitrust law.

Mr. MACGREGOR. May I say to my good friend, the gentleman from Hawaii, that beneficiaries of this bill can shout that speech from the top of the Capitol

Dome and I respect your right to say it, but I do not believe it for one moment.

I yield further to the gentleman from Hawaii if he so desires.

Mr. MATSUNAGA. Of course, if the gentleman comes here with a closed mind, I would rather reserve the balance of my time.

Mr. MacGREGOR. I do not come with a closed mind because as a member of the Judiciary Committee I have spent more than a year studying these issues.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. MATSUNAGA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, with reference to the statement made by the gentleman from Georgia, the fact that he had to advertise in two newspapers to advertise in one is another reason why we need this bill. Because in his city of Atlanta there were two newspapers under one ownership, the one owner could dictate to the gentleman from Georgia as an advertiser, "You take an ad in my second paper or you take nothing."

We are trying to preserve two independent newspapers in the 22 cities so that the gentleman from Georgia can go to any of these cities and say, "I want to advertise in just one paper," and he will readily be granted that privilege. What the gentleman from Georgia experienced in Atlanta is exactly what we are trying to avoid. The present law does not prevent that one owner of those two newspapers in Atlanta from doing what it did to him. Under this bill the two newspapers in any of the 22 cities would be prohibited from doing what that one owner of the two papers did to the gentleman in Georgia.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, I take this time merely to respond to one point mentioned by the able gentleman from Minnesota and to the argument which he has made to the effect that the Tucson decision takes care of the situation.

If the gentleman has talked to any of the participants in the 22 cities that hold that view and agree with that view, I would like to know who they are.

Are there any of the participating newspapers in the 22 cities covered by this bill who will agree that the Tucson decision takes care of the situation adequately for them?

Mr. MacGREGOR. Mr. Speaker, if the gentleman will yield, I think I have heard from seven executives of the companies who are present participants in one or more of the joint operating arrangements, and I have asked these gentlemen whether all of their professional colleagues and associates involved in these 22 groups that we are giving special benefits to here today, whether they all agreed. Several of the seven who have talked to me have said, "No, we do not all agree." But I must say to the gentleman from Oklahoma I am not able to name one who has had the intestinal fortitude to come forward—

Mr. EDMONDSON. The gentleman has answered my question and I do not yield

further on that point. The gentleman says he cannot name one who says it does take care of the situation.

The Tucson decision as referred to by my good friend from Minnesota does say that they can share revenues and profits on the Sunday editions.

Mr. MacGREGOR. That is correct.

Mr. EDMONDSON. And it says they cannot do it the other 6 days of the week. There is a complete reversal. It reminds me of that old tune about "Never on Sunday." In the case of the Tucson decision the Court legalizes on Sunday what they regard as reprehensible the other 6 days of the week. That is how reasonable and intelligent the Tucson decision is.

Mr. RHODES. Mr. Speaker, will the gentleman from Oklahoma yield to me?

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman from Hawaii yield 30 seconds to me so that I can answer a question he referred to me?

Mr. MATSUNAGA. Mr. Speaker, I yield 1 minute to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

The gentleman from Hawaii made the statement that this particular bill would prohibit the requiring, in a city where there is a single ownership of two newspapers, of advertising in both papers. If that is the case, it certainly would have my support.

Mr. MATSUNAGA. It does not.

Mr. THOMPSON of Georgia. Then I misunderstood the gentleman. I thought that was the statement made by the gentleman.

Mr. MATSUNAGA. What I did say was that this bill would prohibit what happened to the gentleman in Atlanta, by insuring separate and independent ownerships of the two newspapers in each of the 22 cities involved.

Mr. THOMPSON of Georgia. I am still not quite clear. This would have no bearing, then—

Mr. MATSUNAGA. Let me clarify the situation. In Atlanta you have two newspapers—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MATSUNAGA. Mr. Speaker, I yield myself 1 minute.

In the city of Atlanta there are two newspapers under a single ownership. What we are trying to do here by this bill is to continue two independent ownerships in 22 American cities.

Mr. THOMPSON of Georgia. I recognize that.

Mr. MATSUNAGA. Two separate newspapers, so that when you go to one newspaper it will not require you to advertise in the other paper before it will accept your advertisement for the first.

Mr. THOMPSON of Georgia. But this bill will have no bearing on the requirement by the ownership—of a morning and afternoon paper—requiring you to advertise in both papers?

Mr. MATSUNAGA. The gentleman is correct, the bill does not pertain to fully merged newspapers. The situation the

gentleman finds in Atlanta arises, because there is only one owner of two papers, and he can require anything of you. Our present antitrust laws impose no restriction in this respect on him.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding. I will have an amendment to offer which will prohibit such a practice.

Mr. MATSUNAGA. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 279) to exempt from the antitrust laws certain joint newspaper operating arrangements.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 279) with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 1 hour, and the gentleman from Ohio (Mr. McCULLOCH) will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we have already in the debate on the rule had an excellent part of the description and purpose of the bill which we are undertaking today to discuss.

I would like to pay my compliments to both the gentleman from Hawaii (Mr. MATSUNAGA), whose bill it is, and the gentleman from Tennessee (Mr. QUILLLEN), who explained in detail the effects of the newspaper preservation act.

I would like to express my gratitude to my chairman, the gentleman from New York (Mr. CELLER) for granting me the privilege of handling the bill on the floor this afternoon.

Indeed, at the outset of the hearings the chairman expressed the point of view, and I quote him:

The antitrust laws embody concepts and principles which long have been considered to be the bedrock of our economic institutions. Piecemeal exemptions from the antitrust laws to cope with problems of particular industries have been given reluctantly and only after there has been a clear showing of overriding need.

Mr. Chairman, that overriding need is with us today. This bill is designed to clarify the legal standing under the antitrust laws of joint newspaper operating arrangements.