

JUDGE DISQUALIFIED IN CONTEMPT CASE

Los Angeles Record Editors Win
Second Victory Over Judge
They Claim Is
Biased

An important victory in a newspaper's two-year fight for the right to expose without interference what it believed was an unhealthy condition in municipal affairs was scored by the *Los Angeles Record*, March 31, when the California Supreme Court sitting in San Francisco granted a writ of prohibition restraining Judge Frank B. Collier from hearing contempt charges brought by himself against three executives of the paper. The executives are H. B. R. Briggs, publisher, Gilbert Brown, editor, and Rodney Brink, managing editor.

The ruling was the second to be handed by the Supreme Court in the case, and both have sustained the contentions of the newspaper and reversed Judge Collier. The first, issued some time ago, declared that no judge sitting in a constructive contempt case may pass on the question of his prejudice against the defendants. The second, handed down last week declared that a judge's own statement that he is not prejudiced cannot be accepted by any other judge as credible, after he has made a public demonstration of distrust and anger against those he is to try.

In its ruling, replying to the question: "Is it humanly possible for a judge who has stated under oath that, in his opinion, the particulars (the editors) had deliberately falsified, to pass on credibility at the trial with an impartial mind?" the court answered: "We do not think it possible."

The original contempt charge was brought by the Los Angeles Bar Association as a result of articles, editorials, and cartoons published by the *Record* in connection with the \$100,000,000 Julian Petroleum Company collapse. The paper's attacks were directed principally at the grand jury investigation of the case, urging the jurors to "get the real crooks." At a later date Asa Keyes, former district attorney under whose régime the indictments failed, was sent to prison on bribery conspiracy charges.

The contempt charges were scheduled for hearing before Judge Collier. Defendants objected on the ground he was biased, and at the June 2, 1930, hearing charges and counter charges flew. Judge Collier left the bench, had himself sworn as witness, and declared he was not biased. He challenged Mr. Briggs to "look him in the eye and say that," when W. G. McAdoo, the paper's attorney, charged he was prejudiced.

Objections were filed, but a year later Judge J. T. B. Warne held Judge Collier qualified to hear the case. His decision was appealed by the editors to the District Court of Appeals and denied, and then carried before the Supreme Court.

The editors charged Judge Collier was an active member of the Los Angeles Bar Association, which had filed the charges against them, and that at the time he was standing for reelection as the endorsed candidate of the association. Also that he was personally biased, this being shown by his "violent determination to hang onto the case"; that there were 49 other judges in the district qualified to hear the case and that they had no objections to any except Judge Collier; that no judge had the right to demand any specific case for trial and that if Judge Collier were permitted to proceed with the contempt case he would be "both judge and jury," and no appeal from his decision would be possible.

The court, in granting the writ of prohibition, said:

"The only reasonable conclusion to be drawn from the word of Judge Collier at the hearing on June 2, 1930, is that Judge Collier said and did charge the particulars (the editors) with having knowingly made false statements."

The editors still must face 13 counts of contempt, to be heard by some other judge than Mr. Collier.

TO STUDY PUBLICITY COSTS

Plans for a study of department stores' publicity expenses in 1931 were announced this week by Channing E. Schweitzer, managing director of the National Retail Dry Goods Association. The study would include a survey of the trend of newspaper advertising rates, also a study of the value of broadcasting to retail stores.

E. L. JAMES MANAGING EDITOR OF N. Y. TIMES

Former European Correspondent Succeeds to Title Held Since 1904

By Carr Van Anda—F. T. Birchall in Europe

The promotion of Edwin L. James to managing editor of the *New York Times* was made known late last week when the *Times* listed him as such in its semi-annual post office statement. No official announcement of the change in executive personnel has been made.

Mr. James succeeds Carr V. Van Anda, who has held the managing editor's title since 1904, although in recent years he has been in virtual retirement. F. T. Birchall, who has been acting managing editor, is in Europe at present.

Mr. James returned to the United States in December, 1930, after a long and distinguished career as a *Times* correspondent. He became assistant to Mr. Birchall on his return. The new managing editor's biography is carried in full in another article in this issue.

It was largely under Mr. Van Anda's supervision that the present *Times* news organization was developed. Adolph S. Ochs, publisher of the *Times*, in his introduction to "History of the *New York Times*," by Elmer Davis, published in 1921, said that the paper's reputation for "the fullness, trustworthiness and impartiality of its news service" was principally due to Mr. Van Anda because of his "exceptional newspaper experience, genius for news-gathering and marvellous appreciation of news value and fidelity to fairness and thoroughness."

Mr. Van Anda was born in Georgetown, O., in 1864, and was educated at Ohio University, at Athens, O. He started his newspaper experience as telegraph editor of the *Cleveland Herald* in 1883, and in 1886 became night editor of the *Baltimore Sun*. He joined the *Sun* in 1888 and was with that paper 16 years, 11 of them as night editor, going to the *Times* in 1904 as managing editor. Mr. Birchall was for a number of years Mr. Van Anda's assistant.

Rollo Ogden is editor-in-chief of the *Times*.

A. B. C. BOARD TO MEET

Regular monthly meeting of the Audit Bureau of Circulations board of directors will be held April 29 in New York during A.N.P.A. convention week.

EDITOR & PUBLISHER CALENDAR

April 14-15—American Assn. of Advertising Agencies, meeting, Mayflower Hotel, Washington, D. C.

April 18-19—Pacific Northwest Circulation Managers' Assn., annual meeting, Benson Hotel, Portland, Ore.

April 19-20—New York State Circulation Managers' Assn., spring meeting, Hotel Kingsborough, Gloversville, N. Y.

April 21-23—Iowa Press Assn., annual meeting, Cedar Rapids.

April 21-23—American Society of Newspaper Editors, annual meeting, National Press Club, Washington, D. C.

April 22-23—South Texas Press Assn., annual meeting, San Antonio, Tex.

April 22—Outdoor Writers' Assn. of America, meeting, Hotel Sherman, Chicago.

April 22-23—Canadian Weekly Newspapers' Assn., meeting, Montreal.

April 22—Oklahoma Press Assn., annual meeting, Mangum, Okla.

April 25—Associated Press, annual meeting, Waldorf-Astoria Hotel, New York City.

April 26-29—American Newspaper Publishers' Assn., annual meeting, Waldorf-Astoria Hotel, New York City.

DENTIST'S LICENSE REVOKED

Heard by the Tennessee dental board and found guilty of inserting misleading advertising in the *Chattanooga (Tenn.) News*, Dr. Louis Prosterman, Chattanooga dentist, had his license revoked recently. The board held Prosterman acted unethically by advertising he had 20 years' experience in dentistry when he was not graduated until 1921, and otherwise misrepresented himself to "defraud the public." Prosterman is taking an appeal to circuit court.

RAILROAD WINS CASE

The Norfolk and Western Railroad was absolved of charges of violating the Elkins act in that the company allegedly made rebates to the International Paper Sales Company, Inc., on newsprint paper shipped between Norfolk, Va., and Atlanta when Judge E. Marvin Underwood directed a verdict of not guilty, in federal district court, Atlanta, March 29.

BROWN LEAVES N. Y. POST

Harry Brown, advertising manager of the *New York Evening Post* since 1923 has resigned that position, it was announced this week. No successor has yet been appointed, but it is expected announcement of a new advertising executive will be made next week. Mr. Brown was with the *Post* about 25 years.

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EDITORS WILL DECIDE RIGHT TO PUNISH

Society Will Vote on New Amendment at Washington Convention
April 21-23—Will be Received
by President Hoover

Consideration of the report of the board of directors recommending adoption of a compromise amendment giving the Society the power to expel members for due cause will be the most important matter of business to come before the annual convention of the American Society of Newspaper Editors in Washington, D. C., April 21-23. Sessions will be held at the National Press Club.

It is believed among leaders of the Society that the proposal of the board will be ratified, thus bringing to an end a discussion which has been kept alive for a number of years.

The program for the meeting is in charge of Fred Fuller Shedd, of the *Philadelphia Bulletin*, and president of the group, who will announce full details in a short time. Mr. Shedd expects to depart from the usual custom and the program will not be devoted so solidly to business and speeches as in the past.

Members of the Society again are to pay a visit to President Hoover at the White House on Thursday evening, April 21. The same practice which was carried out relative to last year's visit will be the rule. The meeting of the Society will open in the afternoon of the same day.

A. H. Kirchhofer, *Buffalo News*, secretary of the Society, has sent special invitations to state newspaper societies and to all schools of journalism to send representatives to the meeting. He reports that quite a few responses have been received, and that numerous teachers of journalism and representatives of state editorial societies will be present.

Unusual interest on the part of teachers of journalism has been shown in this plan, and the directors of the Society hope that it will be possible in the near future to build up a considerable body of such representatives to attend yearly and thus bring about closer understanding between newspaper editors and teachers of schools of journalism. Among those who plan to attend are Carl W. Ackerman, dean of the Columbia School of Journalism, President Walter Williams of the University of Missouri and H. B. Rathbone, chairman of the department of journalism of New York University.

There will be the usual shop talks at the annual meeting, and Saturday evening's closing banquet will be held in the New Willard. David Lawrence, *United States Daily*, and Paul Bellamy, *Cleveland Plain Dealer*, are members of the committee arranging for this affair. An outstanding official is expected to be the serious speaker, while Frank Crowninshield, editor of *Vanity Fair*, will contribute the wit. Ladies again will be permitted to attend.

ALUMNI DINNER APRIL 29

The twentieth anniversary of the founding of the Columbia University School of Journalism in 1912 with funds given by the late Joseph Pulitzer will be celebrated this year at the annual dinner of the school's alumni association, to be held April 29, at the Hotel Biltmore. Members of the school's advisory board, headed by President Nicholas Murray Butler of Columbia, are to be guests of honor.

FRANK JOINS LA PRENSA

Edward Frank former classified advertising manager of the *New York Mirror*, and for 18 years with the classified department of the old *New York World* has joined *La Prensa*, New York, as classified manager.

WON LOWER GAS RATES

Following a series of editorials demanding a lower gas rate for Akron written by Walter Morrow, editor of *Akron (O.) Times-Press*, the city council drafted an ordinance providing lower rates.