

of the regular membership. If the applicant were admitted to membership at such meeting, it still faced two further requirements. First, it had to relinquish any exclusive rights which it might have to news from other sources and, at the competitor's request, require that any news which was available to it would be made available to the competitor on equal terms. Finally, the applicant had to pay the association ten percent of the total payments which had been made by the competitor since 1900. News from the Associated Press or any of its members could not be obtained by newspapers which did not belong to the organization. The United States sought an injunction against observance by the association of its by-laws.

The Supreme Court observed that the "inability to buy news from the largest news agency, or any of its multitude of members, can have most serious effects on the publication of competitive newspapers . . ." (326 U.S. 13).

It is apparent [the Court said] that the exclusive right to publish news in a given field, furnished by AP and all of its members, gives many newspapers a competitive advantage over their rivals. [Foot-note omitted.] Conversely, a newspaper without AP service is more than likely to be at a competitive disadvantage. (326 U.S. 17-18).