



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

September 29, 1965

Honorable W. C. Lindsey
Criminal District Attorney
Jefferson County Courthouse
Beaumont, Texas

Opinion No. C-516

Re: Whether or not the
"National Informer"
and "National Tattler"
are "daily or weekly
newspaper" as that term
is used in Article 527,
Vernon's Penal Code.

Dear Mr. Lindsey:

You have requested an opinion of this office as to whether or not two publications submitted to this office were daily or weekly newspapers as that term is used in Article 527, Penal Code of Texas. The publications submitted with your request were as follows: (1) National Informer, dated May 16, 1965; and (2) National Tattler, dated September 20, 1964.

In your opinion request, you stated that it was your opinion that such publications were weekly newspapers as that term is used in Article 527, Penal Code of Texas.

Article 28a, Vernon's Civil Statutes, defines a newspaper as follows:

"(2) The term 'newspaper' shall mean any newspaper devoting not less than twenty-five (25) per cent of its total column line-age to the carrying of items of general interest, published not less frequently than once each week. . ."

A newspaper is defined in Words and Phrases as a publication printed and distributed at regular intervals, usually daily or weekly and containing news, opinions, advertisements, and other matters of public interest.

Page Two of each of the above publications reflects that it is published weekly by an out-of-State publishing firm. They are also shipped through the United States Mail at a listed subscription rate of \$7.00 per year. The masthead column refers to each of these publications as a newspaper.

Honorable W. C. Lindsey, Page 2, (C-516)

An examination of these publications discloses that they are printed in tabloid form, containing not less than twenty-five (25) per cent of their total column lineage to the carrying of news items. They also carry advertisements and commentaries.

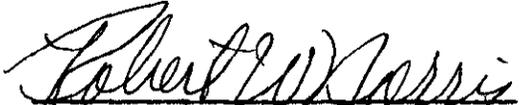
Even though each of such publications contains articles that are reprehensible, because of the foregoing facts, we are constrained to agree with your legal conclusion that the issues of such publications submitted for our inspection are weekly newspapers as that term is used in Article 527, Penal Code of Texas. It is to be understood that this opinion is limited to the issues of such publication that have been submitted with your opinion request.

SUMMARY

The issues of the National Informer and National Tattler submitted to this office for inspection are weekly newspapers as that term is used in Article 527 of Vernon's Penal Code.

Very truly yours,

WAGGONER CARR
Attorney General of Texas


ROBERT W. NORRIS
Assistant Attorney General

RWN/kg:dt

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
David Longoria
Tom Routt
Carlos Vela
Wayne Rodgers

APPROVED FOR THE ATTORNEY GENERAL
BY: T. B. Wright