

Legal and Economic Aspects in Theft of Newspapers: Using a Model of Newspaper Value

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The 1990s saw increases in thefts of newspapers. In some cases, the prosecutors did not bring charges because they misunderstood the value of newspapers. This article addresses legal and economic issues surrounding theft of newspapers, and it develops a set of equations for estimating the monetary value of stolen copies. The equations can be used to determine the magnitude of loss from newspaper theft.

Complaints involving the theft of newspapers have been increasingly reported by the newspaper trade press in the 1990s. In many cases police and prosecutors have been unwilling to investigate fully or to prosecute either because of what they see as the small amount of money involved in individual cases or because thefts have sometimes involved free circulation papers and officials are confused about how to place a value on such papers. As a result, authorities are more willing to permit financial losses and illicit gains from the theft of newspapers from newspaper racks than equivalent financial losses and illicit gains from merchandise shoplifted at a retail store.

Newspaper thefts appear to occur primarily for two purposes: first, to sell newspapers for recycling, and second, to halt distribution of issues containing materials disliked by some persons or groups (Chartred, 1994; Garneau, 1994; Stein, 1996b). The first was especially true during times of high newsprint prices in the mid-1990s ("Newspaper Theft Grows," 1995; Stein, 1995, 1996a), whereas the second is unpredictable.

The problem of theft for recycling has become severe in those states that have led the country in establishing mandatory recycling. The California Newspaper Publishers Association, for example, responded to numerous thefts of its members' free papers by asking the state's recycling association to inform its members about the theft of free newspapers and to warn them that the purchase of such papers could be seen as receipt of stolen property ("Newspaper Theft Grows...," 1995).

Despite the significance of the theft issue, prosecutors typically do not bring charges for newspaper thefts of free newspapers, reasoning that one cannot "steal" items of no price (Garneau, 1994, p. 15; Stein, 1995). In 1995, for example, prosecutors refused to prosecute individuals who stole 8,700 copies of the *Michigan Daily*, saying specifically that because "the papers were offered to the public free, they have no value for larceny purposes" (Fitzgerald, 1996, p. 44).

These types of responses have led to attempts by newspaper publishers to alter laws. To help address the fuzzy issues after a rash of thefts in the San Francisco Bay area, the Board of Supervisors in 1996 passed an ordinance making removal of stacks of papers a misdemeanor, with fines up to \$500 (Stein, 1996a). Two years earlier, Maryland passed the first state law specifically dealing with the theft of free papers with the intent of stopping others from reading them (Chartred, 1994; Garneau, 1994).

In some jurisdictions, authorities have found public recycling programs harmed by persons taking old papers from recycling bins or curbsides at home (Sherer, 1995; Verhovek, 1995) and have begun to place value on paper. This value, however, is not explicitly stated in monetary terms. Some cities, such as Los Angeles, now have ordinances prohibiting removal of papers from trash because of recycling value.

At the center of this issue are questions about the nature of newspapers, of newspapers' value, and of whether there are differences in value among types of papers. This article addresses those questions from both economic and legal perspectives. It develops a set of equations that indicate the monetary value of stolen copies and that can be used in determining whether to prosecute newspaper thefts and in determining the magnitude of loss from such thefts.

LEGAL ASPECTS OF THEFT

If a jurisdiction has a statute or ordinance specifically dealing with appropriation of newspapers, many questions about the value of the theft are moot. However,

because few ordinances and statutes of that type exist, the issues of newspaper theft must be handled within general criminal law.

Theft is individually embodied in state criminal law with common elements of larceny statutes, including the appropriation or taking of the property of others without their consent for one's personal gain. Most statutes make distinctions between grand and petit (or petty) larceny depending upon the value of the property taken, and such value is often the basis for making the distinction between misdemeanor and felony (Black, 1968). The dividing line between misdemeanor and felony is drawn by many states at \$100 in value (Wallace & Roberson, 1996).

Larceny is commonly defined as "the wrongful taking and carrying away of personal property of another with the intent to permanently deprive" (Wallace & Roberson, 1996, p. 187). In cases involving larceny, prosecutors must generally show that the property was not that of the defendant, that the property was actually taken, that the defendant intended to take the property to deprive its owner, and that the property had a particular value. This article is not concerned with the first three elements, but rather focuses on means for determining the value of the property when it involves newspapers. The value of the loss is independent of the motive behind the theft of newspaper. The loss could be from theft for political reasons or theft for monetary reasons.

NOT ONE BUT TWO PRODUCTS

Central to understanding the worth of newspapers is the recognition that they are not one but two products; that is, they are dual products in economic terms (Picard, 1989). This means that one tangible product is published, but the product is introduced separately into two markets: the market for readers, which is also called the information market (Lacy and Simon, 1993), and the market for advertisers, called the advertising market. How a paper fares in each market affects its performance in the other market.¹

The tangible product includes the news, features, advertising, and other information that is packaged and delivered in the form of the printed newspaper. This product is marketed to newspaper consumers in the information market. Performance in it is measured by circulation or readership statistics. In the case of paid newspapers, standardized formulas regarding establishing average paid circula-

¹Newspapers also operate in a third non-economic market called the "marketplace of ideas," which involves the contribution that a newspaper makes to the functioning of the community (Lacy & Simon, 1993; Picard, 1989). The idea market is a metaphor for the political and social processes of maintaining a community or society. It involves the process of developing, communicating, and accepting ideas that are translated into formal government action or informal norms. The idea is often traced to the philosophy and writings of John Milton and John Stuart Mill.

tion over a period of time are most often utilized. In the case of free-circulation papers, performance is typically measured by the number of papers distributed and actually taken by readers.

The second market is the advertising market. This is the most financially critical portion of the dual product because it contributes more than three-fourths of the revenue to daily newspapers and generally all the revenue of free-circulation papers in the U.S. How a newspaper fares in the advertising market is measured by sales of advertising linage.

Although most people would say papers sell space to advertising purchasers, the more precise and fundamental description of the activity is that newspapers sell *readers to advertisers*. The worth of readers brought into contact with advertisers' messages is influenced most by the sizes and characteristics of audiences.

When considering issues involved in the theft of newspapers, one must consider not merely the financial losses or illicit gains due to the theft of the tangible newspapers that do not reach readers, but also the financial losses to advertisers who are not brought into contact with the readers for whom they expended advertising funds.

PRICE, COST, AND VALUE

A major cause of the inability of some authorities to determine the loss or illicit gains caused by newspaper thefts involves misunderstanding of three important economic and financial concepts relevant to the worth of newspapers: price, cost, and value.

Price

Price represents the exchange made to obtain the product or service. In the case of daily newspapers, more than two prices are involved in the price to readers and the price to advertisers. Reader prices average 25 to 35 cents at newsstands or between \$7–10 monthly for home delivery. Advertisers pay a variety of prices, depending upon the type of advertising, frequency, and volume purchased.

In the newspaper industry, circulation price alone does not represent the full loss incurred due to theft because of the dual product nature of papers.

Cost

Cost is a measure of what is spent by the producer in creating a good or service. In the case of newspapers, this includes both the fixed and the variable costs associated with production of the entire newspaper (Picard, 1990; 1991). This includes

the entire range of costs including raw materials, staff time, facilities and equipment, distribution, and sales.

In a mid-sized daily newspaper, the total costs for producing one issue run about \$40,000, with total costs for a single copy at about 65 cents. Advertising costs contribute about two-thirds of total costs (approximately 40 cents per copy), with reader costs contributing about 25 cents to total costs per copy.² Fixed costs tend to represent about two-thirds of total costs (Picard & Brody, 1997).³

In addition to the basic fixed and variable costs of producing copies, publishers face additional costs in the event of thefts. These include the additional costs of reproducing and distributing replacement copies and any costs associated with compensating advertisers for lost access to readers.

When newspaper companies are the victims of thefts, these costs do not represent the full losses incurred as a result of the appropriation of the newspaper copies.

Value

Value is a somewhat broader and sometimes intangible measure of the worth of a good or service that is indicated by its ability to command money or other goods in exchange. The amount of value represents the importance placed on the good or service by consumers and is not just intrinsic to the good or service itself. Value is imparted to the good or service by consumers based on perceptions of the degree to which consumers' wants and needs are satisfied by it. Value is related to price and costs because producers, advertisers, and readers would not spend money or time if they did not consider the result of that spending valuable. But value can exceed the total of price and costs.

Because these perceptions and needs fluctuate, the value of any good or service fluctuates and changes over time. The value of a daily newspaper declines as news grows old. Some argue that copies have little or no worth after their date of publication, but gain worth when recycling begins. Nevertheless, one is able to attach value at a given point in time to provide a clear measure of loss due to theft by including both price and cost components with other calculations of worth of lost circulation or recycling.

²This occurs because in cost accounting all costs related to a particular product must be allocated to that product. The costs associated with advertising are much higher than those for other content because the labor costs and newsprint consumed for advertising content must be attributed to the advertising product.

³Excellent information and data on cost structures of newspapers are available in the Inland Daily Press Association/International Newspaper Financial Executives annual cost and revenue study.

EQUATIONS OF NEWSPAPER VALUE

The value of stolen newspapers that the authors seek to establish here are their financial values to owners (usually publishers, but sometimes waste collection and recycling agencies and firms) and advertisers, and the total value represented by losses to those two groups.⁴

This analysis starts with the value to owners and advertisers of a single copy of a newspaper edition. Although advertisers and owners benefit from all copies of an edition—individual copies and the entire press run—all copies of an edition are rarely stolen, so it is necessary to establish the value of one copy that can be multiplied by the number of copies removed by theft. The total value of a single copy can be expressed as the sum of the net value of a single copy for owners and advertisers. The value of a newspaper copy equals its net value after costs are subtracted.

The value of a newspaper also can accumulate over time. The value over time involves summing the total value from the editions during a given time period. If one wanted to know the value of a particular newspaper for a week, the net value per each day could be summed for that week. This is important, for example, in establishing full value of a weekly publication.

Value of a Newspaper Copy or Edition

Value of a newspaper copy to its owner.

$$V_O = [P_N - (O_{IO}/N_C + C_C/N_C)] + [R_A/N_C - (O_{AO}/N_C + C_A/N_C)] \quad (1)$$

Where:

V_O = value of one copy of an edition to owner (publisher)

P_N = price of newspaper copy

N_C = circulation of edition

O_{IO}/N_C = average information market opportunity cost per copy

C_C/N_C = average cost of publishing news, feature, and editorial sections of the newspaper edition

R_A = revenue from all the advertisements in the edition

R_A/N_C = average advertising revenue per copy of the edition

O_{AO}/N_C = average opportunity cost of selling and printing advertisements in the edition

C_A/N_C = average cost of selling and printing advertisements in the edition

⁴The authors have also created theoretical equations representing the value to readers and to society as a whole, but those are not included in this study because of issues of brevity and focus.

This equation represents the value to an owner for each copy sold. It is simply the value for the entire edition that has been adjusted for circulation.

Total value of all stolen copies to the owner. Equation 1 represents the impact of the loss of one copy on the owner. Equation 2 is the sum of that impact for all the copies that are stolen.

$$TV_o = \sum_{o=1}^n V_o \quad (2)$$

Where:

TV_o = total value of all stolen copies to the owner

Value of a newspaper copy to an advertiser.

$$V_A = [U_{AA} - (O_{AA} + P_A)]/N_C \quad (3)$$

Where:

V_A = value of newspaper copy to typical advertiser

U_{AA} = utility from advertising market to typical advertiser

O_{AA} = opportunity cost to typical advertiser of advertising market

P_A = price of advertisement to typical advertiser

N_C = circulation of edition

The bulk of value to an advertiser is composed of the profit returned when consumers buy its goods or services because of the newspaper advertising in the edition. However, other utility is possible.

The opportunity cost represents the utility that would have been gained from the next best form of advertisement or from using the equivalent amount of money for another purpose. In markets with multiple newspapers, the next best option will likely be a newspaper of some kind. In other markets a variety of other media might play a role. In reality, companies typically buy advertising in a variety of media, of which newspapers are part (Cameron, Nowak, & Krugman, 1993). The opportunity cost would then be the utility of the advertising mix when the newspaper element has been replaced with another medium.

Equation 3 is for a typical advertiser; each copy is used by more than one advertiser. Therefore, V_A must be adjusted for the number of advertisers in each copy. This yields:

$$V_{NA} = xV_A \quad (4)$$

Where:

V_{NA} = total value of newspaper copy to all advertisers in the edition

x = number of advertisers in a copy

Total value of stolen copies to all advertisers. Equation 4 represents the value of one copy of one edition to all advertisers. To find the value of all stolen copies to all advertisers, the impact for all advertisers is summed, as shown in Equation 5:

$$TV_{NA} = \sum_{NA=1}^n V_{NA} \quad (5)$$

Where:

TV_{NA} = total value of all stolen copies to all advertisers in the edition

Aggregate Impact of an Individual Edition

The total value of all copies stolen for owners and advertisers is determined by adding the results from Equations 2 and 5. The equation is:

$$TV = + TV_O + TV_{NA} \quad (6)$$

Value of Editions Over Time

Stolen copies of one edition can have a negative impact on owners and advertisers, and that impact can occur for more than the one edition. That value would equal the sum of the total value for all editions that were stolen or destroyed. The equation is:

$$TV_P = \sum_{i=1}^n TV_i \quad (7)$$

Where:

TV_P = Total value of all editions for time period P

$\sum TV_i$ = the sum of value for all editions for n days

Equation 7 involves figuring the value from the loss of each edition and then summing those values.

VALUE VARIES DEPENDING UPON NEWSPAPER LIFE CYCLE

Not all newspaper thefts are equivalent because of the differences in paid and free circulation papers and because of the time at which the thefts occur. In determining the value of a loss, one must first establish the time and nature of the loss.

If one considers the life cycle of a newspaper, there are three relevant periods to this discussion: (a) the production period, (b) the distribution and utilization period, and (c) the post-utilization period.⁵

The newspaper thefts under discussion in this article occur during the distribution and utilization period and the post-utilization period. All the equations apply to thefts during the distribution and utilization period. The worth assigned to a particular theft must take into account the values, costs, and prices appropriate to the period or periods involved and any worth lost in the periods. In the post-utilization period a simpler calculation that will be discussed following is more appropriately applied.

Distribution and Utilization Period Theft

Thefts occurring at or in the distribution and utilization period represent the greatest economic appropriation because they affect losses to producers and advertisers.

When a theft occurs, advertisers lose some or all of their investments in preparing, placing, and paying for the access to audiences; producers lose income from reader payments for the paper if copies are paid circulation; and owners incur additional costs to replace stolen copies or to ameliorate damage to advertisers by reducing their price or offering free or discounted future advertisements.

The worth of losses for theft of paid and free circulation newspapers during this period differ only in that the newspaper does not collect a price for free newspapers.

Loss to Advertisers. If a theft prevents the distribution of all copies, the advertisers lose all their investment in the ads including the costs for production, placement, and purchasing reader access. In most cases, however, thefts remove only a portion of the access, so one needs to calculate the value of the partial loss caused by loss of reader access.

One can measure this partial loss by calculating an average advertising loss figure. This can be done by dividing the total price for the advertising by total circulation, yielding an average price per circulated copy. One can then multiply that figure by the number of copies stolen to determine a value for lost advertising.

⁵There can be no theft of the physical newspaper until after it is printed and entering the distribution period. Before that time, only the raw materials (in various states of processing) of the final physical product can be taken.

This method is a conservative method for measuring loss because it averages the loss across total circulation rather than using it at its highest point. It does not include the advertisers' production and placement costs, but averages in a publisher's sales and production costs, accounting for the nonlinear relation of cost to circulation.

Loss to Owners. The value of losses incurred by publishers who are victims of theft includes lost revenue from paid circulation, any lost revenue from advertisers who refuse payment, the costs of price adjustments or "make good" advertisements at a later date, and any costs incurred in replacing stolen copies (primarily re-printing and redistribution).

Post-Utilization Period Thefts

Appropriation of newspaper copies in the post-utilization period does not illicitly remove value from publishers and advertisers and cannot be considered theft unless some loss is established. When there are losses of value in the post-utilization period they primarily involve foregone recycling. In this post-utilization period, the worth of losses is appropriately established by using the price per ton, or smaller weight measure, that would have been received for recycling of the waste copies involved.

Losses can occur to non-newspaper companies if waste management firms and government waste management entities engage in newsprint recycling as part of their operations, and removal of papers from recycling thus reduces the amount these firms recycle and their revenue from that recycling.

Similarly, newspaper firms that collect their unused papers from distribution points at the end of their utilization period suffer losses if they normally recycle these copies and theft reduces the amount recycled and the revenue from that recycling. Theft in the post-utilization period affects paid and free circulation newspapers equally because the price of the product is no longer involved.

If no recycling losses are involved, appropriation of papers in the post-utilization period does not appear to present a economic loss or taking of property at a level reasonably considered theft.

APPLICATION OF CONCEPTS TO NEWSPAPER THEFT EXAMPLES

The following three examples show how these equations can guide the valuation of newspaper copies that are stolen. Because this analysis is intended to focus on direct financial losses, opportunity cost will be based on the return on investment if

the money used for purchasing an advertisement were invested in a safe alternative such as a treasury bill or certificates of deposit.

This choice is because the purpose of this analysis is to help guide the practical application of law through the courts. It is assumed that the financial return on a safe investment is an adequate representation of opportunity costs and that the money spent on a product is an adequate representation of the value to the advertiser or publisher who is spending the money.⁶ It is assumed, in effect, that the variance in measurement accuracy would be random and not systematic among the advertisers or owners. Random measurement error would not affect the conclusions of the analysis.

Example 1: Theft of 500 copies of a paid circulation general newspaper from newsracks

Assumptions:

- 60,000 average daily paid circulation
- 25¢ price per copy
- \$54,000 average income per issue (\$42,000 for advertising; \$12,000 for circulation)
- \$40,000 average cost per issue (\$25,000 for advertising; \$15,000 for readers)
- 65¢ average single copy cost (40¢ for advertising; 25¢ for readers/circulation)
- Scale of loss (0.8% of total circulation) will not require reprinting the issue or make goods costs to compensate advertisers.
- Average number of companies advertising in a single edition = 50
- The average effectiveness of advertising (percentage of people exposed to an ad who actually purchase something)⁷ = 5%
- The average profit per company per purchase = \$2
- Opportunity cost is 6% interest that could have been earned by that money during a given year. This is roughly what treasury bills and long-term CDs pay.

⁶A safe alternative, such as high grade government bonds, is the financial equivalent eliminating risk but not holding cash in a noninterest bearing account that diminishes due to inflation. It is thus the minimal return possible on any investment and the most conservative method of accounting for "opportunity cost."

⁷This example and Example 2 use sample data to show how utility from the advertising market can be calculated. Publishers and advertisers sometimes research such data for their markets and that information would be substituted.

Value of one copy to an advertiser.

Using Equation 3:

$$U_{AA} = 3,000 \times \$2 = \$6,000$$

Effectiveness of advertising equals 5% of 60,000, and each ad reader gives advertiser \$2 profit.

$$P_A = \$840$$

The total price paid for advertising equals \$42,000 divided by the 50 advertisers who bought advertising.

$$O_{AA} = \$50.40$$

The amount made from investing the money at 6% is \$50.40.

$$V_A = [\$6,000 - (\$840 + \$50.40)]/60,000$$

$$V_A = \$.085$$

Using the value per copy, the total value to all advertisers is:

$$V_{NA} = 50 \times .085 = \$4.25$$

This value has to be multiplied by the 500 copies that were stolen to get a loss (from Equation 5):

$$TV_{NA} = \$2,125$$

Value of all copies to the owner. Using Equations 1 and 2, we plug in the following:

$$P_N = \$.25$$

$$C_C/N_C = \$15,000/60,000 = \$.25$$

$$O_{IO}/N_C = \$900/60,000 = \$.015, \text{ where } \$900 = 6\% \text{ of } \$15,000$$

$$R_A/N_C = \$42,000/60,000 = \$.70$$

$$C_A/N_C = \$25,000/60,000 = \$.417$$

$$O_{AO}/N_C = \$1,500/60,000 = \$.025, \text{ where } \$1,500 = 6\% \text{ of } \$25,000$$

$$V_O = [\$.25 - (\$.015 + \$.25)] + [\$.70 - (\$.417 + \$.025)]$$

$$V_O = \$.243$$

$$TV_O = 500 \times \$.243 = \$121.5$$

Total value of the edition. Total loss as a result of 500 newspapers being stolen is given by equation 6. It is:

$$TV = \$2,125 + \$121.5 + = \$2,246.50.$$

The amount is sufficient to warrant a misdemeanor prosecution in most jurisdictions. The limits of the equations are the estimates for various values. However, accounting data and data collected from advertisers in a specific case can yield data for more precise accounting of the harm done through theft.

Example 2: Theft of 5000 copies of a free circulation newspaper from distribution points

Example 2 differs from example 1 because it involves a free distribution newspaper and because the number of copies stolen is much greater; therefore, the copies would have to be replaced to provide service to advertisers. This replacement adds additional cost to the equation and increases the value lost to theft.

Assumptions:

- 18,000 circulation
- \$48,000 average income per issue (all from advertising)
- \$44,000 average cost per issue (\$35,000 for advertising; \$9,000 for readers)
- \$2.44 average single copy cost (\$1.94 for advertising; \$.50 for readers/circulation)
- Scale of the loss (27.7% of circulation) will require reprinting to replace lost copies or make good costs to compensate advertisers.
- Average number of companies advertising in a single edition = 50. (This would differ from a larger paper because free circulation papers tend to carry more small business ads.)
- The average effectiveness of advertising (percentage of people exposed to an ad who actually purchase something) = 5%
- The average profit per company per purchase = \$2
- Opportunity cost is 6% interest that could have been earned by that money during a given year. This is roughly what treasury bills and long-term CDs pay.

Value of individual copy to advertiser. Using equation 3:

$$U_{AA} = \$1,800$$

Effectiveness of advertising equals 5% of 18,000 × \$2.

$$P_A = \$48,000/50 = \$960$$

$$O_{AA} = \$57.6$$

O_{AA} is 6% of the amount spent on the advertising (\$960)

$$V_A = [\$1,800 - (\$960 + \$57.6)]/18,000$$

$$V_A = .043$$

Value of one copy to all advertisers. Using equation 4:

$$V_{NA} = \$.043 \times 50 = \$2.15$$

The total value to advertisers of all copies stolen, using equation 6 is:

$$TV_{NA} = \$2.15 \times 5,000 = \$10,750$$

Value of all copies to the owner. Using equation 1 and 2:

$$P_N = 0$$

$$C_C/N_C = \$9,000/18,000 = \$.50$$

$$O_{IO}/N_C = \$540/18,000 = .03, \text{ which is 6\% of \$9,000 divided by circulation}$$

$$R_A/N_C = \$48,000/18,000 = \$2.66$$

$$C_A/N_C = \$35,000/18,000 = \$1.94$$

$$O_{A}/N_C = \$2,100/18,000 = .12, \text{ which is 6\% of \$35,000 divided by circulation}$$

$$V_o = [0 - (\$.50 + \$.03)] + [\$2.66 - (\$1.94 + \$.12)]$$

$$V_o = \$.07$$

$$TV_o = 5,000 \times \$.07 = \$350$$

Total value of stolen newspapers. Using equation 6:

$$TV = \$10,750 + \$350 = \$11,100$$

Add to this loss the cost of reprinting 5,000 copies, and the total loss to all actors is:

$$\text{Total loss} = \$11,100 + \$12,200 = \$23,300$$

The size of the loss is sufficient to warrant a felony prosecution in any jurisdiction.

Example 3: Theft of 1000 lbs. of newspapers from recycling bins

This is a classic example of post-utilization theft, in which the newspaper copies have served their primary purposes to advertisers and publishers. After their use, the newspapers have been deliberately recycled either to benefit the owner of the recycling bins or to benefit society by reducing solid waste in landfills and by providing a revenue stream to a local government or contractor that helps offset waste collection costs.

To determine a cash value for the theft, one needs focus merely on the recycling value. To do so, one multiplies the weight of papers stolen by the rate paid for newspaper copies by consolidators or reprocessing firms. If the rate for recyclable newsprint is \$35 per short ton (2,000 pounds), for example, the value of recyclable newspapers is \$.0175 per pound.

In this case of the theft of 1000 pounds of newspapers from recycling bins, then, the cash value would be \$17.50 (1000 lbs. times \$.0175). This is equivalent to shoplifting two or three steaks from a grocery store or a bottle of wine from a liquor store. In most jurisdictions, this should place the theft in the range of acts prosecuted as petty theft.

CONCLUSIONS

The reticence of some prosecutors to prosecute theft of paid and free circulation newspapers reveals a fundamental misunderstanding of the value of those papers and a misapplication of the concept of abandonment of papers when they are placed in racks or at other delivery locations. Because the publishers and advertisers intend for them to be read by audiences, removing copies obviates that intent. When that intent is not carried out (e.g., people read news and advertising and act on that advertising), value is lost to the publisher and advertisers involved in the production and use of newspapers.

The equations provided in this article are guides for determining the value that is lost through theft. They provide systematic and practical methods of calculating the value to publishers and advertisers who use the production and distribution of newspapers. These equations should demonstrate to police, prosecutors, and jurors why newspapers, even free distribution papers, are not valueless and why their theft should be taken seriously.

The second mistake often made in newspaper theft cases is the assumption of abandonment. The assumption is incorrectly made that leaving free newspapers in a distribution box means they are abandoned. Abandonment represents "the relinquishment or surrender of property or the right to property" (Gardner & Manian, 1980, p. 373). Leaving free newspapers in a rack no more constitutes abandonment

than leaving a wheelbarrow in one's yard to be picked up and used by a neighbor. State laws do not give free rein to persons who come upon unattended property. In most states, the taking of lost, mislaid, or mistakenly delivered goods is prosecutable by larceny statutes (Gardner & Manian, 1980) because the goods were not abandoned and the owners intended them for use by others. Similarly, free circulation newspapers are intended for use by others, and their taking deprives the owner, the readers, the advertisers, and society of the benefits of their use by the intended parties.

The theft of newspapers, whether free or paid circulation, is a crime. It involves both intent and malice, depending on the specific circumstance. In most cases, theft of newspaper involves not only "general intent" but "specific intent" (see Dix & Sharlot, 1979, pp. 253–346, for a discussion of state of mind and intent and its relation to prosecution.) It deprives advertisers and owners of the value received from the use of newspapers. Furthermore, the theft of newspapers represents a greater harm than theft of other media or goods. For example, larceny involving cable services—a public good whose use by others is not diminished by the theft and whose theft does not increase costs to the system operator—is prosecutable under state and federal cable theft statutes. Such a theft is less harmful than that of newspapers because the removal of the paper deprives others of its use and increases costs, as this article has shown.

One could argue that the special social role assumed for newspapers by the First Amendment to the Constitution would warrant special ordinances protecting newspapers from theft, just as many jurisdictions have special statutes prohibiting theft of cable services. However, such ordinances are unnecessary if the courts recognize the lost value from theft. Identifying the value, estimating loss due to theft, and applying existing statutes and ordinances against theft might help to reduce the problems of newspaper theft and inaction by some authorities uncertain of their financial value.

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