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Kentucky Press

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New accident reports could pose problems for reporters

Don't be stymied by uncooperative police

By LISA CARNAHAN
KPA News Bureau Director

Newspapers across the state are worried that a newly-designed, four-page accident report implemented by the Kentucky State Police beginning Jan. 1 could impede their newsgathering capabilities.

KPA started receiving reports in late November from editors who been told by local law enforcement agencies that the forms used by officers investigating a motor vehicle accident would now have to be sent to Frankfort. The editors had been told the forms would no longer be available for the media in the same method reporters had grown accustomed. Instead, they would have to be "approved by Frankfort" before they could be released.

If this is the message (or something similar) that you're being told by your local sheriff or city police chief, you need to set the

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Court ruling on records a victory

By LISA CARNAHAN
KPA News Bureau Director

The U.S. Supreme Court has revived a Kentucky statute that ensures reporters will have access to police accident reports.

The law was passed by the Kentucky General Assembly in 1994 after the legislature heard reports that accident victims were being flooded with solicitations from lawyers and chiropractors. State police accident reports had been confidential until 1989 when

an opinion by the state attorney general opened them to the public. The '94 law allows for release of the reports to the accident victim, their insurer and their lawyer. It also has a provision which allows the reports to be released for news gathering purposes. News organizations are barred from using the information for commercial purposes.

After the law was passed a group of lawyers and chiropractors challenged the constitutional-

ity of the law in a federal lawsuit, saying it violated their First Amendment right to free speech. A federal judge in Louisville agreed with them and so did the Sixth U.S. Circuit Court of Appeals. In February, the appellate court ruled the law was unconstitutional and that while protecting accident victims' privacy was a legitimate goal, the exception allowing reports to be released to the news media

See RULING, page 6

Paper honored for tough stance on DUIs

By LISA CARNAHAN
KPA News Bureau Director

The Anderson County News has again attracted national attention because of its unique policy of publishing the photographs of convicted local DUI offenders.

The paper was honored by the National Commission Against Drunk Driving as a "Hero of Highway Safety," along with nine other recipients across the nation. The Anderson News received the Media Awareness Award for the public awareness campaign that was initiated two years ago. Publisher Don White accepted the award at a Washington, D.C. ceremony.

Photos of local individuals convicted of DUI began appearing

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Don White (center), publisher of the Anderson News, accepted the 1999 Media Awareness Award from the National Commission Against Drunk Driving (NCADD) at a Washington, D.C. ceremony. Robert Stempel, chairman of the organization (left) and John Moulden, president of NCADD, presented the award.

Winter Convention: Meeting new challenges

By LISA CARNAHAN
KPA News Bureau

If you're wondering what the future holds for your newspaper, or the industry in general, the KPA Winter Convention is one place to look for answers.

Some of the leading authorities in their field have been assembled to speak at the convention, the theme of which is appropriately,

"2000 — Meeting New Challenges Together."

The Winter Convention gets underway Thursday, Jan. 20 at the Marriott Resort in Lexington at 11 a.m. with the Trade Show. Sessions begin at 1 p.m. with a favorite of recent conventions and one of the industry's leading speakers, Kevin Slimp.

Slimp will split his time

between "New Technologies for Newspapers" and Adobe Acrobat 4.0. Slimp is one of America's foremost software experts and his first session will be devoted to new software packages that are making a big impact on the industry. It includes a presentation on InDesign, Creator 2 and the new Quark workflow system. In the sec-

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What's Ahead

• Jan. 20-21: 2000 Winter Convention
Marriott, Lexington

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Kentucky people, papers in the news

Ashland's Champer named news production editor

Stan Champer, a 40-year veteran of the newspaper business in the Ashland area, has been named News Production Editor of the Ashland Daily Independent.

The promotion will have Champer responsible for overseeing all segments of the editorial department, including content and design. He will continue to serve as a member of the editorial board.

Champer, 56, came to the Daily Independent as a reporter in 1964 and was promoted to city editor in 1968. He started his newspaper career as a 16-year-old student at Ironton High School. He worked as mail room clerk in the circulation department of the Ironton Tribune. Upon graduation, he transferred to The Tribune's editorial department where he worked as a photographer, reporter and

copyboy. In 1963, he was hired by The Herald-Dispatch in Huntington, W.Va., as a reporter covering news developments in Greenup County. He's a graduate of Ohio University in Athens with a dual major in English and history.

Davis named to top editorial post at Floyd Co. Times

Ralph B. Davis III has been named managing editor of the Floyd County Times.

The Prestonsburg native is a graduate of Kentucky State University. He served as editor and associate editor of the Paintsville Herald and the Jackson County Sun and was most recently a member of the staff of the Appalachian News-Express in Pikeville. At Paintsville, he began to work with electronic communications and developed the newspaper's

website which took second place in the National Newspaper Association's competition for non-daily papers.

Several papers recognized as 'Centennial Businesses'

Twelve Kentucky newspapers were recognized recently by the Kentucky Historical Society, the state Economic Development Cabinet and the Kentucky Chamber of Commerce as "Centennial Businesses."

The program honors businesses in Kentucky that have in operation for at least 100 years. Businesses receiving the honor get a one-year membership in the Kentucky Historical Society, a certificate, recognition at the Kentucky Industrial Development Council annual meeting, use of the Kentucky Centennial Business logo and free consultation on preserving historic business records and artifacts.

Businesses named to the 1999 Centennial Business Program included: The Carlisle Mercury, in operation by 1867 and now owned by Community Newspaper Holdings, Inc.; The Citizen-Advertiser Newspapers, Inc., composed of the Citizen-Advertiser, a shopper, and the Bourbon County Citizen, a weekly that traces its lineage to the Western Citizen which was first published in Paris in 1807; the Glasgow Daily Times which began as a weekly newspaper in Glasgow in 1865; The Hickman Courier, a newspaper established in Hickman in 1859 that retains its original name; The Kentucky New Era, today a newspaper publishing company in Hopkinsville, began as a weekly newspaper in 1868 and has been owned by the same family since 1873; The Kentucky Post, a Covington newspaper started in 1890, is still owned by its founding family and has been at its current location since 1902; The Manchester

Enterprise, a weekly newspaper serving Clay County since 1869; The Oldham Era, a newspaper founded in LaGrange in 1876 and currently owned by Landmark Community Newspapers, Inc. (LCNI); the Owensboro Messenger-Inquirer, founded as The Examiner in 1874, became known as The Messenger in 1877 and then combined with The Inquirer in 1929; The Sentinel-Echo in London, originated in Barbourville in 1875 as The Mountain Echo. The London Sentinel made its debut in 1907 and the two papers merged in 1908; The Sentinel-News, Shelbyville, dates to 1840. The Shelby Sentinel and The Shelby News merged in 1972; and The Spencer Magnet, a newspaper founded in Taylorsville in 1866 by William T. Burton, was purchased by LCNI in 1990.

Herald-Leader's Wall earns third Eclipse Award

Maryjean Wall of the Lexington Herald-Leader won her third Eclipse Award for newspaper writing.

Wall was honored last month for her "The Sport of Sheiks" project that was published in April. The project examined the racing industry dynasty of the ruling Maktoum family of Dubai and its quest to win the Kentucky Derby. She also won the award in 1980 and 1997 and is one of two writers in the newspaper division to win three Eclipse Awards. The other is Miami Herald sports columnist Edwin Pope.

Comett promoted to news editor at Pikeville

Appalachian News-Express Staff writer Michael Comett has been promoted to news editor.

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The Kentucky Press

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Deaths

Joseph Wootton Dorris

Joseph "Joe" Wootton Dorris, a former publisher of the Kentucky New Era in Hopkinsville who was associated with the paper for over 63 years, died in late November. He was 91.

Dorris was inducted into the Kentucky Journalism Hall of Fame on April 5, 1999.

A native of Hopkinsville, he graduated from the University of Missouri in 1930 with a degree in journalism. Dorris worked briefly in papers in Missouri and Illinois before returning to his hometown in 1931 to become the New Era's sports editor. He left in 1942 to join the Army during World War II and returned to the paper in 1945. He became managing editor in 1958, assistant publisher in 1965 and publisher in 1971. He retired in 1978 but continued to serve on the paper's board of directors.

He is survived by his wife, Evelyn Hammond Dorris; a brother, William R. Dorris Jr., and a sister, Nell Dorris Lilly, all of Hopkinsville.

Memorials can be made to the First United Methodist Church.

Hugh Haynie

Award-winning editorial cartoonist Hugh Haynie died Nov. 26 of lung cancer. He was 72.

Haynie spent most of his career at The Courier-Journal and was known for his hard-hitting, liberal-leaning cartoons. Haynie was said to have made more people mad at The Courier-Journal than any other person, but his cartoons became keepsakes for many, even the politicians who were criticized in them. His office contained autographed photos from such admirers as John and Robert Kennedy.

See DEATHS, page 10

A sales plan that works at interactive newspapers

Interactive Insider

By Peter M. Zollman



For a long time, it's been tough to figure out what works in interactive media. But now, there's a proven model for managing online sales.

You need at least one "interactive media specialist" on your sales staff.

He or she should be hired differently than your print sales reps, compensated differently, and should have different responsibilities.

Why?

Because interactive media are different from your print product. While they will often be sold in combination with print, the dollar amounts are much smaller, the prospects are often unique and the glossary of terms is distinct.

How many of your print sales reps can accurately define click-throughs? Page-views? "High bandwidth access?" How many can help an advertiser understand why "hits" are not important? And how many really care about selling online services? Probably not many.

Here are some steps that will help your interactive newspaper choose the best interactive media specialists.

Hiring: How do you hire an interactive-media sales rep?

Whether he or she is already on staff or not, three qualities are more important than any others: Flexibility; ability to work as a "team leader" with traditional media reps, and tremendous enthusiasm and energy.

Flexibility is a must because the job, and interactive media in general, will constantly change and evolve. "Teaming" is necessary because in many cases, your interactive-media rep will make "four-legged sales calls" with print reps. And as for energy and enthusiasm — this environment won't allow any "coasting" or "order taking" for the next few years. Unlike print reps with an established "list" and traditional accounts, your interactive-media rep should sign advertisers who have never been in the paper before; find new contacts and travel farther afield, and work with agencies that don't even believe in newspaper advertising. All of these challenges mean it is tough — not impossible, but difficult — to take one of your print reps and convert

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Reports

Continued from page 1

record straight — and quick.

In most 'fish stories,' a grain of truth can be found. The same holds true here. The new reports are being implemented statewide and the reports are being sent to state police headquarters in Frankfort. But, nothing in the new system prohibits the release of the accident reports to the news media before they are sent to Frankfort or at whatever point a reporter requests the report. (Obviously, local police agencies and state police posts throughout Kentucky will keep a copy of the report for their own files.)

In fact, access to the accident reports is guaranteed by state statute. That law just gained strength by a recent U.S. Supreme Court ruling (see story on page 1 and legal column on page 8). These new accident reports also don't have anything to do with "news releases."

Lt. Kevin Payne, commander of the KSP Public Affairs Branch, said the new CRASH system is being implemented to improve the collection of information regarding motor vehicle accidents in the state. The old system was antiquated, not Y2K compliant and didn't meet several federal guidelines. Information on the old reports had to be hand-keyed into a computer, thus causing a backlog despite three shifts of workers who did nothing but key in the data. Information on the new form is scanned into the computer.

"Kentucky was missing out on some major federal money because of its collection of accident data," said Payne. "When the federal government gives out money to the state departments of transportation for road funds, they want to know high accident locations, human factors that contributed to the accident, several things. That's how the money is divvied out to the state, based on this accident data. Kentucky was losing out on the federal money."

According to Payne, the CRASH system captures several elements that weren't listed on the old form, some required by the federal government now and also those that are expected to be required in five to seven years. The information concerning commercial vehicle accidents has been greatly expanded.

"We're one of the first states in the nation to have a system this complete, and the first state in our region," said Payne. "Others have lots of bits and pieces, but ours is the first one to have all the pieces."

The lengthy report has several sections that may not be utilized by every agency.

"Large agencies like Louisville, Lexington, Jefferson County, may

"There has been some confusion on when a collision report is to be released to the public. This procedure has not changed."

KSP Sgt. John Carrico

Assistant Commander, Records Section

fill in all or almost all of the blocks. But a really small agency may fill out much fewer," said Payne.

One of these blocks or sections has the investigating officer utilizing GPS (Global Positioning System) to pinpoint, through the use of satellites, the exact location of an accident.

"With that, an officer can go back to the scene of an accident within three feet," Payne explained. "But because of the cost factor, not all agencies have GPS units, that's not a requirement right now. As time goes on and they become cheaper, maybe they'll be in all cruisers. The officer could come back to the car, hit the GPS and log the exact location on the form."

Another grain of truth to the misconception expressed by some police agencies is the fact the report will be "checked" by Frankfort. The CRASH system will put the report through a series of "edits," Payne said, that will check for such inaccuracies as: traveling north on I-64 (interstate that runs east to west); the accident was caused by slick road conditions, when previously it listed the outside conditions as "sunny"; or if the report lists three people as being injured but only provides two names. It can't check the accuracy of information provided in the handwritten section of the report which resembles the old form - who was driving what, when and where.

Local law enforcement agencies throughout the state were trained on the CRASH system by state police and an explanation of these "edits" was given. That's where some of the confusion may have come in.

When KPA contacted the state police about the possible misinterpretation and the concern expressed by editors, Sgt. John Carrico, assistant commander of the KSP Records Section, sent a letter to all law enforcement agencies in the state. In the letter, Carrico wrote: "Press releases are to be handled in the manner dictated by the head of the investigating agency. The new CRASH system has not changed any procedures in this area. There has been some confusion on when a collision report is to be released to the public. This procedure has not changed."

Carrico's choice of words, "collision," is no accident.

"It's a shift for us that we're trying to make...getting away from the term 'accident.' We're trying to use the terminology, 'collision' or 'crash' that's more appropriate since most are avoidable and aren't

truly 'accidents,'" Payne said.

During the training, Payne said local police agencies were told that if the information is disseminated before it's gone through the CRASH edits, the information could differ from, for example, what an officer uses to testify in court.

KPA General Counsel Jon Fleischaker said this possibility is nothing new, as similar scenarios could have arisen before implementation of the CRASH system.

"That could have happened before, too," said Fleischaker. "I'm sure in the past supervisors made changes to accident reports from time to time if an error was found. The main point is, they're obligated to give them out."

According to Payne, state police recommended the local agencies make copies for their own files "for a couple reasons."

"First, what if it was lost in the mail. If the agency mailed us their only copy, it's gone forever," he said. "The other main reason is so it could be disseminated in a timely manner to the public."

Both Payne and Carrico noted it could be several weeks before a report was deemed "error free" by the CRASH system.

KPA's advice to editors and reporters who encounter problems in accessing the new reports?

• First, educate yourself on your rights - accident reports are to be released for the purpose of news gathering. Nothing's changed. In fact, the law was deemed constitutionally sound by the U.S. Supreme Court. (Report to KPA any continued problems or situations that can't be resolved.)

• Second, emphasize to the head of the police agency that this new accident report wasn't designed to change procedures for disseminating information within that agency. It's only purpose is to collect more and more accurate information on collisions and why they occur. Period. Remind them, if necessary, about Carrico's letter that they should have received (dated Dec. 13) and how it specifically states that the new CRASH system does not change procedures for disseminating news releases for copies of accident reports.

• Finally, if local law enforcement agencies in your coverage area don't use news releases, take this opportunity to encourage them to do so. Take them a copy of a good one (complete, easy to read, with the agency's name deleted, of course) and offer to work with them to develop a system of obtaining those releases. You never know...it's worth a shot.

Basic headline rules to follow

Phillip Ritzenberg, co-founder and a former president of the Society of Newspaper Design, has a basic set of rules for writing headlines.

- A name should be a household word for it to work in a headline.
- Avoid acronyms and abbreviations unless they're universally known.
- Don't steal the lead of the story for the headline. Don't blow the suspense.
- Accuracy. Accuracy. Accuracy. Tell what the story is about.
- Don't split lines erratically.
- Sometimes headlines should be written in the past tense.
- Make headlines active. A label head works only when followed by an active subhead (subject or verb).
- Beware of puns.
- Beware of cliches.
- Sound out the headline to make sure it makes sense.

- A few more suggestions:
- Beware of cuteness and flippancy. Events and issues that you take lightly or think are funny may be serious to the people involved.
 - Know what all of the words in the headline mean. Use the correct word, not one that is almost correct.
 - The headline isn't "City Council meets," it's "City Council cuts taxes."
 - Even regular features that have standing labels need headlines.

(Reprinted from NETWORK News, November 17, 1999)

Several ways to charge for Web banner ads

People who sell and use banner advertising on the Internet have devised a number of ways to charge for the advertising. Internet advertisers expect results, just as any other advertiser does.

Here are a few ways to charge for banner ads:

1. Cost per impression: An average rate for this is \$35 per thousand views. These rates can change from \$1/1,000 up to \$85/1,000 depending upon how the site is accessed-targeted key words with major search engines or random generic searches. A site with 10,000 page views per month (one ad per page) selling advertising at \$20 per thousand can expect potential revenue of \$200 per month.

2. Cost per click: Advertisers pay a set amount based on the number of times visitors click on their advertisement. A site with 10,000 page views per month with a

See BANNER, page 7

Thoughts of yesterday still apply

Design is Everything

By Edward F. Henninger



As we near the second millennium, it might be better to shift our focus for a moment from design basics and truisms to some broader truisms. I thought I'd share with you some of those thoughts that have influenced me during the past 10 years that I've been consulting.

Where I'm confident of the source, I'll attribute the quote. Otherwise, the source is anonymous.

And I'm sure you'll find some of these quotes apply strongly to what we're doing as newspaper publishers, editors and designers.

"You cannot teach a man anything. You can only help him to find it — within himself."
--Galileo

"The first myth of management is that it exists."

"You have the capacity to learn from mistakes. You will learn a lot today."

"Nothing is so good that somebody, somewhere, will not hate it."

"A committee is a life form with six or more legs — and no brain."
--Lazarus Long

"I am not the editor of a newspaper. And I shall always try to do right and be good — so that God will not make me one."
--Mark Twain

"The man who says it can't be done is generally interrupted by someone doing it."
--Harry Emerson Fosdick

"What makes a good newspaper-

"I am not the editor of a newspaper. And I shall always try to do right and be good — so that God will not make me one."

Mark Twain
Author

man? The answer is easy. He knows everything. He is aware not only of what goes on in the world today, but his brain is a repository of the accumulated wisdom of the ages. He is not only handsome, but he has the physical strength which enables him to perform great feats of energy. He can go for nights on end without sleep. He dresses well and talks with charm. Men admire him; women adore him; tycoons and statesmen are willing to share their secrets with him. He hates lies and meanness and sham, but he keeps his temper. He is loyal to his newspaper and to what he looks upon as the profession. Whether it is a profession — or merely a craft — he resents attempts to debase it. When he dies, a lot of people are sorry. And some of them remember him for several days."
--Stanley Walker, N.Y. Herald Tribune, 1924

"We do not see things as they are. We see things as we are."
--Anais Nin

"Nobody blames the press for enjoying their work. But there is a great danger to you when the press wanders from the facts. When you slip into the field of fiction and entertainment, you will be required to be fascinating. This is going to shorten your careers. Nobody on God's green earth can be fascinating for very long. But people can be accurate and responsible all of their lives."
--Garrison Keillor

"Whoever you are, there is some younger person who thinks you are perfect. There is some work that will

never be done if you don't do it. There is someone who would miss you if you were gone. There is a place that you alone can fill."
--Jacob M. Braude

"The brain is a wonderful organ. It starts working the moment you get up — and does not stop until you get to the office."
--Robert Frost

"Come to the edge," he said. They said: "We are afraid." "Come to the edge," he said. They came. He pushed them. ... And they flew."
--Guillaume Apollinaire

"It's supposed to be hard. The 'hard' is what makes you do it. If it wasn't hard, anyone could do it. The 'hard' is what makes you great."
--Tom Hanks in 'A League of Their Own'

"The future has a way of arriving unannounced."
--George F. Will

"Opportunities are usually disguised as hard work, so most people don't recognize them."
--Ann Landers

"There are three rules for writing well. Unfortunately, no one knows what they are."
--Somerset Maugham

Welcome to the new millennium!
(Edward F. Henninger is an independent newspaper consultant and the director of OMNIA Consulting in Rock Hill, S.C. You can reach him at 803-327-3322, fax: 803-327-3323, e-mail: go2omnia@aol.com)

NNA postal delivery survey shows improvement

The National Newspaper Association has released the results of its 1999 Postal Delivery Survey. The results show that while the Postal Service is more responsive to complaints than last year, other problems remain.

The survey is the second national survey NNA has undertaken to track the service and delivery of the USPS. In 1998, NNA conducted the first national survey tracking newspaper delivery by the Postal Service due to rising complaints from newspapers across the nation.

In 1998, 1,052 newspapers responded to the survey and reported that service was abysmal. The findings were presented to the Postmaster General, who commit-

ted to improve delivery. The 1999 survey was undertaken to measure progress in delivery.

NNA completed the 1999 survey with the assistance of 25 state press associations and the District of Columbia. Over 550 community newspapers, both weekly and daily, responded to the survey, compared to last year, in which 1,052 newspapers responded. The 1999 response is seven percent of total non-daily newspapers and 11 percent of total daily newspapers, slightly more than half of those responding in 1998.

"The survey confirms, without a doubt, that the Postal Service is more responsive than last year and is working hard to improve delivery.

We recognize that there are systemic problems that prevent immediate results. Although we see only a slight improvement over last year, and some problem areas, NNA plans to continue to work with the Postal Service to reach excellent service for newspapers, a challenge that cannot succeed without the support and effort of both newspaper publishers and our partners at the Postal Service," said Max Heath, NNA Postal Committee Chairman. NNA is an active participant in the National Periodicals Service Improvement Team.

Survey results indicate that more than half of the responding newspapers are aware that the USPS is

See SURVEY, page 12

Futurist: Ultimate future of newspapers is 'purely online'

Within the next 50 years, traditional newspapers will cease to exist as we know them today, a futurist told publishers gathered at The Greenbrier for the 96th Annual SNPA Convention.

Frank Feather, author of "The Future Consumer," told publishers that their long-term future will not come from traditional newspaper subscriptions, newsstand sales or advertising. Instead, the future will be online — and profits will come from mediating e-commerce, from commissions on e-mediated online and offline sales.

"Within 50 years," he said, "kids will ask their parents: 'When did you stop using newspapers, magazines and books?' By then, after a 600-year life-cycle, the printing business as we know it will be over. What Johann Gutenberg started in 1450, Bill Gates is ending."

Feather told publishers that their ultimate future "is purely online and mainly as an e-commerce intermediary."

He cited the fast-growing computer-led "Webolution" as the reason, saying:

"In America alone, there is a brand new PC switched on every two seconds; 40 percent are going into homes and 48 percent of homes have at least one PC. Americans spend more than one billion hours a week using their home PCs — up from 734 million hours last year.

"The average household spends 20 hours a week using the PC, with 15 hours of that on the Internet."

Since 1969, he said, daily newspaper readership has plunged from 80 percent to 58 percent.

He said that NAA data showing that radio and daily newspapers basically appear to have held their adult audiences, is "quite misleading."

In fact, he said, "the longer people stay online, their use of print media drops dramatically."

He said Internet users tend to be heavy users of all types of media. Those who spend two hours a week online also spend six hours a week reading newspapers and magazines. But, he said those who go online for more than 10 hours a week spend only one hour a week reading newspapers and magazines.

Future Consumers

He told publishers not to count on today's aging Baby Boomers reading more papers as they get older—as their parents did. "Indeed, many of today's seniors

are as 'wired' as today's kids," he said.

And, he said young people present a challenge as well. He said most young people consider newspapers old fashioned; reading newspapers simply isn't cool.

He cited some "unbeatable offers" being made by newspapers like the Toronto Star and USA Today to attract college students.

The Toronto Star is giving away copies of the paper at local colleges and universities. USA Today has recently launched a program that supplies a variety of papers (USA Today, New York Times, Boston Globe, Houston Chronicle, Wall Street Journal, Washington Post) also free to students in U.S. colleges and universities.

"This might kill college newspapers," Feather said, "but will encourage strength lies in local news. 'You should leverage that strength,' he said, "and see news as readers see it, by covering more grassroots stories, more neighborhood reports."

He said, "Consumers want information relevant to their daily lives which revolve around family, neighborhood, work and shopping — around their fast-changing lifestyles."

Feather said the Internet cannot be described as a "mass medium," rather it's an intensely personal one, with readers who want personally-relevant content.

"Newspapers ought to understand this because a newspaper also is not a mass medium but a personal one, used differently by each customer."

While radio and TV force you to listen and watch on their schedule, he said print media — and the Internet — let customers absorb content at their own pace.

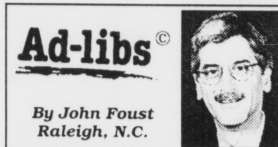
"However," he said, "this makes the Internet a two-edged sword that will either make you or break you. By understanding that it is a personal media, newspapers should be able to adapt to it; but if you don't embrace the Internet, it will defeat you in a nano-second."

He warned newspaper publishers against simply shoveling content onto a web site. "Few editors and reporters understand that the Internet multi-medium is quite different from the static paper page. You need to let users create their own unique content of personally-relevant interest; each user can have a 'Daily Me.'"

In putting classifieds on the

See FUTURE, page 11

Try using testimonial letters to boost advertising sales



By John Foust
Raleigh, N.C.

Will had an appointment with Katherine, the owner of a new store in town. He asked questions and learned about her business. She asked questions and he told her about the newspaper. Then she said, "Since I'm new here, I'm gathering information on all of the media choices. What kind of results do other businesses get from advertising in your paper?"

"Oh, they get good results," Will replied. "We have plenty of advertisers who have been running for years. So it's gotta be working."

Katherine stood up and smiled. "Thank you for your time, Will. I'll give your newspaper serious consideration and get back to you."

Will hurried to his next appointment, a meeting to discuss an upcoming special section. He was excited about the half page, spec ad in his briefcase and hoped that Joe, one of his established advertisers, would move up from the quarter page he ran last year.

"I don't know about this," Joe frowned. "Last year's ad didn't get much response."

"That ad was an institutional message with just your name and a list of products," Will said. "This new idea features a specific prod-

uct, with an enticing price and a complete description. And the larger layout will dominate the page."

"Yeah, I like the new ad. But let's condense it to fit in a two-by-three."

Will was having a rough day. Of course, nothing would have guaranteed his success. But there's one sales tool which might have improved his chances: testimonial letters. Katherine would feel better about the newspaper, if Will had showed her a couple of letters from similar businesses, detailing specific results from their advertising. And Joe would be more likely to run a different type of ad, if he knew others had been successful with the same tactic. Testimonials answer the question, "Who says so, besides you?" Here are some points to keep in mind:

1. Be specific. Testimonials will serve as evidence that newspaper advertising works. So stay away from vague claims and exaggerations. Instead of saying, "the advertising got fantastic results," say "the ad we ran in the holiday section increased our sales by 27% over the same period the year before." It's hard to argue with facts and figures.

2. Strive for relevance. Ideally, you should have enough testimonials in your file to customize each presentation. People identify with similar businesses. A local store owner cares more about the opinions of other locally owned stores

See TESTIMONIAL, page 6

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Ruling

Continued from page 1

defeated the purpose.

But the U.S. Supreme Court has sent the case back to the appellate court. The justices told the 6th U.S. Circuit Court of Appeals to restudy the Kentucky case in light of their decision in a similar California case in early December.

In that case, the Supreme Court reinstated a California law that limited the release of the names and addresses of arrested suspects and crime victims. The justices, by a 7-2 vote Dec. 7, reversed rulings that had struck down the privacy law as an undue infringement on free-speech rights.

That decision was a victory for the Los Angeles Police Department and a setback for the United Reporting Publishing Corp., which had sold lists of names and addresses of arrested people to lawyers, insurance companies and others.

California's law, passed in 1996, allows release of such information only to people with "a scholarly, journalistic, political or governmental purpose or ... a licensed private investigator." Anyone seeking access to the records had to pledge they would not be sold as a "product or service."

Writing for the nation's highest court, Chief Justice William H. Rehnquist said the lower court rulings were wrong. "We have recognized that the overbreadth doctrine is strong medicine and have employed it with hesitation, and then only as a last resort," he said.

Rehnquist said the law is an example of government officials denying access to information in their possession and that the law is not restricting anyone's speech.

KPA General Counsel and FOI attorney Jon Fleischaker said the Supreme Court action had cemented the constitutionality of the news media provision.

"What the Supreme Court has said is, this is apparently an appropriate provision, to deal with the news media differently than other branches of the public...and that there's a rational basis for it."

Jon Fleischaker
KPA General Counsel

"We (KPA) were instrumental in getting that provision in there when the legislature passed the law in '94," said Fleischaker. "We were a little worried that it wouldn't fly, but because of this ruling, it has flown. What the Supreme Court has said is, this is apparently an appropriate provision, to deal with the news media differently than other branches of the public...and that there's a rational basis for it. The 6th Circuit decision is now void, they'll have to relook at it and come to a different conclusion."

"The 6th Circuit ruled the Kentucky statute unconstitutional because of preferences it gave to people like us," he said. "In essence, they felt there was no reason to treat the news media any different from chiropractors."

According to Fleischaker, the status of the 1994 law is in limbo.

"It's in limbo in the truest sense of the word," he said. "I'm not sure when the appellate court will take action. The 6th Circuit could ask for the case to be rebriefed, reargued...it could take as much as another year. I don't know they'll propose to deal with it."

Fleischaker called the Supreme Court decision "a big step forward."

"It's not a case of them saying the news media is better, more responsible and therefore entitled to more information than the public," he said. "The ruling just means that it's not necessarily unconstitutional to treat the media different than trial lawyers or chiropractors. It's a very important decision for us."

Bakers named WKU's Ad Practitioners of 1999

Tom and Cindy Baker, owners and co-founders of Baker Communications, were honored recently by Western Kentucky University's School of Journalism and Broadcasting as the 1999 Kentucky Advertising Practitioners of the Year.

The award was presented at WKU's fourth annual awards dinner. The dinner is held each year to recognize leaders in the business fields of advertising, public relations, print, visual, and broadcast journalism. The Advertising Practitioners of the Year award is designed to acknowledge leaders in the industry who have significantly contributed to education, served as role models for Kentucky's students, and are involved in issues concerning the advertis-

ing industry in the state of Kentucky.

"One of the criteria for this award has always been strong involvement in education and leadership in the advertising industry," said Caroline Stringer, coordinator of the WKU advertising program. "This year the faculty was so pleased to find a husband-wife team that so well exemplified the criteria for this award."

Since opening the doors to Baker Communications, the small local agency that Tom and Cindy Baker first envisioned has grown to a full-service marketing communications firm serving local and regional clients. The agency is located in a suite of offices at 128 East Reynolds Road, Lexington.

Testimonial

Continued from page 5

than about a national chain. An accounting firm is not interested in grocery advertising. And a real estate firm doesn't care about automotive advertising.

Don't let the letters become out of date. Keep a current file.

3. Cultivate testimonials. Good letters usually don't materialize out of thin air. And if you ask happy advertisers to write letters

on their own, the results may be unsuitable. One way to handle this is to 1) ask the person what they would like to say, 2) do the actual writing, yourself and 3) ask them to put it on their letterhead.

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John Foust conducts advertising training for newspapers. His ad workshop video "Basics of Layout and Copy" is being used by newspapers from coast to coast. For information, call or write: John Foust, PO Box 10861, Raleigh, NC 27605, phone (919)834-2056.

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Convention

Continued from page 1

ond part, which will begin around 3:30 p.m., he'll discuss the features of Adobe Acrobat 4.0. If you've just converted to full pagination and remote transmission of your newspaper, or if you're thinking about converting, this seminar is a must.

Also on Thursday, Linear Publishing, an Indianapolis-based company that specializes in developing websites for newspapers, particularly small ones that want to incorporate advertisers and entire communities on the newspaper's website.

Slimp's and Linear Publishing's presentations run from 1-5 p.m. and require additional registration of \$35 per person.

Also on Thursday, two sessions on website design are being offered by New Horizons Training Center. The two three-hour mini courses are limited to the first 30 to register. The classes are from 9 a.m. to 12 p.m. and 1-4 p.m. You can specify which session you prefer but KPA and New Horizons reserve the right to assign a course time to ensure each class has 15 students. The cost of the New Horizons website ses-

sions is \$50 and also requires separate registration.

The opening reception in the Trade Show area begins at 6 p.m. and wraps up by 7.

On Friday, Jan. 21, be prepared to get up early and have your thinking caps on.

The annual KPA business meeting and election of officers begins at 8:45 a.m. The college student seminar, now in its sixth year, begins at 9 and the General Sessions begin at 9:30.

Some of the things on tap for Friday include, a Circulation Division Seminar - "How to be Your Reader's Newest Best Friend" with Publisher's Auxiliary columnist Ken Blum; the KPA Changing of the Guard Luncheon and then beginning at 1:45 p.m., the Division Breakout Sessions.

They include:

•For News Editorial, there's

Tim Harrower, one of the leading design consultants in the country and author of "The Newspaper Designer's Handbook." Harrower is a former educator and was most recently the designer of The Oregonian.



(1:45-5 p.m.)

•For Management, "101 Easy

Ways to Boost Your Bottom Line," with Ken Blum. According to Blum, running a financially successful publication doesn't have to be that complex. He presents 101 easy ways for community newspapers to boost income and keep costs in line. (1:45-3:15 p.m.)

•For Advertising, "How to Change a Sales Culture," with Joe Piergrossi. He takes a clear and direct approach to moving a sales culture and its sales people from "order takers" to "solves persons." (1:45-3:15 p.m.)

•For Circulation, the Kentucky Network for Newspapers in Education (KNNIE) and "Ready, Set, Go!" KNNIE was brought into KPA last year as an integral part of the Circulation Division. The seminar begins with an introduction to KNNIE then moves on to a presentation on "Ready, Set, Go!" a set of materials that's being offered to Kentucky schools through local newspapers and KPA as a way for teachers to incorporate NIE in the classroom and reach or reinforce KERA goals. (1:45-5 p.m.)

•For Associates, "Reputation Management," presented by Philip Morris Inc., a company that has been no stranger to major news stories for the past several months. The stories have required the com-

pany to focus its public relations strategies on protecting Philip Morris's reputation. Company spokesman Rusty Chevront talks about the news affecting Philip Morris and how the company worked for "reputation management." (1:45-3:15)

More breakout sessions continue in the afternoon, starting at 3:15 p.m. and ending by 5. They include:

•Advertising - "Buyers, Sellers and Advertising" Piergrossi, a former ADVO sales trainer, brings challenging thoughts and ways to look at buying, selling and advertising to Kentucky newspapers. The content includes how sellers must change the way they sell; and how advertising must be modified to respond to these changes.

•Management - "How to Create and Build a Niche Publishing Division" Blum looks at speciality publications that are proliferating across the country. Community newspaper publishers are in an ideal position to take advantage of this trend by creating niche publishing ventures.

The highlight of the convention, the KPA Fall Newspaper Awards Banquet begins at 7 p.m. with an awards reception starting at 6:15. The convention concludes after the banquet, at approximately 9:30.

Interactive

Continued from page 3

him or her to an interactive-media rep. You need a "specialist" who understands interactive media extremely well, who can keep up with all of the changes, and who can work with print reps on packages whenever they identify an interactive-media sales prospect.

Compensation: If the responsibilities and accounts are different, how should you compensate your interactive-media rep or reps?

Pay them a much higher percentage of sales than your print reps; offer a smaller base and bigger commissions, and use a wide-ranging list of targets for bonuses — including number of new advertisers per sales period; number of "packages" sold; client retention and new-product development.

As Rich Boehne of E.W. Scripps

said recently, you want "sales folks who are just hungry animals, who work on a much higher commission base, because you're hiring them to develop sales for the Internet and then telling them to go out and build a marketplace."

Responsibilities: Besides sales, your interactive-media specialist(s) should have several more responsibilities for which they are compensated.

They should be "team leaders" in interactive-media sales, and should train print sales reps in the basics of selling print and online packages together. They should work closely with print ad sales managers to develop appropriate packages, in areas like automotive and real estate advertising. They should coordinate with your marketing staff to develop marketing materials for the interactive-media operation. They should team up with your interactive-media content

crew to determine what information your online users need and want — and how to package it effectively for advertising sponsorships and sales. And they should work with your Webmaster to develop new techniques and reports so advertisers can be assured they are receiving what they want, need and pay for.

You may notice that this column refers to interactive media — not "the Internet." That's because we're learning more and more each day that interactive media go far beyond the Internet. There are wireless devices; audiotext; interactive television, and more. You may be satisfied for now with the idea of offering "just" a Web site, but your customers will soon demand a deeper approach. It makes sense to position your sales efforts (and your overall interactive-media efforts) now with a long-term, full-breadth solution in mind — rather than just thinking

about your "Internet site."

(Peter M. Zollman (pzollman@group-aim.com, (407) 788-2780) is founding principal of the Advanced Interactive Media Group, L.L.C., a consulting group that works with newspapers and media companies to develop successful interactive media services. The AIM Group has just launched "Classified Intelligence," a comprehensive consulting service about interactive classifieds.)

Banner

Continued from page 4

click through rate of two percent, selling advertising at 25 cents per click, can expect a total revenue of \$50 per month.

3. Cost per sale: Advertisers partner with a site and pay based on sales, regardless of impressions or clicks. This is also known as an "affiliate" program. Amazon.com and Linkshare.com are well-known affiliates.

(Reprinted from INFO@CNA, November 1999)

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LEGAL NEWS & VIEWS

Supreme Court case strengthens state records' access law

By **KIM GREENE**
KPA General Counsel
Dinsmore & Shohl



A recent action of the United States Supreme Court virtually assures that a 1994 Kentucky law concerning access to accident reports filed with the Kentucky State Police will be reinstated and enforced . . . at least for now.

The 1994 law had put an end to a practice of making all accident reports accessible to everyone in the public. That law provided that accident reports filed with the State Police are confidential and may not be obtained by anyone for a commercial purpose. The statute contained an exception which allows a newsgathering organization to obtain the accident reports 'solely for the purpose of publishing or broadcasting the news.' KRS 189.635(6).

The restrictions in this statute were aimed at groups like attorneys and chiropractors who had historically obtained the reports and used the information in them (the name, address, and driver's license number of those involved in the accident, as well as a diagram and description of the accident) to contact victims and offer their services. Efforts to solicit potential clients by using accident reports increased to the point where those involved in traffic accidents were inundated with direct mail solicitations. In 1994, the

General Assembly answered the cry for greater protection of accident victims from unwanted solicitations.

On the day the statute was to take effect, a suit was filed by a number of attorneys and chiropractors. McClure v. Amelkin, et al. The federal District Court and Court of Appeals agreed with these plaintiffs that the selective restrictions on access to accident reports violated the plaintiffs' First Amendment right to freedom of expression. Basically, those courts held that the purpose asserted by the General Assembly for the restriction — protecting accident victims from being hounded by solicitations — wasn't actually accomplished by the statute. That is because, although the statute kept the information from the attorneys and chiropractors, it allowed newspapers and broadcasters to get it. If the news media get the information, reasoned these courts, how can we say the statute protects anyone's privacy? Those courts, therefore, struck down the statute as a violation of the attorneys' and chiropractors' First Amendment rights.

The United States Supreme Court, however, took a decidedly different view. In a very brief opinion, the Supreme Court sent the case back to the Court of Appeals for further consideration in light of another recent Supreme Court decision, Los Angeles Police Department v. United Reporting Publishing Corp. There the Supreme Court rejected a First Amendment challenge to a statute that required people requesting informa-

tion from the government about people arrested for crimes and victims of crimes to sign a declaration that the information would be used for scholarly, journalistic, political, governmental or investigative (by a licensed private investigator) purposes and would not be used to sell a product or service.

Like the Kentucky statute, this California statute allowed newspapers access to information that private individuals or businesses could not obtain to use for commercial purposes, such as solicitation of new customers.

The Supreme Court said this statute was not an abridgement of anyone's right to engage in speech. Instead, it was simply a law regulating access to information in the hands of the police department.

What we have before us is nothing more than a governmental denial of access to information in its possession. California could decide not to give out arrestee information at all without violating the First Amendment.

What is the effect of the Supreme Court decision on you? You will continue to have access to the Kentucky State Police's accident reports under KRS 189.635(6). At least, that will be true so long as the General Assembly believes it is good policy to make the information available to the public through the news media.

If you have questions about KRS 189.635(6) or any other topic covered by the Hotline, please feel free to give us a call.

AG Opinions

Ralph W. Wible (for Michael K. Alexieff, city editor, Owensboro Messenger-Inquirer)/ OMPC - Owensboro Metropolitan Planning Commission

Alexieff submitted an open records request for a "copy of the report regarding Commissioner Mike Armstrong prepared for the Owensboro Metropolitan Planning Commission by the Owensboro-Daviess County Ethics Board."

Rick Hobgood, chairman of the Owensboro Metropolitan Planning Commission (OMPC) denied the request on the grounds the Ethics Board report was a "confidential advisory opinion" issued to OMPC and that disclosure required official action by that commission. He noted a public hearing was held and the commission voted unanimously not to release the opinion.

Hobgood claimed the denial was justified under provisions of the Open Records Act (KRS 61.878(1)(a)) that provide: "public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy."

Wible, an attorney for the Messenger-Inquirer, appealed the OMPC's denial to the AG. He explained in the appeal that the controversy arose when a dis-

pointed party, who had opposed a zoning request made by the Independence Bank, claimed that a member of the OMPC, named Mike Armstrong, should not have voted on a zoning request by the Independence Bank because of his business relationship with the Bank. The OMPC referred the complaint the Ethics Board and after the board announced it had rendered an opinion in the matter, the newspaper filed an open records request to obtain the information.

Wible noted the OMPC did not disclose the nature of the information and did not say why it was of the type in which the public would have little or no legitimate interest. "We can only assume that it contended that the information involved a disclosure of Mr. Armstrong's financial affairs and that this was not of interest to the public," Wible wrote. "However, the legislature has declared in enacting KRS 65.003(3)(d) that the financial affairs of a public official are matters in which the public has a legitimate interest."

After the appeal was filed, Stewart B. Elliott, attorney for the OMPC, provided a response to the appeal. He argued that the commission's denial letter did not specifically detail the basis and what con-

See LICENSE, page 9

City pays newspaper attorneys' fees for denying access to settlement terms

In October of 1997, a weekly alternative newspaper in Memphis, Tennessee, sought access to documents concerning a settlement agreement reached between the city of Memphis and the family of a man who died while being restrained by Memphis police. The family had filed a federal civil rights suit against the city, who later agreed to pay them \$475,000 in order to settle their claim.

As in many settlement agreements, the family, at the city's request, had agreed to keep the terms of their agreement confidential. When reporters from the newspaper requested to see the terms of the agreement, the city

refused to disclose the information citing the confidentiality order issued by the federal court enforcing the agreement.

Attorneys for the newspaper then filed a petition in state court seeking access to the documents under the Tennessee Public Records Act. Under this statute, if a governmental entity or agent knowingly and willfully refuses to disclose a public record, then the court can charge the entity or agent with the costs of obtaining that record, including reasonable attorneys' fees. The city admitted that the settlement agreement was a public record, but it argued that it did not "knowingly and willfully"

See SETTLEMENT, page 9

Got legal questions about a story or ad? Call the KPA FOI Hotline!

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Who said (or should it be says?) past-tense attribution is best?

Pressing Issues

By Jerry Hilliard
and Randy Hines

The quote in a Sept. 18 news story in Editor & Publisher read as follows:

"A lot of things went through my mind," said Wiley.

Had it appeared in the same publication a couple of weeks earlier — before a change of editors — the quote very likely would have read this way:

"A lot of things went through my mind," says Wiley.

"Said" and "says" have been going through our minds since we received an e-mail from an editor in Canada. He was responding to our recent column that cautioned against the indiscriminate use of synonyms for "said" in attributions.

The writer, noting that we made no mention of "says," pointed out that its use in newspapers is quite common these days.

Our immediate reaction was that "said" is the best choice in virtually

all cases. In news stories particularly, "says" doesn't seem logical.

Journalists report situations as they existed at a given point in time, so the past-tense verb in attributions seems appropriate.

Many feature writers use "says" to make their articles sound current.

We have learned to accept this practice as long as the writers don't mix tenses. However, we're still not convinced that "says" makes sense.

The person being quoted made the statement only one time, during an interview.

Beginning to feel hopelessly old-fashioned, we looked around for guidance on the topic.

First we turned to the journalist's bible, "The Associated Press Stylebook." The stylebook uses the past tense "said" in its examples and contains no discussion of the merits of "says."

So we examined some of the leading journalism periodicals, thinking that their writing would reflect some sort of consensus in the field.

In Presstime, we found consistency in the use of "said" in news items. In non-meeting reports and feature stories, the choice of verbs seemed to rest in the hands of individual writers.

We discovered that the American

Journalism Review is definitely a "says" publication, except in stories where the past tense can't be avoided — such as quotations from written works or statements made during meetings.

Quill magazine, on the other hand, sticks with "said" most of the time, although an occasional feature article employs the present tense.

The publication that most dramatically illustrates choosing between "said" and "says" is Editor & Publisher.

"Said" virtually disappeared from Editor & Publisher's pages after a new editor was hired in the fall of 1998. But after the sale of the magazine and the departure of the editor were announced in the Sept. 11, 1999, issue, "said" made a miraculous comeback. Now it's hard to find "says" in the publication.

We also sought guidance in various newswriting textbooks, but most of them weren't very helpful. Nearly all the recent texts use "said" in their examples and make little or no mention of "says" as an alternative.

A notable exception is "Writing for the Mass Media" by James Stovall, which includes the following as a bad example:

"I do not choose to run," the presi-

dent says.

The quotation's attribution is handled inaccurately "unless the president goes around continually saying it," according to Stovall's book. "It happened in the past, and that's the way it should be written."

"Although you would probably be able to find many examples of the use of the present tense in many publications, it is inaccurate when it is referring to things that have happened and to action that has been completed."

We expected feature writing textbooks to view the use of "says" much more favorably, but that wasn't always the case.

In "Feature Writing for Newspapers and Magazines," Edward Jay Friedlander weighs the pros and cons of "said" and "says," and offers this advice:

"Pick one and stick with it.

Check to see if you have placed your subject in space and time. If you have, past tense is better. 'Jones, testifying at a special session last Tuesday, said . . .'

"But, if your speaker is floating, pinned neither to a specific location nor a specific time, present tense is often best. 'Jones, a supporter of free trade, says . . .'"

See **ATTRIBUTION**, page 12

Opinions

Continued from page 8

stituted "clearly unwarranted invasion of personal privacy," because the report was classified as confidential and to explain the reasons it was exempt from disclosure would "violate the confidentiality of the report." Elliott also said the ethics code adopted by the city of Owensboro and Daviess County was mandated by the General Assembly and that statute specifically addresses advisory opinions. According to Elliott, the joint ordinance between the city and county states, "An Advisory Opinion shall be requested in writing and shall state relevant facts and ask specific questions. The request for advisory opinion shall remain confidential unless confidentiality is waived in writing by the requester."

According to Elliott, since the OMPC didn't waive confidentiality, the opinion shouldn't be disclosed to the public.

Assistant Attorney General James Ringo determined the OMPC improperly denied Alexieff's request.

First, he noted that the mere invocation of an exception does not satisfy the burden of proof. Although the OMPC identifies the general nature of the information withheld, it does not explain how disclosing that information would constitute a clearly unwarranted invasion of personal privacy, Ringo said. He determined the OMPC was

correct in categorizing the information concerning Armstrong of a "personal nature," and used the courts' standard for determining if a record may properly be excluded from inspection pursuant to KRS 61.878(1)(a): "Given the privacy interest on the one hand and, on the other, the general rule of inspection and its underlying policy of openness for the public good, there is but one available mode of decision, and that is by comparative weighing of the antagonistic interests. Necessarily, the circumstances of a particular case will affect the balance...."

In order to make a decision in the case, Ringo requested a copy of the Ethic's Board opinion for a confidential review. While the AG's office was prohibited from revealing specifics about the opinion, Ringo summarized it by saying the Ethic's Board had found that Armstrong had no actual direct or indirect conflict of interest that violated the Ethics Code as a result of business loans he received from an affiliate of Independence Bank. The Board also found there was no evidence that the loans were solicited, offered or accepted to influence Armstrong's decision or vote on the zoning issue. However, the Board did find there was an apparent conflict of interest. According to the Board's opinion, although there was no direct or indirect financial or personal involvement in the zoning application of the bank, a "reasonable person" aware of the connections between Armstrong, Independence Bank, and the affiliate bank, could ques-

tion Armstrong's impartiality.

"Information relative to Commissioner Armstrong's financial and personal business obligations with the applicant bank go to the very essence of the ethical question.....," Ringo wrote. "Accordingly, we conclude that his information, and the opinion in its entirety, should be disclosed to Mr. Alexieff and the public. The public interest to be served by disclosure of this information would be to inform the citizens as to what their government is doing...the public interest in disclosure of the Ethics Board's opinion outweighs any privacy interests that Commissioner Armstrong may have in his personal finances as they relate to his business relationship with the applicant bank."

Ringo also discounted the claim that because of the city-county Ethics Code, adopted by joint ordi-

nance, the record was exempt under a provision that says advisory opinions are to remain confidential unless waived by the requester. He noted this applies only to records that by federal law or federal regulation are prohibited from disclosure.

The last exemption cited by OMPC, that the record was exempt from disclosure under KRS 61.878 (1)(1) which says "public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly" was also contradicted by Ringo.

The assistant AG said, instead, the Ethics Board was created under authority of KRS 65.003 that in addition to spelling out its purpose, makes no provision for confidential advisory code of ethics opinions but in fact, "presents a statutory scheme of openness and accountability."

Settlement

Continued from page 8

refuse to disclose the documents and was merely attempting to abide by the confidentiality order which prohibited disclosure. The newspaper argued that the city's refusal to release the documents amounted to a willful withholding of public records and thus entitled it to receive money for attorney's fees. The newspaper also sought and obtained a ruling from the federal court that the confidentiality order did not prohibit the city from releasing the settlement agree-

ment.

The Tennessee Court of Appeals agreed with the newspaper. The court explained that the Tennessee Public Records Act was broad in scope and was intended to "give the fullest possible public access to public records." To allow governments to enter into confidentiality agreements would defeat the very purpose of the act, because it would give governments the ability to place public records out of the public's reach.

Contemporary Media Inc. v. City of Memphis.

(Reprinted from First Amendment COMMENT)

People

Continued from page 2

Cornett, a Pikeville native, came to the News-Express last August. He is a journalism graduate of Morehead State University and worked at the Winchester Sun as a staff writer before returning to his hometown paper.

Foltz joins Recorder group as reporter for two papers

Andy Foltz has been hired by the Recorder newspapers as a staff writer. The Boone County native will primarily serve as a reporter for the Boone County and Florence publications. He attended Northern Kentucky University where he was a journalism major.

C-J's Henley leaves for top post at Delaware paper

Debbie Henley, who became managing editor of The Courier-Journal three years ago, has been named executive editor of The News Journal in Wilmington, Del.

The News Journal has a daily circulation of 126,000 and a Sunday circulation of nearly 150,000. Henley is a graduate of the College of William and Mary in Williamsburg, Va., and was an assistant

metropolitan editor at The New York Times before coming to The Courier-Journal in 1996. She has also held various positions for New York Newsday; the Times-Union in Rochester, N.Y.; and newspapers in her home state of Virginia.

Branham wins American Cancer Society award

Frankfurt State Journal news editor Mary Branham received the Mid South Division Media Award for 1998-99 in the single best story category for an article written on last spring's Relay for Life in Franklin County. The award was presented at the American Cancer Society Region 2 meeting in Gatlinburg, Tenn.

The story was submitted by Amy Friskney income development project manager for the American Cancer Society in Lexington and was picked from entries out of six states.

Miller hired in Shelbyville advertising department

Carlene Miller has joined the staff of the Shelbyville Sentinel News as a sales representative. She previously worked in accounts payable and as a receptionist for Landmark Community Newspapers Inc. for more than 13 years.

Deaths

Continued from page 2

Lyndon Johnson and Walt Disney. His work is included in the collections of the Eisenhower, Kennedy, Johnson, Nixon, Ford and Carter presidential libraries. His drawings, which continue to be reprinted, had appeared in Time and Newsweek.

He was inducted into the Kentucky Journalism Hall of Fame in 1987.

Haynie retired from the C-J in 1995 after almost 37 years with the newspaper, but he continued to contribute cartoons from time to time.

A native of Virginia, he received his bachelor's degree from the College of William and Mary in Williamsburg, Va. His first cartoons appeared in his college newspaper, The Flat Hat. After college, Haynie went to work for The Times-Dispatch in Richmond, Va., and later worked for the Greensboro, N.C. Daily News, and for a short time, the Atlanta Journal. Courier-Journal publisher Barry Bingham Sr. asked Haynie to come to Louisville in 1958. He replaced Grover Page who had died earlier that year after working as the newspaper's cartoonist since 1919.

Although many of Haynie's cartoons depicted politicians, his favorite one was about Christmas and it almost didn't get printed. He drew the sketch while he worked at the Atlanta Journal. It depicted a man, surrounded by wrapped Christmas presents and in the upper left-hand corner, the face of Jesus. The caption read, "Now, let's see, have I forgotten anyone?" The Atlanta paper killed the cartoon out

of fear advertisers would be offended. He tried the cartoon again in 1961 and Barry Bingham Sr. loved it. It was reprinted every Christmas Eve after that.

Haynie is survived by a son, Hugh Smith Haynie Jr., of Louisville, a niece and a nephew.

Billy Davis

Billy Davis Jr., long-time photo editor at The Courier-Journal and Louisville Times Co., died Dec. 6. He was 83.

Davis came to The Courier-Journal in 1940 from his hometown paper, the Chattanooga (Tenn.) News. He served as director of photography for the C-J and Louisville Times for more than 30 years. His work is collected in a book "Over Kentucky: 40 years of Aerial Photography."

He was inducted into the Kentucky Journalism Hall of Fame in 1982.

Edwina Hickey

Edwina "Snookie" Hickey, a former bookkeeper for the Tri-County Shopping Guide and Times-Tribune employee, died in early December at her home. She was 76.

Hickey began working at the shopping guide in 1975 when it was started by her brother, Ray Kidd. The publication was purchased by the Times-Tribune three years later and Hickey continued to keep the books after moving into the newspaper offices. She worked for the paper for a number of years before retiring.

Survivors include her brothers Ray Kidd and Roy Kidd, head football coach at Eastern Kentucky University, her daughter, Carolyn Jones; and two grandsons.

Use a little 'fear' to prompt better writing from reporters

Coach's corner

By Jim Stasiowski



Hey editors, I have an idea for improving your newspaper's writing: Lie to your reporters.

At every newspaper in this great land of ours, I want you editors to convene a meeting, clear your throats and announce, "Starting tomorrow and until further notice, Jim Stasiowski, a writing coach, will be reading every edition of the newspaper. He will be visiting in a few weeks, and he is going to meet with each of you about your writing."

When the meeting is over, go to your office, close the door and laugh yourself silly.

I'm not going to visit every newspaper in the country. I'm too busy working on my memoirs.

But by telling reporters a writing coach will be reading their work, I guarantee they will take more care with their stories.

Reporters fall into the trap of writing for themselves. Human nature dictates they often forget they have a responsibility to thousands of readers.

Just review some of the decisions we make when we write. We start writing a sentence, and we realize we don't have a fact or quotation precisely pinned down. Our first thought should be, "How can I get more precise information?" But that's rarely our first thought. We usually think first is, "Can I get away with fuzzing up this information, or will the editor notice?"

In a perfect world, editors would always notice, and they always correct the reporters. That way, editors do what they pay me to do, train their writers. Training means writers get into good practices, which means stories improve.

But editors all say the same

"I believe if reporters think someone is looking critically at their stories, they will try and write better. I say that from experience."

Jim Stasiowski
writing coach

thing, "I don't have time for training," which is a lot stupider than it sounds. That sentence says, "I don't have time for readers." Our only meaningful connection with readers is the stories we write and edit. If a reporter is writing poorly, what is his benefit to the newspaper? Is he one hell of a first baseman on the company softball team?

I understand the "I don't have time" excuse, as I too do not have time to do all the things I should. But instead of trying to find creative solutions, most editors shrug and assume readers will forgive yet another edition full of flaws.

I believe if reporters think someone is looking critically at their stories, they will write better. I say that from experience.

When I tell a writer I'm coaching, "You have trouble doing such-and-such, Joe," he almost always will say, "Yeah, I know that's a problem in my writing. I have to stop doing that."

I almost never tell a writer something he didn't already know about himself. But he continues to write that way because he thinks nobody is noticing.

So if reporters live with the scary thought that somebody is evaluating their every word, they will automatically write better. Instead of wondering whether anyone will notice their fuzzy facts, reporters will make the extra phone call.

Obviously, the best option is to appoint an editor your writing coach. Make him responsible to look for the good and bad in stories and

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Fear

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to show writers how to improve. But you won't do that. Everybody is too busy. So here are some options:

The outsider: Somewhere in your community lives a college professor or retired editor or writer who will, probably for a reasonable fee (more reasonable than mine, I'm sure), be your coach. Ask reporters to sign up for coaching. (A person unwilling to be coached will not learn.) Then give the coach this tack: Pick stories at random for your coaching. Keep the reporters guessing which story the coach will pick. That will make the writers careful with all their stories.

The buddy: The best possible coach is a peer. Writers already informally coach each other, but you want to make it a dependable part of a training program.

Get the list of people who want coaching, and ask them to set up their own coaching marriages. Sheila coaches Fred, Fred coaches Sheila. Set aside two hours per week for them to work with each other, one hour for each to write a critique of the other's story, then an hour for them to get together and discuss the critiques.

Realize that marriages succeed for a while, then fail. Shuffle the pairings when they no longer work. And again, allow the coach, not the reporter, to pick the story for the critique. Every reporter will want to avoid hearing criticism from his or her friend.

The benefit actually doubles. When Sheila must become an analyst of another's work, she also analyzes her own. She learns from the critiques she does of Fred's stories.

Me: Keep lying. Tell them I'm coming. Play the shark-is-circling music from "Jaws." And when they ask when I'll be there, just keep saying, "soon, Very, very soon."

THE FINAL WORD: Let's stamp out the jargon term "feasibility study." We almost always use it redundantly anyway, as in, "The School Board approved a feasibility study to see if the district needs a new high school."

Why use "feasibility," then define it"...to see if the district needs a new high school?"

This is a lot simpler. "The School Board approved a study of whether the district needs a new high school."

If you use "feasibility study" without the definition, a lot of readers may justifiably wonder what you mean: "The city will do a feasibility study of sewer expansion." Say what?

(Writing coach Jim Stasiowski welcomes your questions and comments. Call him at 410-247-4600 or write to 5812 Heron Drive, Baltimore, Md. 21227.)

USPS' Revenue Assurance inspectors filing claims again papers across U.S.

By MAX HEATH
NNA Postal Committee Chairman

Havoc is being wreaked across the country by "Revenue Assurance" inspectors of the USPS. While other parts of the Postal Service have worked to build bridges to newspapers and other Periodicals' mailers, RAs are rolling merrily along, setting back customer relations at least a decade. I predict that for every dollar they collect, they will lose more in future revenue for the Postal Service from paid, requested and free newspapers who leave the mail as the result of RAs' nit-picking searches for additional revenue.

The National Newspaper Association has been monitoring the activity for months, helping members defend themselves, and is involved with a Mailers Technical Advisory Committee work group on the problem.

Since periodicals by requirement leave a marked copy for inspection in postal files, they are easy targets for inspectors trying to write big "tickets" to violators of content and paperwork rules. After months of waiting for signs of common sense and fair play to emerge, we've concluded there is little chance of that. Periodicals mailers are likely to be offered mainly window dressing in the way of enforcement changes in an effort to appease them.

They have no inclination to only write "warning tickets" about paperwork violations, even when evidence exists there was in fact no real violation or revenue lost to the Postal Service. NNA members facing deficiencies of \$69,000, \$51,000 and \$39,000 can attest to that fact, not to mention many others from \$2 to \$20,000.

In the meantime, NNA feels compelled to remind members of things they must do to avoid assessments for back postage through loss of presort discounts or content eligibility, based on problems of others so far.

1. Attach CASS Summary Report 3553 to each Postage Statement 3541-R (Periodicals) or 3602-R (Standard Mail) to qualify for either (a) carrier route presort discounts or (b) automation barcoded rates. The 3553 must be updated

"After months of waiting for signs of common sense and fair play to emerge, we've concluded there is little chance of that."

Max Heath

NNA Postal Committee Chairman, Vice President LCN1

within 90 days of mailing for carrier route mail, and 180 days of mailing for automation mail. You may sue hard-copy Carrier Route Information System schemes (free up to 8 ZIP Codes) for carrier-route mail for either class, completing by hand a 3553 with minimal information required. Automation requires list processing of records using CASS-certified address matching software. Attach computer-generated 3553.

2. Show walk-sequencing date in required places on postage statements 3541-R or 3602-R. Sequencing must have been checked (or certified still correct if no changes since the last sequencing) within 90 days of mailing. Post offices can still walk-sequence cards or a list at no cost.

3. Newspaper supplements must not contain the word "catalog" anywhere on or within the piece. A special periodicals group met recently to consider changes to the current rule in DMM C200.2.2b, which has been in effect for the past four years, but change is uncertain.

4. Newspaper supplements must not have a mailing permit indicating First or Standard (old third class) postage that was intended to be paid in the piece. (DMM C200.2.2c).

5. Newspaper supplements must have separate prices on the cover or anywhere inside the piece. If you plan to sell some copies of a special section, price them afterward with stickers on the copies not mailed. (DMM C200.2.2a)

6. Obtain current postage statements 3541-R and 3602-R from the websites usps.gov (click on "business center," then "forms"). Local post offices repeatedly cause revenue deficiencies by failing to give updated forms to newspapers. Better yet, let your software generate the forms. Keep it updated, always using the current release.

7. Do not trust local postmaster advice. Repeat: Do NOT trust local postmaster advice. You must be smarter than your local postmaster. Postal auditors are auditing you and them. But you are the only one who will have to pay. Most newspapers deficiencies are a direct result of failure of local post offices to either properly inform newspapers of the rules, or because they give newspapers direct assurances that they are in fact doing everything OK. If you accept local postmaster (and often even District Business Mail Acceptance) advice, be sure to get it in writing. Otherwise, it's worthless. NNA does expect to receive some assurance that written proof of wrong advice may be honored. The Catch-22 is that is almost impossible to get written advice or approvals from postal personnel. Current regulations do not allow for any mitigation due to postmaster advice except by the USPS Finance Department. Unfortunately, this is like the fox guarding the henhouse , since the Finance Department is responsible for increasing postal revenues via these inspectors.

8. Do follow NNA advice. NNA's Postal Committee has distributed information to its members via Publishers' Auxiliary, its Postal Handbook, member mailings, postal seminars, and its website at www.nna.org. Many penalties NNA has tried to help defend could have been avoided had members listened to NNA instead of their local postmasters. (Max Heath is chairman of the NNA Postal Committee and is one of two NNA representatives on the joint USPS-industry Mailers Technical Advisory Committee. He is vice president of Landmark Community Newspapers, Inc. Contact him at: P.O. Box 549, Shelbyville, KY 40066, or maxheath@ntr.net.)

Future

Continued from page 5

Internet, Feather encourages publishers to ensure that they are searchable by vertical category: job listings, auto sales, homes for sale or rent, etc.

He said it has been estimated that 18 percent of U.S. classifieds will have moved online by 2005, which will seriously undermine the economics of many, many newspapers.

In addition to allowing readers to do fast, detailed searches, he said the online classifieds need to

allow consumers to specify sought-after items. Then, notify the consumer by e-mail when a match occurs.

"Again, you have the local advantage: if I live in Atlanta, the perfect used car I find online in Denver is of no use to me."

Feather also noted that some of newspapers' biggest advertisers are supermarkets and general retailers. He said, "Supermarkets are about to be severely beaten up on by online grocery shopping, especially by a company called Webvan. As grocery shopping goes online, newspaper inserts and fliers will be replaced by e-

coupons and individualized offers, online. So, it's all well and good to promote newspaper sales in supermarkets — supermarkets will be around for quite a while yet — but your long-term future is in e-commerce, not single-copy-single-pick-up sales in supermarkets.

Feather said general retailers are all potential victims of "Amazonization." The smart ones are scrambling to get online, he said. He advised newspapers to partner with advertisers to create a local online merchants' portal.

(Reprinted from *The Bulletin* 11/1/99)

Attribution

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However, "Professional Feature Writing" by Bruce Garrison includes this comment: "Most feature writing uses the past tense verb, said, instead of the present tense verb, says."

Going one step further, Garrison suggests that feature writers use the past tense as "your standard tense for attribution."

One of the nation's most well-known writing coaches is Paula LaRocque, an assistant managing editor at The Dallas Morning News.

"Some writers prefer 'says' in certain stories because it's more immediate," LaRocque told us. "For that reason, 'says' also may be more dramatic — if the quotation itself is appropriate to the present tense.

The use of the word can be attractive in both feature and news stories if it solves rather than creates problems.

"Consistency of tense is critical, of course, and writers who have chosen the present tense attribution are stuck with it throughout. They may find themselves grappling unneces-

sarily with the mechanics of what they're saying rather than its content."

We've had the need to be consistent drilled into our minds ever since we first began dabbling in the field of journalism decades ago. And we've often wondered why feature stories using "says" attributions are found alongside news stories using "said." And why feature stories using "says" are found alongside other feature stories using "said."

Everything considered, using "said" for attributions in both news and feature stories seems to make the most sense.

However, many generations of journalists have used "says" in headlines without giving it a second thought. But that's another topic for another column . . .

(Hilliard is coordinator of the journalism program at East Tennessee State University, and Hines is chairman of the mass communications department at the University of North Carolina at Pembroke. They may be reached by e-mail at hilliarj@etsu.edu or by phone at (423) 439-4167.)

Tough

Continued from page 1

in the newspaper in February 1998. In that issue, the photographs of a man and a woman convicted in January appeared. Initially, White printed the photos once a month but now they run weekly, usually three or four per issue.

"I think it has more impact weekly," said White. "This won't keep the habitual drunk off the road, not even close. But it may deter someone who has a tendency to go out in a social setting and have one too many. Somebody in the public eye... a school teacher, a politician. The bottom line is, if they have a face to lose, they'll lose it in a small community. They'll be impacted the rest of their life."

White believes that impact can and has deterred the incidence of drunk driving in Anderson County. He's not alone.

"The police really appreciate the public scrutiny," he said. "They've told me several times that the first words out of the mouth of someone they've just arrested for DUI are, 'oh no, this means my picture is going to be in the Anderson News.'"

White said he decided to explore this different type of public awareness campaign out of frustration he felt after a tragic drunk driving crash in a nearby county claimed the lives of three people. The crash occurred during the Christmas holiday and the driver received shock probation a short time later because, according to the judge, he was a "good guy."

"I wanted to do something differ-

ent besides the usual slick house ads that run each year that I think people just become immune to," said White. "This puts a face with the name and brings it home."

When the Anderson News announced the new campaign and the photographs began appearing, the story attracted the attention of the Associated Press, several Kentucky newspapers, broadcast stations and trade publications across the country. The central Kentucky weekly (circulation 6,100) may be the only newspaper in the country publishing the photos of every convicted drunk driver.

"I never visualized it was so unique. Apparently, we're the only paper in the country doing it, the way we're doing it," said White.

White researched the legality of publishing the photos and takes extra precautions that the information contained underneath the photos is correct. Thus far, no problems have arisen as a result of the publication. He receives the photos from the county jailer, a fairly simple process since photos are taken at the time of arrest.

He's received dozens of phone calls from newspapers in five different states inquiring how the campaign works, how it's working so far, and other questions, but no commitments from publishers to follow in his footsteps.

Public reaction to the photographs has been extremely positive.

"During the first few months after we started running the pictures, I couldn't get out of the office without people stopping me, shaking

Survey

Continued from page 4

conducting a campaign to improve their service since last year. The USPS is now seen as more responsive than in 1998. Seventy-six percent of newspapers stated that the USPS responded to complaints about poor delivery, unlike 1998, when only 48 percent of newspapers reported a USPS response.

Overall, one-third of responding newspapers see improvement since the last survey. Florida, California, Arizona and Texas came up more frequently than other states when newspapers were asked which states or zip codes gave them the most problems.

Subscriber complaints continue, but dipped slightly since last year when 37 percent of non-dailies reported receiving 11 or more subscriber complaints per month. In 1999, 24 percent of non-dailies report receiving 11 or more complaints per month. Canceled subscriptions increased for dailies. Fifty-three percent of responding newspapers report losing 11 or more subscribers per year, while in 1998, 39 percent reported losing

"I expect to hear more good news about our service performance. To make that happen, the Postal Service will continue working with publishers and the NNA to get more newspapers into more American homes more quickly than ever."

William J. Henderson
Postmaster General

11 or more subscribers per year.

Postmaster General William J. Henderson, responding to the survey results said, "Like most Americans, I enjoy getting the news especially when the news is good. That's why I like what I am hearing from the National Newspaper Association. We've been working hard to improve service over the last year and our customers have noticed the difference."

"It's my job to make you and the customers you represent successful. And I'm going to deliver on that promise," said Henderson.

To obtain a copy of the survey results, call Jeremy Ratner, NNA, at (703) 907-7928.

my hand and telling me how much they appreciated it," said White. "After the Publishers Auxiliary story ran and the story made the AP state wire, I received several letters from out-of-state publishers praising our efforts."

Some of those letters called the Anderson News' drunk driving campaign "bold" and "courageous." And for White, who describes himself prior to all this as "not very aggressive," the boldness of his decision has brought out a different side to the man whose been in the newspaper business for 25 years, most of those at his hometown Lawrenceburg paper.

"Before this, I couldn't get up and speak in front of a crowd for anything. No way. Just couldn't do it... and no way could I go on camera," he said. "But when this happened, the camera crews were here by the truckload. I've traveled all over now, too, speaking to clubs and organizations about this. I feel that strongly about it. If it can prevent one person from getting behind the wheel of a car or truck if they're drunk...then it's worth it."

John V. Moulden, president of the National Commission Against Drunk Driving, said each of the award recipients "is truly a lifesaver."

"These highway safety heroes are perfect examples of what it is going to take in every community if we are to win the war on drunk driving," said Moulden.

Other recipients included: The governor of Michigan, John Engler, for his commitment to protecting youth by signing zero tolerance underage drinking and driving legis-

lation, the graduated licensing law, and a 20-law package designed to separate repeat impaired and suspended/revoked drivers from their vehicles; the state of California that has seen a dramatic drop in alcohol-related traffic deaths; the Chrysler Corporation that's donated millions to safety education programs for teens; Judge Michael A. Martone, Troy, Mich., who started a youth alcohol prevention program that's now being used in 11 states; Iowa Senator Andy McKean, who's worked for 20 years to advocate impaired driving laws, often in the face of strong and vocal opposition; Officer Henry F. Lombardi, an 18-year veteran of the Newport (R.I.) Police Department who's been instrumental in shaping the state's public education campaign; Project Extra Mile, an underage drinking prevention community coalition in Omaha, Neb.; BACCHUS and GAMMA Peer Education Network in Denver, Colo., that's led a public education campaign to make high school and college students and the police aware of the zero tolerance underage drinking and driving law; and Tammy Hips of Remove Intoxicated Drivers (RID) in Dyersburg, Tenn., an activist whose parents were hit by a drunk driver when she was a young girl. She's worked relentlessly for 11 years in support of drunk driving victims and the strict enforcement of DWI laws. She was responsible for the removal of a general sessions judge whose DWI conviction rate was 10 percent and publicly opposed the county district attorney, resulting in his removal as well.