

The
Kentucky
Press



Volume 77, Number 7
Kentucky Press Association
101 Consumer Lane

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no. 7
2006
July

July 2006 - Published by Kentucky Press Association/Kentucky Press Service

PEOPLE AND PAPERS

Randy Hammer joins C-J staff

Randy Hammer, former executive editor of the Pensacola News Journal, has been named a vice president of The Courier-Journal in Louisville.

Hammer, 54, will be in charge of the newspaper's non-daily publications, Internet efforts and marketing development.

Hammer held various reporting and editing positions at the News Journal and newspapers in Tennessee, Indiana, West Virginia and Missouri before returning to Pensacola in 1999 as executive editor.

During Hammer's seven-year tenure, the Pensacola News Journal was twice a finalist for the Pulitzer Prize, journalism's most coveted award. The newspaper was cited in 2003 for its investigation into Escambia County government corruption that led to the resignations of four commissioners and in 2005 for its coverage of Hurricane Ivan.

Hammer joins former News Journal publisher and president Denise Ivey, who became publisher and president of The

See PEOPLE on Page 12

Special session ends



PHOTO BY JOHN WHITLOCK/KPA

State Rep. Jeff Hoover, R-Jamestown, speaks to members of the media following a bill signing ceremony at the end of June's special session of the Kentucky General Assembly. Talk about the political future of Gov. Ernie Fletcher sometimes overshadowed the passage of a tax-relief package.

NNA praises court ruling on fax transmissions

The National Newspaper Association praised a California court's decision to block enforcement of a state law that would have banned all interstate commercial faxes without prior written consent from the recipient.

The decision reaffirms the federal government's sole authority to govern interstate faxes, and recognizes the validity of an exception to a 2005 federal law which allows commercial faxes where an established business relationship exists. The chal-

lenged California law contained no such provision, and would have severely restricted the ability of community newspapers to do business in the state.

"NNA is very pleased with the Court's decision. When Congress spoke on this issue last year, it wisely included provisions allowing the legitimate use of faxes between businesses," said Jerry Reppert, NNA President and publisher of The Gazette-Democrat, Anna, IL.

"As publishers of community

newspapers, we routinely use the fax machine to communicate with our subscribers and advertisers. California's law, while well-intentioned, was entirely too broad, and the effect on our industry would have been costly and burdensome," Reppert added.

Twenty state press associations submitted a supporting brief in the case in January, arguing that forthcoming FCC regulations on the issue preempted the state law.

PASSINGS

Journalist, public servant Lonnie Falk passes away

Lawrence "Lonnie" Claster Falk, a journalist who later became mayor of Prospect, died recently of a heart attack, his daughter said. He was 63.

Falk's journalism career began when he was in college at the University of Alabama, daughter Wendy MacGregor said. During a 20-year career, Falk was a reporter for the now-closed Birmingham Post-Herald and then worked for United Press International in Alabama, Illinois and North Carolina, MacGregor said.

Al Benn, a longtime friend who worked at UPI with Falk in Alabama, said Falk covered some historic events, including Hurricane Camilla in New Orleans and civil rights protests in Alabama during the 1960s.

"It was a difficult time back then. Birmingham was known as Bombingham," Benn said. "He had deadlines to meet and he did it. He was a pro in everything he did."

Falk then worked in public relations with stints at the University of Louisville; the University of Alabama and the American Medical Association.

Falk was first elected as mayor of Prospect in 1993, according to the city's Web site. His third term was set to expire at the end of this year. While mayor, Falk helped establish the Prospect Reading Center in 2002 to give residents access to newly published works of fiction and nonfiction.

Falk is survived by his wife, Willo; daughters Wendy MacGregor and Laurie Fields and five grandchildren.

Former editor of Louisville Times afternoon newspaper, passes away

John E. "Jack" Carey, a former editor of the Louisville Times afternoon newspaper, has died at 81.

"He was a newsman's newsman, from the no-nonsense school of journalism," Courier-Journal day copy desk chief Marc Norton said.

Norton credited Carey as a strong influence on many young copy editors.

"The news editor job was the only one I ever wanted at the Times, or anywhere else for that matter," Carey once said.

Carey worked seven years at a newspaper in Sioux City, Iowa as a reporter, photographer, editor and other duties before he joined the Louisville Times as a copy editor in 1955, said his daughter, Adrienne Wright.

"He used his remarkable skills and leadership abilities not only to put the finishing touches on a lively and informative product but in staff development, for he was a role model, teacher and mentor as well as a supervisor," said Courier-Journal regional desk slot Rob Deckard.

Carey became the Times' telegraph (now wire) editor in 1957. He was promoted to chief of the copy desk in 1963 and was named news editor in 1964, overseeing the layout and content of much of the afternoon paper for the next 20 years.



JOHN CAREY

THE KENTUCKY PRESS

The Kentucky Press (Permit # 939) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Third Class postage is paid at Glasgow, KY. 42141. Subscription price is \$8 per year. Postmaster: Send change of address to The Kentucky Press, 101 Consumer Lane, Frankfort, KY. 40601, (502) 223-8821.

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NOMINATIONS SOUGHT FOR ANNUAL AWARD

Gish recognizes best in rural journalism

Do you know a publisher, editor, reporter or photographer who has demonstrated courage, tenacity and integrity in rural journalism? You are invited to nominate one or more of them for the Tom and Pat Gish Award, presented by the Institute for Rural Journalism and Community Issues.

The award is named for the couple who are in their 50th year of publishing *The Mountain Eagle* of Whitesburg, Ky. The Gishes have withstood advertiser boycotts, declining population, personal attacks and even the burning of their newspaper office to provide the citizens of Letcher County the kind of journalism often lacking in rural areas, especially those dominated by extractive industries -- in this case, primarily coal. Their coverage and commentary go beyond the boundaries of Letcher County to address issues in state and federal governments and other institutions that have a local impact, such as a new regional drug-fighting agency, the 40-year-old Appalachian Regional Commission, and the Tennessee Valley Authority and its coal-buying policies that encouraged strip mining in Central Appalachia. These are just some examples of the type of journalism worthy of the award.

The Gish Award is given to rural journalists who demonstrate the



PHOTO COURTESY OF INSTITUTE FOR RURAL JOURNALISM AND COMMUNITY ISSUES

Nominations are being accepted for this year's Gish Award, named after Tom and Pat Gish. The couple is in their 50th year of publishing *The Mountain Eagle* of Whitesburg.

courage, tenacity and integrity often needed to render public service through rural journalism. The first award was made to the Gishes themselves in 2005. The Institute hopes to make it annually, depending on quality of the nominations.

Nominations for this year's award are due Sept. 1. The Institute plans to present the award at one of its conferences this fall. Nominations should be made by

way of a letter or e-mail giving details on the courage, tenacity and integrity demonstrated by the nominee(s). Send your nomination to: Al Cross, director, Institute for Rural Journalism and Community Issues, 122 Grehan Journalism Bldg., University of Kentucky, Lexington KY 40506-0042, or by e-mail to Al.Cross@uky.edu.

The Institute for Rural Journalism and Community Issues

helps non-metropolitan journalists define the public agenda for their communities, and grasp the local impact of broader issues. It interprets rural issues for metro news media, conducts seminars and publishes research, good examples of rural journalism and *The Rural Blog*, a daily digest of events, issues, trends and journalism in rural America, with ideas for stories and sources. It is based in the School of Journalism and Telecommunications at the University of Kentucky and has academic partners at Appalachian State University, East Tennessee State University, Eastern Kentucky University, Georgia College and State University, Indiana University of Pennsylvania, Marshall University, Middle Tennessee State University, Ohio University, Southeast Missouri State University, the University of North Carolina-Chapel Hill, the University of Tennessee-Knoxville, Washington and Lee University, West Virginia University and the Knight Community Journalism Fellows program of the University of Alabama.

For details, see www.RuralJournalism.org.

Story courtesy of Institute for Rural Journalism and Community Issues.

Net neutrality could become an issue for journalists

If you're still not exactly sure what "net neutrality" and its alternative are, and why you should care, we recommend a couple of recent commentaries on the topic of fees to surf the Web more speedily.

National Journal technology reporter Drew Clark writes, "Net neutrality is about the rules of the road for the information superhighway — and whether, some day, traveling in the fast lane will require paying a toll. Because of the convergence of television and telephone service into digital transmissions, the outcome of the battle will affect all aspects of communications." (National Journal is subscription-only.)

"Net-neutrality advocates — Google, Microsoft, and the other tech companies — say the telecom companies (the Bells) and the cable

industry shouldn't be permitted to control the Internet through discriminatory pricing in which their business partners enjoy a huge competitive advantage by gaining access to the wires into homes and offices. The telecom and cable guys — the neutrality critics — counter that 'net neutrality' is just a fancy way of saying that the government should regulate the Internet."

In a recent commentary for the Poynter Institute, Amy Gahrn wrote, "This issue is one to watch, and I'm very surprised that most news organizations seem to be ignoring their own stakes in this matter. It boils down to this: without net neutrality, news organizations could be shaken down by telcos for additional fees to guarantee 'preferential delivery' of their content via the telco's 'pipes.' That is, even though you're

already paying for access and bandwidth (and so is your audience), the telcos would charge you more to guarantee that your content is not placed at a competitive disadvantage."

"The consequences: If you don't pay up, people might experience various kinds of problems accessing or downloading your online content — especially higher-bandwidth content such as audio or video. Unfortunately, your would-be audience probably wouldn't realize that the telco was responsible for the slowdown. They'd probably just think your site has problems, and click away to a better-performing (from their perspective) site," concluded Gahrn.

Story courtesy of Institute for Rural Journalism and Community Issues.

CANADIAN STUDY RAISES QUESTIONS ABOUT EDUCATIONAL PROJECTS

Where is your NIE program?

I can't imagine young people in Canada being much different from their counterparts in the U.S. That's why a readership study commissioned by the Canadian Newspaper Association is interesting (make that, encouraging) reading.

Much is made about newspaper readership here in the U.S. and other media like to point out the decline of newspaper circulation. They note, and we seem to acknowledge, readership in coming years will continue to wane because the young folks aren't going to depend on the newspaper as did their forefathers and mothers.

CNA commissioned this first-ever study as a way of measuring what young newspaper readers think, what they do and what they care about. With many commonly held perceptions about that generation, CNA wanted to find out what was reality, what was myth.

The result makes for interesting reading: "Reading Between the Lines: Debunking Common Myths about Young Newspaper Readers."

I'm going to paraphrase some of the results and in other parts quote directly from the study. And if you've made it this far and want to read no further, then at least read the last few graphs after the starline.

The study was done in April, 2006, with 1500 respondents between ages 14 and 34. It was done online and took each respondent about 25 minutes to complete. And it was offered in English and French, meaning the results were weighted for national and regional representation. The results are considered accurate within 2.6 percentage points, plus or minus, 19 out of 20 times.

Myth #1 - "Young People are Disengaged and Apathetic"

Only 11 percent of the respondents say they are not engaged in civic engagement (voting, volunteering, social activism). Yet 34 percent of daily newspaper readers consider themselves highly engaged.

We might think that generation is a little more removed from voting, at least that seems to be an attitude of many of us in older generations. Yet the young newspaper readers in Canada showed that 78 percent of eligible daily readers voted in the last Canadian election.

Myth #2 - "Young Readers are Introverted and Marginalized"

We might stereotype that generation as being removed or disassociated but in reality the study shows young newspaper readers are

On Second Thought

By David T. Thompson
KPA Executive Director



outgoing, are more socially active, shop more frequently, consume more fast food and are more likely to visit restaurants, bars and night clubs than infrequent readers.

Myth #3 - "Traditional Media have no Appeal for Young People as a Source of News and Information. Newspapers in Particular are seen as Old-Fashioned and Not Appealing"

Asked to rate eight sources of information on "issues that are important to you," the respondents ranked newspapers as the second most valuable media source of information. TV was first with 41 percent, newspapers second at 32, radio and news websites both were at 22 percent. At the bottom was weblogs, or "blogs" as we know them.

Want to learn more about the
Canadian study?

Check out this web site:

www.can.acj.ca

A couple of interesting notes go with this "myth." More than 91 percent disagreed with the statement that "newspapers are for old people." But 62 percent in the 14 to 19 age range said they would read newspapers more often if the content was "more edgy and less conservative."

And while Canadian youth value online news sources, including newspaper websites more than newspapers themselves, newspapers rate higher in credibility, trust, level or writing and quality of reporting. And they rated trust and credibility as the most important criteria for any news/information source.

Myth #4 - "Young Readers are Techno 'Dummies' and Behind the Times"

Computer usage between daily readers and infrequent readers is slightly appreciable but the margin widens on internet usage and even more on e-mail usage. And there's a very pronounced "divergence" on cell phone use. Of the daily readers, 53 percent use a mobile phone to only 32 percent of the infrequent users.

Daily readers are more likely to access news and information online than their infrequent counterparts and are more likely (60 percent to 37 percent) to read a newspaper online.

Myth #5 - "Young People Don't Read the Newspaper for News"

Some of the results here mirror what we used to find in readership studies done by KPA. The front page is highly read, local news rates very high and sports has declined. But that's a gender situation. While overall, the CNA study showed 28 percent of the respondents read the sports section, 46 percent of the males turn to the sports pages.

Myth #6 - "Young People will pick up the Habit of Newspaper Reading when they get older, just like the Previous Generation"

Actually, the study showed that newspaper readership increases more in the 14 to 19 year age range (58 percent) to only 26 percent in the 30 to 34 age range.

So that seems to say we really need to get to the younger generation at an earlier age.

And this leads me to the key reason for writing about this study.

Part of it is obvious and reminds me of a frequently seen bumper sticker "Kids Will Be What Kids See." If kids see their parents reading the newspaper in the home, they may be more likely to pick up the habit.

But as important, if not moreso, is the fact that "newspapers in schools have a significant impact on forming newspaper reading habits in these critical years."

Sixty-six percent of the daily newspaper readers in the study said newspapers were an educational tool in their high school and 41 percent said newspapers were used similarly in their elementary school years.

.....

Many of you reading this don't have a presence in elementary schools, or even high schools. You don't have a Newspaper in Education program, you don't publish the chapter series projects furnished to you at no cost by KPA.

So what's stopping you? If you think the

See **SECOND THOUGHT** on Page 5

IN THE OPINION OF THE ATTORNEY GENERAL

Reporter says other issues were discussed in closed-door meeting

At issue in this appeal is whether the Todd County Fiscal Court violated the Kentucky Open Meetings Act by discussing general personnel matters not authorized by KRS 61.810(1)(f) during closed session conducted at the regular meeting held on April 24, 2006.

Although the conflicting evidence of record precludes this office from conclusively resolving the question presented, the fiscal court appears to have acted in a manner consistent with the law.

The Attorney General determined that if the Todd County Fiscal Court engaged in a discussion of general personnel matters, such as salary increases and equipment issues unrelated to the possible appointment, discipline or dismissal of a public employee, the discussion was improper to that extent.

According to the Attorney General's Office, reporter Dana Long submitted a formal letter of complaint to Todd County Judge-Executive Kent Knight regarding actions taken at a meeting held in April.

In her complaint, Long said the fiscal court "voted to go into a closed session to discuss personnel matters regarding the disciplinary action of some county employees affiliated with the Todd County Emergencies Services." However it came to her attention that matters were discussed that did not deal strictly with personnel matters.

In her appeal, Long said she was told that a raise was promised to road department employees that would go into effect in early July and other equipment concerns were discussed in the closed-door session.

Long, citing Kentucky legal precedent, requested that the issues be brought up in open-session at the next meeting.

In his response, Knight said the purpose of the meeting was to gather information regarding com-

plaints which had been received concerning the conduct of a particular county employee. After interviewing the employee, he took action concerning the employee that didn't have to be approved by court and didn't require a public vote.

In her appeal, Long said that halfway through the meeting, the emergency services director left the meeting and a road department employee entered to discuss an employee issue. Long also said that a county road employee told her that general pay raises and equipment issues were discussed for the majority of the meeting.

Todd County Attorney Harold M. Johns, responding to the appeal on behalf of the court, said Long's allegation was based on the statement of a county employee who was interviewed by the fiscal court regarding the abuse of equipment at the county road garage by various county employees. After leaving the meeting, the interviewed employee made a public statement that he had negotiated a pay raise on behalf of county employees, Johns said.

The next day, Knight suspended a road department employee 10 days without pay as a result of the information provided by the interviewed employee, Johns said.

While the interviewed employee may or may not have understood the purpose of the meeting, the court didn't violate regulations if the actual purpose of the session was to determine if any action against the employee was needed or necessary by the county.

Because the evidence doesn't establish that the Todd County Fiscal Court expanded the scope of the personnel exception and improperly concealed matters that would otherwise be a matter of public record, the attorney general's office was unable to conclude that the fiscal court had violated the open-meetings regulations.

SECOND THOUGHT

Continued from page 4

younger generation in Canada is really no different than the younger generation in your community, "debunking" that last myth should more than convince you it's time. It's time to find a way to expose school-age kids in your community to the value of newspapers. Specifically, to the value of your newspaper.

Sure it costs but there are sponsorship opportunities at the local level to get the copies of those newspapers paid for. You just have to be convinced and then be convincing to those businesses. And yes, you give them the credit on your pages for being an NIE sponsor. Yet in the long run, it will be you who gets the credit.

And if you don't believe it, just try the upcoming chapter series Tails from the Bluegrass II. Better yet, be convinced now. Contact one of the newspapers around you who published the series last fall and see what the teachers, the students and even the parents had to say about the project.

There are plenty of stories about last year's success, from any of the 84 newspapers who published Tails from the Bluegrass I, or the 935,000 readers each week.

If that doesn't convince you to participate, if that doesn't convince you that an NIE program is worth the effort, the time, the cost, then nothing will.

CONGRATULATIONS

KPA
KENTUCKY PRESS ASSOCIATION

SECOND PLACE

Southern Newspaper Publishers Association (SNPA) honored KPA's "Rockin' Readin' Revolution 2005" with a second-place award for Best Statewide Award.

Thanks to LG&E & Kentucky Utilities, both E.ON Companies, for their support.

Watch for "Tails from the Bluegrass II" this fall!

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Users of newspaper web sites more likely to buy on-line, study finds

Vienna, Va. — People who visit newspaper Web sites on an average day are more likely to make online purchases, and make greater use of the Internet for advertising. Shopping information and various types of news and information, according to a new study conducted for the Newspaper Association of America. The study, conducted by MORI Research, found that 82 percent of newspaper "Power Users" — readers who use newspaper Web sites on an average day — purchase products online, compared with only 55 percent of individuals who do not frequently use newspaper Web sites.

The consumer study, conducted by Minneapolis-based MORI Research, surveyed 1,501 Internet users by phone, as well as 9,576 online newspaper users via an online survey on 11 newspaper sites.

"These compelling results show that newspaper Web site 'power users' are a valuable audience for advertisers seeking to reach purchase-minded consumers," said NAA President and CEO John F. Sturm. "Online newspaper readers are a unique class of highly engaged consumers who have made newspaper Web sites an integral part of their daily lives as they seek information, conduct research on products, and execute transactions."

Usage by Power Users is rising as well since 2004. Those who "visited yesterday" rose from 12 percent to 16 percent in 2004. In addition, 29 percent of Power Users visited in the past seven days, a four percent increase from two years ago.

The data for this study were collected with telephone and online surveys of more than 10,000 online consumers in the U.S. conducted in December 2005 and January 2006.

For the 2006 report, a different analytical approach was taken to compare "Power Users" (defined as those who use the newspaper Web site on an "average day") with "non-users" (defined as those Internet users who have not used a newspaper Web site in the last six months). The findings reflect the characteristics and habits of the two groups surveyed by phone and pop-up surveys, and showcase the desirability of the newspaper Web site audience.

The full report is published by NAA's digital-media analysis site The Digital Edge (www.digitalledge.org)

The pop-up surveys were placed on 10 newspaper sites: AZCentral.com, Boston.com, CJOline.com, Cleveland.com, DelawareOnline.com, KnowNews.com, MySanAntonio.com, Scribe.com, TBO.com, TwinCities.com. The full report, published

The study, "Power Users 2006: An Engaged Audience for Advertising and News," builds upon previous studies conducted in 2002 and 2004. Key findings:

- Nearly all Power Users research, browse and make purchases online, strongly leading non-users of newspaper Web sites in these behaviors:
 - 82 percent of Power Users purchased products online v. 55 percent non-users
 - 76 percent browse products for sale v. 48 percent non-users or 43 percent download coupons v. just 14 percent non-users
 - 78 percent check store hours and location v. 36 percent non-users
 - Power Users spend twice as much time online than non-users (19 hours a week v. 9 hours)
 - Checking local news on newspaper Web sites is a daily habit for Power Users (54 percent v. 7 percent non-users)
 - Power Users are more likely to use various online services than non-users of newspaper sites (70 percent pay bills online v. 28 percent for non-users, 66 percent get maps and directions online v. 32 percent)
 - At least 65 percent of Power Users have high speed Internet access at home and at work, v. 50 percent of non-users (who have high speed at home). Only 29 percent of non-users have high speed Internet access at work.
 - Demographically, Power Users are younger, better-educated and more affluent than non-users of newspaper sites.
 - The mean age of Power Users is 39, compared with 42 for non-users (40 percent are between the ages of 18 and 34 compared with 36 percent non-users in that age group).

by NAA's digital-media analysis site The Digital Edge (www.digitalledge.org)

NAA is a nonprofit organization representing the \$5 billion newspaper industry and more than 2,000 newspapers in the U.S. and Canada.

Schurz inducted into new Hall of Fame

BY VICKI STEVENS
VICKI@AMNEWS.COM

Mary Schurz was honored recently as the first inductee into the Great American Brass Band Festival's new Hall of Fame.

John Albright, chairman of the festival steering committee, said it is only fitting that Schurz, chairman and editor emerita of The Advocate-Messenger and The Kentucky Advocate, be the first inductee.

The festival, now in its 17th year, grew out of a political event sponsored by the newspaper at which The Advocate Brass Band entertained.

"She thought it was a neat thing to do, and she convinced other people that it was, too," said Albright. "We feel she has really been our leader over the past 17 years."

Schurz, 67, is secretary and a member of the festival's executive committee. Albright said organizers have considered starting a Hall of Fame for some time to recognize individuals or organizations for their special efforts and commitment to the success of the festival.

"We felt like it was an appropriate time with the festival where it is today to recognize Mary in tribute of her efforts, not only for what she has done for the Brass Band Festival but also what she has done for the Advocate Brass Band," said Albright.

Jerry Boyd, vice president of the steering committee, presented the award.

Schurz received a custom-crafted glass vessel created exclusively for the Hall of Fame by Flame Run, a Louisville gallery owned by Brooke White.

Schurz became publisher of the Danville newspaper in 1978. She continues to serve



Above: Jerry Boyd, left, vice president of the Great American Brass Band Festival's steering committee, presents Advocate-Messenger publisher Mary Schurz, right, with a gift upon her induction into the GABBF Hall of Fame. She is the first member of the festival's Hall of Fame. Right: Schurz shows off her gift.



PHOTOS SUBMITTED

as vice president, secretary and director of Schurz Communications Inc., a company founded by her father which now operates 12 daily newspapers, 10 radio stations

and five television stations. She is past president of the Kentucky Press Association and the Kentucky AP Editors Association; received the Lewis Owens Award for com-

munity service from the KPA and The Lexington Herald-Leader in 2001. She is also a trustee at Centre College and Shakertown.

Excerpts from introduction speech

... Tonight, it is both fitting and appropriate that the Hall of Fame's first induction recognizes one individual's unparalleled support and commitment to the Great American Brass Band Festival.

Our honoree has been an anchor in the Danville-Boyle County community for years, providing leadership and service in a variety of roles, most recognizably in her role as editor and publisher of The Advocate-Messenger and The Kentucky Advocate. Her career in journalism reached beyond Central Kentucky, however, as she served on the national board of directors for the Associated Press, the Newspaper Association of America and the Southern Newspaper Association. In the Commonwealth, she left her mark as director on the Kentucky Press Association and as president for the Kentucky AP Editors Association. She continues to be an integral voice in the family business—known as Schurz Communications, Inc.—currently serving as secretary and director for the corporation.

In addition to her commitment to journalism, she has devoted countless hours in service to as a trustee to two signature operations in the area—Centre College and Shaker Village at Pleasant Hill.

Her career has been highlighted by a host of honors and distinctions, including induction into the Indiana Academy in 1998; Denison Alumni Citation in 2000; and Lewis Owens Award for community service by Kentucky Press Association in 2001.

But it is her devoted support and commitment to the Great American Brass Band Festival that sets the stage for tonight's inaugural induction into the Hall of Fame.

Our honoree's vision in 1987 provided the first stones for the foundation of the Advocate-Messenger Brass Band... and subsequently, with great help from others, these stones were crafted in the establishment of this very festival, itself, in 1990. The Great American Brass Band Festival is now established, and, in its 17th year.

Throughout the years, our inductee has been an integral part of the Festival. She has given freely of her time and talents to support this special Festival and has provided tremendous leadership in the planning of this annual event. Among the members of the Festival Steering Committee, she's often referred to as the GABBF saint for her tireless work and tremendous devotion to our efforts. So much of what has been accomplished is because of her.

Ladies and Gentlemen, it gives me great pleasure to present to you... the first member called to be in the Great American Brass Band Festival Hall of Fame... the Chairman and Editor Emerita of the Advocate-Messenger, please honor, Mary Schurz.

Information will always help sales

The Southern Newspaper Publishers Association (SNPA) traveling campus made a stop in Lexington recently for some free training sessions to newspaper employees. On Wednesday, Charlie Kolsky of TownNews.com talked to newspaper sales reps about online products and services.

In the first quarter of 2006, Internet spending was up 38 percent. Newspaper websites show online growth at 32 percent, according to the TownNews surveys. TownNews hosts 1,500 customers. They have been online since 1989. They are available to newspapers for not only website set up and development but also help with sales and pricing as well.

According to a 2005 survey by TownNews, newspapers are still heavily relied on for classified products. Employment showed 55 percent went to newspapers first. For real estate, 47 percent said they would look in newspapers. When renting apartments, 68 percent of the people surveyed used newspapers and 35 percent of the shoppers looked to classifieds for vehicles. The other percentages in the surveys were primarily Internet related.

When budgeting for a successful online stream, newspapers should expect between four and five percent to come from their

Advertising Plus

By Teresa Revlett
KPS Director of Sales



website. The website should reflect the strengths in the local newspaper: local sales and editorial staff, good online products, great relationships with local clients and fresh content every day, said Kolsky.

For a newspaper sales staff to be successful with online sales, Kolsky suggested arming the sales staff with proper data. When the staff knows number of hits, page views, average time spent on site and unique visitors that shows research has been completed.

Another survey performed by TownNews show that only four percent read a newspaper only each day. There were 38 percent who said they read a newspaper's web site only; 27 percent said they read both newspaper and web site and 30 percent said they would read the web or the newspaper.

One of the advantages of pushing advertising as a supplement to newspaper advertising is the immediate result of seeing the ad online. Usually ads can be placed within a matter of a few hours during the same day the ad is

ordered. A key to making successful web ad sales, Kolsky said, was to follow the universal ad sizes found at iab.net

On Thursday, Pat Taylor talked to the sales staffs about successful advertising sales.

"If sales is the transfer of enthusiasm, knowledge makes enthusiasm believable," said Taylor.

For sales staffs to be successful, Taylor says that you need knowledge in newspaper products, competitive media, retailing, selling skills and time management. To accomplish this you need to know our customer's business, know your products cold and be able to recognize opportunities.

When heading out on a sales call, the sale rep should be prepared to sell ROP ads, sell special sections, answer account status questions, answer competitive

questions, pick up cash, know about the last ad - size and date, and remember account history. The more you know about an account, the better off the sales rep looks.

Taylor said he always asked himself after every sales call "What could I have done differently?" and "What could I have done better?"

By following up with cards and reminders, clients will be constantly reminded of you and your newspaper. Even if the account is not a big spender, Taylor said eventually the account could grow if a good relationship is established with key people.

For more information on either of these seminars, drop me an email at trevlett@kypress.com or give me a call at 502-227-7992.

The News-Enterprise names 2006 scholarship winners

The News-Enterprise is awarding \$12,000 in scholarships to six graduating seniors from the class of 2006 in Hardin County, Fort Knox and Elizabethtown schools districts.

Winners were selected based on grade-point average, submitted and financial need. The \$2,000 Floe Bowles Journalism Scholarship sponsored by The News-Enterprise has been awarded to Katherine McCormack of Central Hardin High School; \$2,000 News-Enterprise Scholarships were awarded to Bobbijo Wolford of North Hardin High School; Brian Hart of Central Hardin High School; Ashley Powers of Fort Knox High School; Allison Peace of Elizabethtown High School; and David Blosser of John Hardin High School.

2006 ADVERTISING EXCELLENCE IN KENTUCKY NEWSPAPERS

Want to see the winning ads from the 2006 Ad Contest **ONLY** up close and **\$5.00** personal??

Send checks for \$5.00 along with this order form to:

Ad Contest 2006 CD
C/O Kentucky Press Association
101 Consumer Lane
Frankfort, KY 40601

Now you can order a cd that has all the First Place ads from the 2006 Ad Contest.

Newspaper: _____

Name: _____

Address: _____

City/State/Zip: _____

First Amendment isn't a total shield

We have heard quite a bit in recent months about confidential news sources and efforts in the courts to reveal their identities. None of these stories arose from Kentucky, however. Fortunately for reporters in our state, the law is very strong on protecting confidential news sources.

In 2001 Providence, Rhode Island reporter Jim Taricani was jailed for refusing to disclose his source for a videotape aired by his news station showing a bribe from an undercover FBI informant in a corruption investigation that netted form Providence Mayor Vincent "Buddy" Cianci Jr. The tape was leaked to Taricani in violation of a federal court order. The Providence TV station also faced more than \$85,000 in court-imposed fines for refusing to reveal the source.

This year, in California, reporters from the San Jose Mercury News and the San Francisco Chronicle were subpoenaed concerning reports of leaked confidential grand jury testimony in the investigation into alleged illegal steroid distribution by BALCO - Bay Area Laboratory Co-operative - a nutritional supplement company in San Francisco. Those reporters, Lance Williams and Mark Fainaru-Wada are awaiting a judge's decision on their motions to quash the subpoenas.

Everyone has also heard the pervasive coverage of the Washington, D.C. special grand jury investigation into the leak of classified information concerning the identity of undercover CIA operative Valerie Plame. In that case, York Times reporter Judith Miller served time for refusing to reveal her source while Time Magazine reporter Matthew Cooper narrowly avoided a similar fate when his source agreed for him to testify. That case was taken all the way to the Supreme Court, which declined to rule on the case, leaving in place a divided decision of the D.C. Circuit Court of Appeals that upheld the ruling that the reporters were in contempt of court for refusing to testify.

The Washington, D.C. courts also addressed confidential source issues in the civil case brought by Wen Ho Lee, a former nuclear scientist at the Los Alamos National Lab in New Mexico, against the U.S. government for disclosing private information about him without his consent. In order to prove his case, Lee identified several reporters who had written about him and sought the identities of the reporters' confidential sources. The judge in that case ordered five reporters to reveal their source: James Risen and Jeff Gerth of the New York Times, Bob Drogin of the Los Angeles Times, Pierre Thomas, formerly of CNN and now with ABC News, and H. Josef Hebert of the Associated Press. When they refused to reveal their confidential sources, the court found them in contempt and ordered each to pay a fine of \$500-per-day. Again, the appeal

From a legal standpoint

By Jeremy Rogers and Ashley C. Pack
KPA General Counsel
Dinsmore & Shohl



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♦♦♦♦

DINSMORE & SHOHL LLP

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went to the Supreme Court. This time, however, before the Court could even decide whether to take the case, the parties settled the case for \$750,000.

Although the issue is not settled, the courts have basically held that the First Amendment cannot be used as an absolute shield in all cases to protect reporters from revealing their sources. Yet, aside from the First Amendment, every state except Wyoming recognizes some level of protection under state law for reporters to keep their sources' identities confidential.

Kentucky has a unique connection to this issue. First, the 1972 landmark U.S. Supreme Court case concerning the issue, *Branzburg v. Hayes*, arose from a Louisville reporter's refusal to testify to a grand jury about a story he had written on drug trafficking. Four justices in *Branzburg v. Hayes* said there wasn't a reporter's privilege under the First Amendment; four said there was. The ninth justice, Justice Lewis Powell, filed a separate opinion ruling against the reporter but at the same time said there was a qualified privilege.

RESPONDING TO A SUBPOENA

When a lawyer in a high-profile case has failed to investigate the case thoroughly, he or she sometimes aims for a quick fix by subpoenaing a local reporter who has covered the case. Newspaper reporters receive such subpoenas in civil and criminal cases. In civil cases, subpoenas usually instruct the reporter to attend a deposition to be questioned by a lawyer. Often the sub-

poena requires the reporter to produce news articles, written notes, tape recordings, or any other contents of the reporter's file. In criminal cases, either the prosecutor or the defense attorney subpoenas the reporter to testify at trial or sometimes to bring articles, notes, etc. to a pretrial conference.

Despite the official appearance of a subpoena and occasional threats of contempt by lawyers, reporters must respond to subpoenas in a manner that will protect certain legal privileges that can protect the reporters. For example, reporters who are served with a subpoena should contact their editors immediately, of course. And that should be done before the reporter volunteers any information to the lawyer who sent the subpoena.

As a general rule, the legal privileges do not protect reporters from testifying to confirm that they accurately reported what they were told. For example, if an article quotes Tubby Smith as saying, "We couldn't shoot a three pointer if our lives depended on it," the reporter is not protected from confirming that Tubby Smith in fact made that statement. Likewise, reporters will have to produce copies of published articles without objection in response to a subpoena. However, reporters have the right to object to anything more intrusive.

Often, lawyers will seek the identities of the confidential sources a reporter has used to write a story. Kentucky law protects reporters from disclosing such information. KRS 421.100 provides, "No person shall be compelled to disclose in any legal proceeding or trial before any court...the source of any information procured or obtained by him, and published in a newspaper...by which he is engaged or employed, or with which he is connected."

It is a closer question when a lawyer seeks information that was not published in an article. Kentucky law is silent on this issue. However, cases from other jurisdictions suggest that reporters have a privilege that protects them from disclosing such information, even if the information is not confidential.

In 1972, the United States Supreme Court decided *Branzburg v. Hayes*, a case that involved a *Courier-Journal* reporter's refusal to answer questions before a grand jury. *Branzburg* recognized, for the first time, that newsgathering is a constitutionally-protected activity. Since *Branzburg*, most courts recognize that reporters have a privilege when called to testify about unpublished information or to produce their unpublished notes. These courts have held that reporters may avoid disclosing unpublished information unless the party seeking the information can show that he or she cannot get the

See LEGAL on Page 10

LEGAL

Continued from page 9

information from another source and that the information is clearly relevant to an important issue in the case.

Strong policy reasons support the constitutional privilege enabling reporters to avoid the disclosure of even nonconfidential information. The United States Court of Appeals for the Second Circuit in *Gonzales v. National Broadcasting Company, Inc.* noted "the paramount public interest in the maintenance of a vigorous, aggressive and independent press capable of participating in robust, unfettered debate over controversial matters." That court expressed the dangers of not granting reporters a privilege:

If the parties to any lawsuit were free to subpoena the press at will, it would likely become standard operating procedure for those litigating against an entity that had been the subject of press attention to sift through press files in search of information supporting their claims.

The resulting wholesale exposure of press files to litigant scrutiny would burden the press with heavy costs of subpoena compliance, and could otherwise impair its ability to perform its duties - particularly if potential sources were deterred from speaking to the press, or insisted on remaining anonymous, because of the likelihood that they would be sucked into litigation. Incentives would also arise for press entities to clean out files containing potentially valuable information lest they incur substantial costs in the event of future subpoenas.

Permitting litigants unrestricted, court-enforced access to journalistic resources would risk the symbolic harm of making journalists appear to be an investigative arm of the judicial system, the government, or private parties.

To avoid these dangers, when subpoenaed, reporters should take steps to utilize their statutory and constitutional protections.

First, reporters and their editors should consult with their newspaper's lawyer. Then, through the lawyer, they should attempt to reach an agreement with the opposing attorney limiting the information disclosed to that which actually was published.

If an agreement cannot be reached, reporters should attend the deposition or court proceeding and answer any questions that are not protected by the statutory or constitutional privileges.

THE OPINION

In the majority opinion in *Branzburg v. Hayes*, Justice White wrote:

"We cannot seriously entertain the notion that the First Amendment protects a newsman's agreement to conceal the criminal conduct of his source, or evidence thereof, on the theory that it is better to write about crime than to do something about it. Insofar as any reporter in these cases undertook not to reveal or testify about the crime he witnessed, his claim of privilege under the First Amendment presents no substantial question. The crimes of news sources are no less reprehensible and threatening to the public interest when witnessed by a reporter than when they are not." [408 U.S. 665, 693]

In other words, reporters are not protected when they witness a crime. White also said that the media does not have a right to information that the public cannot access. The court rejected the qualified privilege that *Branzburg*, *Pappas*, and *Caldwell* suggested. The court did not want to be required to define journalists nor to require judges to decide who has the privilege.

In a dissenting opinion, Justice Douglas said that, in *Caldwell v. Cowles Media Co.*, *Caldwell* was immune from testifying before a grand jury because he was not involved in the crime. In another dissenting opinion, Justice Stewart argued that the right to publish means the right to gather news and disseminate news. He adds that the right to gather news implies a right "a confidential relationship between a reporter and his source." (*Branzburg v. Hayes*, Justice Stewart)

"When neither the reporter nor his source can rely on the shield of confidentiality against unrestrained use of the grand jury's subpoena power, valuable information will not be published and the public dialogue will inevitably be impoverished." (*Branzburg v. Hayes*, Justice Stewart)

Stewart said the government should demonstrate

(1) that the reporter has information relevant to a case, (2) that the information cannot be obtained by other methods or sources, and (3) that there is a compelling and overriding interest in the information requested.

If a reporter is asked for protected information, the reporter's lawyer should object and instruct the reporter not to answer. If this occurs at a deposition, the lawyer seeking the information may later seek an order from the trial judge compelling the information.

The reporter's lawyer will be permitted to respond and cite the legal authority in favor of the privilege.

If the reporter is testifying at trial and the trial judge orders the reporter to divulge protected

information, the reporter's lawyer should request an opportunity to appeal the trial judge's ruling.

Although lawyers do not hesitate to subpoena reporters, these situations seldom require the involvement of a court.

Nevertheless, reporters should understand their statutory and constitutional rights in order to prevent the news industry from becoming an "investigative arm" of the judicial system.

If you have questions about this or any other topic covered by the Hotline, give us a call.

Pair of Western students win national Hearst awards

Two Western Kentucky University students have won national championships in the 46th annual Hearst Journalism Awards Program.

Will DeShazer, a Louisville senior, is the third consecutive WKU student to win the Hearst National Photojournalism Championship

while Brenna Gallegos, a 2006 graduate from Lexington, is the first WKU student to win the National Radio Broadcast News Championship.

Gallegos and DeShazer received \$5,000 awards for winning the national titles. Gallegos also received a \$1,000 award for Best Use

of Radio for News Coverage.

Both students credit WKU's award-winning School of Journalism and Broadcasting for their success in the Hearst national championships June 5-11 in San Francisco.

Often called the "Pulitzers of College Journalism," the Hearst pro-

gram holds yearlong competitions in writing, photojournalism and broadcast news. WKU finished third nationally this year and has eight-straight top four finishes including No. 1 overall in 2000, 2001 and 2005.

In Hearst competitions since 1981, WKU students have won eight photojournalism titles.

CHANGES AT ANDERSON COUNTY NEWS Carlson to follow in the footsteps of veteran Don White

BY JAY CASON
ANDERSON CO. NEWS

The new general manager of The Anderson News has been a traveling man for most of his professional life, but now that he's in Anderson County, Ben Carlson plans to grow some roots.

"I could tell this is a real traditional American place," Carlson said, referring to the impression Lawrenceburg made during an earlier visit when he applied for the job. "It's a great place to call home, and it's a great place to bring my younger children to call home."

Carlson, 42, took over leadership of The Anderson News May 15, after a five-year stint as editor of The Brunswick Beacon, a weekly newspaper with a circulation of about 18,000, located in Shallotte, N.C.

At The Beacon, Carlson was responsible for the news division, but at The Anderson News, he's in charge of the whole operation.

Carlson traces his interest in journalism back to his days as a high school athlete.

"I played high school sports," he said. "That's what drew me to the career. I wanted to be a sports-writer."

The aspiring journalist eventually achieved his career goal, but not until completing a four-year hitch with the Air Force. He used those years wisely. Not only was he able to earn three years of college credit while enlisted, he also was able to

connect with his future bride, Cyndie.

"We were both in the Air Force when we met in England," he explained, adding they've now been married for 21 years.

"I started writing for dailies in the New York market," he said. "I covered high school stuff and graduated to the Buffalo Bills, the Sabres (NHL hockey), and minor league sports in the Rochester market."

Carlson gradually worked his way up to a sports editor position, before being employed as editor of a weekly newspaper in Geneseo, N.Y.

"The paper is similar to The Anderson News," Carlson said. "That was my first experience with a community newspaper."

"Sports are played at night, and as my family grew, I got tired of working every night. I always enjoyed the news, and it got me home with my family at night."

"I learned to love community newspapers. We have a much more intimate relationship with our readers."

"I love being on Main Street, with people dropping in."

As might be expected of someone with 18 years of experience in the newspaper business, Carlson has a firm grasp of what it takes to run a quality newspaper.

He also has a strong vision for the future of The Anderson News.

"It's a great paper already," he said. "It's loved by most in the community. It has a great and dedicated staff. I don't know what else a person could ask for in looking for a job."



BEN
CARLSON



DON
WHITE

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PEOPLE AND PAPERS

Courier-Journal in January.

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Griffin, Maines join staff at Winchester Sun

The Winchester Sun's newsroom staff grew by two recently with the arrival of a new reporter and a summer reporting intern.

Brittany Griffin, 22, joins the Sun as a reporter and copy editor. A Lexington native, she recently earned her master's degree in communications at the University of Kentucky.

Griffin previously worked as an intern at The Jessamine Journal in Nicholasville, the Anderson News in Lawrenceburg, and Ace Weekly and ihigh.com, both in Lexington.

She was also the student manager of MacIntosh computer labs at UK and the outreach director for the college's Institute for Rural Journalism and Community Issues.

She currently lives in Lexington.

Ashley Maines, 20, joins the Sun as a summer reporting intern. The Winchester native is currently majoring in journalism at Western Kentucky University in Bowling Green, where she will be a senior this fall.

Maines has previously interned at the Mount Sterling Advocate, and is a writer for WKU's student newspaper, The College Heights Herald. She has also written for WKU's yearbook, The Talisman.

She will reside in Winchester this summer with her parents, Donna and Eddie Maines. Her internship will last through July 21.

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Scott C. Schurz Jr. to take on new roles in Danville

Mary Schurz, editor and publisher of The Advocate-Messenger of Danville for nearly 30 years, has been named chairman and editor emeritus. Her nephew, Scott C. Schurz Jr., will take over as editor and publisher after serving as assistant publisher since January 2005, the newspaper.

Scott Schurz will also oversee weekly newspapers in Stanford and Nicholasville.

Mary Schurz, 67, is also vice president of Schurz Communications Inc., of South Bend, Md., a company founded by her father which operates 12 daily newspapers, 10 radio stations

and five television stations.

The company most recently purchased the Winchester Sun in 2005.

"I am proud of the growth our company has experienced everywhere, but especially in Kentucky," Mary Schurz said. She became publisher of the Danville newspaper in 1978.

Scott Schurz Jr., 37, has worked at the South Bend Tribune and WSBT-TV in South Bend. Independent Ashland, KY

Lewis named as editor, G.M. of Interior Journal

George Lewis has joined the staff of The Interior Journal in Stanford as editor and general manager. Lewis is the right person to provide, leadership for The Interior Journal, said Scott Schurz Jr. of Advocate

Communications, parent company of The Interior Journal. The combination of his broad journalism experience and the support of a skilled staff will translate into an editorial offering that meets the unique needs of The Interior Journal readers. Prior to joining The Interior Journal, Lewis was under contract as writer for corporate communications at Toyota Motor Manufacturing. From 1998 to 2005, he was public relations specialist at his alma mater, the University of Kentucky.

Lewis spent his formative journalistic years on or near the Gulf Coast as sports editor of The Daily Star in Hammond, La., reporter at the Port Arthur News in Port Arthur, Texas, editor of The Courier in Conroe, Texas, assistant city editor of the Beaumont Enterprise in Beaumont, Texas, and assignment editor at KBMT-TV in Beaumont. Upon returning to Kentucky in 1989, Lewis served as editor of the weekly newspaper The Bourbon Times in Paris.

Lewis lives in Lexington with his wife, Jacqueline, and two daughters, Abby, 11, and Meredith, 10. The family plans to move to Stanford in the near future.

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Cadiz Record welcomes Teague to editorial staff

The Cadiz Record has announced that Hawkins Teague, a graduate of Western Kentucky University, has joined the Record staff.

He will replace Eric Snyder, who has taken a position with the Clarksville Leaf Chronicle after

a year at the Record.

Teague will be covering most of the same beats as did Snyder and will include the city of Cadiz as well as the Trigg County School system.

A native of nearby Madisonville, Teague will also contribute articles about the community.

While at Western he was on the staff of the College Heights Herald, a national award winning college newspaper. He also did intern writing for the Ohio County Times in Hartford during his stay at WKU. At that paper he covered general news as well as features. Teague has moved to Cadiz and will join S. Alan Reed on the reporting staff.

Thompson leaves Lexington for Washington

Lexington Herald-Leader Editor Marilyn Thompson recently told her staff that she is moving back to Washington to become an investigative editor for the Los Angeles Times.

The announcement by Thompson, who left The Washington Post for the Herald-Leader in 2004, came one day after the McClatchy Company completed its purchase of Knight-Ridder, the Herald-Leader's parent company.

While at the Post, Thompson helped lead investigative teams that won two Pulitzer Prizes for public service. She broke the story that South Carolina Sen. Strom Thurmond, once a leading segregationist, had long ago fathered an illegitimate child by his family's black maid.

Thompson, a North Carolina native, said she had been negotiating with the Times for weeks and that the sale didn't spark her decision.

In fact, she predicted the ownership change would be a "huge positive" for the paper and other Knight-Ridder properties that had been operating under uncertainty and budget restraints for several months before the purchase was announced.

"In one sense it was like the worst timing in the world," Thompson said in an interview with The Associated Press. "We had gotten through this horrible year together. Do you really want to pick up and move after that? It was a really good offer doing something I love."

Thompson said family concerns were a large part of her decision. She has one son who is headed to college in New York and another starting 10th grade who still has several friends in Washington.



BRITTANY GRIFFIN



GEORGE LEWIS



MARILYN THOMPSON