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Volume 59, Number 12

December, 1988

Lottery to operate by meetings, records law

Efforts by key legislators, newspaper representatives and the Kentucky Press Association to insure openness in the operation of Kentucky's lottery corporation resulted in legislation that made the lottery subject to the conditions of the state's open meetings and open records law.

Initial legislation, sponsored by Rep. Grady Stumbo on behalf of the Governor, addressed the openness question to an extent but created several exemptions in the open meetings and open records process.

The final bill, in the form of House and Senate Committee substitutes made the corporation subject to the requirements established for state agencies.

Additionally, KPA successfully had KRS 436.420 repealed during the two-and-a-half-week special session. KRS 436.420 prohibited newspapers from reporting "in any manner" information about lotteries and other games of chance. Technically, that law could have kept newspapers from publishing any information whatsoever about lottery winners in other states, but the law was ruled unconstitutional in 1985 by then-Attorney General David Armstrong. Efforts in 1986 to have the law repealed fell short at the end of the session.

"When the lottery legislation exempted newspaper advertising from KRS 436.420, we saw the opportunity to get the entire law repealed," said KPA executive director David T. Thompson.

"Mike Judy (KPA general counsel) and I worked with members of the House and Senate State Government committees and they agreed the law should be repealed."

Although the House committee did not repeal the law in amendment format, the committee's substitute bill allowed for the repeal and that language was upheld in the Senate.

"I'm not even sure, the way

the original law was written, if newspapers could legally write about the lottery question on November's general ballot, or about the special session on the lottery itself. That's how ridiculous this law was in the first place."

The first bill written on the lottery briefly mentioned that the corporation operate under the open meetings and records act, but contained language that gave the corporation too much leeway in exempting certain situations.

"Without a more definite approach to the openness questions, there was no way we could support the legislation," Thompson said.

"Fortunately, the concern of openness was addressed very quickly by members of both state chambers. And it was apparent from the outset that the final bill presented to the governor would narrow any exemptions on operating the lottery in an open manner," he added.

"We felt good about our chances of getting the corporation under open meetings and open records requirements from the outset because so many representatives and senators had voiced their concerns about openness."

The House Committee Substitute bill, passed with a 90-5 vote, contained some question about total openness but committee members thought the concerns would be addressed in the Senate.

"Once the Senate received the bill," Thompson said, we asked for:

(1) the word "security" to be defined;

(2) the clarification on where the records would be maintained;

(3) and that the repeal of KRS 436.420 be upheld."

The committee also debated what at least one senator saw as a loophole in the open meetings and open records sections of the bill.

Senate President Pro Tem

John "Eck" Rose, D-Winchester, voiced reservations about provisions that would exempt the corporation from the state "sunshine laws" if meetings or records relate to the "security of lottery operations." He said that would give the lottery board too much discretion over opening and closing meetings.

"Given a decision between openness and the public deciding something is going on that they can't get to, I'll take openness," Rose said.

"I don't for a minute believe this board is going to go behind closed doors and do things that would violate the public trust," said House Majority Leader Greg Stumbo, D-Prestonsburg, the bill sponsor.

Committee Chairman Ed Ford, D-Cynthiana, suggested that the term "security of lottery operations" be defined in the bill.

Stumbo said individual retailers do not want their sales information open for public inspection and would be discouraged from participating in the lottery if those figures are opened.

But Sen. Bill Clouse, D-Richmond, said closing those records would make it difficult for competing businesses to file grievances.

The Senate Committee version incorporated language to define security. As presented by the House, the corporation could have exempted any records concerning "security of the lottery" but the word "security" was not defined.

Also, both versions allowed that appeals on open records cases be taken to the circuit court where the records were kept.

"We sought to add the Franklin Circuit Court to this for the convenience of newspapers seeking lottery records," Thompson said.

"Without knowing where the records would be, it's possible that a newspaper would have to travel across the state to

get the records. Though it wouldn't be to this extreme, if the circuit court was in McCracken County and a newspaper in Pikeville or Ashland wanted the records, that would be much too far to travel to get the records.

"We wanted to cut the state in half saying a newspaper had to go no further than Frankfort to appeal the denial of records. That would make it much easier on the newspapers."

A decision on where the corporation would be located was not included in the legisla-

tion. Attempts were made, through amendments, to have the office in Northern Kentucky and in Frankfort. Neither amendment received support.

"If the location of the records is not convenient we have been encouraged by legislators to seek similar language on the Franklin Circuit Court clarification during the 1990 General Assembly."

The special session convened November 28 and adjourned December 14 when the bill was delivered to the Governor.

KPA surveying members

The Kentucky Press Association's Freedom of Information Committee is currently surveying newspapers across the state about problems faced in the past with violations of open meetings and open records law in the state.

Information from the sur-

vey will be used in considering any legislation on the open meetings/records law for the 1990 General Assembly.

One copy of the questionnaire has been sent to each KPA member newspaper.

"The response has been fairly good thus far," said KPA executive director.

Hall of Fame nominations deadline is January 1

Nominations for the Kentucky Journalism Hall of Fame are due by January 1.

Sixty-one individuals have been inducted into the Hall of Fame since it was established in 1980 by the UK Journalism Association to recognize Kentuckians who have made significant contributions to the profession of journalism.

Selections are made from individuals, living or dead, who are natives of Kentucky or who have spent a significant portion of their careers in Kentucky.

Nominations should be made in letter form, including pertinent background information about the individual nominated, including photograph, to Kentucky Journalism Hall of Fame, School of Journalism, University of Kentucky, Lexington, KY 40506.

Persons selected will be inducted in April during the Joe Creason Lecture at the University of Kentucky.

The selection committee for the Hall of Fame consists of the dean of the UK college of Communications, director of the UK School of Journalism, and the presidents of the Kentucky Press Association, Kentucky Broadcasters Association and the UK Journalism Alumni Association.

For additional information, contact: Donald B. Towles, President UK Journalism Alumni Association, (502) 582-4552.

S-J's Book Fair sets another record

The seventh annual Kentucky Book Fair was held on Saturday, November 19 at the Kentucky Department for Libraries and Archives in Frankfort. The Book Fair featured more than 90 authors which is the largest number in its history.

The authors sold \$71,627 worth of books, breaking the record of \$65,015 set last year. The Book Fair has broken its sales record every year after the inaugural event in 1982.

The authors displayed more than 130 titles ranging from biographies to novels to childrens books. Also books with Kentucky appeal were on hand - books by Kentuckians and books about Kentuckians.

Some of the featured authors included Joe Garagiolia, TV personality and sportscaster; Jack Anderson, the Pulitzer Prize winning investigative reporter; Tony Trabert, Wimbledon Champion and CBS sportscaster; Fred Wiche the popular TV and radio gardener; and John Ed Pearce, the Louisville Courier-Journal columnist, just to name a few.

The Kentucky Book Fair was established in 1981 and annually honors authors and the profession of writing in the form of a one day celebration. The fair's profits are used to provide grants to public, schools, and academic libraries to expand their book collections.

The Book Fair is sponsored by The State Journal in cooperation with the Kentucky Department for Libraries and Archives which provides year around planning and support for its production. Corporations, foundations and civic clubs also contribute for the support of the fair.

Photographer helps nab Montgomery bank robber

(AP) - A weekly newspaper photographer helped police trap a bank robbery suspect who, authorities said, had just absconded with thousands of dollars from a branch bank in this Eastern Kentucky community.

Photographer Bobby Warner of the Montgomery Times, a weekly newspaper in this community of about 9,000 residents, was in the area when he heard about the robbery on a scanner.

Officer Joni Ward said Warner was instrumental in leading her to the suspect.

"If it hadn't been for him, the deputy sheriff would have probably been there by himself

with the subject" during the capture. But she said Warner directed her to the suspect by "jumping up and down in the field (behind the bank), pointing to him and hollering at me."

"(Warner) was right at the traffic light there at the bank" when he learned of the robbery, she said. "When he heard it on the scanner, he just drove... off in the field, hoping he'd be out of the way of us but could get pictures.

"He kept us informed of where the guy was at all times. One time, he hollered at the guy, 'Halt or I'll shoot!' The guy didn't know he wasn't a police officer. All he had was a camera, but the man didn't know that."

Herald-Leader's support may help establish downtown day care center for employees

The Lexington Herald-Leader has given its support to a proposal to build a downtown daycare center in cooperation with other area businesses. Kim Prather, human resources director of the paper, said the Herald-Leader is willing to make a financial contribution to the project, but noted that other local businesses still must commit to the program

before additional plans can be made.

Plans call for the businesses to underwrite losses at the center until it can become financially self-supporting. The center would be operated by the Central Christian Church, and each participating business would receive at least 10 slots for children of its employees.

NNA responds to sampling recommendation.

WASHINGTON, D.C.-In mid-November, the National Newspaper Association filed responses to Postal Service questions regarding sampling procedures of second-class newspapers. "We are trying to retain the flexibility of sampling practices that now exist for second-class while maintaining the integrity of second-class," said David Simonson, NNA executive director, in a follow-up to testimony provided to the Postal Rate Commission in October.

In an effort to prevent newspapers from using second-class rates to promote "plus" issues of a publication, the Postal Service requested in August that the Postal Rate Commission approve a change in the definition of such issues.

Under the old rules, an issue was considered a "plus" issue of a newspaper and would have to qualify independently for second-class if it was mailed on the same day as another issue of a newspaper; at least 10 percent of the total number of copies of the issue is distributed on a regular basis to nonsubscribers; and the number of copies of the issue distributed to nonsubscribers during the same period.

The Postal Service proposed changing the twice-daily language of the rule to say that a newspaper must qualify independently for second-class if it published on a different day from other issues of a publication but more frequently than once each month and satisfied the other requirements of the rule.

The Postal Service claimed that the rule change was to avoid the original "plus" issue rule by splitting off their Sunday papers and attaching the "plus" issue to the Sunday paper under a separate second-class permit.

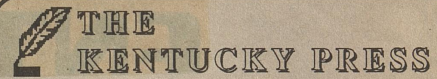
NNA protested the rule change, fearing that traditional sampling practices would be threatened because many small newspapers sample irregularly.

"The Herald-Leader has been looking for a way to help in this area," Prather said, "there's just never been an avenue for us. Finally, something has presented itself to us that's feasible."

The center, which would not open until the fall of 1989, would accommodate up to 99 children, with parents paying about \$60 a week.

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From here and there . . .

The Glasgow Daily Times has joined the supporters of the DARE program in Glasgow. The program (Drug Abuse Resistance Education) is being conducted by Lt. Darrell Pickett in the city schools. The newspaper's role in the program included the free printing of 1,200 workbooks to be distributed to students in three Glasgow elementary schools where the DARE program is underway.

Community news, commonly called "county letters," will reappear in The Commonwealth Journal after an absence of several years. The "letters" fill facing pages. Photographs taken in the various sections of the county will add to the letters interest.

"County letters" are like a letter from home, a community correspondent tells who visits whom; who had dinner with whom; who preached last Sunday at the local church; and how many were in Sunday school. It is a profile of day-by-day life in a rural neighborhood.

Video stores required to withhold titles customers buy, rent

WASHINGTON, D.C.—In early November, President Ronald Reagan signed a law allowing customers to sue videotape rental stores that disclose the names of tapes customers buy or rent or release other "personally identifiable information."

The original bill included a provision requiring library patron records to be kept confidential as well. The Senate eliminated that protection in response to an FBI request that it be exempted from having to comply with the provision to obtain patron borrowing records.

Rep. Alfred McCandless (R-Calif.) introduced a bill last year restricting disclosure of videotape rental records after an alternative newspaper in Washington, D.C., published an article identifying tapes rented by Supreme Court nominee Robert Bork.

In May, Sen. Patrick Leahy (D-Vt.) introduced a bill restricting disclosure of video rental and library patron records. McCandless and Rep. Robert Kastenmeier introduced a bill similar to Leahy's in June.

In September, the FBI requested amendments that would allow high-ranking FBI officials to obtain a library patron's borrowing record after submitting a "national security letter" explaining the need for the records, according to Brian Lockwood, a spokesman for McCandless. After discussion among the Bureau and the bill's sponsors, the library records provision was removed from the bill so that it could proceed to a vote without delay, Lockwood said.

The law permits video stores to rent lists of customers, but may not include customers who have not given consent. In addition, the store may not reveal the titles or descriptions of tapes the person rents or buys.

The Commonwealth Journal's editors decided to listen to their readers and resume printing community news in their newspapers.

The single copy price of The Lake News has recently changed to 35 cents. The increase is a result of higher cost of operation and other costs associated with the rack distribution of the paper.

The mailed subscription price of the paper has remained the same. Subscription prices will hold steady as long as postage prices are maintained by the United States Postal Service, according to Loyd Ford, news editor of The Lake News.

Coin operated vending machines have been put into use for customers who buy single copies of the newspapers. This has been done to lower the number of single copy thefts.

The price increase is the first on single copy sales for the newspaper since it began in May of 1984.

The owners of the Paintsville Herald have bought the Louisa-based Big Sandy News, Eastern Kentucky's oldest newspaper. The Big Sandy News, which was founded in 1885, has a circulation of 4,200.

Allan Scott Perry III, editor of the Paintsville Herald, said the sale was concluded Nov. 30. Perry, 35, and his father, publisher Allan "Bud" Perry II, 61, own Sandy Valley Press, which publishes the Herald, a shopper, and Etc., a weekly tabloid magazine.

The paper was bought for an undisclosed price from Curraleen Rice of Louisa, Joseph Rice of Chicago, Dr. N. Thomas Rice of Lexington, Eldred "Bud" Adams of Louisa and Eugene Marvin Jr. of Ashland, the paper's managing editor.

Whitley papers seek ruling on legal notices

The two Whitley County newspapers, the daily Times-Tribune and weekly Whitley Republican, have both filed information in the continued controversy of which newspaper should be the newspaper of record in Whitley City.

In October, Special Circuit Judge Lewis Hopper said that a decision would be made on whether the statute requiring publication of notices is based on total circulation or circulation inside the county in question.

Earlier this year, Whitley County Fiscal Court filed the suit in Whitley Circuit Court seeking a declaratory judgment from the court. The controversy started after the Times-Tribune questioned the right of The Whitley Republican to print legal advertisements that are required to be published by law.

A restraining order was approved recently after fiscal court members voted to publish the annual treasurer's report. The report has not been published in two years.

Judge Hopper said he would decide whether the statute dealt with total circulation or in-county circulation at a hearing on a request by The Whitley Republican to dissolve that restraining order.

A hearing was scheduled in Laurel Circuit Court.

PRC considers increasing paid subscriber percent

WASHINGTON, D.C.—The Postal Rate Commission may seek to require second-class mailed publications have at least 65 percent paid circulation, rather than the current 50 percent plus on

The commission has asked for comments on the idea from various parties participating in a case before the commission concerning eligibility requirements for second-class mail.

But currently the "chances are slim" that the commission will propose changing the paid-circulation requirement to 65 percent, said Commissioner Henry R. Folsom.

Folsom revealed the commission was thinking about such a change when he asked David C. Simonson, National Newspaper Association executive vice president, for his reaction of the idea during Dec. 1 hearings on the eligibility requirements case.

"I just threw it out to see what the reaction was," Folsom said. Simonson answered that he would need time to study possible ramifications of such a change but that his initial reaction was opposition. As an advocate for the newspaper industry, he said, he would be opposed to tightened restrictions.

NNA will study the question and present its final position in the comments requested by the commission, Simonson said later. He added there appeared to be three problems with the idea: It would hinder newspaper start-ups; it would burden requestor newspapers; and it would limit the flexibility of sampling practices of newspapers.

Max Heath, who has served as NNA Postal Committee Chairman, said "I don't see anything wrong with the current rule and don't expect to see any change."

Currently, second-class publications are required by the Postal Service to have a paid circulation of 50 percent plus one. Second-class requestor publications must have that same percentage requesting to receive the paper.

The requirement has been dubbed the "50 percent plus one" rule. Under it, a newspaper with a paid circulation of 10,000 could use second-class mail to send sample copies to 9,999 nonsubscribers without violating the rule. Newspapers sending samples by the second-class, in-county rate must meet a much tighter limitation.

The second-class eligibility case now before the commission stems from complaints in the mid-1980's that newspapers were abusing second-class mail with controversial total market coverage products known as "plus issues."

Plus issues were new "issues" created by a daily newspaper to be sent to nonsubscribers through second-class mail, which is less expensive than third-class mail.

Because a daily newspaper often had a second-class mail permit for its far-away subscribers, it could use that permit to mail its plus issue. And with the 50 percent plus one rule, it could mail large numbers of plus issues to nonsubscribers-up to almost half of its number of paid subscribers.

Opponents of the practice complained that plus issues weren't really new issues created by the newspaper, but rather TMC/shopper-like products designed more to carry lots of advertising and to take advantage of the paper's second-class permit.

Though the Postal Service eliminated most plus issues by changing the rules, certain ones survived. And the matter has led the Postal Rate Commission to look into second-class eligibility requirements.

Once the commission decides what changes, if any, should be made, it must then recommend those changes to the Postal Service Board of Governors.

Mark Your Calendar!

JANUARY						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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**1989 Kentucky Press
Association Winter
Convention and Trade
Show
Celebrating
120 years of service
to Kentucky newspapers**

*January 19, 20, 21
Marriott Resort at Griffin Gate
Lexington, Kentucky*

See agenda on Page 5 of this month's Kentucky Press

Contact Lica McCain, Member Services Director, Kentucky Press Association, (502) 223-8821 for more information

Thursday, January 19

- 12 Noon KPA Board of Directors Luncheon
- 1-5:00 p.m. Convention Registration and Trade Show
- 1:00 p.m. KPA/KPS Board of Directors Meeting
- 1:00 p.m. Layout and Design Seminar (see separate information and registration)
- 5:45 p.m. Buses depart for tour of Toyota Manufacturing Company, Georgetown
- 6:00 p.m. Tour of Toyota Manufacturing Plant
- 7:15 p.m. Reception hosted by Toyota, USA, at Cardome Community Centre, Georgetown

Friday, January 20

- 8:00 a.m. Convention Registration and Trade Show
- 9:00 a.m. KPA General Session
 - 9:15 a.m. Jay Ambrose, Rocky Mountain News: "Literacy and the Newspaper"
 - 10:00 a.m. Sharon Darling: "Literacy in Kentucky"
 - 10:30 a.m. Dr. George Ross, Director, Possibilities Unlimited, Lexington: "Drugs and How They Affect Your Community"
 - 11:15 a.m. Dr. David Roselle, President, University of Kentucky
- 12 Noon Luncheon
 - Speaker: The Honorable Governor Wallace G. Wilkinson, The State of The State
- 1:30 p.m. Division Breakout Sessions
 - News/Editorial
 - Advertising
 - Circulation
 - Associates
- 6:00 p.m. Reception, hosted by the Lexington Herald-Leader, Winchester Sun, Danville Advocate-Messenger, Frankfort State Journal, Richmond Register
- 7:15 p.m. KPA Contest Awards Dinner and Slide Show Presentation
- 9:30 p.m. Hospitality Suites Open

Saturday, January 21

- 8:00 a.m.-12 Noon Trade Show Open
- 8:00 a.m. KPA Business Session
- 8:45 a.m. The National Newspaper Association
 - Speakers: Tom Bradley, 1989 NNA President; Adam Kelly, NNA Board Member
- 9:30 a.m. "Making Government User Friendly"
 - A look at the Kentucky Open Meetings and Open Records Law, panel discussion
- 11:30 a.m. The Changing of the Guard Brunch
 - Installation of the 1989 Kentucky Press Association Officers

Across Kentucky . . .

Ward Sinclair, former Washington bureau chief for The Courier-Journal, has left journalism to become a farmer, raising vegetables organically. Sinclair's most recent position was agriculture reporter for the Washington Post. He acquired a farm in Pennsylvania several years ago and decided to devote his time to it. Sinclair was noted for his reporting on health, environment and labor issues surrounding the coal industry while at The Courier-Journal. He was in the newspaper's Washington bureau from 1968 to 1977. Richard Harwood, another former member of The C-J's Washington bureau, recently retired as deputy managing edition of the Post and is now its ombudsman.

Tom Pearce, Bowling Green Daily News outdoors writer, was recently elected president of the Kentucky Outdoor Press Association during the organization's Nov. 12 meeting. Pearce is a five year veteran of the Daily News. A cross section of journalists, broadcasters, environmentalists, retailers and manufacturers make up the strength of the KOPA.

Clay Walker, former sports editor for the Murray Ledger & Times, has recently accepted a position with Operation Bass. Assistant sports editor Daniel T. Parker has been promoted to sports editor to fill Walker's post. Walker's duties will include public relations work, involvement in the publication of "Bass Fishing," the organization's nationally-distributed magazine, and "heavy involvement" in the producing of Operation Bass upcoming nationally-syndicated television production, "Headline Fishing," which will begin in January 1989. He will also be a writer-researcher for the television show. Walker is a graduate of Murray State University where he was staff writer and sports editor at the Murray State News.

Chris Hamilton, former Enterprise sports writer, has recently returned to the Enterprise as a permanent correspondent to produce local sports coverage as well as a weekly column. Hamilton was a sports writer at The Enterprise from 1979 to 1982. He also worked as a sports writer in 1983 and 1984 while he attended St. Catharine College. Hamilton is a graduate of Campbellsville College.

Mark C. Mathis has resigned from his position as sports editor of the Daily News in Bowling Green to become sports columnist-reporter at the Messenger-Inquirer. Mathis is a graduate of Western Kentucky University and worked for the Daily News for three years.

Bob Hammit has joined the staff of The Ledger-Independent as an editorial cartoonist. Hammit's work mostly deals with statewide issues. His cartoons will appear in The Ledger-Independent two or three times a week.

Eric Thorne has recently joined the Sentinel-News staff as a reporter. Thorne is a graduate of Western Kentucky University with a degree in Journalism and geography. While at WKU Thorne participated in many theatre productions. Thorne said that he chose to pursue a career as a reporter because it gives him the chance to meet all sorts of people you would not meet otherwise.

Tom Clinton, Madisonville managing editor, was chosen by National Public Radio for its sole interview for a November news program segment on presidential endorsements. Clinton was asked to explain the Messenger's decision to break from a long-standing tradition and not endorse either candidate. Clinton said that basically they decided that neither candidate had enough going for them. The interview with Clinton was part of an NPR news special which noted that more than half of 800 newspapers surveyed by Editor & Publisher magazine had declined to make a presidential endorsement.

John Flavell has recently been named chief photographer for The Ashland Independent. Flavell is a graduate of Morehead State University where he received a bachelor's degree in communications and construction engineering. He also received an associate degree in construction engineering from Western Kentucky University and a master's degree in journalism from Indiana University. While at Morehead, Flavell was named outstanding undergraduate student in communications and outstanding journalism student his senior year. He is a member of the National Press Photographers Association and the Kentucky News Photographer's Association.

Byron Brewer, editor of The Georgetown Graphic, was recently included among the Outstanding Young Men of America for 1988. Brewer has won several awards for his news and feature articles from the Kentucky Press Association and the Kentucky Weekly Newspaper Association and he is a member of the Society of Professional Journalists. Brewer is the director of the Scott County Literacy Commission, a member of the Chamber of Commerce Beautification Program and Chamber Banquet Committee.

Scott Mandl recently joined The Richmond Register staff as its city government/law enforcement reporter. Mandl is a graduate of Eastern Kentucky University, where he received bachelor's degrees in journalism and speech communication studies. While at Eastern, Mandl earned Kentucky Intercollegiate Press Association awards in photography, editorial writing and news writing. He was a member of The Eastern Progress staff for about three years.

Deborah Wright has been named manager/editor of The News-Democrat in Carrollton. Wright filled the position vacated by Paul E. Meadows, who retired after 39 years of service with The News-Democrat. Wright has worked as editor of the newspaper since December 1986 after her graduation from Morehead State University. She will continue her duties as editor and will also assume total management of the newspaper, its shopper The River City Trading Post, and special publications. Wright has worked with weekly newspapers since 1982 in Estill and Carter counties, and served three terms as editor of the MSU Student newspaper, The Trail Blazer.

Cathy Gilbert has been hired as advertising manager of The News-Democrat. She will assume all display and insert advertising for the newspaper and the shopper. Gilbert has previous experience in sales and management. She was also employed by the Carroll County Library as the Children's Librarian and handles advertising for the Carrollton Inn.

Dee McIntosh has joined the advertising staff of the Cynthia Democrat and Harrison Shopper. Her previous work experiences include jobs with the Air Force, J.B. Hunt Transports and Belmonte Park Laboratories. McIntosh is originally from Springfield, Ohio.

Dicky Beal, former basketball star for the University of Kentucky, has joined The Kentucky Post as a sports columnist. Beal will be on the other side of the headlines with his new career. He is a native of the Covington area.

Barbara Anderson has recently been named administrative assistant to Advocate publisher and editor Mary Schurz. Anderson joined the staff of the Advocate-Messenger three years ago as an executive secretary. She previously worked for the American Newspaper Publishers Association in Reston, Va. Anderson is president of the Danville-Boyle County Literacy

Council. She is also co-author of the newspaper's weekly literacy column "Ready, Set, Read."

Obits

NICHOLS

Homer Nichols, former Caldwell County Superintendent of schools and former Caldwell County Times owner and publisher, died November 22 at the age of 101.

Nichols was very well known in education. He organized the county-wide school system and established high schools throughout the county.

Nichols became school superintendent and with the backing of a group of Princeton businessmen, established the Caldwell County Times to help spread the word about the need for the county-wide school plan.

In 1930 Nichols established the first vocational rehabilitation program for the state of Kentucky, which was among the first in the nation to originate such a program for the handicapped.

Gannett grants include statewide literacy program

The volunteer leadership of 41 Kentucky and southern Indiana organizations which received \$610,000 in funding from the Gannett Foundation during 1988 was honored December 14.

Christy C. Bulkeley, vice president of the foundation, spoke to the group.

The Courier-Journal and Gannett Direct Marketing Services, Inc. recommended grants totaling \$400,000 to the Gannett Foundation this year. The foundation also made special grants to the Kentucky Literacy Commission for a statewide literacy program and to the Louisville Free Public Library for the purchase of books.

Since The Courier-Journal was purchased in July, 1986, by the Gannett Co., Inc., the Gannett Foundation has made grants in the two-state area totaling \$1,248,000.

"When Gannett bought the paper two and a half years ago, board chairman Al Neuharth told a community gathering here that he wanted the company to be as good a corporate citizen as it had been under Bingham ownership. I think this outstanding record of giving shows that Gannett's promise then has become a reality now," said George N. Gill, president and publisher of The Courier-Journal.

Real estate under new rules from HUD for advertisements

WASHINGTON, D.C.—Under rules released Nov. 7 by the Department of Housing and Urban Development, advertisements for sale or rental housing which discriminate against families with children or people with physical or mental handicaps are illegal. The rules were promulgated as a result of the Fair Housing Amendments Act of 1988.

Such ads may not include words which indicate that a building is only for adults, except under certain "senior citizen" housing exemptions. Words such as impaired or handicapped are also prohibited, although it is permissible to include information in an ad discussing the availability of accessible housing.

The act, signed in mid-September, set penalties ranging up to \$10,000 for discriminatory classified ads.

The Fair Housing Act passed in 1986 prohibited discrimination based on race, color, religion, sex and national origin. The use of descriptive terms such as "Christian," "male only," "Hispanic," and "white" are still prohibited, unless shared living space is involved.

Two sections of the new rules discuss the use of photographs or drawings showing human models in advertisements. Human models should be of various ages, sexes, racial and ethnic groups. "Models, if used, should portray persons in an equal social setting is open to all with out regard to race, color, religion, sex, handicap, familial status, or national origin, and is not for the exclusive use of one such group."

The Equal Housing Opportunity slogan, statement or logo should appear in all residential real estate advertisements.

New postal form could help resolve chronic delivery problem

WASHINGTON, D.C.—A new Publication Watch Form (Form 3721) is being distributed to Postal Service field marketing personnel. The revised form is expected to help resolve chronic delivery problems for second-class mailers.

For the first time, the USPS Consumer Affairs office will be involved in the publication watch process and will be able to track problems on a national level. A divisional consumer affairs representative serving the subscriber's address will be placed in charge of the watch. The representative will assign a control number to the publication and will monitor the problem. The information will be kept in a national database.

The new forms require more detailed information from publishers than past Publication Watch forms. Postal Service personnel say that the additional information will help them determine the cause of the delay more quickly. The Postal Service's goal is to assign accountability within the postal service for timely resolution of delivery problems and to allow tracking of the specific location where problems are occurring. In addition, the revised procedure requires the Postal Service Operations Support Group to describe the actions they took to solve problems.

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- Metro Newspaper Service
- Advertising Dynamics*
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- Holiday Advertising Service

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LINDA CASTALDI
Regional Manager
1-800-223-1600



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Weeklies and shoppers can now
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THE CENTRAL SERVICE
P.O. Box 215, Elkton, Ky. 42220
Phone 502 295-2936 (after 4 p.m. CST)
WE WORK NIGHTS TO SAVE YOU MONEY!

Hatfield, Quinn, Brown elected to KPA Board of Directors

Guy Hatfield, Gary Quinn and J. O. Buddy Brown has been elected to the Kentucky Press Association Board of Directors for three-year terms.

The three, along with incumbents Louise Hatmaker and John Del Santo, begin their terms at the conclusion of the 1989 KPA Winter Convention.

Gary Quinn, publisher of the Maysville Ledger Independent, replaces Bob Hendrickson of the Ledger Independent as representative for District 8. Brown, general manager of the Cumberland County News in Burkesville, replaces David Davenport of

the Russell County News in District 14. Hatfield, publisher of the Citizen Voice and Times in Irvine defeated Mary Schurz of the Danville Advocate Messenger in District 15.

Hatmaker and Del Santo were unopposed in their reelection bids.

FOI Hotline continues heavy use

KENTUCKY PRESS ASSOCIATION FOI HOTLINE

Provided through
Jon Fleischaker
and Kim Greene
of Wyatt, Tarrant and
Combs
(502)
589-5235

Few businesses need prompt, reliable and accurate legal counsel more than newspapers do.

In an effort to provide immediate telephone consultation on a variety of Freedom of Information issues, the Kentucky Press Association has established the KPA FOI Hotline.

The purpose of the Hotline is to provide KPA member newspapers with a reliable, quickly-accessible source of expert legal advice through Jon Fleischaker and Kim Greene of Wyatt, Tarrant and Combs law firm of Louisville.

The activities in which newspapers are engaged intersect a wide range of issues. From open meetings and open records to access to courts and the Shield Law. Recent adverse developments in several areas of the law make it more important than ever that newspapers have access to sound and reliable legal advice.

Consultation will be available from two of the state's leading practitioners of newspaper

and First Amendment law in the following areas:

- *General libel and invasion of privacy questions
- *Review of libel concerns in advertisements, letters to the editor, op-ed columns, correspondent copy, cutlines and news and feature articles
- *Open Records
- *Open Meetings
- *Access to courts, public places and crime scenes
- *Shield Law
- *Legal and court procedures
- *Cameras in the courtroom
- *Responding to subpoenas and requests
- *Publication of lottery news and advertising
- *Political candidate advertising
- *Release for publication

General libel and invasion of privacy screening has been added to the Freedom of Information Hotline to better meet the needs for legal advice from newspapers.

With this expansion, newspapers can call the FOI Hotline with general libel questions or read the copy to the attorneys over the telephone so the attorneys can respond to specific libel/invasion of privacy questions or attempt to spot libel/invasion of privacy issues.

If a particular story is so complicated that, in the best legal judgment the FOI attorneys find it necessary to review hard copy, confer with the reporter or pursue other extensive follow-up inquiries, those services would not be covered by the FOI Hotline. Should inquiries reach that point, the newspaper would be informed that further legal analysis is required before publication is appropriate.

Member newspapers needing advice in the areas not included with the FOI Hotline can obtain that legal advice by

contracting with the FOI Hotline attorneys. Additionally, retention of Jon Fleischaker or Kim Greene for representation in court matters, to file briefs or write letters to administrative agencies is not included in the plan but the service can be obtained by contracting with the attorneys.

In areas not included in the plan, the attorneys will refer the newspaper to the KPA Central Office.

To insure efficient and maximum use of the FOI Hotline, the newspaper's editor or publisher should be consulted prior to calling the FOI Hotline.

Once it is agreed at the newspaper that legal advice is needed, call the FOI Hotline at (502) 589-5235, and the caller should ask for Jon Fleischaker or Kim Greene.

The attorney you speak with will listen to your problem and attempt to give you the advice you need during this telephone conversation.

In the event research into the specific area is needed, the FOI Hotline attorneys will return the call to the newspaper. Such return calls will be made collect or at the newspaper's expense.

The service is provided by the Kentucky Press Association at no cost to the member newspapers, except in cases of retaining an attorney for additional service and for returned phone calls.

The attorneys have agreed to monitor the program on a regular basis and report activities quarterly to the KPA Board of Directors.

The Hotline is intended for use by KPA member newspapers during regular business hours. However, realizing that some emergency situations may develop in the evening or on weekends, calls should be made to KPA executive director David T. Thompson (502) 863-0976 after regular business hours.

NNA group meets with USPS officials

WASHINGTON, D.C.—On Nov. 15, a delegation of National Newspaper Association members held its semiannual meeting with U.S. Postal Service officials in charge of second-class mail to discuss issues of interest to publishers.

Among the problems discussed was the issue of insert size. NNA publishers pointed out that the Postal Service's rule, which goes into effect in March, prohibiting inserts that stick out from the rest of the newspaper was causing a problem for letter carriers. Because publishers who attempt to adhere to the rule will

mail their publications half-folded rather than quarter-folded, the newspapers are more difficult for carriers and sorters to handle. NNA suggested that the rule be amended to allow inserts that are slightly larger than the host publication so that the publication could be quarter folded.

Scott Hamel, general manager of the Postal Service's Customer and Field Support Division, reported on work-sharing suggestions which, if adopted, would go into effect after the next rate case. Among these are in-county presort discounts, drop shipment discounts, carrier walk route dis-

counts and possibly rolling container discounts. Many publishers, the NNA delegation pointed out, already do some of this work and a discount would reward those who make mail easier for the Postal Service to handle. Postal officials reported that the USPS is planning a user's guide to

second-class which will include how to apply, eligibility, operations and forms. Chapter 4 of the Domestic Mail Manual, the chapter dealing with second-class, is also being rewritten. The new version, which Postal officials say will be easier to read, will be part of the March issue of the DMM.

Circulation, ad revenues hit 'lull'

By Albert Scardino
N.Y. Times News Service

For 10 years the newspaper industry has made incredible progress in revenues and profits; however, the industry now has reached a lull.

Advertising volume and circulation have risen only marginally, if at all, at most newspapers since the end of 1986, and revenues have grown only because of price increase.

During the first six months of 1988, newspapers reported advertising revenues of \$7.3 billion, up 3 percent from \$7.1 billion in the corresponding period last year. Big advertisers have either withdrawn their advertisements or changed their means of advertising.

Circulation has remained stagnant since about 1970 for daily newspapers. Sunday circulation has risen about 2 percent in the last year, mostly due to the number of Sunday newspapers is growing more rapidly.

While the cost of raw materials has soared, demand has steadily risen during the 1980s while newspapers added pages and sections to accommodate the growing demand for space from advertisers and as the distribution of free advertising has increased.

Newsprint can account for as much a third of all costs for the publishers of America's largest newspapers.

Because of the surplus at many mills in the United States and Canada, the rise in demand did not share price increases until two years ago.

Kentucky Press Association

Layout and Design Seminar

Thursday, January 19, 1989 - 1 p.m. to 4 p.m.
Marriott Resort at Griffin Gate - Lexington

William Ostendorf, director of photography for the Providence (R.I.) Journal-Bulletin will conduct a Layout and Design Seminar for Kentucky Press Association on Thursday, January 19.

The seminar includes discussion on layout and design, use of photos, artwork, use of color and a critique of Kentucky newspaper layout and design.

Registration fee -- \$25 per person.

Registration deadline is January 12, 1989.

For more information and registration material, write:

Lica McCain
Member Services Director
Kentucky Press Association
332 Capitol Avenue
Frankfort, Ky. 40601

or call (502) 223-8821.

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