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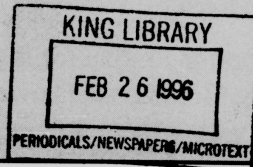
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THE KENTUCKY PRESS

February, 1996
Volume 67, Number 2

The Official Publication
of the Kentucky Press Association



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Winter Convention draws record crowd

Governor makes Friday appearance

By LISA CARNAHAN
KPA News Bureau

Over 600 individuals registered to attend the KPA Winter Convention, breaking last year's record by more than 100.

John Del Santo was inducted as the new president of the Kentucky Press Association. Del Santo takes the reigns from Dorothy Abernathy, publisher of the Oldham Era.

Del Santo, publisher of the Ashland Daily Independent, said he was looking forward to his year as president especially for the opportunity to work closely with the board of directors.

"In my years associated with KPA, not only have I enjoyed my assignments, but I've enjoyed getting to know others in the newspaper business and working closely with them."

Del Santo said the year ahead would be challenging in terms of KPA's past accomplishments.

"In many ways, the very fact that we're coming off a record year will be ambitious in terms of dupli-

cating our accomplishments," said Del Santo. "For one, KPS, and its ever-increasing advertising sales, already from the first two months of 1996 are off to a great start.

KPS sold a total of \$1,989,000 worth of advertising for Kentucky newspapers in 1994 and have targeted the goal of \$2 million for 1996.

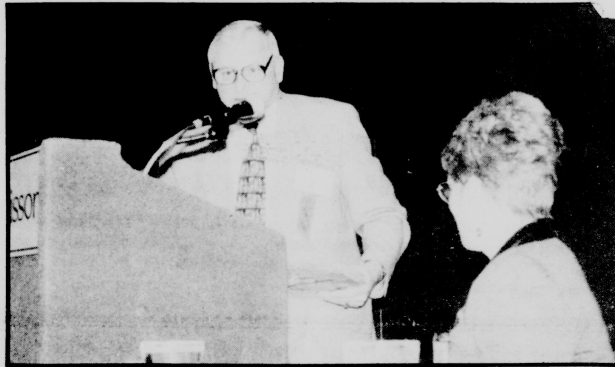
Gov. Paul Patton addressed the convention following the Friday morning business session and told the crowd his first weeks in office had shown exactly what he had expected.

"It's a hard job. I knew that and I think I was prepared for it so it's not different from what I expected," Patton said.

The governor noted he had surprised many by his Republican Cabinet appointments and his approach of "taking the General Assembly into the decision making process."

Patton said the biggest mistake a governor can make is losing touch with reality.

"I know people around me will



John Del Santo, publisher of the Ashland Daily Independent, was inducted as the new president of the Kentucky Press Association. He assumed the post following the 1996 winter convention, replacing Oldham Era publisher Dorothy Abernathy.

tell me how great I am, but you people here will use your editorial pages to remind me when I'm not," he said.

Patton said he was enjoying a good relationship with the media thus far in his administration and attributed that in part to his frankness.

"I've been open with you and I

know you'll tell me what I need to hear even if it's not what I want to hear," he said.

The keynote speaker for the awards banquet was National Newspaper Association Chairman R. Jack Fishman.

Fishman announced at the banquet. See CONVENTION, page 3

On the lookout

• March 4-8
Newspapers in Education Week

• March 7
West Virginia judges KPA Advertising Contest

• March 20-22
NNA Government Affairs Conference
Hyatt Regency, Capitol Hill, Wash. D.C.

• March 28
KPA/KPS Board of Directors Meeting central office

See AHEAD, page 7

NNA applauds postal rate decision

The National Newspaper Association has applauded the U.S. Postal Rate Commission for rejecting a proposal by the Postal Service to reduce rates for large magazines and increase rates for small newspapers.

"It would have been a body blow to the community press of the nation if the Commission had allowed the Postal Service proposal to go through," NNA Chairman R. Jack Fishman, president of Lakeway Publishers, Morristown, Tenn., said.

"The proposal would have cut rates for large publications, such as Time magazine, by 14 percent while raising rates for small newspapers by 17 percent.

"We are obviously quite pleased that the Commission recognized the value of a Postal Service that serves all of its customers fairly. It stood up to a major campaign by the Postal Service to begin retrenchment on a 200-year-old tradition," Fishman said. "We support the Postal Service's efforts to lower its prices for efficient mail, but this proposal was primarily designed to reward mailers for bringing in more business. That's not universal service, and we

*"It would have been a body blow to the community press of the nation if the Commission had allowed the Postal Service proposal to go through."
— NNA Chairman Jack Fishman*



opposed it."

The case before the Commission would have created a special "Publications Service," available only to large publications with high-density readership. Publications that were not eligible for the new service would have received rate increases. Community newspapers and small newsletters and magazines opposed it.

Fishman said that NNA had pointed out to the Commission that the proposal would have increased. See RATE, page 7

Kentucky people, papers in the news

Hurst named regional manager for APC

J.T. Hurst, publisher of The Daily News, Middlesboro, has been named by American Publishing Company as the new regional manager in charge of 10 newspapers in the Southeast.

His Kentucky properties include The Daily News, the Harlan Daily Enterprise, the Cumberland Trading Post, The Richmond Register, and the Times-Tribune, Corbin.

Bernard leaves Courier-Journal for major advertising agency, Holman takes over position

Steve Bernard, vice-president of advertising for The Courier Journal since 1991, resigned in January to become president of retail marketing for the largest advertising agency in Louisville, Creative Alliance.

A native of Louisville, Bernard joined the Courier-Journal in 1978 as a senior account executive.

Denise Holman, vice-president of advertising sales for the Gannett Co., newspaper division replaced Bernard. She was previously named one of Gannett's top 10 advertising executives.

Dickson picked for Paintsville Herald top job

The Paintsville Herald named a new publisher in January. Kate B. Dickson was publisher of The Bowling Green Times for two years before joining the Paintsville newspaper.

Prior to becoming publisher in Bowling Green, Dickson was editor of The Stanly News and Press in Albemarle, N.C. for five years.

Cassady joins Bowling Green Daily News staff

Kentucky native Pam Cassady has joined the staff of the Daily News, Bowling Green, as a copy editor. Cassady, 24, is a Louisville native and comes to the Daily News from the Gadsden County Times in Quincy, Fla., where she was a reporter and copy editor.

Owensboro Messenger-Inquirer sale finalized; Mong takes publishing reigns from Hager

The sale of the Messenger-Inquirer, Owensboro, to the A.H. Belo Corp., was finalized Jan. 5. The sale ended 86 years of ownership of the newspaper by the family of recently retired publisher John Hager.

Robert W. Mong Jr., was named as Hager's replacement. Mong had served as managing editor of The Dallas Morning News since 1990.

Ross named LCNI regional sales representative

Kelli G. Ross has been named regional sales representative for Landmark Community Newspapers, Inc., effective Jan. 24. Ross is previ-

ously the owner of Liberation Morgans in Shelby County and prior to that was a consultant with ABC TV, Inc., in New York.

News-Graphic begins Sunday publication

The Georgetown News-Graphic published its first Sunday edition Jan. 14. The Sunday edition replaces the Saturday edition and enables the paper to better cover Saturday sporting events and major festivals, according to Publisher Mike Scogin. Scogin also announced the present Wednesday and Sunday publication schedule would change effective March 1 when the News-Graphic adds a Friday issue.

Drury to retire as Courier-Journal head of operations, Przybylek named replacement

Ralph Drury will resign as The Courier-Journal's vice-president of operations in May after 28 years of service to the newspaper.

Michael Przybylek, director of production operations for Gannett Co.'s newspaper division, was named Drury's replacement. He joined the newspaper's staff in early January.

Stone chosen managing editor of Sentinel-Echo

Leigh Stone, former managing editor and on-site manager of The Carlisle Mercury, was named managing editor of the Sentinel Echo, London. In addition to her stint at the Carlisle newspaper, her experience includes reporting for The Portsmouth Daily Times.

McCowan joins staff at Shelbyville Sentinel-News

Ursula McCowan joined the staff of the Sentinel News, Shelbyville, in November. A Pikeville native, McCowan will work as an advertising representative/assistant.

Russellville paper switches publication dates

The News-Democrat & Leader, Russellville, changed its publication dates from Monday and Thursday to Tuesday and Friday in January. General Manager Randy Fuqua said the change would allow the newspaper to better serve the public and the advertisers.

Stevens named editor at Cadiz Record

Robin Steven, an employee of the Cadiz Record since 1992 was recently named editor. A native of Trigg County, she replaces Matt Sanders who left the newspaper just before Christmas.

Bond joins Herald-News staff

Hank Bond was named general manager of the Breckinridge County Herald-News Jan. 2. Bond is a former publisher of the Georgetown News and Times and also formerly operated the Carlisle Mercury.

The Kentucky Press

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District 6
Dave Eldridge, Henry County Local

District 7
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District 8-9
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District 10-11
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District 12
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District 13
Glenn Gray, Manchester Enterprise

District 14
Stuart Simpson, Pulaski Week

District 15-A
Tom Caudill, Lexington Herald-Leader

District 15-B
Guy Hatfield, Citizen Voice and Times

State at Large
Russ Powell, Ashland Daily Independent

Ed Riney, Owensboro Messenger Inquirer

Chip Hutcheson, Princeton Times Leader

Merv Aubespain, Louisville Courier Journal

Associates Division
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Nancy Peyton, Mail/News Release Service
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Carol Payton, Clipping Assistant
Holly Stigers, Clipping Assistant

State newspapers weather 'Blizzard of '96'

By Lisa Carnahan
KPA News Bureau

Snow blanketed Kentucky in early January during a weekend snowstorm dubbed the "Blizzard of '96."

Snow began falling Friday, Jan. 5 in most sections of the state with a few areas in eastern Kentucky continuing to see snow showers three days later.

Some newspapers across the state were forced to print on delayed schedules while others saw delays in delivery. None reported a failure to print, however, and most were back on schedule by midweek. Nearly all newspapers said they worked with skeleton crews as several staffers were stranded at or away from home.

In central Kentucky, employees of the Richmond Register were treated to donuts and pizza for braving the wintry conditions.

"We had about half our staff put out the newspaper and about 90 percent of our carriers showed up to deliver it," said publisher David Harrison. "We had four-wheel drive vehicles available to transport our employees who had to be here. It was hectic, but we pulled through."

Publishers and editors of papers in the eastern section of the commonwealth cited delivery in rural areas as the greatest obstacle while some said power outages were the main handicap. Eastern and south-eastern Kentucky felt the brunt of

The snow didn't stop falling in Harlan County until early Monday after 15 to 18 inches of the white stuff covered the mountains.

John Henson, managing editor of the Harlan Daily Enterprise, was forced to deal with an additional

"We had four-wheel drive vehicles available to transport our employees who had to be here. It was hectic, but we pulled through."

David Harrison

publisher of The Richmond Register

the storm system, the strongest since January 1994 when record levels of snow fell across the state.

The Appalachian News-Express in Pikeville, located in one of the hardest hit areas, has a snow plan under which operators of four-wheel drive trucks are hired to transport their carriers.

Newspaper officials there said only about 25 percent of the Sunday papers were delivered to the homes, but noted all businesses received the edition. Over two feet of snow fell in the Pikeville area.

weather-related disaster Sunday night, the loss of the AP wire. He and sports editor Jeff Drummond, the only employee able to make it in to the office, typed the local copy in addition to faxed AP stories in order to get out a Monday edition.

The staff produced Tuesday's edition early in an effort to help carriers.

Ron Daley, publisher of the Troublesome Creek Times in Hindman where 20 to 22 inches of snow fell, said he was lucky the snow storm hit on the weekend instead of midweek.

Daley said the newspaper was hardest hit in the display advertising area as some ads were canceled due to the weather.

Newspapers in far western Kentucky were more fortunate with just about six inches of snow reported. Nevertheless, Gina Hancock, editor of the Murray Ledger & Times, said staff members produced their paper early for carriers on Monday and Tuesday.

That same effort was fruitless for the Daily News in Bowling Green on Monday due to a press break down. Sunday's edition proved to be the hardest to produce, according to managing editor David Bauer.

Staff members worked to get the paper out early for carriers traveling secondary roads in the county. According to Bauer, seven to 12 inches fell in Warren County.

"We try to go to press early for our carriers ... to try and give them a headstart," said Kentucky New Era editor Mike Herndon.

Weather officials in the Hopkinsville-Christian County area reported approximately nine
See BLIZZARD, page 8

Special awards, elections part of 1996 winter convention

Several awards were presented as part of the 1996 Kentucky Press Association Winter Convention.

The Barry Bingham Freedom of Information Award was presented to former attorney general Chris Gorman for his efforts to keep the public informed during his administration.

Gorman called the award the "highlight of his administration."

"I may not always believe in what you have to say but I'll defend your right to say it," said Gorman.

Merv Aubespain, associate editor for development for the Louisville Courier-Journal, received the Edwards M. Templin Memorial Award from Tim Kelly, editor of the Lexington Herald-Leader, for his outstanding community service.

Aubespain was honored for his dedication and service to the community and his commitment to young journalists.

"After 40 years, nothing means more to me than to be recognized by the people of the state I love," said Aubespain.

Longtime publisher and owner of the Owensboro Messenger-Enquirer John Hager was presented with the Most Valuable Member Award.

Hager and his family owned the Owensboro newspaper for 86 years before selling recently to the A.H. Belo Corp.

The award is presented annually to an individual who has performed the most outstanding service to the Kentucky Press Association/Kentucky Press Service.

Steve Lowery, publisher of the Kentucky Standard, Bardstow, was presented the president's clock in recognition of his year as KPA past president.

Barbara McDaniel, Toyota Motor Manufacturing, was elected chairman of the KPA Associates Division. Dave Eldridge of the Henry County Local was elected to his first term as District 6 board representative. Ed Riney, Owensboro Messenger-Enquirer, was named as a state at large representative.

During the KPA business session Friday morning, members adopted the 1996 KPA/KPS budgets. A vote was also held to amend the bylaws concerning the dues structure for associate member newspapers.



LOWERY

Convention

Continued from page 1

quiet the U.S. Postal Rate Commission's decision regarding a proposed change in their rate structure which would have meant a substantial increase for small newspapers. (See story page 1)

Fishman told the crowd the decision, which was just released that day, was a tremendous victory for community newspapers and said NNA State Chairman Max Heath deserved a great deal of credit for successfully lobbying against the proposal.

The convention featured the father/son duo of Peter and Jeff Wagner of the N'West Iowa Review, a weekly publication rated Iowa's best newspaper nine of the past 14 years.

The Wagners presented a variety of seminars both as a team and individually that included workshops on "reality writing" and producing a newspaper direct to film.

Another highlight of the convention was a series of circulation workshops conducted by consultant Ron Anderson of R.C. Anderson and Associates in Pittsford, N.Y.

A new twist to the winter convention was a seminar for college journalists sponsored by KPA and coordinated by Tom Caudill, assistant managing editor of the Lexington Herald-Leader and Merv Aubespain, associate editor for development for the Louisville Courier-Journal.

Over 100 prospective journalists attended the day-long sessions

Prize winners

A drawing was held on Friday of the convention for three prizes. Charles Hamilton of Powell, Walton, Milward, Inc., drew the winning names.

- Norman Rockwell print - Charlie Portmann

- Radisson, one night stay - James Mulcahy

- State parks gift certificate - David Greer

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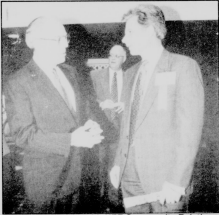
You should
have been
there ...



The father and son duo of Peter and Jeff Wagner presented a variety of seminars during the convention. The Wagners publish the award-winning N'West Iowa Review. (Photos courtesy of Russ Metz)



KPA central office employees Sue Cammack, Bonnie Howard and Gloria Davis were kept busy registering the record crowd that attended the 1996 convention.



Gov. Patton spoke with KET Community Relations Ed Mastrean as he left the convention center. (Photo courtesy of Grace Moore)



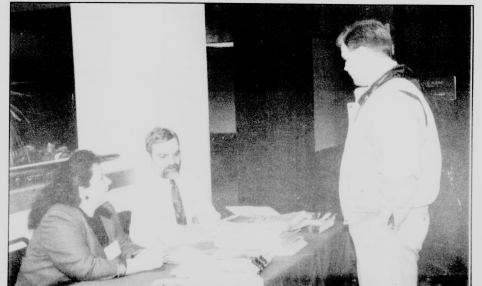
Gov. Paul Patton addressed the convention following Friday morning's breakfast and business session. He was introduced by David Hawpe, editor of The Courier-Journal. Patton said his first weeks in office had proven to be what he had expected it to be, "a tough job."



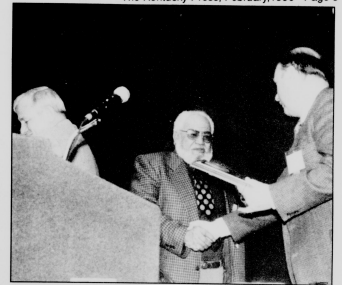
Grace Moore, formerly of the Mt. Sterling Advocate, talked with Kentucky Oil and Gas Association representative Jane Mays, one of the many exhibitors for the 1996 Trade Show.



Those attending the convention included, left to right, LCNi, Inc. executive editor and KPA past president Max Heath, newly-elected KPA vice-president and publisher of the citizen Voice & Times and Clay City Times Guy Hatfield and John Nelson, publisher of the Pulaski Week and chairman of the KPA News Editorial Division.



Liz Petros and Tom Caudill of the Lexington Herald-Leader talked with UK student Lance Williams. Williams, editor of the Kentucky Kernel, attended the seminars for college journalism students that were held in conjunction with the convention.



Merv Aubequin, associate editor for development at The Courier-Journal, (center) was presented with the Edwards M. Temple Memorial Award for outstanding community service by Lexington Herald-Leader Editor Tim Kelly.



Former Kentucky attorney general Chris Gorman was presented with the Barry Bingham Freedom of Information award.

1996 KPA Winter Convention

LEGAL VIEWS

KPA taking the defense on legislation

With no major initiatives in the works for the 1996 Kentucky General Assembly, the Kentucky Press Association is primarily taking a defensive stance on issues of open meetings, open records, advertising and campaign finance reform.

During the first few weeks of the '96 session, numerous bills had been filed that included existing language on open meetings and open records. KPA is watching these bills to make sure existing language stays in the law.

The issue of the retraction notice (see Kim Greene's column elsewhere on this page) will probably be the only piece of legislation KPA has introduced. The legislation will address the constitutionality question on the retraction statute to include magazines and periodicals along with newspapers. The present law has been on the books since 1964.

On the campaign finance reform front, KPA supported House Bill 207, sponsored by Rep. Ray Mullinix, R-Burkesville. As originally written, HB 207 would require purchasers of advertising and ad services in gubernatorial races to file the periodic reports due to the Registry of Election Finance. Presently, newspapers, radio and TV stations and others who offer advertising services to campaigns, must file the reports throughout any gubernatorial election.

The bill was discussed before the House Elections and Constitutional Amendments Committee on Wednesday, February 7. The Registry objected to the proposed change since the reports filed by advertising outlets also showed funds spent by private individuals to support a gubernatorial candidate.

The committee asked Rep. Mullinix, KPA and the Registry to work on amended language that would require only one report for the entire election process. KPA will also be seeking to repeal any penalty on the advertising service providers.

The concealed deadly weapons bill passed the House February 6, and is now headed for the Senate where its future remains uncertain. The bill is modeled after a Florida law but unlike the Florida statute, Kentucky's version contains no language that licenses be a public record. KPA is considering asking for an amendment to House Bill 40 if it surfaces in the Senate Judiciary Committee that would make concealed weapons licenses a public record.

FOI Hotline

Federal judge declares Kentucky retraction statute unconstitutional

By KIM GREENE
KPA General Counsel
Wyatt, Tarrant and Combs

In a surprise development, William O. Bertelsman, Chief Judge of the United States District Court for the Eastern District of Kentucky, has declared KRS 411.051, commonly known to newspapers as the retraction statute, unconstitutional.

He made this ruling in an order which is not yet final and, therefore, will not be effective or binding, until the final disposition of the case.

Nevertheless, the decision has raised the eyebrows and the concerns of Kentucky newspapers, who wonder about its effect on their operations should the decision stand.

The retraction statute provides, in pertinent part:

In any action for damages for the publication of the defamatory statement in a daily or other newspaper, the defendant shall be liable for actual damages sustained by the plaintiff.

The defendant may plead the publication of a correction in mitigation damages.

Punitive damages may be recovered only if the player shall allege and prove publication with legal malice and that the daily or other newspaper failed to make conspicuous and timely publication of a correction after receiving a sufficient demand for correction.

KRS 411.051

Under this statute, the only way for a private figure plaintiff to receive an award of punitive damages in his or her successful libel suit against a newspaper is to show two things: 1) that the newspaper published the defamatory statement about him or her with knowledge that the statement was false or with reckless disregard for the truth; and 2) that the plaintiff made a sufficient demand for correction (that term is defined in another section of the retraction statute) and the newspaper failed to publish a correction.

Absent proof of either of those requirements, a plaintiff is not entitled to an award of punitive damages. If Judge Bertelsman's order stands, however, Kentucky newspapers will no longer be entitled to the protection this statute provides.

The order came out of the case

of Charlotte White vs. Manchester Enterprise, Inc. The Enterprise published an article and an editorial concerning White and her employer, Native America, Inc.

In her job, White organized and promoted Native American pow-wows across the country. Her first pow-wow was in Hialeah, Florida, and her second was in Manchester, Kentucky.

Prior to the Manchester pow-wow, The Enterprise published an article stating that White had left "a trail of bad checks" and was "briefly jailed on charges of fraud" in connection with the Hialeah pow-wow. The article also stated that "White is in hiding because of money she owes to Native American entertainers who came to Florida in January after being guaranteed up to \$75,000 in fees" and she left Native American, Jimmy Boy Dial, with \$10,000 in unpaid hotel expenses.

An accompanying editorial in The Enterprise stated, in part:

Reports have surfaced that the organizer of the Manchester event allegedly defrauded both Native Americans that were participating and numerous hotels during a Pow-Wow she organized in Hialeah,

Florida in January.

In this instance there was a very good possibility that had the Manchester event gone on, some (maybe us taxpayers) would have been left holding a pretty hefty bag

... Everyone of course, is innocent until proven guilty. But there is enough evidence available to be pretty well convinced that this event will not happen, and if it does very few, if any, Native Americans will show up.

White sued The Enterprise for defamation and invasion of privacy and asked the court for punitive damages as well as compensatory damages and costs. Because she had not submitted to The Enterprise "a sufficient demand for correction," the newspaper argued that she could not recover punitive

See STATUTE, page 8

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National newspaper groups praise passage of telecommunications legislation in Congress

Calling it "the dawn of a new electronic era for community newspapers across the country," R. Jack Fishman, chairman of the National Newspaper Association lauded the passage of the telecommunications bill that President Clinton is expected to sign into law.

Fishman said the bill that would allow small electronic publishers to purchase only the equipment, access or time they really need from such carriers as the Bells, and not be obligated to buy expensive packages that had not been put together to service large customers.

According to Fishman, that difference could mean the difference between success or failure in the new electronic world for local information providers.

John F. Sturm, president and CEO of the Newspaper Association of America, said the legislation will "foster the development of competition in the local exchange market, give newspapers of all sizes competi-

tive methods for distributing electronic services and spur growth of new and innovative electronic products — all of which benefit consumers."

The House passed the bill by a vote of 414-16 and it was approved in the Senate by a 91-5 vote.

"The bill achieves a short-term goal for newspapers in the safeguards for electronic publishing that require the Regional Bell Operating Companies (RBOCs) to offer their electronic publishing services through a separate subsidiary, thereby protecting against anti-competitive behavior and promoting diversity in the marketplace."

Sturm noted NAA officials were disappointed with the bill's regulation of speech in the online arena and are concerned the restrictive language might violate the First Amendment but supported "the motives of the conferees to protect children from obscene and indecent material."

Rate

Continued from page 1

newspaper subscription rates, particularly for rural readers, as postal rates for serving low-density areas rose.

However, he noted the Commission had heard testimony that magazine publishers would not necessarily pass along their savings through lower subscriptions for readers.

"Readers would face a lose-lose situation here," he said. "But the real loser would have been the American public, as our Postal Service became increasingly a captive of large commercial interests."

The decision now goes to the USPS Board of Governors for final action. NNA said it would urge the governors to accept the rate commission's negative recommendation and to instead explore ways to improve service as the most promising route to increasing volume.

"The Postal Service needs to stick with what it is supposed to do — deliver the mail on time and to keep its costs under control. That simple business strategy will attract more mail without the marketing gimmicks of volume dis-

counts, which are unfair and unwise," Fishman said.

NNA's government relations chairman in Kentucky agreed with Fishman.

"NNA spent more than \$100,000 defending community newspapers in this case. We won. We have preserved the integrity of the postal system that we depend on so heavily to stay in business," said Steve Lowery.

"But this will not end the battle. We expect a major Congressional debate this year on the Postal Service's future. We are going to look to every publisher to stand ready to protect second-class mail from further assault," Lowery said.

Ahead

Continued from page 1

- June 20-21
KPA Summer Convention
Bowling Green
- September 25-28
NNA Convention
Opryland Hotel, Nashville
- September 26-27
KPA/KPS Board of Directors Fall
Retreat, Opryland Hotel, Nashville

Where does the logo go?

Ad-libs ©
By John Foust
Raleigh, N.C.

A name tag has a lot in common with a logo. Both serve to identify. And there are right and wrong ways to position them.

A few years ago, I learned I had been wearing name tags on the wrong side of the suit jacket. No matter what kind of tag was handed out at a meeting, one with a clip, a pin or adhesive - I always slapped it over by heart, on the left side of my coat. Since I'm right handed, it seemed more natural to put it there.

Then I was told that name tags are supposed to go on the other side. This is due to the fact that it is easier for people who are shaking hands to read name tags which are placed on the right side. To see for yourself, simply shake hands with one of your co-workers and look at the slight line differences between right and left lapels. The right side works better.

When it comes to print advertising, I believe the most logical position for the logo is at the bottom. And if the ad is wide enough, the best placement is in the bottom right corner. Why? Because that is an ad's natural ending point. We are accustomed to reading from top to bottom and from left to right.

As we read a written message, we are conditioned to look for the name of the messenger at the end. When you write a letter, you don't sign it in the middle - you sign it at the end. And if it is a handwritten

note, you probably sign it on the right side.

Should the logo always appear in the bottom right corner? No. Figuratively speaking, some logos are like name tags with pocket clips. They are designed for special placement. Many department stores, for example, had ad formats which call for the logo to be placed in the upper left corner.

What about logo size? Actually, this depends on the size of the ad. The key is to think proportionally. For instance, a logo which is scaled to fit a full page newspaper ad would look like an ego flag in a quarter page. And a logo from a quarter page might disappear in a full page layout.

Like a name tag, a logo should identify, not overwhelm. This means that, in most cases, the logo should not be the dominant element in an ad. Common-sense dictates that it should be big enough to provide quick identification, but not so large that it takes away from the ad's message. A tasteful way to make a logo more prominent is not to enlarge it, but to cushion it with white space.

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

KNOWLEDGE IS POWER



Celebrate Media Education Newspaper in Education Week March 4-8, 1996

Newspapers and other media can help you learn more about how to get and use information. Read, watch, listen and think critically to become an effective user of media messages.

Each year your local newspaper, schools and reading and social studies educators join together to celebrate NIE Week.

NIE Week is sponsored by the Newspaper Association of America Foundation, the International Reading Association and the National Council for the Social Studies.

Statute

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damages. Specifically, she had not made a written demand for a retraction prior to initiating her lawsuit against The Enterprise, as is required by statute.

Initially, the court agreed with The Enterprise that the retraction statute applied. Then White filed another motion challenging the constitutionality of the retraction statute under the Kentucky Constitution.

Judge Bertelsman certified the question to the Kentucky Supreme Court under a rule permitting federal courts to ask the Kentucky Supreme Court to decide questions of state law, but the Supreme Court declined to accept the certification. The federal court then issued its own decision.

Judge Bertelsman held KRS 411.051 to be special legislation which violated Section 59 of the Kentucky Constitution. The relevant portions of Section 59 provide:

The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

Fifth: to regulate the limitation of civil or criminal cases.

Twenty-ninth: in all other cases where general law can be made applicable, no special law shall be enacted.

According to the federal court,

"the primary purpose of Section 59 was to prevent special privileges for those with wealth and power sufficient to sway the (General) Assembly and to insure equality under the law."

Special legislation is defined as legislation which arbitrarily or without reasonable justification discriminates against some person or objects or favors other persons or objects. The court found that the retraction statute constitutes special legislation because it arbitrarily favors some entities (newspapers) and discriminates against others (other print media).

To make that finding, the court applied a two-part test that had been established by the Kentucky Supreme Court. To pass scrutiny under Section 59, a law first must apply equally to all in a class, and second, there must be distinctive and natural reasons inducing and supporting a classification.

The court found that KRS 411.051 met neither prong of this test. First, the court found that the appropriate "class" was print media as a whole. Since the statute applies only to newspapers and not to magazines and other periodicals, this statute cannot satisfy the first prong. This, the court reasoned, is arbitrary distinction. The court posed a scenario where the same source provided a story to both a newspaper and a magazine and both used the story. The story defamed a private individual who sued both the newspaper and the magazine with-

out demanding a retraction from either. The court saw no rationale for allowing KRS 411.051 to protect the newspaper from punitive damages but not the magazine.

Second, if one were to consider only newspapers as the "class," the court found that KRS 411.051 failed the second prong of the test, since there is no rational basis for classifying newspapers differently from magazines, newsletters, or other print publications. According to the court, it may be difficult to tell whether some publications are newspapers or magazines, e.g. the National Inquirer or the National Law Journal.

The court's conclusion that the retraction statute is unconstitutional special legislation means that

Charlotte White's failure to make "a sufficient demand for correction" will not prevent her from recovering punitive damages from The Enterprise if punitive damages are otherwise appropriate. Of course, the effect of his ruling will not stop there. If this ruling becomes final, it will have a significant impact on any Kentucky newspaper which is sued by a private individual for libel.

On behalf of its members, KPA is exploring both judicial and legislative means of heading off this potentially detrimental result. Stay tuned for further information.

Classifieds: Help Wanted

Design editor/paginator for prize-winning Central Kentucky daily newspaper. QuarkXpress experience essential. Headline writing skills, strong news judgment and ability to be team player important. Technical knowledge of Macs a plus. Written resumes only. Editor, The Winchester Sun, P.O. Box 4300, Winchester, Ky. 40392-4300

BARGAIN ON ADDITIVE PLATES

We switched from an additive to subtractive system and have the following additive plates for sale at half price plus shipping costs. Never been unpacked.

900-13-3/8" x 23-1/8" .012"
45cents each
3000 - 22-5/16" x 35"
90 cents each

Contact Rick Rae (ext. 18) or Dave Larkin (ext. 40) at the Standard Observer, P.O. Box 280, Irwin, PA 15642 (412) 523-6588 Fax: (412) 527-3660 E-Mail: stdobsv@aol.com

Blizzard

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inches of snow during the two-day period.

"We have a large delivery area so the main thing is it's just going to be really slow going for a while," Herndon said.

At the Kentucky Standard in Bardstown, staff members living close to the newspaper office were able to produce a Monday edition. Editor Teresa Rice noted one of the employees had a four-wheel drive vehicle and transported the paper

to Shepherdsville to be printed.

In northern Kentucky, 12 to 15 inches was reported in Maysville. Matt Stahl, managing editor of the Ledger-Independent, said no major staff problems arose since some employees live nearby.

"We're lucky enough that a few employees from each department live close by," said Stahl. "This was nothing compared to the '94 storm when our papers sat in the warehouse for three days without even being picked up. The majority of our carriers got the paper ... but I don't think that many got delivered."

DEATHS

James W. Ewing

James W. Ewing, 89, a former news executive of the Henderson Gleaner, died in late December. Ewing was an Army colonel, a high school teacher and a lobbyist for improved highways. He retired from the newspaper in 1958.

Helen Lycan Wood

Helen Lycan Wood, 89, a major stockholder in the Kentucky New Era Corp., died Jan. 10 following a long illness. A native of Christian County, she was the wife of Thomas Fairleigh Wood.

Wood and his brother, Alfred Walker Wood Jr., were co-publish-

ers of the newspaper from 1941 and were the third generation of the Wood family to own and publish the newspaper.

Juliet Galloway

Juliet Galloway, a former society editor and city hall reporter for the Lexington Herald-Leader died Dec. 30. She started her career at The Winchester Sun and moved to the then Lexington Herald in 1933 and became society editor.

After transferring to the news staff in 1944, she became city hall reporter the following year and held that position until her retirement in 1974.

Join NNA State Chairman Max Heath and Membership Chairman Guy Hatfield

Thursday, March 21, 1996

at the National Newspaper Association's
Government Affairs Conference

Washington, D.C.

- Sit with the Kentucky Delegation on Thursday morning
- Visit your Senators and Representatives on Thursday afternoon
- Greet the President and Mrs. Clinton on Friday (tentative)

Call Elisabeth Collins at 800-829-4NNA for more information.

