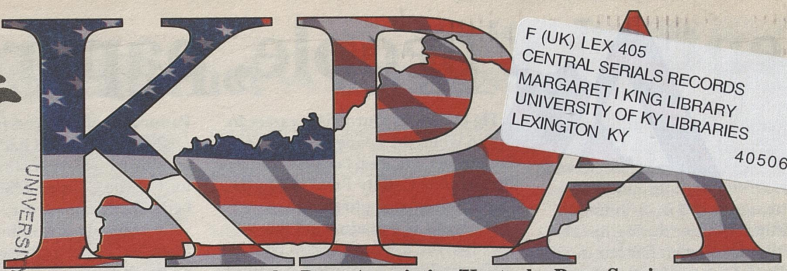


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Volume 74, Number 3 - March 2003 - Published by Kentucky Press Association/Kentucky Press Service

Ice storm didn't stop Kentucky's presses

By **DANA EHLSCHIDE**
 News Bureau Director

The ice and snowstorm that hit Kentucky in February created havoc on the roadways and shut down schools all across the state. Thousands were without power leaving many to seek alternative places to stay. Area newspapers weren't spared from suffering a few setbacks as well.

"It was an odd situation," said Mike Scogin, publisher of the Georgetown News-Graphic.

On Monday, Scogin said, the News-Graphic had partial power. Their newsroom and pressroom were without power and their phone lines were down. Tuesday, production day for their Wednesday edition, they

were still without power to their presses. Realizing that they were going to have to make arrangements to have their paper printed at another facility, Scogin and his crew moved their normal 4:30 deadline to 1 p.m. in order to get the paper to Danville's Advocate Messenger.

With no phones or electricity, the News-Graphic set up a makeshift newsroom at Georgetown City Hall.

The power came back on during the night Tuesday, Scogin said, only to go out again between noon and 1 p.m. Wednesday. The newsroom once again became mobile this time setting up camp in the computer lab at Scott County High School.

See ICE on Page 11

March News & Notes

Enter NNA's Better Newspaper Contest

John Stevenson, Chair for the National Newspaper Association's Better Newspaper Contest announced the call for entries for the 2003 contest. Stevenson, publisher of the Randolph Leader, Roanoke, Ala. expects more than 3,000 entries for this year's contest.

The competition has 38 divisions with 129 categories and is open to all NNA members. Entry forms, rules and information were published in the February issue of Publishers' Auxiliary and are also available on NNA's web site: www.nna.org.

The contest entry deadline is fast approaching. Entries must be post-

marked by March 31, 2003 in order to qualify.

Entries and contest fees should be mailed directly to: NNA Better Newspaper Contest, Gwen White, 808 Swan Street, Kill Devil Hills, NC 27948.

WKPA Convention scheduled for March 28

The West Kentucky Press Association will hold its spring convention March 28, 2003 at the Ramada Inn near Kentucky Dam Village in Gilbertsville.

Registration for the event will be held from 9 a.m. to 9:15. Registration

See NEWS on Page 8

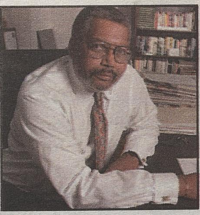
Six inducted into Journalism Hall of Fame



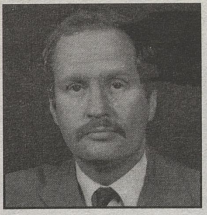
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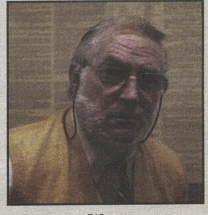
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Induction ceremony will be held April 8

Six journalists with Kentucky ties have been chosen for the Kentucky Journalism Hall of Fame and will be honored at a luncheon April 8 at the University of Kentucky.

The ceremony will be held at UK's Hilary J. Boone Faculty Center. Later

the same day, UK will also host the 26th annual Joe Creason Lecture in Memorial Hall. This year's Creason Lecturer is Bob Edwards, host of National Public Radio's "Morning Edition." Edwards, who grew up in Louisville, is one of the Hall of Fame inductees.

The other inductees to be recognized at the luncheon sponsored by

the UK Journalism and Telecommunications Alumni Association, are:

- Louise Hatmaker, former editor, publisher and owner of the Jackson Times and Beattyville Enterprise and a pioneer woman journalist in Appalachia. Now retired, she began her career as a reporter for the Hazard Herald and was a member of

the Kentucky Press Association's board of directors for 25 years.

- Bob Edwards, host of the popular NPR morning newscast and entertainment program which reaches an estimated 13 million listeners each week, embodies excellence in broadcasting. With NPR since 1974, Edwards conducts more than 800 interviews each

See FAME on Page 8

MAR 13 2003

Kentucky people, papers in the news

Hickman Courier editor takes job at Fulton Leader

John O'Neal Jones, who has served as editor, writer, photographer, production manager and distributor of The Hickman Courier during his 11 years at the newspaper, has left to become the editor and general manager of The Fulton Leader and will also oversee the Fulton Shopper.

He began his journalism career in Fulton when the Leader was still a daily paper. He then became editor of the Weakley County Press in Martin, Tenn., before going to Hickman.

Jones, 46, is a graduate of the University of Tennessee at Martin.

Cherry Pyron of Clinton, a former copy editor at the Courier and at Schroeder Publishing Company in

Paducah, will succeed Jones.

Pyron's editorial background includes a two-year stint as copy editor for The Courier. She officially began her duties Jan. 6.

A graduate of Lambuth and Ohio State Universities, Pyron began her journalism career at the Richmond, Va., Post-Dispatch, where she worked as a typesetter. She moved to an editorial assistant position at Yankee Magazine in New Hampshire before coming back to western Kentucky. She took a job as reporter for the Fulton Daily Leader until taking a sabbatical from journalism to raise a son. She also has written for the Carlisle County News, the Hickman County Gazette and Hometown Magazine.

Before coming to the Courier, Pyron was a copy editor at Schroeder Publishing in Paducah.

Lisa Simpson Strange takes publisher's role at News-Gazette

Lisa Simpson Strange was named the publisher of the Grayson County News-Gazette the first of January by the Barren River Publishing Group regional manager Keith Ponder.

She replaces Dealton Brown who joined the management team of the Bakersfield Californian in early December.

A native of Glasgow, Strange received her Bachelor of Science degree with honors from Western Kentucky University and also did her master's work in the Biology Department at Western where she worked as a graduate assistant and served on the Graduate Council.

After completing her education, Strange was employed in various management positions with Waldenbooks, a retail book company, over a period of 17 years. She was assistant manager for Waldenbooks in Bowling Green; opened the Towne Mall Waldenbooks location in Elizabethtown as store manager; returned to Bowling Green as store manager and then became a trainer for new store managers there; and finally became Waldenbooks district manager for Kentucky and southern Indiana in 1995 overseeing 13 store locations.

In December 1999, Strange joined the news department at the Glasgow Daily Times. She has spent the last three years there as copy editor while gaining experience in the day-to-day operations of a local newspaper.

Jones is new co-owner of The Butler County Post

Johnnie Jones became the new co-

See PEOPLE on Page 10

The Kentucky Press

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Deaths

Former Kennedy press secretary, editor dies

Malcolm Kilduff, the White House spokesman who gave a shocked world the first official word that President John F. Kennedy had been assassinated, died yesterday. He was 75.

Kilduff was found to be unresponsive at a Beattyville nursing home yesterday and was transported to Jackson Hospital, where he was pronounced dead by Breathitt County Coroner Bobby Thorpe.

Kilduff more recently worked as editor of The Beattyville Enterprise, an Eastern Kentucky weekly newspaper. But his biggest moment in the spotlight was at a 1:31 p.m. news conference on Nov. 22, 1963, at Parkland Memorial Hospital in Dallas.

Arrangements for Kilduff were pending in Beattyville at press time

Former Herald News co-publisher dies

Elsie Atherton Creal, 85, of Hodgenville, passed away Sunday, Feb. 23, 2003, at her residence following a long illness.

She was a native of LaRue County and the former Elsie Atherton Smith. She was retired as bookkeeper and co-publisher of The Herald News. Earlier employment was with Nolin RECC and Lincoln National Bank.

Funeral services were held Feb. 26, at 1 p.m. in Hodgenville.

Expressions of sympathy may take the form of contributions to Hospice & Palliative Care of Central Kentucky, P.O. Box 2149, Elizabethtown, Kentucky 42701, or to the American Cancer Society, NCICFUL, P.O. Box 102454, Atlanta, Ga 30368-2454.

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Public notices and the Internet -- not as simple as 1, 2, 3

NOTE: This is being written prior to the legislative conference committee's action on the state budget, and specifically House Bill 269. And the chances are, you're reading it after the budget bill has been approved. Hopefully, language affecting public notices in newspapers and more important, the public's right to information, was not compromised by the budget bill.

It's coming. Maybe not now, maybe not next year but sometime, there's a good chance legislation will get through the House and Senate and signed by the governor that public notices are to be published on the internet.

You don't want to hear that, I don't want to think about that. But it's the message resounding from committee meetings and Capitol hallways, not just in Kentucky but every state.

Until a great deal of foundation is in place, there's really no reason to think about it. It's not as simple as a legislator putting in language that says public agencies can publish notices on the internet.

Sounds good because "agencies will save a lot of money." Will they? "Sure, the internet is free." Not necessarily. There are costs associated with personnel to keep the website going, time required to post notices, fees associated with an internet service provider.

The bigger issue is the access to public information or more specifically, government controlling the flow of information to the citizens.

That is the issue and it should be.

While I'd like to think we trust an elected public official to do what's right and make sure every bit of information is available, let's get real. It's not going to happen. How many times has your newspaper been asked, "Can you put this in real small type so it's not so readable?"

It happens.

I thank my colleagues at other state press associations for helping develop the reasons public notices should not be on the internet. Over the years, we've prepared for this battle and now it's an issue in most every state legislature, every year. The points we use are below and in some cases, I've added my thoughts to the reasons why it's not time yet.

1) Kentucky's local community newspapers have provided notice functions for more than a century to government - reliably, effectively and at an exceedingly efficient cost, when taken as a percentage of total government expenses. Kentucky newspaper publishers have performed their independent role as public notice providers

On Second Thought

By David T. Thompson
KPA Executive Director



responsibly and with great sensitivity to the essential nature of this task.

Publication requirements in local newspapers do not inflict a "tremendous cost" to taxpayers. In fact, the rates for public notices in Kentucky are far below the standard rates charged for all other advertising. The much greater cost would be to public confidence in their local officials should notices disappear from their local newspapers.

The House Education Committee was told that school districts spend some \$255,000 a year to publish financial statements. I have an e-mail from one superintendent in Western Kentucky saying that his school district expenditure was incorrect. The report to the committee said his district spent \$5000. He says it was only \$1800. You wonder how many other districts were misreported.

But you wonder how much newspapers donate in space to schools. I'd say it's more than \$5 million per year if you measured the news hole and multiplied by the newspaper's advertising rate. And that doesn't include a donation here and there.

2. Public notices should NOT be controlled by a government agency on its own website, or any government website. Publishing all public notices in a newspaper ensures that public notices are not at the sole control of a government agency. With the language provided in the Senate's budget version, a school district can decide when the financial statement is published, what information is published and how the information is published.

Sorry but I just don't trust public agencies if they had control of what information to put on a website. I remember too many times when I was at the Georgetown News and Times that the school superintendent, or mayor, or others at public agencies would ask me to "print that thing as small as you can so people won't be able to read it."

Do you want me to supply a magnifying glass with each copy of the newspaper? was the response I wanted to give.

3. There is no archival history to government actions as there is with newspapers, if information is available only on the Internet. Years from now, any citizen could go back to a newspa-

per file and read a notice of action by a government agency. That history is not available by publishing notices on a website.

One version of this language addressed that issue by saying the school system had to have the information posted for a year. Okay, fine. What about someone wanting information from two years or five years and pre-KERA days?

4. There is the opportunity that once a notice is published, the government agency could change the content after the fact. That is not possible with publishing notices in a newspaper.

Easy to do and who's the wiser that it took place?

5. Some websites require specific software to be used to view the content of that website. That means some citizens would either have to purchase the software to view the website or choose not to view it at all. The agency can restrict access to a specific software it chooses. Consider the Legislative Research Commission's own website. While the text of bills is published on the website, a citizen can only access that information if he or she has Microsoft Word. No other software will allow you to view legislation and the same could be true if a government agency posts notices on its website.

6. Some websites are available only through specific web browser software as well. Many of the state government websites will either not allow your browser to access information, or will tell you that to best view the information contained, you should use a specific network browser.

7. Newspapers don't miss issues but there is a real possibility that websites could be down, precluding the citizens from accessing the website at a particular time. Some areas of Kentucky were without power for up to 12 days recently because of the ice storm. Internet access was impossible from those homes because of the lack of power. Newspapers were without power in those locations as well but were still able to get their newspaper printed and into the hands of their subscribers on time and without interruption.

Newspapers have weathered fires, floods, tornadoes and even terrorism threats but they keep publishing each day or each week without interruption. Websites and Internet Service Providers have frequent down time or times when the website is "busy" or "not available," even several times a day.

It's a shame testimony on some of these bills didn't take place during the Ice Storm of 2003. We could have included ice storms among the many

times internet service is not available. And in the case of that storm, some Kentuckians would have been without internet service for up to 12 days.

So point me to one newspaper who didn't publish that week because of no power. Newspapers found ways to get their edition(s) out. Could the information have gotten to the public any other way?

8. Government agencies cannot ensure that information located on a server is secure. With all the stories of hackers accessing specific websites, it is a known fact that information could be changed, or deleted, with very little effort. Accessing websites by just one citizen could pass a "virus" to that website and to those who access the website.

9. Until specific requirements are developed and put into place, the public should not be expected to rely on just a government agency having that information available. There are no requirements on how long information is to be posted on a website, no requirement for where on a website the information should be contained, no requirement to the format of public notices on a website. Until those controls are developed, and until minimum standards are put into place by the legislature, the public should not be expected to rely solely on a government-controlled website for information it now has available through a newspaper.

This is the one lasting argument. The language says "publish on the internet." But where, when, for how long, in what form?

Presently, all public notices are required to be published in a newspaper and the law is simple and straightforward. With the internet idea, it becomes a confusing process.

Every one of you has a county government. Some have two, three, maybe even five or six incorporated cities. Several have municipally owned utility companies - water, electric, cable TV, and then there is one, in many cases two school districts within a county. Not to mention parks and recreation departments, planning commissions, county clerks, master commissioners. And on and on.

So the question begs to be asked? Is it more convenient for a taxpayer to have one, at the most two, newspapers in a county as a source for public information? Or should we expect taxpayers to have 10, maybe 15, websites that they have to check regularly to see what public agencies are doing?

Plans underway for 2003 Journalism Boot Camp

When Greg Gapsis attended college, he planned to pursue a journalism career. Along the way though someone persuaded him to go to law school instead. After practicing law for 17 years, Gapsis attended the 2002 KPA Journalism Boot Camp. A week after boot camp concluded, he was hired as a reporter at the Jeffersonville (Ind.) Evening News.

Jay Cason is a retired school superintendent, principal and teacher. But sitting home didn't satisfy the 50-something outdoors enthusiast. His son had studied journalism and some rubbed off on dad who had enjoyed writing and publishing a number of articles in education journals over the years. Shortly after boot camp concluded, Cason accepted a reporter position at The Anderson News in Lawrenceburg.

Gapsis and Cason are just two of the success stories that resulted from last year's KPA Journalism Boot Camp. The 2003 camp will run from July 14 through Aug. 1 on the campus of Georgetown College in Georgetown, just a few miles northwest of Lexington.

Boot camp is limited to 24 participants and KPA member papers will have the first opportunity to reserve slots in this year's camp. But unfilled slots will be opened to the public - and based on the history of the boot camp's

Oh, By The Way

By David Greer
KPA Member Services
Director



first two years - those open slots available to the public will go fast!

Again this year, Jim St. Clair, journalism professor at Indiana University Southeast and boot camp instructor the first two years, returns to teach the course.

KPA members will receive a boot camp mailing later this month. Be watching for it. If you have new staff members who would benefit from three weeks of intensive entry-level editorial training or know someone in your community who you might hire if they had some training, sign them up right away.

Again this year, the price of boot camp is \$595. That includes three weeks of intensive classroom and writing lab training, plus two meals each classroom day - a continental breakfast and lunch. Participants are free to commute from home if they desire or they can stay in area hotels. Reasonable hotel room rates are available in Georgetown just a short distance from the college campus.

Member papers can have the boot camp tuition deducted from their KPS ad revenue, if they desire.

"The journalism boot camp was a compact and intensive way to get exposed to the business of print journalism, the skills it requires and the challenges and rewards it offers," Gapsis said. "The course was thorough and guest speakers exceptional. Looking through the windows of their experience added a dimension to the classes that could not be duplicated except by years of working as a reporter. I can think of no better program by which to test one's attraction and aptitude for news and feature writing."

"I participated ... and enjoyed every moment," Cason said. "I can't imagine a better instructor than Jim St. Clair. While I wasn't sure, at the time, that I wanted to write for a newspaper, I found myself well prepared when a position was offered."

Charles Mattox, editor of the Flemingsburg Gazette, found himself in the job a couple of years ago without any formal training. After three days at boot camp, Mattox said he had already learned more than he had during his first year on the job.

"The KPA Boot Camp was the best journalism training I've ever had," Mattox said recently. "The classes were

packed with exceptionally rewarding information and the instructors and guest speakers were not only extremely knowledgeable but enthusiastic about sharing information and very friendly.

"Anyone interested in pursuing a career in journalism will benefit greatly from attending the classes. Attending the boot camp was one of the most positive and rewarding experiences I've had in my life."

After attending boot camp, Susan Tucker was promoted to staff writer at Farmer's Pride. "The boot camp was an experience I'm glad I was a part of. At first, it can be a little intimidating but I'm really glad now that I went. I use what I learned at boot camp when I'm writing now. Nearly every time I write an article, I think about something that came up in class."

Shirley Cox of Mount Vernon found that attending boot camp was a boost to her career as a free-lance Christian writer.

"Thank you, David Greer and Jim St. Clair, for making one of the most enjoyable experiences of my life become a catalyst that has launched me into the Christian writing market. As I said in class, I want to tell God's news. You have given me the tools to do that!"

If you have any questions about the upcoming boot camp give contact me at (502) 223-8821 or dgreer@kypress.com.

We weren't left powerless without power

I felt helpless when I heard about the thousands of people around me who were without electricity during the ice storm that occurred on Feb. 16. Our electricity went off at my home at 8:20 a.m. and came back on a little after 4 p.m. It was on for an hour then went off again. By 6:30 p.m. Sunday night our power was restored.

During the time that my family was without electricity I spent the day trying to occupy my 5-year-old and 9-year-old sons. Their dad was sleeping since he works nights and we were trying to stay out of trouble. The day was spent playing cards, board games and working a puzzle.

My 5-year-old touched everything in the house and asked "Does the refrigerator take electricity? Does the microwave take electricity? Does the Nintendo 64 take electricity? Does the Game Cube take electricity?"

I'm afraid everything Beau wanted "took electricity." Really the crisis was a good, family day for us. When

Advertising Plus

By Teresa Revolt
KPS Director of Sales



we got cold we all three snuggled together. We made the most of it and had a good day. Then I really felt bad for my neighbors in Fayette County who were without much more than my family.

Monday morning the news said that all non-essential, non-emergency employees should not be on the roads in Franklin County. To be honest, I was feeling pretty non-essential. When I thought of how important the workers at the various electric companies were I wasn't sure where I fit into the mix.

I came to work anyway but was having trouble concentrating on ad

placement because so many agencies that I worked with in Lexington were without electricity. With each passing moment I heard about another client of mine that was having trouble due to the storm of the century. What could I do to help?

Then on Wednesday, the emergency ad placement happened. There was an auction scheduled in Versailles for Feb. 20. We had run a series of ads for Swinebroad Denton Auction and Realty Company in Lexington. The ad for the 142 +/- acres Romanoaks Farm ran in 34 newspapers. And the auction wasn't going to happen because of the weather. That was an emergency and suddenly I was essential.

The folks at the Versailles Woodford Sun had their own emergency to deal with since they lost electricity within 30 minutes of finishing their weekly product. Something happened that caused the newspaper, along with the hospital and several

other places in Versailles to lose power on Feb. 19.

It was their misfortune that meant that my client could get their ad in the paper and get the auction re-scheduled. Luckily for everyone concerned, the Versailles newspaper did not suffer structurally from the loss of electricity. The newspaper was just going to be delayed a few hours. By the middle of the day on Thursday, the newspaper was available to readers.

The staff at the Woodford Sun did what had to be done to get their newspaper out to their subscribers. They did what every newspaper does each week by providing vital information that can't be matched by someone not in the community. I am proud to work with each of you.

Across the state we heard stories of newspaper workers who banded together to help get important news to their subscribers and who also took the time to help neighbors in need during the crisis. That's why Kentucky is the best place to live and raise a family even in troubled times.

Legal defense fund still providing benefits

Fund has awarded \$175,000 to 27 applicants

By KIM GREENE
KPA General Counsel
Dinsmore & Shohl

The KPA Legal Defense Fund is six and one-half years old this month. It's an occasion that should be celebrated. And, as we raise our glasses to this wonderful brainchild of former KPA President Steve Lowery, it also seems to be a good opportunity to review the history and the "rules and regulations" of this beneficial KPA program.

The KPA Board created the Legal Defense Fund in August 1996 as a new, optional service for KPA member newspapers. The idea grew out of a desire to expand the benefit of the Hotline. Not only could newspapers throughout the state get quick legal advice on libel, invasion of privacy and advertising questions, but with the Legal Defense Fund, participating member newspapers could get some help in the event they found themselves involved in lawsuits.

To participate in the Legal Defense Fund, a KPA member agrees to contribute advertising proceeds annually to the fund. Each publication owned by a common owner would need to make its own contribution in order to participate. The Fund year is Sept. 1 through Aug. 31 so KPA needs to have your pledge of ad proceeds prior



to Sept. 1. If you join the Legal Defense Fund after Sept. 1, you will not be eligible to receive funds for the first six months after you sign on.

The other threshold requirement for participation applies in the case of a libel claim against the newspaper. To be eligible to apply for funds, the newspaper has to have an active libel insurance policy.

Signing up to participate in the Legal Defense Fund and making sure you've met these threshold requirements is important. Just this year, two newspapers found themselves up that proverbial creek without this proverbial paddle. One, a weekly in Eastern Kentucky, was sued for libel. The owners had not signed up for the Legal Defense Fund; therefore, they were stuck with paying their deductible with no help from the Fund. Another, this one in Central Kentucky, had signed up to participate in the Legal Defense Fund but did not have a libel policy covering the publication at issue in the lawsuit.

Participating members are eligible to apply for funding for legal expenses in a case involving any issue related to the operation of a newspaper. The issue must have some statewide or industry-wide importance. Funding for any particular case is limited to 50 percent of the newspaper's expenses. Among the types of cases which have been funded are libel cases, denial of access to court records cases, cases involving violations of the open meetings or open records laws, the unemployment insurance for carriers case, a case challenging a restrictive newsrack ordinance.

To make application, obtain the application form from David Thompson. It will ask you to describe the primary issue in the case and the statewide or industry-wide importance of the case. The application form asks about any deadlines that exist in the case, contact information for your attorney on the case, if any, information about the adverse party and its attorney, the amount of legal expenses incurred to date and expected in the future, if known, and the amount requested from the Legal Defense Fund. In the case of a libel claim against the newspaper, you must also supply the name of your insurance carrier for libel insurance, the policy limits and the deductible.

Once the application is received, the process goes like this: General Counsel for the KPA review the applications to ensure that they meet the threshold criteria. Then the applications are considered by the committee established by the Board. That committee consists of two current members of the KPA Board of Directors and three past presidents. David Thompson staffs the committee, of course. And KPA General Counsel, Jon Fleischaker and I, also participate as nonvoting members. The Board specified that this committee makes the final determination on all applications and must merely report to the Board about awards made.

So far, the Legal Defense Fund has accomplished just what the Board hoped it would. As of today, 96 newspapers are participating in the Fund and committing \$40,000 of ad revenue to it this fund year. Since its

inception, the fund has received 34 requests for financial assistance and has awarded approximately \$175,000 to 27 applicants. As many participating newspapers will tell you, this is a service well worth the contribution.

On another note, the Attorney General recently has reconfirmed that agencies responding to open records requests must charge only "a reasonable fee" for copies "which shall not exceed the actual cost of reproduction, . . . not including the cost of staff required." This language is contained in the Open Records Act, specifically in KRS 61.874(3). Use it if a public agency ever tries to overcharge you.

In the recent Attorney General opinion, 02-ORD-198, the Attorney General confirmed that the Meade County Solid Waste and Recycling Board's charge of \$.25 per page violated this provision of the Act. The Attorney General cited a Kentucky Court of Appeals decision and other Attorney General opinions which recognized that a \$.10 per page fee for copies of public records was the threshold standard fee. Good information to remember!

If you have any questions concerning this or other Hotline issues, don't hesitate to call your Hotline attorneys.

Jon L. Fleischaker: 502/540-2319
Kimberly K. Greene: 502/540-2350
R. Kenyon Meyer: 502/540-2325
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Newspaper industry is still thriving force

NOTE: The following article is the speech delivered by Dean Singleton the keynote speaker at KPA's convention luncheon. Several members have requested a copy of the speech. Singleton is the vice-chairman and CEO of MediaNews Group, publisher of 50 daily publications and 94 non-daily publications in 13 states.

Hello. And thanks for inviting me to speak in this beautiful state of yours. The pleasure is all mine.

But I'm really here because Betty Berryman told me I had to be. Betty and I joined the Newspaper Association of America Board the same year. And I watched, meeting after meeting, as Betty reminded the board that it represented more small newspapers than large ones. And with Betty's push, NAA developed an ever-increasing number of programs aimed at small newspapers. Her leadership was strong...and relentless.

And when I was about to become chairman, she told me, "Dean, we don't see NAA chairmen very often in Kentucky. I expect to see you there." And when Betty speaks, I listen. So here I am.

I've also enjoyed serving on both the NAA and Associated Press boards with Mary Schurz, and I remember Tim Kelly when we worked at The Denver Post.

Early on in my career ... one of my bosses gave me a very useful piece of advice.

He said there are two rules to success.

One ... if you make a promise ... keep it. Even if it means you end up losing money.

I said ... what's the second rule.

He said ... Don't make promises.

For a lot of years now ... I think this industry has been making promises.

We promised that we were still a relevant medium ... in a time of exploding media choice.

We promised that we would find ways to provide better and more cohesive service to our customers.

We promised that we would become a more streamlined and more efficient industry.

We made those promises ... to ourselves ... our customers... our readers and, for public companies, to Wall Street.

And we've kept them.

But as I go around and talk to groups like this ... I feel like I'm

preaching to the choir.

You know the potential the newspaper business has.

You know the progress we've made.

You know how integral we are to the life and health of the communities we serve.

But I think we all wonder if the positive message we've been putting out is getting through.

Well ... listen to this.

You probably know the name Bill Drewery ... he's managing director of Credit Suisse First Boston ... and one of the financial industry's experts on our industry.

As you know ... that's a tough crowd.

In fact, I've always said if you want to keep the beer cold ... put it next to a newspaper analyst's heart.

In a speech last fall, Drewery said and I quote:

"Newspaper stocks are at the beginning of what may be an interesting renaissance. And you've seen that in the performance this year."

Then Bill Drewery added his outlook about the industry over the next five years, and I quote again:

"I think it's as good as it's been any time in the last decade."

Now there is something very important here.

He wasn't talking about the turn in the ad cycle.

He was talking about the fundamental strengths of the business.

He was talking about the fact that we have tightened operations to build our margins.

He was talking about the fact that we are coming out of the nastiest recession in memory in better financial shape than just about any other media you could name.

He was talking about the fact that in our markets ... we are not just part of convergence ... we are in a position to be the cornerstone of convergence.

And when I hear a vote of confidence ... two things come to mind. One ... it's about time.

I think the world is finally waking up to the fact that not only are we not dead ... we're in a position to lead the media explosion of the future.

Two ... as encouraging as the future sounds ... nobody is going to hand it to us.

Our future will depend on how well we develop ... and how effectively we integrate the two critical parts of who and what we are.

One ... we are a technology industry.

Two ... we are a content industry. And the two parts are inseparable. Let's take a look at each ... starting with technology.

And the obvious place to start is the Internet.

I have to admit ... when this thing called the Internet first appeared, I was one of those who thought the impact would be a lot like CB radio ... a big deal for a while ... and then gone.

Then ... I saw the light ... and I became a believer.

And my belief centers on the fact that nobody is in a better position today to win via the Internet than newspapers are.

More than 90 percent of the country's more than 1,400 dailies have Web sites ... and many have more than one.

A recent study of 80 markets showed newspapers have taken a commanding lead over other local Web sites.

And more and more of them are making money ... in many cases, lots of money.

And when you throw wireless into the mix ... the future begins to form on three powerful supports.

Wireless that gives you breaking news ... the Internet that gives you continuous updates ... and print that gives you depth and perspective.

Now is not the time to abandon the search for what works on the Web ... and for the other communications technologies that create new paths to readers.

I don't say that because the search takes us to a future beyond print.

I say it because the future is print.

I say it because of the fact that electronic communications strengthens print.

And we're already seeing research that backs me up.

A very interesting study by a media research firm, Belden Associates, showed that Web sites actually sell newspapers.

A study of eight major newspapers found a very clear jump in single copy sales among people who visited the paper's Web site ... 21 percent bought more papers.

The impact on overall readership was even more dramatic ... with 31 percent saying they read the paper more since visiting the site.

An NAA study shows very clearly

that Web users are also newspaper readers.

It shows that Web users are also most likely to go to a newspaper Web site to get news and information ... more than they go to search engines ... and more than they go to TV Web sites.

I think technology defines our future in other ways, too.

Think for a second about advertising.

... particularly retail.

The consolidation that has changed the retail industry doesn't mean that retail revenue is dead ... it just means we have to dig deeper to find it.

We have to learn how to identify niche markets ... go after them ... and serve them.

At MediaNews Group ... we have gone after the smaller retail accounts that we overlooked when times were flush in retail.

And if you really want to see the potential ... look at what Lee Enterprises is doing. I think their success is a model for the whole industry.

These are the dry cleaners ... the restaurants ... and other local businesses that have always relied on radio and yellow pages.

We think it's a gold mine.

But to get to the gold, we have to do our mining of the market a lot more efficiently.

Serving dozens of small customers is a lot more complicated than serving a handful of big ones ... which is where technology comes in.

From one end of the value chain to the other ... marketing ... creative ... quality ... service ... billing ... we have to use technology to streamline and automate every process.

If we can do that ... I think we are looking at a huge growth opportunity.

Let's now make the easy jump from technology to content ... the second definition of our future.

And here is where things start to get especially interesting.

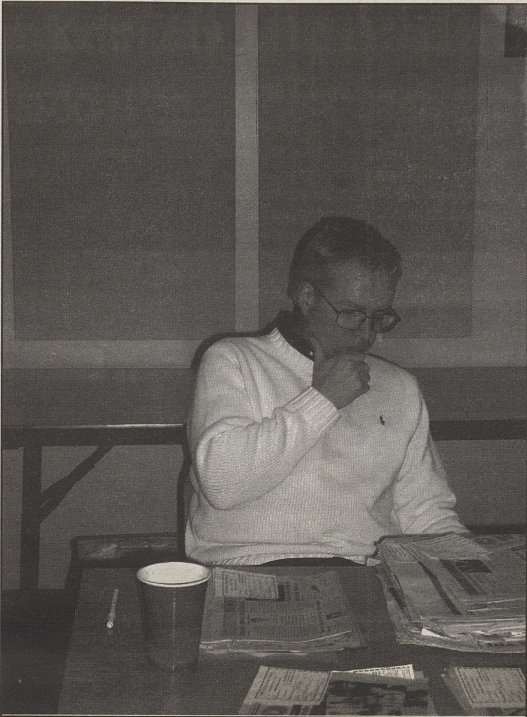
It's not exactly a news flash that we live in a world of media options ... and as those options increase; our slice of available audience time and attention becomes thinner.

There is nothing that newspapers or anybody else can do about that.

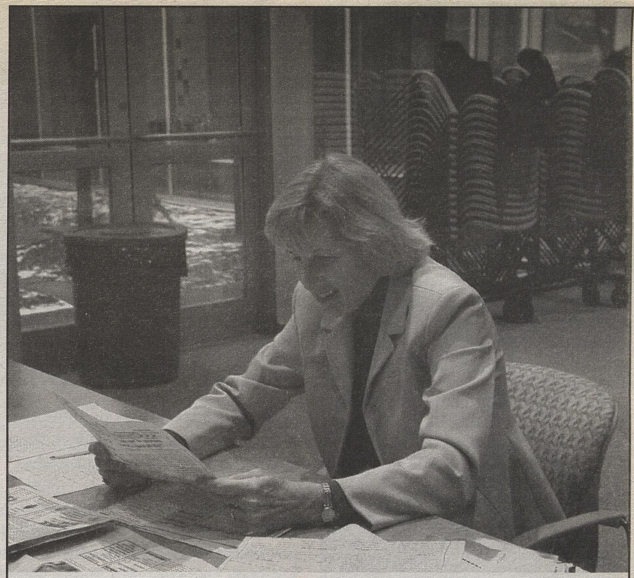
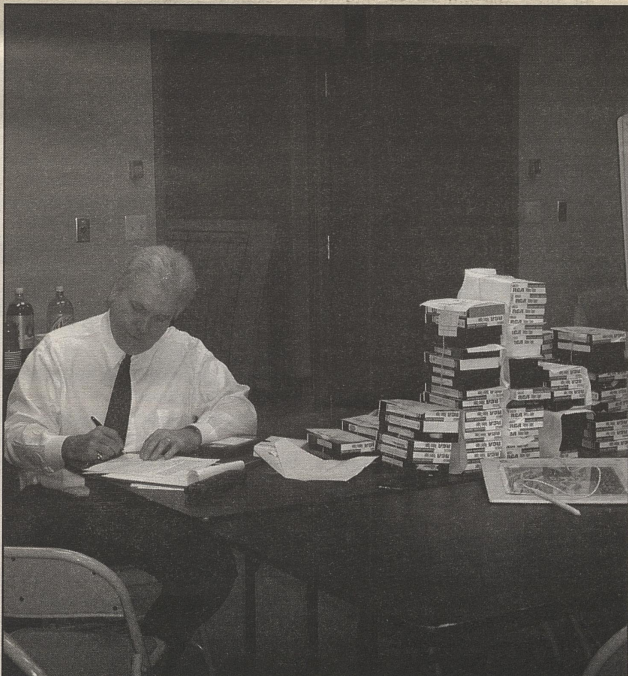
But among all the choices ... we have something that no other media has ... or can build ... or can buy at

See **INDUSTRY** on Page 9

Scripps Howard Foundation/Kentucky High School Journalism Association Contest judging



Left: John Nelson, of The Advocate Messenger in Danville, intensely reads an entry in the KHSJA contest. The judging took place Feb. 27 at KET in Lexington. The convention will be held April 16 in Louisville. Above: Dana Ehlshide, KPA news bureau director, reads the entries in the Class AA Feature Writing category while Dorothy Abernathy, of The Oldham Era, sorts through the entries in her category.



Left: Mark Pfeiffer, of the Kentucky Transportation Cabinet and former long time broadcaster, has his work cut out for him judging the numerous video tape entries in the KHSJA contest. Above: Libby Fraas, faculty advisor at Eastern Kentucky University, examines the entries in the category she was judging.

NEWS

Continued from page 1

is taken the day of the convention and is \$20 per person, which includes a buffet lunch and coffee/donuts during the breaks.

The first session, titled "Finding, Training and Retaining Sports Writers," gets underway at 9:15. President Vyron Mitchell, of the Cadiz Record, and Dr. Bob McGaughey, WKPA executive director, will lead this membership panel discussion.

Following a 15 minute break at 10:15, Cheryl Lawson and Donna Rains will speak at the session titled "Covering Public Education and Working with Schools' Public Relations Directors."

After lunch Kenyon Meyer will present, "Legal Challenges for Newspapers in 2003."

A short business meeting will immediately precede Meyer's discussion.

Call Mitchell at (270) 522-6605 or McGaughey at (270) 762-6874 with questions or comments concerning the spring convention.

SNPA Traveling Campus

The second Southern Newspaper Publishers Association Traveling Campus is coming to Kentucky May 14, 15 and 16. SNPA has chosen Lexington to host this year's Traveling Campus but a specific site has not been selected.

The Traveling Campus offers three intense days of seminars, with two seminars simultaneously each morning and each afternoon. Topics include advertising, news, circulation and employee relations/management.

As a part of the SNPA Traveling Campus schedule, KPA has elected to hold its annual advertising awards luncheon on Friday, May 16. A site will be determined once SNPA selected the host facility for the Traveling Campus.

Need legal questions answered

If you have any questions concerning a legal issue at your newspaper call KPA's hotline attorneys: Jon L. Fleischaker: 502/540-2319, Kimberly K. Greene: 502/540-2350, R. Kenyon Meyer: 502/540-2325 or Ashley L. Pack: 502/540-2385.

Attending governmental meetings is a privilege, honor as citizen

By Dana Ehlschide
News Bureau Director



I didn't exactly know what to expect on during my first "official" day covering the Kentucky General Assembly. Sure, I knew how things worked. Having served as a reporter and editor of weekly newspapers I've kept up with the issues affecting the citizens I served. I just didn't know what it was like to actually be on the floor of the House of Representatives.

I felt overwhelmed at first just trying to put the representatives faces with their names. There are so many of them. They were beginning to start calling me by name, so I wanted to make sure I could do the same. I'm not even going to claim that after the 22nd day of the session that I know them all, but I think I know the majority.

By the time you read this, this year's session should be nearly done except for the Governor's 10-day veto period and the House and Senate's final two days to override vetoes. I've learned a lot and felt fortunate to be able to witness Kentucky's law-making body in action. There aren't many jobs that I could have where I have that opportunity.

My ears and eyes have been witness to this year's budget process, which is

a first for the state during an odd-year session (even though this is only the second odd-year session). I was there the day that House Majority Whip confessed to having "hid" funding for Rupp Arena in the House's budget bill. I was out in the freezing temperatures walking among the 20,000 teachers and educational workers marching on the Capitol for additional funding for education and I covered the legislation through the slot machines bills being introduced in the House. It made me appreciate being a Kentuckian and an American just a little bit more. Very few countries in the world have the freedom and democracy that we have in the United States. Very few places operate under the same governmental system as we do.

My first week ever on the job as a reporter in June 1994, I had to attend a school board, city council and fiscal court meeting. Talk about being thrown headfirst. I had no idea what to listen for or write about. I didn't know even exactly how things worked. I'd never attended any type of meeting like that in my life.

After a few months covering those meetings became second nature to me. When the fiscal court would discuss bonds for a waterline project, I knew the background about the topic. I knew the history of the overcrowding situation the school board was facing at one of the county's elementary schools. I no longer felt lost listening to the city council discuss their budget

problems. I knew what was going on.

More than anything it opened my eyes to how little many citizens actually knew about the way our county and city government functioned.

During the county's election of government officials, I felt like I could now cast a more educated vote. I felt honored when family members would ask me for my opinion or ask me what I knew about certain political issues.

I've encouraged family members and friends to attend a city council meeting or fiscal court meeting. I think it is the only way to make sure that our elected officials are keeping our best interest in mind. I think it is the only way to truly know what's going on in the area we live.

Most of all, however, I think that it is the only we truly have a right to complain about something. We can't complain about that in which we are ignorant.

Now I'm experiencing the same type of thing on a state level. The process fascinates me. Sure I attend the General Assembly because it is part of my job and because I want to report its happenings to you, but as a Kentuckian I feel more connected now. I now know why lawmakers felt the obligation to pass or not pass a certain bill.

If you have never taken the time to visit Frankfort and the Capitol when the legislation is in session, I urge you to do so. It is an experience we all should have.

FAME

Continued from page 1

year. He is a University of Louisville alumnus and has worked for radio stations in New Albany, Ind. and Washington, D.C.

•The late Robert G. McGruder, a Louisville native and executive editor of the Detroit Free Press at the time of his death last April. McGruder, who spent his entire journalism career in Ohio and Michigan, was the first African-American reporter for the Cleveland Plain Dealer in 1963 and

the first black president of the Associated Press Managing Editors. At the Plain Dealer, McGruder was also city editor and managing editor.

•The late Ed Ryan, chief of the Louisville Courier-Journal's bureau's in Washington and Frankfort, and popular columnist and political editor for that newspaper. Ryan was particularly adept at profiling personalities and relationships that shaped politics.

•Ed Staats, a reporter, editor and administrator in 10 Associated Press offices throughout the U. S. Staats retired last year after 18 years as chief of the Kentucky AP operations.

During his years in Kentucky, Staats volunteered many hours of his time for service on journalistic and professional advisory boards.

•Carl West, editor of The Frankfort State Journal since 1979 and a former White House and Pentagon correspondent for the Scripps Howard News Service. West covered the Watergate scandal that led to then-President Richard Nixon's resignation. As State Journal editor, he has helped numerous young journalists develop into seasoned reporters. He is also the founder of the popular Kentucky Book Fair.

INDUSTRY Continued from page 6

any price.

And that is our connection to our local markets.

It's the name of the game.

And the rules of the game are changing ... in our favor. We are the community.

Study after study shows that we are the number-one choice for local news, business, sports ... everything that impacts the lives of our readers where they live, where they work.

We don't just reflect the community. We don't just report on the community. We are the community.

We are as imbedded in the lives of the people who live there as they are in us.

That's great by itself ... but it's about to get better.

When the barriers to cross ownership finally fall ... newspapers are in a better position than any other media to be the cornerstone of multiple media platforms.

And don't believe that convergence is only for the Big Boys. Small market newspapers, I believe, will benefit more from convergence than big market ones. It is easier to integrate radio and television into a small newspaper than a large one. It's also more affordable. MediaNews has proved this point in our small Texas markets.

But there is one big question standing in the way of the future I just outlined.

And that is readership.

We're seeing some good news in circulation ... the decline is slowing ... in fact, the past reporting period showed the smallest drop in a decade. And readership grew.

But the fact is ... circulation is still declining.

Now ... some might argue that we have to accept the decline as inevitable ... and hope that the local connection will at least keep us in the game.

But when you look at the possibilities in newspapers being the cornerstone of convergence ... then acceptance and hope aren't going to get it done for us.

What we need now is action.

We need to go on offense.

You are all aware of the Readership Initiative.

But just to re-state it for the record ... the Newspaper Association of America and the American Society of Newspaper Editors established the Readership Institute at the Media

Management Center at Northwestern University to determine what drives readership

... and how we can build on that knowledge.

From this, the Readership Institute produced the Impact study ... which happens to be the biggest single study this industry has ever undertaken. And the most costly.

37,000 readers ... feedback from 5,500 newspaper employees ... content analysis of 100 newspapers ... the counting of 75,000 articles ... and deeper analysis of 47,000 of these articles.

This industry has never undertaken anything this big.

And after an exhaustive dissection of the results ... the conclusion was ...

We don't have to be run over by anybody.

There are things we can do to build readership.

The study identified eight key imperatives.

I'm sure you've seen them. But they are worth repeating.

- Providing consistently outstanding customer service
- matching content with market
- getting the right emphasis on local news
- making the product easy to use
- driving readership with advertising

ing

- branding
- promoting content
- and building a culture within the paper that believes in these imperatives and is open to making the changes needed to put them to work.

We've learned a lot about the industry as a whole ... but, ultimately, growth can only be achieved at the local level.

The battle has to be fought in the local market ... newspaper by newspaper by newspaper.

The stakes are high when you consider the competition we have for our audience.

And when you start talking about convergence ... they get even higher.

That's because newspapers are in the position to drive the content that will now cross over to other media platforms.

In any market ... it's newspapers that have the biggest newsrooms ... and the most resources.

More platforms ... more eyeballs ... more happy advertisers.

But bad content doesn't magically get better just because it shows up on a screen.

As Anne Richards, former governor Texas once put it ... "You can put lipstick on a pig and call it Monique

... but it's still a pig."

At the end of the day ... a content business is all about the talent and creativity of the people who create it.

If we are going to compete with other media ... we're going to have to do it on the strength of the experience and creativity of the people in our newsrooms.

If we fail to invest in talent there ... then we fail to invest in our place in the media mix ... and we blow our shot at being the leaders of convergence.

We have to attract and keep the best talent available.

This is not a time to weaken our newsrooms with further cutbacks in personnel and resources. It's time to add, not subtract.

Granted, the reality of the business requires a degree of prudence ... but we can throw out the bath water with the baby still tucked warm in bed.

In closing ... I'll end where I began.

The world that surrounds our industry, and I mean both our colleagues and competitors -- are starting to get it.

The facts about our industry are resonating around this country and around the world.

We are not a declining business ... we are a strong business.

We are not a disadvantaged media ... we are an advantaged media.

We are not an industry condemned to watch traditional markets decline ... we are an industry that can find new ones.

We are not just an industry with a heritage ... we are an industry with a future.

The question is ... do we get it.

Do we fully understand what we have to do ... and what we have to spend ... to create the technologies that will take our product to readers in new ways.

To create the content that gives our readers a compelling reason to want our product.

Those are questions that only our industry can answer ... newspaper by newspaper by newspaper.

When I look around this industry ... when I see the work that is going on ... when I see the progress we are making on our issues ... I am confident that we will answer those questions.

And we will answer them in ways that will position us as a powerful, growing and creative leader in a new world of media choice.

Thank you.

AG Opinions

Gary Ball/Martin County School District

The Kentucky Attorney General's office found that the school district did not violate the Open Records Act when it refused to give Gary Ball, of the Mountain Citizen, copies of bank statements for credit card use for miscellaneous expenditures for travel or other miscellaneous expenses for 1999, 2000, 2001 and 2002.

Ball submitted five separate open records requests for certain district records in November 2002. After several responses and communications between the parties, the evidence presented to the AG's office indicates that all requested records were provided to Ball, except for the bank statements.

After several exchanges of correspondence, William R. Slone, Superintendent of Schools in Martin County, responded to Ball's request for the copies. He told Ball that Nov. 1, 2000 bank statements did not reflect credit cards or cash advances. Cash advances were generally used to cover transfers to and from locations, he advised Ball, and are usually covered by receipts.

Ball advised the AG's office in December that Slone had informed him that there were no records of bank statements of credit card use that he had requested and that he had again requested these records from the district. Later that month Slone responded to Ball's requests advising him that the information is being located and copies would be sent to him once completed.

On Jan. 9, Ball again renewed his request for the information. Slone, in a letter dated Jan. 14, advised Ball: "In paragraph one of your Jan. 9 communication you requested copies of bank statement dealing with district credit card charges for 1999, 2000, 2001, 2002. This information will be delivered to the Mountain Citizen no later than Friday, Jan. 17, 2003."

The copies of the statements were enclosed in communication between Ball and Slone on Jan. 16.

The Attorney General's office

See OPINION on Page 12

PEOPLE

Continued from page 2

owner of The Butler County Post shortly after the first of the year.

He started to work as sales executive at the paper in October 2002.

The staff at the paper will remain the same.

Courier-Journal names Haywood finance VP

The Courier-Journal named Jerry Haywood as vice president-finance in January, replacing Jim Williamson, who retired after a 20-year career with The C-J and corporate parent Gannett Co. Inc.

Haywood worked for The C-J from 1976 to 2000, becoming director of financial analysis and credit. He left to become director of finance at Minneapolis Offset for a year. After leaving there he worked a year and a half as director of finance/group controller for Gannett's Offset Group in Springfield, Va., until rejoining The C-J.

As vice president-finance, Haywood is responsible for the financial operation of the paper.

A Louisville native, Haywood, 45, earned a finance degree and MBA from the University of Louisville.

Leader-News hires Lovvorn as sports editor

The Leader-News has hired Brian Lovvorn as its new sports editor. Lovvorn comes to the Leader-News after serving as a sports writer for The Messenger in Madisonville for over two years.

Lovvorn graduated from Madisonville-North Hopkins in 1992 and briefly attended Western Kentucky University and Madisonville Community College before graduating in 1998 from Kentucky Tech with a degree in machine tool technology.

After working a couple of years in the machining industry, Lovvorn took a part time job at The Messenger as a news clerk writing obituaries. That position developed into a sports writing position.

Jay Springate joins Anderson News

Jay Springate has joined the Anderson News team as a contributing writer.

Springate, 17, will be working primarily with sports editor John

Herndon as a correspondent fulfilling certain English requirements that will allow him to graduate from Anderson County High School a year early.

Springate plans to enroll at U.K. next fall to study engineering. He currently sits on the Lexington Herald-Leader teen board.

Springate will be submitting a variety of work over the next few months.

Two high school students take intern positions at News Gazette

Sarah Martin and Kellye Whitfill both joined the Grayson County News Gazette in January as interns through the journalism program at their high school.

Both students plan to use this internship to see if journalism is a career she wants to pursue as well as get hands-on experience.

Martin plans to attend either Cumberland College or Western Kentucky University and Whitfill plans to attend Western Kentucky University.

Russellville paper receives Communications Award

The News-Democrat & Leader recently received the honor of being awarded the 2002 Communications Award from the Kentucky Recreation and Park Society.

The Russellville Parks & Recreations Department nominated the newspaper saying, "Without the publicity - and might I mention free publicity - the newspaper provides the Russellville Department, many of our programs and events would go unnoticed."

Gleaner winner in Inland Press Association/Anitech 2003 print competition

The Gleaner, in Henderson, was selected as the winner in the 10,001-20,000-circulation category for their color entry in the Inland Press Association/Anitech 2003 Print Quality Competition during a special awards presentation in Bowling Green on Jan. 27.

The Gleaner was selected as runner-up in the B&W competition in their category and selected Best In Show for their color entry beating out all 124 other newspapers.

MSNBC website features Cardin's photo

Neal Cardin, News-Enterprise

photographer, received the honor of having his photo "Black hats on blacktop" chosen to be put on the MSNBC website in late January.

His was one of only seven photos chosen to be voted for as "Picture of the Week."

Neal's photo received 5,324 votes and placed fourth in the balloting.

His picture features three "cowboys" dressed all in black walking down a road.

"Week in Pictures" serves as a historical record of events that change the course of history as well as unique slice-of-life moments around the globe.

Leasor takes on technology manager role

In January, Lydia Leasor moved from her role as inside classifieds team leader to technology manger at the News-Enterprise.

She originally started at the newspapers in 1987 as an ad designer. She then moved on to become the graphic design supervisor before moving to inside classifieds.

Leasor replaces Monty Hornback who retired after 40 years with the company. Her responsibilities will include overseeing the technology needs of the papers, handling capital budget installs and working with the PrePress Team to improve their processes.

Carroll County Times photo editor wins award

George Welty, Carroll County Times photo editor, was recognized at the Eastern Motorsport Press Association convention held Jan. 17-19 in Trevoise, Penn.

In the photo contest, he captured third place in the action category with a photograph of a jack man on Bill Elliott's team falling during a pit stop.

He also received honorable mention in the Feature category for a photograph of Jeff Gordon and Dale Earnhardt Jr. sharing an umbrella during a rain delay in Pocono in July.

Welty shoots races in Pocono, Dover and Richmond for the Times as well as other Landmark publications.

LCNI purchases Idaho Springs newspaper

Landmark Community newspapers, Inc. of Shelbyville, has purchase The Clear Creek Courant in Idaho Springs, Colo. from Craig McMullin

The 2,000-circulation weekly serves Clear Creek County west of

Denver along I-70, including the towns of Idaho Springs, Georgetown, Empire and Silver Plume.

McMullin has owned the paper since 1999, after serving as president of Midwest Newspapers in Ames, Iowa for ten years. He was CFO for The Denver Post for Several years. McMullin is also executive director of the Association of Free Community Papers, to which he will devote full time.

House joins Kentucky Standard staff

Sondra Kaye House recently took a position at the Kentucky Standard as circulation and classified customer service representative.

House graduated from Nelson County High School in 1999. She worked at Big O Tires for over two years and GBA Printing for nearly a year. Before coming to The Kentucky Standard, House worked at BellSouth as a collection representative for a year and a half.

HomeTown honors editor

HomeTown Communications Corp., the parent company of The Community Press/Community Recorder, honored one of their Kentucky editors.

Editor Juli Hale was named as runner-up in the corporation's annual Journalist of the Year competition by HomeTown Chairman of the Board Philip Power. Hale grew up in Elsmere and attended Lloyd Memorial High School and now lives in Florence. She graduated from Northern Kentucky University in 1997 with a degree in communications. She is editor of the Boone County Recorder, Florence Recorder, Erlanger Recorder and Community Recorder.

Shindlebower named editor of Spencer Magnet

John Shindlebower was named the editor of the Spencer Magnet in Taylorsville.

He began his job at the weekly newspaper Jan. 27.

Shindlebower goes to the Spencer Magnet from the Laurel News Journal in London where he served as managing editor. Prior to that, he was managing editor for the Sentinel Echo for a year and reporter from 1994 to 1996 before becoming the managing editor.

Shindlebower attended Eastern Kentucky University studying journalism.

Judge unseals records in sex abuse case

Information released to press after six months of dispute

Six months after a dispute about the sealed records containing the allegations of misconduct by four Roman Catholic priests began, a Fayette Circuit Court judge has decided to unseal the material.

In December, the Kentucky Supreme Court denied the Roman Catholic Diocese of Lexington's request to have the Courier-Journal held in contempt for publishing the material sealed by the court. The court ruled the newspaper could not be held in contempt because the source of its

information was not the sealed records itself.

The article published on Aug. 24, 2002, contained a summary of the contents of records that were ordered sealed by the supreme court. A portion of which claimed that the Diocese knew of alleged abuse by priests and did little if nothing to prevent it.

In the order from Judge Mary C. Noble last month, she said that the Lexington Diocese and the Lexington Herald Leader agreed to have the sealed material open to the public after they resolved the dispute through mediation. The C-J and the Herald Leader had both been arguing to have the records unsealed. The Herald Leader did not report allegations in the sealed records before they were

unsealed.

In an opinion signed by Chief Justice Joseph Lambert in January, Lambert said the order sealing the materials did not preclude any publication of the material. If it had, it would have been an instance of prior restraint, which would have raised First Amendment issues about censorship. "An order sealing a record or part thereof should not be read as creating a prior restraint on publication of the contents of the sealed material, unless the order expressly says so," the opinion stated. The order prohibited the newspaper only from publishing material that had been obtained directly from the court documents, the opinion read.

In Lambert's opinion he said that

there was no need for a show cause hearing because the Diocese does not allege in its motion that the Courier-Journal article was based on material obtained through court process or from court files. Also, during oral argument in the case, counsel for the Courier-Journal state that neither counsel nor the newspaper had seen or had received copies of the sealed material. Counsel for the Diocese conceded.

Justices Donald Wintersheimer and William Graves dissents. The written dissent stated that there was a "terminal flaw in the majority opinion's analysis in its reliance upon an unsubstantiated assumption that the trial court's failure to seal the stricken portions of the First Amended Complaint could endanger the Diocese's right to a fair trial."

ICE

Continued from page 1

Most of the paper was completed Wednesday night by the time the power came back on, Scogin said.

While the power outages caused some inconvenience, Scogin said, it did not delay them getting the news to their subscribers.

The only thing that was delayed was the Winchester Sun printed their Shopper for them on Wednesday instead of Tuesday, Scogin said, but that still didn't delay its arrival in homes.

Scogin gave a lot of credit to his carriers.

"The carriers did a great job," Scogin said. "They probably took risks they shouldn't have taken."

Having their newspaper printed wasn't Georgetown's only printing concern. They also had to find a place to have the Bath County Outlook printed. Winchester provided assistance once again.

Not only did Bath County also have to find another place to print, but they too were without power. Publisher Ken Metz powered the office with his generator.

"Danville and Winchester really came through for us when we needed them," Scogin said.

The week provided the staff at Georgetown with some memorable experiences.

"It was a challenging week but an educational week. We've learned a lot and learned we can be resourceful," Scogin said. "but it certainly isn't a week I'd like to relive."

Jerry Pennington said that they were lucky at the Big Sandy News not to have lost power, but their e-mail and Internet at the main office in Paintsville was out which caused things to "be a little hectic on press day" because they have four other bureaus that usually e-mail stories and photos, then they electronically send their pages to Huntington, W.Va. to the press.

"It was really more of an inconvenience than anything, but it shows how dependent we've become on new technology," said Pennington.

The Nicholas Countain reported a different type of problem associated with the winter weather. Because of the massive number of businesses closed due to the weather their sales were down for the week. The newspaper's edition that week was the smallest in size and in terms of paid advertising since the first full calendar year of publication back in 1995.

"My pocketbook was the major victim of the ice storm for the newspaper," said William D. Crawford, Nicholas Countain-Carlisle Mercury Publisher.

David Hawpe, of the Courier-Journal in Louisville, also reported a different type of problem other than power outages. Their biggest problem for the day involved single copy sales.

"The road conditions led to reduced store traffic in the market and although some of the local neighborhood stores reported strong sales, most location's sales suffered," Hawpe said. "We elected to leave the Sunday

papers out in the market at all 24 hour locations on Monday. This was done to give people the opportunity to purchase a paper if they did not venture out on Sunday."

Hawpe reported their corner program really suffered too with the reduced traffic and the fact that most churches called off services. They estimate corners sales were off over 60 percent over the week. For the week single copy sales finished 7,148.

There were still some problems the C-J had to face on Monday, Feb. 17. The roads were still in terrible condition causing carriers to move more slowly and deliveries to be late, Hawpe said. The state truck to Bowling Green was over three hours late due to the icy roads. Hawpe said a total of 289 customer complaints were handled by customer service due to delivery delays.

Many newspapers in Western Kentucky reported they felt fortunate not to have suffered any setbacks because of the weather that mostly hit Central and Eastern Kentucky, although Mike Finch, of the Todd County Standard, said his crew is ready for spring.

"We are extremely tired of loading papers that we have printed onto our truck or trailer in the snow, ice and rain," he said.

The Kentucky New Era in Hopkinsville tries to prevent delays in deliveries by going to press early when delivery routes appear hazardous and likely to cause delays, said Editor David Riley.

Newspaper drops suit against county

The Appalachian News-Express has dropped its lawsuit against the Pike Fiscal Court over an overdue advertising bill payment.

The fiscal court owed the Pikeville newspaper \$108,165 after the newspaper printed the county's delinquent taxpayers list in its May 31, June 7 and June 14 editions.

According to the News-Express, the court had twice voted in 2002 to pay the outstanding bill, but the judge-executive at the time, Karen Gibson, refused to follow through with the vote of the magistrates and sign the checks to settle the debt.

In a January meeting, the new fiscal court and Judge-Executive Bill Deskins, voted to go ahead with the payment ending the dispute.

The News-Express reported last year that Gibson contested the size of the bill, and that the paper should find an alternate, less expensive way of printing the names of delinquent taxpayers.

State law requires that delinquent taxpayer lists be printed in the newspaper of record in each Kentucky County.

OPINIONS Continued from page 9

was asked to determine whether the District's actions in response to Ball's request violated the Open Records Act. Among the reasons the office reached this conclusion was that on the outset, some of the requests were for information, rather than for specific records, and for lists of information. An agency is not obligated to honor requests that constitute a request for information as opposed to a request for specifically described records.

The office also reached its conclusion because a public agency is not obligated to compile a list or create a record that does not exist to satisfy an open records request.

Slone indicated to the attorney general that the District had provided Ball with the information he requested. "Under these facts, we conclude that the District has complied with the Open Records Act by providing the requester with the records or information he requested. If there remain any records in dispute, the requester should contact the District and clarify the precise records he is seeking or

specifically identify those records that he believes he requested, but did not receive," the opinion stated.

Loretta Blackburn/City of Prestonsburg

The Kentucky Attorney General's office found that the City of Prestonsburg did violate the Open Records Act when it directed Floyd County Times' Loretta Blackburn's request for a copy of "any video surveillance records of South Lake Drive, from the Prestonsburg Municipal Building on Nov. 17 between the hour of 8:45 a.m. and 9:30 a.m." to the attention of the Prestonsburg Department of Public Safety.

The AG found that the City's reliance upon KRS 61.878(1)(h) was misplaced because it failed to establish that the tape was compiled as an integral part of a specific investigation and failed to meet its statutory burden of establishing that premature disclosure of the surveillance tape to the public would "harm the ongoing investigation.

City Clerk Peggy Bailey responded to Blackburn's request in a Dec. 16 letter advising her, "Due to the dependent of an open criminal case we are

unable to release the tape at this time. After the case has been closed if you still wish a copy we will be able to comply."

Prestonsburg City Attorney, David H. Neeley responded to the AG's office after Blackburn initiated her appeal. "The video surveillance tape Ms. Blackburn seeks captured the events and circumstances leading up to a high speed police chase which now involves a criminal case pending before the Floyd County Grand Jury where certain felony indictments are being sought. In fact, I am being advised that the criminal investigation is ongoing and that additional felony charges are apt to be brought against the defendant."

According to Neeley, Blackburn's request was denied in accordance to KRS 61.878(1)(h) due to the open and ongoing investigation where additional charges may be brought.

In the written opinion from Assistant Attorney General James Ringo, the City's reliance on KRS 61.878(1)(h) was misplaced because it failed to establish that the surveillance tape was compiled as an integral part of a specific investigation and failed to meet its statutory burden of establish-

ing that premature disclosure of the surveillance tape to the public would "harm" the ongoing investigation.

According to Ringo's opinion, in order to successfully raise the KRS 61.878(1)(h) as a basis for nondisclosure, a public agency must satisfy a three-part test. The agency must first establish that it is a law enforcement agency or an agency involved in administrative adjudication. It must next establish that the requested records were compiled in the process of detecting and investigating statutory or regulatory violations. Finally, the public agency must demonstrate that disclosure of the information would harm it by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action.

Ringo also wrote in his opinion that the surveillance tape was not "actively, specifically, intentionally and directly compiled as an integral part of a specific detection or investigation process."

For these reasons the AG's office concluded that the City improperly withheld disclosure of the tape.

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