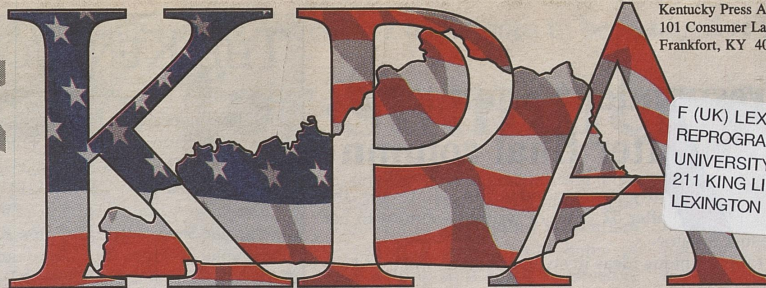


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June 2006 - Published by Kentucky Press Association/Kentucky Press Service

# Knowing the line

## New KPA service provides sexual harassment awareness training on-line for its membership

BY DAVID GREER  
MEMBER SERVICES DIRECTOR

The Kentucky Press Association is ready to begin its newest member service – online sexual harassment training for employees of member newspapers.

To offer the service, KPA has affiliated with New Media Learning of Napa, Calif., an online-training provider. KPA's board voted for the association to pay the initial license fee but for newspapers to pay for their employees' training – not to exceed \$10 per employee. And the cost could be lower depending on the number of signups.

The first step for each newspaper wanting to participate is to e-mail its flag and sexual harassment policy to New Media Learning no later than June 23. Arlene Gunter, New Media Learning's vice president of sales, said papers meeting the deadline will be ready to begin online training and testing by July 1.

Flags and policies should be e-mailed to Gunter at [arlene.gunter@newmedialearning.com](mailto:arlene.gunter@newmedialearning.com). At first, papers will be added to the training web site on a monthly basis. Later, that will probably change to quarterly.

Kentucky New Era publisher Taylor Hayes, a KPA board member, first brought the idea to the full board.

"I have been researching a feasible solution to address ongoing training on this issue for the last six months," Hayes told board members in October. "Upon speaking with several HR managers whose organizations are using online sexual harassment training, I am sold on the concept."

Another publisher sold on it is Randy Fuqua of the News Democrat & Leader in Russellville, owned by Heartland Publications. Fuqua's paper



became the first large-scale KPA user.

"We're very pleased," Fuqua said. "It's a wonderful way to offer training. It's affordable and it's very practical. For the price, you can't go wrong."

"It gives you centralized billing and record-keeping. It's very affordable and easy to do."

Because the News Democrat & Leader is a KPA member, all 27 Heartland Publications papers spread across six states were eligible to sign up for the service. More than 100 Heartland

employees have taken the online training and test, Fuqua said.

Larger papers often offer sexual harassment training to employees in a classroom setting. But that might not be a good option for smaller papers, Fuqua said. And in a classroom setting, people's minds may wander. Online training allows employees to take the training at their work computer with no travel time or distraction.

See TRAINING on Page 8

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## PASSINGS

### Hima correspondent Shoupe, 96, dies two days after final column

Myrtle Shoupe, the community correspondent in Hima for the Manchester Enterprise, has died after 52 years of writing – almost to her death – and some measure of fame.

Shoupe was noted for her unique ideas in style, grammar and punctuation.

When editors at the weekly Enterprise started editing and correcting the column in the early 1960s, "Her readers complained loudly. Even the mayor of Manchester joined the outcry," Andy Mead of the Lexington Herald-Leader wrote. "After that, she was on a plateau few writers ever reach -- her copy was untouched by editors, and carried a disclaimer that it was 'Printed as Written.'"

Shoupe's readers had no trouble understanding her, and she often wrote bluntly -- up to the end. In her final column, headlined "Myrtle says this column could be her last," she wrote, "I will be 97 years old if I live to see my Birthday and everyone is welcome to my last birthday." That would have been July 11. The column appeared in the May 11 Enterprise. Shoupe died May 13.

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### Bill Strode, Pulitzer Prize-winning C-J photographer, dies of cancer

Bill Strode, a former Courier-Journal photographer who shared two of the newspaper's Pulitzer Prizes, recently died of cancer.

He was 69 and died under Hospice care at a friend's home in Versailles, Ky., according to his business partner, Joe Paul Pruett.

Strode, a Louisville native, "was one of the most accomplished photographers ever in the state of Kentucky, as well as nationally," Courier-Journal photographer Bill Luster said.

Former Courier-Journal director of photography C. Thomas Hardin described Strode as "gifted," citing a two-month assignment documenting the Vietnam War as "extremely fine coverage, much of it with local ties."

Strode joined The Courier-Journal full time in 1960, after working two summers at the paper while attending Western Kentucky University.

In 1966, before he was 30, the National Press Photographers Association named Strode as its "Photographer of the Year" -- its highest honor. He served as the group's president in 1974 and later received its President's Award.

By 1967, he was assistant director of photography for The Courier-Journal and Louisville Times and later edited the Sunday Magazine.

Also in 1967, he was a member of a Courier-Journal team that won a Pulitzer for Public Service for a series about strip mining. His second Pulitzer came in 1976, as part of the newspaper's coverage of court-ordered busing in Jefferson County.

While working on the strip-mining project, Strode was arrested in Knott County while attempting to photograph a 61-year-old widow, Ollie Combs, who was protesting the mining.

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### Former Gleaner advertising manager dies when automobile strikes tree

A Henderson native and veteran newspaper advertising manager was killed Thursday when his car smashed into a tree at Waterworks Road and

See PASSINGS on Page 5

## THE KENTUCKY PRESS

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*Staff members, officers and directors may be reached by e-mail using the individual's first initial, full last name@kypress.com.*

Disaster reporting and polishing writing and editing techniques to be featured at boot camps

# KPA ready for summer camp

Plans are being finalized for two one-day KPA mini journalism boot camps for reporters during July. The July 20 session will be held at the Lexington Herald-Leader. The July 27 boot camp will be held in Madisonville at the Country Cupboard Restaurant. Both dates are Thursdays. The cost is only \$20 per person and that includes lunch.

Both boot camps will feature the same topics and will be geared toward reporters. Both will run from 9 a.m. to 4 p.m. local time. The morning sessions will be 9 a.m. to noon while the afternoons run from 1-4 p.m.

The morning sessions will concentrate on disaster reporting - what to do when your community

*Oh, by the way ...*

By David Greer  
KPA Member Services  
Director



is struck by a tornado, earthquake or the avian flu. Representatives from the Kentucky Department of Public Health and Kentucky Division of Emergency Management agency will attend. In addition, journalists experienced in disaster reporting and planning will also participate in the roundtable discussion with Q&A to follow.

Both afternoon sessions will

deal with writing and editing techniques. An hour-and-a-half will be devoted to the literary journalism writing technique. Advocates of the writing style call it an effective tool for using feature-writing techniques to make hard news stories more compelling for readers.

The balance of the afternoon will be devoted to intensive editing techniques that can turn stories into highly polished products.

The cost for both mini boot camps will only be \$20 per person. That includes lunch. Seating will be limited. The Lexington boot camp can accommodate about 50 comfortably while the Madisonville site can handle about 30.

A registration form can be

found on [www.kypress.com](http://www.kypress.com). The deadline to register for the Lexington mini boot camp is 5 p.m. on July 14. The deadline to register for the Madisonville mini boot camp is 5 p.m. on July 21.

Please send registration form and check to:

**Mini Boot Camps**  
Kentucky Press Association  
101 Consumer Lane  
Frankfort, KY 40601

The Herald-Leader is at 100 Midland Avenue in downtown Lexington.

The Country Cupboard Restaurant is at 581 McCoy Avenue in Madisonville.

For more information, contact me at KPA at (800) 264-5721.

## GUEST EDITORIAL

# Papers, not government's Web sites, should carry legals

Fellow newspaper publishers, owners,

If you haven't done so, I would encourage each of you to read the guest editorial published in the April edition of PubAux concerning the giving away of public notice advertising to the Internet and the constant threat by elected officials.

Although the article was spurred by a Supreme Court ruling in Washington State, I think each of us should take heed to its specific warning: stop trying to compromise away our rights with elected officials. This is something that has cost the Kentucky newspaper industry literally thousands upon thousands of dollars in public notice advertising over the past few years.

It began with the loss of school financial reports and now the loss of the delinquent tax notices in what was called a "compromise" by our administrative staff.

"Newspapers in print still provide a permanence, archiving, authenticity and verification that the Internet cannot yet offer," said the editorial. "They also are the place most citizens look for public notices."

The article also noted that "The wrong way is a self-conscious attempt to fend off complaints about administrative cost and taxpayer burdens by bargaining away the elements about public notice

that work. Some state newspaper associations have been so battered by the constant barrage of legislative proposals that they fall prey to a belief that if they give a little, the barrage will end. This is akin to a notion that feeding the bears will keep them away. Anyone who has found their campsite ravaged as they slept peacefully in a tent knows that the invaders will be back if there is more food to be had."

The bears in Kentucky have now been fed yearly supplies of our food. If members of Kentucky Press Association don't soon awake to this fact, then the ravaging bears will return again and again

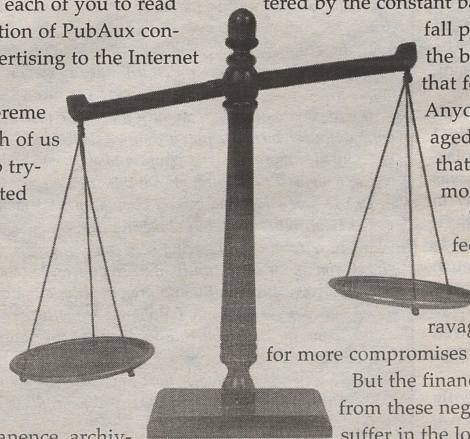
for more compromises until nothing is left.

But the financial aspects that we all have suffered from these negotiations aren't the only ones who will suffer in the long run. It will be our readers, the general public. Government run websites are not the place for public notice advertising - pure and simple - and newspapers shouldn't compromise that.

It's not our place to deny the public the right to know.

♦♦♦♦

*Vyron Mitchell is the general manager of The Cadiz Record in Cadiz.*



# Kids missing out on bike rides?

## On Second Thought

By David T. Thompson  
KPA Executive Director



I don't know if kids still do it but growing up in a small town, "sleeping out" during the summer was one of the highlights. Of course, there was little "sleeping" and lots of roaming. Not to cause trouble or do anything wrong, just get out and explore if you know what I mean.

One of the kids I stayed with several times each summer was a friend named Monty Hinton. Monty and I were growing up together and had a pretty close friendship. We traveled to Reds' games, went on Kiwanis Club excursions and maybe a couple of times each week, we'd "sleep out" at his house.

Reason was, there was something fun to do early each morning. Get on the bikes and take off on Monty's newspaper route. I don't remember if he carried the Lexington Herald or the Courier-Journal. But long before the sun came up, we'd get on the bikes, head to the drop off point, get his stack and take off.

Monty was pretty specific on how the newspapers were to be handled. Folded one of two ways, ride up close to the house and put them on the front porch. We probably banged a few off screen doors and I remember missing once. The target was the front porch. The roof overhang was where it landed.

We never used rubber bands and while I don't recall it raining anytime I was helping Monty, I don't remember him saying anything about plastic bags either. Instead of rubber bands, there was an art to folding the paper. Either vertically in thirds, with one side tucked in the other, or horizontally in thirds. Again, you tucked one inside another and ended up with a square, not much larger than a good size pot holder. Those were the easiest to throw, not as apt to come apart halfway to the target. But really both were folded well enough that a paper did not come apart too often and flutter aimlessly just a few feet away.

This part of my childhood came back recently while reading an article in USA Today on newspaper carriers. It was a story about how newspapers have turned to adult carriers and the "newsboys" of yesteryear are things of the past. The change to adult carriers is well documented. Now you find older guys and girls, often in their trucks, even converted USPS Jeeps, heading off in numerous directions to get that day's issue to the readers.

You don't hear too often about youth carriers anymore. I'm sure there are some but maybe

## 1925 KPA Code of Ethics uncovered

There have been requests for copies of KPA's Code of Ethics over the years, interest by some parties in there being one, and strong feelings that KPA should not have a Code of Ethics at all.

Eighty years ago, there was one, adopted by the association at a "regular session on July 11, 1925." This probably was adopted during a summer convention business meeting.

From the way it's written ("and in witness thereof I hereby sign my name") it would appear that at least each person present signed a copy of the Code of Ethics.

I hadn't seen a copy, didn't even know a Code of Ethics existed, until visiting the Harrodsburg Herald a couple of weeks ago. Cathy Caton said she wanted to show me something and pulled out a framed copy of the code she had found at the newspaper.

The code from July 11 1925, read:

### 1. I Solemnly Promise:

(a) To maintain a standard of Journalism in the paper which I own or manage, or on which I am employed that will reflect credit upon the Association to which I belong and win the respect of friend and foe,

(b) To strive for no success that is not founded upon the Golden Rule and the highest conception of justice and morality.

(c) To speak in respectful terms, through the editorial or news columns, of contemporary newspapers and editors, and when this cannot be done to remain silent, unless to remain silent would be to the detriment of the people I serve.

(d) To uphold through my paper the government and all laws, even though they be obnoxious or distasteful to me; and for all such laws as I can not agree with I will seek my remedy only in their repeal.

(e) To strive as far as lies in me to make all editorial comment and news reports just, fair and uncontrolled by those natural predilections which sometimes unfairly influence us.

(f) To perform every duty incumbent upon me as a member of this Association, and to accept no office or duty unless with the full determination to do my best to fulfill the requirements imposed.

(g) To give due credit for all matter copied from other publications.

(h) To hold sacred and inviolable all information given me in a confidential way, being careful not to accept confidences that may thereafter be embarrassing to the one given them and to me receiving them; information given in this manner being too often meant as an agent to close the door to legitimate publicity.

(i) To recognize the right of privacy of individuals in all matters not of public concern.

(j) To recognize it to be an ethical duty to carefully arrange such rates for services as will insure a fair profit.

(k) To conduct business in such a manner that illicit propagandists will not presume to graft space in my publication or in the publication on which I am employed.

(l) To give thorough investigation to all questionable advertising offered and refuse space to misleading, veiled, dishonest or illegitimate advertising.

(m) To give a just and correct circulation statement.

(n) To strictly maintain published rates.

(o) To refrain from engaging help employed by a competitor, or a brother newspaper man, without first giving him ample opportunity, if he so desires, to retain such help.

(p) To correct, promptly and prominently, any error in news or editorial utterance we may have published that might injure any individual or institution.

(q) To use the honorable title of editor as a prefix or affix to the name of all newspaper men in good standing with the Association.

(r) To use every laudable effort to elevate the standards of Journalism in America and win that confidence and respect that comes as a reward for right doing and right thinking.

society has dictated parents take precaution about letting their child roam a city street at 5 a.m. on a bicycle. The move to adult carriers was necessitated, too, by newspapers.

Now some of those same "kid carriers" have graduated from bicycles to motorized transportation, maneuvering the streets of many good size towns, to make sure the day's issue gets from the

loading dock to the reader in a timely manner.

Just wonder with the latest discussion of a postal increase for 2007, might encourage non-carrier newspapers to make the plunge. More and more newspapers have switched to carrier delivery in recent years as the price has been raised to use the postal service. What looms ahead is not encouraging.

## PASSINGS

Continued from page 2

Weinbach Avenue near Ellis Park.

Bill Rice, 55, who was alone, was thrown from the 1996 Toyota Camry on impact and the car burst into flames, according to reports in a recent edition of The Evansville Courier & Press.

The newspaper reported that a witness told Vanderburgh County Chief Deputy Eric Williams that the car was traveling east on Waterworks Road at a high rate of speed. The crash occurred at about 9:30 a.m.

Rice died of multiple blunt force trauma, according to Vanderburgh County Chief Deputy Coroner Annie Groves.

Rice and his wife had only recently moved to Evansville from Elizabethtown, where he was classified sales manager at The News-Enterprise.

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## Former Carlisle Mercury editor and columnist Kay Fisher passes away

When you mention the name of Nicholas County's newspaper from the early 1900s on, it's hard not to count Kay Fisher among the vibrant, well-read and well-spoken persons who have inhabited Carlisle and Nicholas County.

A genuine lady with a warm and loving personality and always a welcoming smile, Kay Fisher passed away in May.

Her words, both written and spoken, contained class and eloquence. She was an asset to Carlisle and Nicholas County - and anywhere she was.

She and her husband dined with governors and many state and national figures, who often sought their opinions but more importantly their insight.

Her unique British accent made her preciseness even more conversationally defined.

She was at her post for more than 30 years in the Mercury office. From laying out pages to doing society news, taking a classified or answering the phone, Kay Fisher was a spark in the newspaper office. She worked tirelessly to create an informative and well respected publication at both the state and national levels.

She and her husband, the late Warren Rogers Fisher Jr., lived on the corner on Chestnut and Elm.

She was involved with the Nicholas County Library, always the strong advocate for literacy and perpetuated the value of reading. She was a consummate home gardener and tremendous cook and hostess.

She was intensely interested in preserving the history and memories of the place she called home for many years.

The community will miss this fine lady who always sought to do good for Carlisle and Nicholas County.

Katherine Garland Taylor Elder Fisher, 91, widow of Warren R. Fisher Jr. died Sunday, May 7, 2006.

She was born in Middleburg, Va., in 1915 the daughter of Margaret Downer of Kirkford Sussex, England and J. Murray Taylor of Virginia.

When her family owned The Carlisle Mercury, Mrs. Fisher served as Managing Editor of the newspaper and wrote an award winning column, Kay's Kitchen, which was recognized with numerous awards for column written on a single subject by the Kentucky Press Association and the Kentucky Weekly Newspaper Association.

A collection of her columns resulted in the publication of the cookbook entitled "The Best of Kay's Kitchen."

Her column, Kay's Kitchen, appears now in the Nicholas News with her permission.

# Law changes legals

With the General Assembly's passage and Gov. Ernie Fletcher's approval of House Bill 171, several changes have been made to the regulations concerning the publication of legal ads.

The new law contains the following provisions:

- Allows city ordinance summaries to be prepared or certified by an attorney;
- Amends the requirements for city audits, and city audit financial statements and publication requirements for financial statements;
- Changes criteria for newspaper publication selection for legal advertisements and changes requirements for the publication of delinquent taxes;
- Allows the use of the Internet for publication of delinquent taxes

and places restrictions on Web sites chosen;

• Changes requirements for publication leading from 9 point to 7 point and requires equivalent bulk discounts granted to private firms be granted to public entities required to publish notices;

• Changes vendor amounts required to be published and requires appropriate officers file one copy of financial statements with GOLD;

• Grant equivalent officers of municipal utilities the right to publish financial statements as cities may;

• Increase publication fees from \$3 to \$5 per name on a list of delinquent taxpayers.

The changes will go into effect July 12.

CONGRATULATIONS

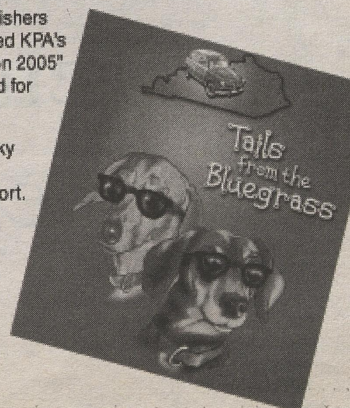


SECOND PLACE

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

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

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



# Going Postal

U.S. Postal Service considers 25 percent increase for newspapers

**POSTAL RATES** in May 2007 could rise nearly 25 percent for in-county newspapers if the United States Postal Service has its way, and annual increases are in store for the foreseeable future.

USPS has announced that it intended a larger rate hike for local newspapers than for virtually any other mail class. The proposed increase is the highest in more than a decade. The announcement came with the filing of proposed rate increases for all mail, including a 42-cent first-class stamp. Rates would be expected to go into effect around May 2007.

Stephen M. Kearney, Postal Service vice-president of pricing and classification, said the increases were planned to cover rising postal costs, including health care for retirees and higher fuel costs. He also said USPS wanted rates that send appropriate signals to mailers to change their mail to shapes and containers that were more efficient for USPS to handle.

"National Newspaper Association vigorously opposes this increase," said Jerry L. Reppert, National Newspaper Association president and publisher of the Anna (Ill.) Gazette-Democrat. "This has to be one of the saddest days in the history of community newspapers and the Postal Service, which has always been one of our strongest partners. USPS seems to be saying our mail is no longer desirable because newspapers are shaped like newspapers and have to be transported in containers that the Postal Service no longer wants to use."

"I don't know what choices we have," Reppert said. "Newspapers cannot be mailed on pallets, as a rule. We must use sacks or trays for transporting bundles through the mail system. And short of throwing out our printing presses and putting newspapers on tidy little sheets of typing paper, or dispensing with mail delivery altogether, we are limited in what responses we can make to these price signals. Our product is pretty much unchanged—except for being a little smaller and a lot more colorful—since Benjamin Franklin was postmaster general. It is the Postal Service that has changed, and as it has constructed automation and transportation systems that have been largely unfriendly to newspapers, it seems to be making strategic decisions that we have become dispensable."

NNA Postal Committee Chairman Max Heath, vice president of Landmark Community Newspapers, Inc., said NNA had a long history of working with USPS to improve mail efficiency and timely delivery, and would continue to do so, but that he was prepared to fight against the sizeable rate increase.

"We faced a similar shock in 1994, when the Postal Service thought our costs had gone up nearly 34 percent. NNA fought that, and with the Postal Rate Commission's help and a cooperative spirit within the Postal Service management, we were able to turn back a terrible increase before it hit newspaper mailers. Circumstances are different now, but we intend to examine the causes for this proposal, and work hard to avoid this magnitude of a rate hike," Heath said. "I have to believe that the planners for this rate case do not fully appreciate the damage they will inflict upon community newspapers, and therefore upon local communities, if they continue in the direction they seem to be headed."

NNA will intervene in the Postal Service's planned rate proceeding before the Postal Rate Commission, where it will advocate more reasonable rate hikes for newspaper mail.

## Frequently Asked Questions 2006-2007 rate increase

- The U.S. Postal Service seeks an increase in periodicals postage, along with increases in all other mail classes, including the 42-cent stamp. For in-county periodicals, the increase averages about 25 percent. Some newspapers report an impact of over 30 percent.

- The Postal Rate Commission must approve the increase before it goes into effect. That approval requires a 10-month long proceeding in which the Postal Service's costs and the rationale for its approval are litigated like a formal court trial.

- After the Commission acts, the USPS governors - a presidentially appointed body - has the final decision. Their action to raise rates will probably be April/May 2007. The new rates would then be in effect between May and June 2007.

- This increase will be larger than usual. One reason Congress and the Bush administration didn't resolve this dispute over excess payments into a civil service pension fund. Mailers say that the money should be given back to mailers with lower prices. The Bush administration counts overpayments against the federal deficit and disagrees. Congress is trying to compromise by diverting most of this overpayment to pre-fund retiree's health benefits - which mailers will eventually have to fund anyway. A battle over whether USPS or the general budget should pay for postal employees' military pensions - at a lifetime cost of about \$27 million - also remains in dispute.

- Fuel costs increases, and the gradual loss of profitable first-class mail by the Postal Service are also factors in the increase for some mail.

- Finally, USPS is preparing for a massive new automation program. It wants to change commercial mail rates to encourage "more efficient mail," which in many means to force mailers to design their mail to fit these sorting machines - and if they can't, to drop out of the mail altogether. These changes are partially based upon the shape of the mailpiece. For newspapers, this is bad news, since redesign of the web-printed paper to be more convenient is out of the question.

- For in-county mail, the problems are more complex. After a decade of producing modest profits for USPS, in-county newspapers suddenly are "losing money" for the Postal Service, accord-

See IN-COUNTY on Page 12

## Frequently Asked Questions In-County Mail

- In-county is a subclass of periodicals mail. It was created by Congress in 1845 to encourage expansion of newspapers into the frontier ad to counter strong effects of the growing New York papers.

- Before Rural Free Delivery, in-county newspapers were mailed free to readers who called at the office for their mail. Gradually, postage was applied by Congress but in-county newspapers kept some type of free distribution until 1962.

- In 1970, Congress ended all direct subsidies and required all mail to begin to pay its own direct and in-direct costs. For reduced rate mail, a 16-year phasing began in 1986, full attributable costs were reflected in rates. In 1993, in-county was also required to contribute to USPS overhead, at the cost of 50 percent of the level of regular rate periodicals.

- Even with work sharing discounts, most in-county publications have experienced rate increases in excess of 1,500 percent since the Postal Reorganization Act was passed.

- Most in-county mail consists of newspapers. NNA members' mail volume accounts for about 65 percent of the total. Other periodicals in the subclass are magazines, newsletters and church bulletins. If they are not primarily distributed within their county of origin or have a circulation greater than 10,000, they are not eligible.

- The typical in-county paper is a weekly, family-owned and independently owned. Many are rural, but cities and suburbs often have in-county papers.

- Today, the importance of in-county mail is its subclass status. Because nearly 60 percent of the mail is carrier route sorted and either directly at a delivery office or hauled short distances by USPS, its costs to USPS is low. By not having its costs averaged together with more costly national mail, in-county benefits readers by holding down the postage cost that drives subscription rates. Most years, it also contributes a profit to USPS.

- In-county mail is less than 1 percent of domestic mail volume with about 750 million pieces per year. But it represents the local community voice that is critical to many towns, as well as to ethnic and urban communities within larger cities.

- In-county's legal status is spelled out in 39 U.S.C. 3626, which still contains some now-obsolete phasing language.

# Help is here with political advertising

During the recent newspaper advertising manager's conference a session on having a member driven ad network peaked my interest. When you are member driven, your staff focuses on sales development, growth in network revenue and relationship management. I feel like the staff at KPS listens to the needs of our member newspapers and continues to stay focused on helping meet those needs.

As partners with our newspaper members, the staff has high expectations for meeting sales goals. We try to provide the high-

## Advertising Plus

By Teresa Revlett  
KPS Director of Sales



est level of personal service. When staff members are not in the office, an auto reply directs you to another staff member or you can always call my cell phone. That number is always available on my email and voice mail.

Attention to details is priority

in our office. We want to have rates and data updated every time there is a change at a member newspaper. By staying in touch with our members, that can be accomplished easily.

Recently, one of our daily newspapers notified us that they would be changing to the 48 inch web. The Paducah Sun provided us with new column widths and an effective date for the conversion. That information allows us to contact our advertising agencies that have scheduled ads and work out an effective plan for getting correct sized ad copy.

All of these qualities add up to confidence in placement assurance. Our clients know that we will make every effort to have accurate rates, circulation by zip code when needed and ads run on time when ordered because our member newspapers are so responsive to our needs. When this happens it is a win-win situation for everyone.

Remember your press service ad team can only be as successful as the member newspapers we represent. Keeping the lines of communication open will only help us all.

## TRAINING

### Continued from page 1

tions. Exempt employees can take the training and test on their own time although Heartland permitted everyone to participate during work hours, Fuqua said.

Human resource professionals agree that providing sexual harassment training and testing strengthens an employer's position if a sexual harassment issue does ever arise.

It typically takes about 40 minutes for an employee to receive the training and complete the online test. When first signing onto the web site, an employee will see a greeting and general message from KPA. Later in the program, a "choice" page can be inserted that permits employees to identify their employer through a drop-down menu. Then the sexual harassment policy for that specific paper appears. When the employee finishes reading their paper's policy, they will be taken back to the main program.

After completing the course, the employee enters their name and takes a brief multiple-choice test on the material. A drop-down menu will allow them to enter the name of their paper. After completing the test, the employee can print a certificate that states they completed the KPA Preventing Sexual Harassment Training Program. The certificate is given to the employer where it's kept on file.

Each participating paper will receive a monthly employee course-completion report via e-mail.

Online training offers several benefits:

- Low cost compared to traditional on-site training sessions led by a trainer.
- Immediate availability for newly hired employees. Traditional on-site training is often conducted annually which means some new employees could go nearly a year before being trained.
- Employees are tested on the material covered and employers can set a minimum passing score.
- Company-owned papers offering on-site sexual harassment training might find the online training to be an excellent supplement to what they

To see a demonstration, go to [www.kypress.com](http://www.kypress.com) and click on the preventing sexual harassment link.

already offer.

KPA will bill participating newspapers or the paper's corporate office one month after the newspaper sends its flag and harassment policy to New Media. Additional billings may be necessary as more of the newspaper's employees complete the training.

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# Expungement erases part of history

If you asked Charles Thomas, the Republican nominee for Fayette County judge executive, whether he had been charged with harassment or terroristic threatening, he could answer "no." It wouldn't be the truth, but it would be the "legal" truth because the records of those charges have been expunged. Kentucky has strong laws on the expungement of criminal records, and the General Assembly has recently taken a hard look at making them even stronger.

After he won the GOP nomination by 400 votes, it was reported that, between 1996 and 2004, Thomas had been charged with 18 misdemeanors which included menacing, intimidating a participant in the legal process, tempering with public records, harassment, fourth-degree aggravated assault, wanton endangerment, terroristic threatening, carrying a concealed deadly weapon, and marijuana possession. Each of the 18 misdemeanor charges had been dismissed, however, and did not result in a conviction. Before he ran for office, a court granted Thomas's request to expunge all records relating to those charges.

To expunge is defined as to erase or to strike out. In Kentucky, expungement of criminal records means that the case is eliminated from the public court record, and "the proceedings in the matter shall be deemed never to have occurred." Legally, Thomas's arrest and charge for those 18 misdemeanors never happened. If asked, the court, the police, and any other agency must simply respond that "no record exists on the matter." Likewise, Thomas does not have to disclose the fact of the record or "any matter relating thereto" on, for example, a job application - even if the job is an elected office. This means, he can deny he was ever arrested, charged or even accused.

There are two primary laws in Kentucky governing expungement of records. The first, KRS 431.076, deals with the expungement of criminal records for those who are either found not guilty or for whom charges have been dismissed.

The idea behind this law is defendants are presumed innocent until proven guilty. Those defendants who are never proved guilty are given the opportunity to remove the stain of an arrest record or record of criminal charges. The defendant has to wait at least 60 days after being acquitted or after the charges are dismissed. At that point, he or she can ask the court in which the charges were brought to expunge all records. The only question for the court to consider is whether there are any current charges or proceedings relating to the matter for which the expungement is sought. As

## From a legal standpoint

By Jeremy Rogers and Ashley C. Pack  
KPA General Counsel  
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long as there are none, the court can order that the records be expunged.

The second expungement law deals with records of cases in which the defendant was found guilty. The statute, KRS 431.078, applies to convictions for misdemeanors and civil violations in Kentucky but not to felony convictions. The idea behind this law is that a defendant who is found guilty of one misdemeanor are a series of misdemeanors arising out of one incident, should be given a second chance with a clean slate. A defendant who is convicted of a misdemeanor or violation must wait at least five years after the serving his or her sentence or probation before asking the court to expunge the record. When a defendant asks for an expungement, the court is required to notify the county attorney and the victim of the crime, if there was a victim. On expungements of misdemeanor and violations convictions, the court must conduct a hearing in which the defendant has to show that:

- (1) The offense was not a sex offense or an offense committed against a child;
- (2) The defendant had no prior felony convictions;
- (3) The defendant had not been convicted of any other misdemeanor or violation in the five years before to the conviction sought to be expunged;
- (4) The defendant had not been convicted of a felony, a misdemeanor, or a violation since the time of the conviction sought to be expunged;

and

(5) There are no current felony, misdemeanor, or violation charges pending against the defendant.

If each of these five criteria are met, the court can order the records expunged.

The effect of both expungement statutes is the same. An expungement order applies to the court records in the custody of the court clerk. It also applies to any records in the custody of any other agency or official. As such, the records that are expunged include arrest records, fingerprints, photographs, index references, and any other related paper or electronic data. Within 60 days from an expungement order, each agency, including the police, with relevant records must certify to the court that the records have been expunged. If the record is expunged, the all evidence of the charges, arrest, accusation, investigation, adjudication and conviction are erased as if they never happened.

In the 2006 session of the General Assembly, Representative Rob Wilkey, D-Scottsville, introduced HB 93 which proposed to permit any person who has been convicted of a Class D felony to petition the court for expungement of his felony record. He has introduced the same bill for the past several years. Class D felonies mandate prison time, ranging from one to five years, and include criminal acts such as perjury, unlawful imprisonment, eavesdropping, possession of a forgery device, alteration of prescription drugs, and criminal facilitation, etc.

The bill proposed to allow the convicted felon to make a motion for expungement, and if granted, the court orders all court records and any records in the custody of any other state agency sealed. Upon entry of the order to seal the records, "all proceedings in the case shall be deemed never to have occurred, all index references shall be deleted, persons in the court may properly reply that no record exists with respect to the petitioner, and the petitioner shall not have to disclose facts relating to the record on an application for employment, credit or any other type of application."

In addition, this bill is retroactive which means that every 10-year old conviction can be expunged and those serving prison sentences currently can petition for expungement 10 years after their convictions.

HB 93 passed out of the House Judiciary Committee and passed the full House on a vote of 76-21. It stalled in the Senate (as it has in past years). We have no doubt that an expungement bill for Class D felonies will be filed again next year. We hope we can count on your support in our battle against the destruction of court records.



## IN THE OPINION OF THE ATTORNEY GENERAL

# Papers can request employee salary lists

The Kentucky Attorney General's Office has backed a request by the LaRue County Herald News to review salaries of school board employees.

The paper contends that the LaRue County Board of Education violated the open records regulations by denying a request by Linda Ireland, editor of the LaRue County newspaper seeking a copy of a list of individual salaries by name of its employees.

In keeping with a line of decisions dating back to the 1976, the AG's office concluded that Ireland is entitled to a copy of any existing record which complies with the request. The information is not exempt from public inspection.

In her formal open-records request to LaRue County School District Superintendent Sam Sanders, Ireland stated that the General Assembly has included in the state budget language that allows school districts to publish their financial statements in the newspaper or on the district's Web site or by placing a copy in the local library's main branch. One of the requirements under the law is that districts must, at that time the financial statement is made public, mail a copy of all school employee salaries to the newspaper in the county and the newspaper may by law use that information for a news story.

In her request, Ireland said the paper had not received such a list.

"We have requested this information from

you three times and have not received the list of individual salaries ..." Ireland wrote.

Prior to Ireland's formal request, Sanders advised Kay Bryant, the district's finance director to release "the lump sum data by category to Melissa Nalley, the newspaper's general manager/advertising manager.

Ireland cited the following information on the Kentucky School Board Association Web site in the November 2003 issue of Legal Considerations:

*Q. Are employee salaries really open to public inspection?*

*A. This question arises sometimes when a local newspaper requests a list of employees and their salaries. According to KRS 424.220 (4), each district is required to have accessible for public inspection a factual list of individual salaries. The provision includes access by local newspapers. The Attorney General has consistently held that the public may have access to the name, position, workstation and salary of a public employee.*

According to Ireland, incorrect information was provided to the paper on two occasions - the first response had the individual employees' names removed and the second only gave lump sum amounts. Neither response was in compliance with the requests for individual salaries and Ireland filed a request with the Attorney General's office.

On April 10, the AG's office issue a notification to agency of receipt of open-records

appeal to Sanders and School Board Attorney Jim Whitlow, advising both that any response on behalf of the board must be received no later than April 14. The AG's office has not received a response from the board.

Because the board did not initially respond in accordance with state law, nor did the board respond upon receipt of Ireland's written request, the board necessarily failed to meet the burden of proof imposed upon public agencies pursuant to state law.

"With respect to this procedural issue, the reasoning contained in 06-ORD-006, pp. 4-5, is determinative," the AG's office wrote. "A bare assertion relative to the basis for denial does not suffice."

Turning to the substantive issue presented, the AG's office found that state regulations had not been observed.

"As correctly observed by Ms. Ireland, the Attorney General has consistently held that information of the type requested does not fall within the parameters of KRS 61.878(1)(a) since the General Assembly enacted the Open Records Act in 1976; the instant appeal presents no reason to depart from this position," the AG's office wrote. "In sum, the board violated the Open Records Act in failing to provide Ms. Ireland with a copy of any existing record with is responsive to her request after redacting any exempt information in accordance to KRS 61.878 (4)."

## NAA award winner

NAA 2006  
Circulation Sales  
Executive of the  
Years awards went to,  
from left, Maria  
Ravera, Home  
Delivery Sales  
Manager, Sacramento  
Bee, over 150,000  
circulation; Mike  
Memphis, Circulation  
Director, Carroll  
County Times of  
LCNI, overall category  
winner; Jamie  
Sizemore, Circulation  
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## Classifieds

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# Editors selected for WKU newspaper

Editors for the Western Kentucky University's student newspaper and yearbook have been selected.

Ashlee Clark, a senior news editorial journalism major from Louisville, will be editor of the College Heights Herald, WKU's twice weekly student newspaper, for the fall 2006 semester. She was news editor in the fall of 2006 and spring of 2006.

The 2006-07 Talisman yearbook editor is Heather Mitchell, a senior graphic design major from Versailles. Mitchell was design editor of the 2006 yearbook.

Other editors for the Herald are Michael Casagrande, senior news editorial journalism major from Louisville, managing editor; Kelly Richardson, junior news editorial journalism major from Elizabethtown, news editor; Amber Coulter, junior news editorial journalism major from Owensboro, co-assistant news editor; Samantha Hupman, a junior news editorial journalism major from Shelbyville, features editor; and Joey Leslie, a junior news editorial journalism major from Robinson Creek, assistant features editor.

The sports editor will be Beth Wilberding, a senior news editorial journalism major from Louisville; Nathan Morgan, a junior photojournalism major from Madison, Tenn., photo editor; Patrick Smith, a junior photojournalism major from Bloomington, Ill., assistant

photo editor and circulation manager; William Ploch, a senior news editorial journalism major from Louisville, opinion editor; Wes Nolen, a senior news editorial journalism major from Erin, Tenn., editorial cartoonist; Malcolm Byrd, a junior advertising major from Elizabethtown, online manager; and Will Duncan, a junior photojournalism major from Bowling Green, online visuals director.

Other editors for the Talisman are Julie Kish, junior photojournalism major from Mt. Juliet, Tenn., and Libby Isenhower, sophomore photojournalism major from Bowling Green, co-managing editors; David Degner, senior photojournalism major from Augusta, Ga., photo editor; and Edward Linsmier, a senior photojournalism major from Forest, Va., and Allen Bryant, a senior photojournalism major from Owensboro, co-assistant photo editors.

Nancy Heathman, senior visual arts major from Jamestown, will be design editor; Rachel Bodine, a sophomore public relations major from Mt. Juliet, Tenn., public relations director; Tavia Green, junior news editorial journalism major from Hopkinsville, student life editor; Casagrande, sports editor; Adriane Hardin, senior middle grades education major from Bow, academics/clubs editor; and Rebecca Hazelwood, a senior English major from Frankfort, index editor.

## NASA column available to papers

Most elementary age children are interested in space exploration. But how often do they find information about the very latest space discoveries and space technologies written especially for them?

The short monthly columns provided by NASA's award-winning Space Place outreach program give newspaper editors a no-cost source of accurate, up-to-date, and highly readable information for their youngest readers. The columns are about 300 words and include a high-resolution image, with suggested caption, to support and enhance the text. They are written at 4th or 5th grade level.

The columns are offered free of charge but editors are asked to send in a tear sheet each month.

If you would like to receive this monthly column for use in your NIE space, contact Nancy Leon at (818) 354-1067 or at nancy.j.leon@jpl.nasa.gov

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## PEOPLE AND PAPERS

### West Kentucky Press Association selects Rae Wagoner as president

Eddyville resident Rae Wagoner, general manager of The Lyon County Herald Ledger, has been named president of the West Kentucky Press Association.

She succeeds C.D. Bradley, night city editor at The Paducah Sun. Prior to moving to the Herald Ledger, Wagoner was director of Sun Publishing in Paducah for 12 years.



RAE WAGONER

### Brooke Melville takes over Henry County Local

Brooke Melville has been named general manager of The Henry County Local in Eminence. The Local is a weekly newspaper with a circulation of 4,544.

Melville, who is also the editor, began her career with the Local as a reporter in July 2002.

She became news editor in January 2003 and editor in September 2004. Before joining The Local, she was an independent sales consultant for a year, account executive for Ketchum Directory Advertising for five years and an editorial assistant at Editorial Services in Louisville.

She graduated cum laude with a major in English and a minor in anthropology and religious studies from the University of Louisville.

### Edmund Shelby takes on new role at Jackson Times

Edmund Shelby, editor and general manager of The Beattyville Enterprise, has been named district manager and editor of The Jackson Times and the Beattyville newspaper.

As district manager, Shelby is responsible for all aspects of both papers. He also is editor of both publications.

Glenn Gray, vice president of Nolan Group, recently made the announcement.

The Nolan Group owns both newspapers along with papers in Berea, Booneville, Manchester, McKee and Pineville. It also owns a radio station in Manchester and a publishing firm in London.

"Edmund has demonstrated in Beattyville the vision that we (Nolan Group) have of quality

journalism and sound business principles," Gray said.

Shelby holds a degree in journalism from Morehead State University.

In addition to his work at Beattyville, Shelby has also worked at The Hazard Herald. He was public information officer for the state Public Service Commission during the John Y. Brown, Jr., administration. He was also spokesperson for the GTE Corporation in Lexington during the 1980s. He is treasurer of the Kentucky Press Associations Board of Directors.

### Herald-Leader reporter a finalist for Loeb Award

Herald-Leader business reporter Janet Patton has been named a finalist for the Loeb Award, considered the Pulitzer Prize of business journalism.

Patton has already earned Eclipse and Society of American Business Editors and Writers awards for her Wrong Side of the Track series, which documented the effects of insufficient insurance for jockeys and backside workers at racetracks. She is a Loeb finalist for that work in the less-than 150,000-circulation category. Winners of the Loeb Awards will be announced at a dinner June 26 in New York.

## IN-COUNTY

Continued from page 7

ing to its experts. But newspaper mail hasn't changed much, and isn't using USPS processing and transportation heavily, where fuel and other costs would be a factor. The culprit in the seeming

financial drain is the increasing unreliability in the statistical sampling USPS uses to estimate in-county costs.

The National Newspaper Association will dispute the sampling errors before the USPS, which is the only body empowered to act right now.

• Ultimately, however Congress will need to weigh in. While it cannot "stop the rate increase"

as most would prefer, in-county newspapers are in the mail because Congress has required USPS to accommodate them.

Left to their own devices, the efficiency experts at USPS will squeeze newspapers out of the mail in the coming decade. Congress can block that move.

## Newspaper circulation drops 2.5 percent over six-month period

Daily circulation fell 2.5 percent at U.S. newspapers in the six-month period ending in March, according to data recently released, reflecting the industry's ongoing struggle to retain paying customers amid competition from the Internet and other media outlets.

The Newspaper Association of America, analyzing data from the Audit Bureau of Circulations, also reported that Sunday circulation fell 3.1 percent at the 610 newspapers reporting those figures. The 2.5 percent decline in average paid weekday circulation was based on data from 770 newspapers reporting to the Audit Bureau.

The overall decline in both weekday and Sunday circulation were approximately the same

as those given in the previous six-month reporting cycle for the period ending last September.

Newspaper circulation has been in general decline for years as many people, particularly young adults, turn to other media outlets including cable TV and the Internet for news and information. Also, tougher rules on telemarketing have forced newspapers to find other ways to attract new readers.

Despite the decline in paid copies, newspapers are seeing a greater number of visitors to their Web sites. The NAA also reported Monday that newspaper-run sites had an overall 8 percent increase in viewers in the first quarter.

The data from Nielsen/NetRatings found that newspaper Web sites averaged 56 million users in the period, or 37 percent of all online users in the

period, the NAA said.

Revenue from online advertising is growing quickly -- about 25 percent to 30 percent a year -- but still makes up a relatively small portion of newspapers' overall advertising revenue at about 5 percent, John Kimball, the chief marketing officer of the NAA, told reporters.

On the whole, most newspapers are showing declining circulation. John Murray, the NAA's vice president of circulation marketing, said on the call that just one in four newspapers showed increases in weekday circulation in the latest reporting period, while one in five had gains on Sunday.

The largest newspapers held up relatively well, with Gannett Co.'s USA Today notching a 0.09 percent gain to 2,272,815 copies.