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Looking Ahead

October 8 - 14
National Newspaper Week



October 9
7 p.m. (CT) - KPA
Governatorial Public Forum,
Information Age Park, Paducah

October 12
KPA Fall Advertising Seminar,
Hurstbourne Holiday Inn,
Louisville

October 12
KPA Fall News Editorial Seminar,
Hurstbourne Hotel, Louisville

October 13 - 14
Associated Press
Managing Editors Fall
Convention, Lexington

October 13 - 15
Kentucky News Photographers
Association Convention, Galt
House, Louisville

October 15
National Press Photographers
Flying Short Course,
Galt House, Louisville

October 25-27
AP Fall Convention, Indianapolis

October 26
KPA Fall Circulation Seminar,
Holiday Inn North, Lexington

November 2-3
KPA/KPS Board Fall Retreat,
Cumberland Falls State Park

January 25 - 26, 1996
KPA Winter Convention,
Radisson Plaza, Lexington

March 4 - 8, 1996
Newspapers in Education Week

June 20 - 21, 1996
KPA Summer Convention,
Bowling Green



KPA sponsored a public forum with the two candidates for governor and the panelists included, left to right, Jamie Lucke, Lexington Herald-Leader; Lisa Carnahan, Harlan Daily Enterprise; Gene Clabes, Recorder Newspapers; and Susan Warren, Ashland Daily Independent. The forum, one of two KPA forums with Democratic nominee Paul Patton and Republican hopeful Larry Forgy, was held at the UK Singletary Center for the Arts, September 26. Some 200 people turned out for the one-hour question and answer session. The second forum is October 9 in Paducah.

Listenin' to the Candidates

October, 1995
Volume 66, Number 10
The Official Publication of the
Kentucky Press Service, Inc.

THE KENTUCKY PRESS

Fall contest just misses 3,000 entries, \$13,000

Records are made to be broken and that's what has happened the last four years in the Kentucky Press Association Fall Newspaper Contest.

Entries for the 1995 contest just missed the 3000-mark level. And income was slightly under \$13,000.

And there's a new record number

Cycle has begun for cities, utilities to publish financial reports

The first of October means the cycle has begun for cities and municipally-owned utilities to begin publishing financial statements for the previous fiscal year.

With the fiscal year having ended June 30, various parts of the state's Public Notice Advertising laws have kicked in.

Although complete financial statements or audit report summaries are not required to be published until late February, city governments should have already published at least one display ad.

KRS 91A.040, relating to annual

of newspapers participating.

For the 1995 contest, 71 newspapers submitted 2982 entries and paid \$12,882 in entry fees.

All three totals exceed the 1994 contest. The increase shows two more newspapers, 205 more entries and \$1000 more.

city audits, states that 90 days after the close of the fiscal year, each city must "cause to be published...a legal display advertisement of not less than eight (8) column inches that the statement required by KRS 424.220 has been prepared and that copies have been provided to each local newspaper or general circulation, each news service, and each local radio or television station which has on file with the city a written request to be provided a statement."

While cities have the option of publishing the full financial statement or an audit report summary, state law specifies that one of the two reports

The contest was judged October 5 by the West Virginia Press Association.

Awards will be presented Friday, January 26 at the 1996 KPA Winter Convention Awards Banquet. The convention will be held at the Radisson Plaza in downtown Lexington.

must be published within 60 days after the city's audit has been completed.

One of the most overlooked aspects of financial reports relates to municipally-owned utilities, such as water, gas or electric systems.

KRS 424.220 (7) requires municipally-owned utilities to publish a statement of revenue and expenditures of an audit within the same time frames as required of cities.

All such reports must carry a notation that the audit reports and financial statements are available for public inspection during normal business hours of the agency involved.

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People and Papers in the News

Chris Burns, editor of the Kenton County Recorder in Northern Kentucky since 1993, has resigned to accept a position as sub-regional coordinator of the newly created School to Work Program in that area. Burns will be working with five districts to create a stronger relationship between the local business community and schools in Newport, Bellevue, Dayton, Covington and Ludlow. Burns was hired as a part-time reporter and photographer for the Ludlow News Enterprise by publisher **Gene Clabes**, then moved to the Recorder Newspapers when Clabes purchased the three weeklies in 1991. **Steve Olding**, editor of the Campbell County Recorder will take over editorial responsibilities for the Kenton paper.

Amy Grewe has assumed duties as managing editor of the McLean

County News in Calhoun. Grewe has been a reporter at the News for the past two and a half years.

The Harrodsburg Herald has hired a new reporter and two new office personnel. **Erin Milburn**, a history and English graduate from Eastern Kentucky University, joins the staff as a general news reporter and photographer. Also joining the Herald's staff are **Lynn Walker**, as a sales associate, and **April Ellis** is the paper's new bookkeeper.

Mary Schurz, publisher of the Danville Advocate Messenger and a past president of the Kentucky Press Association has been elected to a three-year term on the Southern Newspaper Publishers Association (SNPA) Board of directors. She is one of six new members elected to the 18-member Board. **Pam Luecke**, deputy managing

editor of the Hartford Courant and former regional editor for the Courier-Journal and Louisville Times, has been named editorial page editor of the Lexington Herald-Leader. She began her duties October 2. Luecke replaces **David Holwerk** who was recently named managing editor of the Herald-Leader. Luecke was with the Courier-Journal and Times for 10 years as business reporter and editor, special projects reporter and assistant regional editor and then regional editor before joining the Hartford Courant in 1989. While at the Courier-Journal, she was one of the supervising editors for coverage of the Carrollton bus crash, which won the Pulitzer Prize for local reporting in 1988.

Debbie Polly, who has been in the Elizabethtown News Enterprise graphic arts department since 1990, has returned to the LaRue County Herald-News to be the Hodgenville weekly's editor. Polly, a native of LaRue County, previously worked for the Herald-News as reporter/photographer, bookkeeper and composition person.

Ginny McBurney, currently working on an Associate degree in applied science and computer information systems, has joined the staff of the Carrollton News Democrat as typesetter.

Jack Niece, a retired UK 4-H Extension Agent, who has been a part-time sportswriter for the Jackson Times for more than 15 years, has been named managing editor of the Times.

Lisa Robertson, circulation sales team leader for the Elizabethtown News Enterprise, has become the paper's new marketing manager. She replaces **Jennifer Patterson**. Robertson has a bachelor's degree in public relations and print journalism and joined the News Enterprise last June as special projects coordinator.

Linda Hall, assistant metro editor for the Savannah (GA.) News Press and former editorial staff member of the Jefferson City (Mo.) News Tribune, has joined the Bowling Green Daily News staff as copy editor.

Bob Morris, who was named interim publisher of the Madisonville Messenger on August 1, had the "interim" deleted from his title on August 25 and has been named publisher of the West Kentucky daily. Morris took over the Messenger as interim publisher soon after it was purchased by Paxton Media Group. Morris has been with the Paxton group for 10 years, including three years in sales and seven as director of Sun Publishing.

Judy Clabes, editor of The Kentucky Post since 1983, has been named special projects director for Scripps Howard and promoted to the corporate staff. The announcement was made Sept. 29. **Paul Knue**, editor of The Post from 1979 to 1983, was named editor and will oversee editorial operations for both the Cincinnati and Kentucky Posts.

Papers in the News

Add the Cadiz Record, Lexington

Herald Leader and the Princeton Times Leader to the growing list of Kentucky newspapers increasing single copy and subscription prices this year.

The Cadiz Record has increased one-year subscriptions by \$2, to \$20; by \$3 to \$23 for out-of-county; and by \$2 for out-of-state, to \$30. The Record did not change its 50 cent single copy price but is offering a \$1 per year discount on subscriptions to senior citizens.

General manager **Jan Witty** told Record readers that the drastic increase in newsprint costs "forces us to raise our subscriptions rates so we will not have to reduce our editorial content."

Times Leader publisher **Chip Hutcheson** had a similar message for readers of the Princeton multi-weekly, terming the newsprint costs as "soaring."

The Times Leader increased single copy prices and mailed subscriptions. The latest increase is the first time in 11 years single copy prices, now 50 cents, have been raised.

A one-year subscription now costs \$33 per year with out-of-county prices being raised to \$39 and out-of-state to \$48. However, the Times Leader is also offering a "lock in" promotion, offering present subscribers to lock in current rates for one additional year before facing the subscription increase.

"Newspapers nationwide have been forced to make adjustments in their operation to compensate for soaring newsprint increases," noted Hutcheson. "Some have cut staff while others have made cutbacks that diminished the quality of the paper. Neither of those options is considered to be in the best interest of the paper or its readers."

The Herald-Leader announced a two percent increase in carrier delivered subscriptions, using half page ads with a letter from publisher **Lewis Owens** explaining the basis for the increase.

The Recorder Newspapers - in Boone, Kenton and Campbell counties in Northern Kentucky - have changed publishing days to Thursday, according to publisher **Gene Clabes**.

Clabes said the change, effective August 31, was made to "offer a fresher news product to our readers and a more timely delivery date for our advertisers."

The Kentucky Enquirer is emphasizing more Kentucky news, according to editor **Andrew Oppman**. Among the additions to the Enquirer is a column by Kentucky political reporter **Patrick Crowley** on commonwealth politics; a column by Courier-Journal columnist **Byron Crawford**; a feature area on "celebrating good news of Northern Kentucky"; and publication of Letters to the Kentucky Editor.

Obituaries

HITT

John Y. Hitt, former editor and owner of the Shively Newsweek died August 28 at the age of 72.

The Kentucky Press

The Kentucky Press (ISSN-0023-0324) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Second-class postage is paid at Frankfort, KY. 40601. Subscription price is \$8 per year. Postmaster: Send change of address to The Kentucky Press, 101 Consumer Lane, Frankfort, KY. 40601, (502) 223-8821.

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Majority of newspapers agree with publishing Unabomber's manifesto

The majority of U.S. newspapers responding to a survey by Presstime Magazine today said they would have followed the decision of The New York Times and Washington Post to publish the Unabomber's 35,000 word manifesto.

According to preliminary results of a survey faxed to over 932 U.S. newspapers, 58% of the 135 editor/publisher respondents said they would have published the manifesto, while 42% said they would not.

Presstime is published monthly by the Newspaper Association of America (NAA) and covers the newspaper industry and trends.

Newspapers cited some of the following reasons to publish the manifesto:

"Publishing the manifesto could save lives...the manifesto is newsworthy."

"The Times and Post had three months to come to the conclusion along with a request to publish the manifesto by the FBI. They may know much more than is public."

"Lives are more important than policy."

"If we had been adequately convinced by authorities that printing the

58% surveyed say they would have published manifesto

manifesto could aid in their investigation and bring the Unabomber to justice, we would have published it."

"If the actions of The New York Times and The Washington Post can curtail this series of bombings and deaths, no one should question their motives."

Other newspapers cited some of the following reasons not to publish the manifesto:

"By giving into the terrorist demand, the newspaper legitimizes his method. It's the Unabomber's choice and responsibility to do what he will do. The newspapers are not responsible for this madman's actions."

"We will not be held hostage by a homicidal maniac. How many other maniacs will start wanting to trade threats for space?"

"Acceding to the demand of terrorists is just a bad idea...and the news value of the manifesto is nil -- hardly worth 35,000 words worth of space."

What Kentucky editors say...

**Ron Jenkins, editor
Henderson Gleaner:**

We said "no" in the national survey, explaining that we would not want to set a precedent for allowing our newspaper to be held hostage by similar threats. In all candor, it's easier to take such a position from a distance.

**Laurie Rogers, copy editor,
Kentucky New Era**

Her column sums up how the Kentucky New Era feels about publishing the manifesto, says editor Mike Herndon. In a nutshell, the answer is "no."

Rogers' column states her feeling that a position as journalist/copy editor/writer is the pinnacle of achievement and has spent time "trying to alert them to my extraordinary writing ability and scintillating thought process."

But now she realizes getting a story in the Washington Post or New York Times does not take hard work, perfect writing and the patience of Job, nor skin as thick as Bob Packwood's head.

"Apparently, all it takes is killing

a few people who haven't done anything to you and then threatening to kill more of them if the papers don't bend to your will and put your name in print.

**William Blakeman, editor
Winchester Sun**

Sun Publisher Betty Berryman and I have discussed publication of the Unabomber manifesto and are in agreement that we would not have published it.

It is an extremely dangerous precedent, and if a newspaper, TV or radio station acquiesces to the demands of one terrorist, who is to say there will not be another the next day, with even more heinous demands and threats. Our first amendment rights permit us to publish the news and at the same time the right to refuse to print those things not deemed in the best interests of society.

Other questions are raised as well. Was the manifesto really the work of the Unabomber? Will publication satisfy him, or simply

Shape Your Future

"If all printers were determined not to print anything till they were sure it would offend nobody, there would be very little printed."

Benjamin Franklin



National Newspaper Week
October 8-14, 1995

KPA seeking vice president candidates

Nominations and letters of application are being accepted until October 13 for the office of vice president of the Kentucky Press Association for 1995.

Any KPA member may nominate any individual who meets the criteria set forth in the KPA By-Laws for that position. Additionally, individuals interested in holding office in the Kentucky Press Association may submit a letter of application.

KPA By-Laws state: "The only person eligible for election to the office of Vice President are those who are currently serving as elected directors; those who have been elected to service on the new board, provided they have

Board nomination ballots in the mail

Forms to nominate district representatives to the Kentucky Press Association/Kentucky Press Service Board of Directors will be mailed in early October.

Five district Board seats are up for election, with the term beginning at the conclusion of the 1996 KPA Winter Convention and continuing through the end of the 1999 Winter meeting.

Nomination forms will be sent to the publisher of each newspaper in the five districts.

After nominations close in mid-October, newspapers will receive a ballot consisting of all persons nominated to the Board for each district.

The Board seats up for election include Districts 3, 4, 5, 6 and 15-A.

KPA By-Laws stipulate that nominees must live and work in the district for which he/she is nominated.

The voting process will end in late October.

previously served as either an elected or appointed director; or those persons who have served three consecutive years as an appointed director."

Nominations must be sent, along with a letter of interest or reasons for suggestion, to: David T. Thompson, Kentucky Press Association, 101 Consumers Lane, Frankfort, KY., 40601.

All nominees consenting to the nomination and agreeing to serve if elected will be interviewed by the Nominating Committee once it has been determined that the nominee meets By-Law requirements.

Following the interview process, the Nominating Committee will recommend a candidate for vice president to the Kentucky Press Association/Kentucky Press Service Board of Directors. Following action by the Board of Directors, the individual will be recommended to the full membership of the Kentucky Press Association during the Business Session on Friday, January 26, 1996 for approval.

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Continued on Page 7

Reporters often target of civic claims in pursuing news on private property

First Amendment not a 'license to trespass'

By Kim Greene
Wyatt, Tarrant and Combs
KPA FOI Hotline Attorney

The news media often are targets of civil trespass claims arising out of reporters pursuit of news onto private property. The fact that reporters are exercising their First Amendment rights to gather news does not insulate them (or their employers) from suits for trespass. As one court put it, the First Amendment does not afford a "license to trespass."

In general, a reporter has the same right of access to private property as any other general citizen. For example, a reporter could enter the waiting area of a doctor's office or the sales floor of a department store since members of the public generally are welcomed into such areas. This, of course, does not entitle the reporter to free access to examining rooms in the doctor's office or to the business offices of the department store or other private areas. Moreover, the doctor (despite whether she owned the building or rented the space) has the right to ask the reporter to leave even the waiting room, just as she could decline to accept someone as a patient or eject a disruptive patient or sales person from the premises.

How does one apply these general principles to various news gathering scenarios? As in most all areas of the law, the particular situation must be examined.

ACCOMPANYING THE POLICE

Being invited by the police to observe or memorialize an arrest or the execution of a search warrant on private property does not guarantee a reporter access to the premises. Even if the reporter enters the private property at the behest of the police, the reporter must leave if the property owner/renter requests it.

Even if the property owner/renter does not expressly request the reporter to leave, the reporter and his employer can be subject to liability on other claims. For example, in a New York case, the court found that a CBS news crew had invaded the privacy of a homeowner and her son. Federal agents had invited CBS to accompany them to execute a search warrant for stolen credit cards in a private home. The suspect's wife and son repeatedly asked the CBS cameramen not to photograph them; nevertheless, CBS videotaped them as well as some of their personal belongings. They brought an action for invasion of privacy against CBS and the federal agent who conducted the search. The court held that, despite the invitation from the police, CBS was not shielded by the immunity of a government official and "had no greater right than that of a thief to be in the home..."

CONSENT. If a private property owner clearly and unequivocally gives a reporter consent to be on the premises, there can be no claim for trespass. However, in some circumstances, the nature of the consent and whether the consent was exceeded by the reporter become important issues. Broken promises, hidden cameras and false identities can create a problem for you.

For example, in a California case, a property owner consented to the reporter entering and filming on her property by tried to restrict the use of the film. The property owner had called 911 to report a domestic violence incident. The police came and a member of the Mobile Crisis Intervention Team, which provided emergency assistance to crime victims, responded. A CBS reporter accompanied the Crisis Intervention Team member and filmed the events. The property owner consented odd the filming but told the camera crew that the film could be used only for the district attorney's office and could not be released to the general public. She said that the crew agreed. CBS later used the film for a television segment, and the property owner sued for trespass invasion of privacy, intentional and negligent infliction of emotional distress and other claims. The court held that no trespass had occurred since the camera crew had acted within the scope of the plaintiff's consent while they were on the premises. They only exceeded the scope of the plaintiff's consent after they were off the premises and this was not enough to support a trespass claim. According to the court, what the camera crew did later with the material they gathered was irrelevant to the trespass issue. (It was very relevant, however, to the other claims.)

The result was different in another case where the videotaping was surreptitious. There, a Minnesota court found that the scope of the consent was exceeded. In that case, the homeowners had a veterinarian treat their pet in their home and permitted the veterinarian to bring a student along. Unknown to the homeowners the student was also an employee of a television station and was filming the veterinarian's treatment for an investigative report about his practice. When televised, that report included two brief portions filmed inside the plaintiff's house.

The plaintiffs brought claims for trespass, invasion of privacy and violation of state and federal wiretapping statutes. On the trespass claim, the Minnesota court held that wrongful conduct, such as surreptitious videotaping, after the authorized entry onto private property can result in a trespass because it may exceed the scope of the consent. In this situation, the prop-

erty owners had consented only to allow a veterinary student to accompany the doctor. Videotaping and broadcasting the premises exceeded the scope of the consent.

FRAUDULENTLY INDUCED CONSENT. What happens if a reporter gains access to private property under false pretenses? Some courts have held that fraudulently induced consent is invalid, but other courts hold that consent precludes a trespass claim, whether or not the consent was fraudulently induced.

A court in North Carolina found that wrongful acts, such as fraud, can negate consent to enter the property. In this case, defendant ABC's employees applied for positions in Food Lion stores by giving false references and background information. Once hired they used hidden cameras and recording devices to record Food Lion's operations. The information was then used in an allegedly defamatory broadcast. Food Lion also made several other claims including trespass, intentional misrepresentation, deceit and fraud.

As to the trespass claim, the court held that, although ABC's employees had obtained consent to enter Food Lion's premises, "consent to enter upon real property can be negated by a subsequent wrongful act in excess or in abuse of the authority to enter." The court found that the alleged fraud could constitute a "wrongful act" that would negate the consent given by Food Lion to enter its premises.

An Illinois case illustrates the opposite conclusion. In that case, an ophthalmologist agreed to allow Prime Time Live to film cataract surgery and interview medical personnel based, he claimed, on Prime Time Live's assurances that it was not conducting an undercover investigation nor using hidden cameras or "ambush journalism" and that the segment would not focus on this particular ophthalmologist. Prime Time Live actually sent in several undercover investigators with hidden cameras who posed as patients. The program aired presented the ophthalmologist in a negative light and he brought claims for trespass, invasion of privacy, wiretapping, violation of RICO, fraud, breach of contract and defamation.

The court found that no trespass occurred since the ophthalmologist's consent to Prime Time Live's entrance on the property was a complete defense. The court noted that the interest which the tort of trespass protects, the inviolability of a person's property, was not affected here since the undercover patients entered offices open to the public (not the more private areas) and videotaped doctors' professional rather than private communications. Accord-

ing to the court, the entry "was not an interference with the ownership or possession of land."

In another case, a television film crew entered and filmed an alleged slum building, based on permission from a tenant. The court found that permission was sufficient to defeat the trespass claim of the landlord, even though the landlord had given instructions to preclude media from entering.

WITHDRAWAL OF CONSENT

Even if a property owner initially consents to the reporter's enter on the premises, the reporter should leave if the property owner later rescinds the consent. The timing of the rescission is important.

In a Kansas case, a restaurant owner consented to a television station filming a state inspection of the restaurant. The following day, consent was withdrawn by the other owner. In the restaurant's trespass action, the court held the next-day withdrawal of consent was irrelevant since the trespass claim was based upon the actual entry and filming and not the broadcast. The court also found that the first partner's consent was not fraudulently obtained.

INTRUSION UPON SECLUSION

Intrusion upon seclusion is a type of invasion of privacy which is recognized in virtually all jurisdictions and is similar to a trespass claim. This claim is defined as follows:

One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.

Restatement (2nd) of Torts 652B at 378 (1977). Someone can claim intrusion as well as trespass and, if successful, could receive damages for both.

It is not the publication of intrusive materials that results in liability under this claim. Rather, the basis for this claim is the actual prying into the private premises, possessions or documents of another. Examples of this would include physically entering someone's home or illegally looking into someone's purse or shopping bag in a store. The important point is that the plaintiff has a reasonable expectation of privacy in her home or her shopping bag.

The question of whether one has a reasonable expectation of privacy can be tricky. For example, a prisoner in his penitentiary cell had an expectation of privacy, even though the prisoner could

Continued on Page 5

Doodling

It's becoming the workplace pastime, but just what do those circles, squares, lines in various shades mean?

You're waiting on the phone for a news source to answer. It's been several seconds and suddenly your reporter's notebook turns into a drawing pad.

You're in a seminar on how to sell more advertising. You've heard the same thing before. Your attention turns to your note pad and you, too, begin making little circles or squares. Some are darker, some are lighter.

So what does it all mean?

One thing is that you have something in common with 75 percent of your colleagues. A recent report conducted on 1000 American workers shows that doodling has become a national pastime in the workplace. But it may not be that long meeting or phone call that sets the pens in motion.

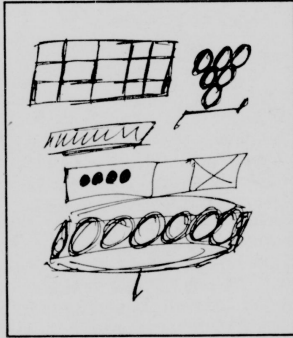
According to master graphoanalyst Geraldine Moore Schram, "Entrepreneurs doodle more when they're frustrated that when they're bored."

Here are the tell-tale characteristics of the workplace doodler.

SHAPES -- Circles indicate a need for balance; squares depict a frustrated creative person; and straight lines represent strength and positive motivation.

SHADING -- Darker drawings are indicative of a committed person, whereas lighter doodles tend to indicate forgetfulness.

PLACEMENT -- When doodles are centrally located on the page it is a sign



of a secure person. Those to the left of the page show a person absorbed by the past, and those to the right represent a forward-looking individual.

DETAIL -- Those who engage in detail in their doodles may be absorbed by minor issues and have difficulty seeing the larger picture. The sparser the doodle, the more direct the doodler.

So there. You're doodling on all that paper on your desk has some meaning. And you're not alone in this pastime.

And next time you're in a meeting, watch the people around you and pay particular attention to their doodles.

You'll know then just what those drawings mean and what kind of individuals you're sitting with. Doodle away!

Caution urged when pursuing news on private property

Continued from Page 4

be seen by other inmates and guards just as NBC's camera saw and filmed him. The court, therefore, refused to dismiss the prisoner's intrusion claim.

DAMAGES. The reporter and his employer could be responsible for damages if the court finds the reporter trespassed on private property. Generally, the property or injury to the business conducted on the property or for the inconvenience caused to the property owner, where such damage or inconvenience are the direct result of the trespass. Where there is no actual injury or damage to the property, the land owner can still recover nominal damages.

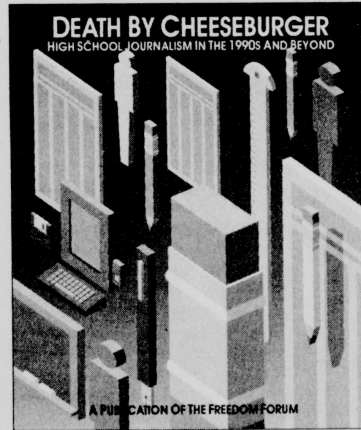
CRIMINAL TRESPASS. In many jurisdictions, trespass is also a criminal offense. For example, in Kentucky, the elements of the crime of criminal trespass closely track the elements of the

civil trespass claim. You are guilty of criminal trespass in the first degree, a Class A misdemeanor, when you knowingly enter or remain unlawfully in a dwelling. That is, regardless of your intent, if you defy a request by the owner/renter of the dwelling to leave or ignore a conspicuously posted "no trespassing" sign, you have trespassed.

You are guilty of criminal trespass in the second degree, a Class B misdemeanor, if you knowingly enter or remain unlawfully in a building (other than a dwelling) or upon premises which are enclosed by fencing. You have committed criminal trespass in the third degree, a violation, when you knowingly enter or remain unlawfully in or upon premises.

The maximum sentence for a Class A misdemeanor is 12 months and/or \$500; for a Class B misdemeanor it is 90 days and/or \$250.00. The penalty for a violation is a fine of up to \$250.00.

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Gene Cushman, President, The Bulletin, Bend, Ore.

Take advantage of The Freedom Forum's offer to distribute free copies of the book for you to present to high schools in your area. Send a list of school names and addresses to which you will distribute *Death By Cheeseburger* to Judy Hines, education program officer, via fax or mail:

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FAX (703) 284-3516

Questions? Contact Judy Hines at (703) 284-2853.

Careers in Newspaper

Produced by Morehead State University through a grant from the Kentucky Press Association, this 45-minute videotape is ideal for high school and college/university students considering a Career in Newspapers.

The tape features various size and frequency newspaper personnel discussing job opportunities in the industry and builds an excitement for exploring a career in journalism.

To order a copy of the tape, at \$25 each, and a handout detailing information about newspaper careers, complete the form below and mail to Joan Atkins, Dept. of Communications, Morehead State University, BR 101-C, Morehead, KY. 40351. Make checks payable to "MSU Newspaper Videotape."

Please send _____ copies of Careers in Newspaper videotape to:

Name _____

Newspaper/Association _____

Address _____

City _____ State _____ Zip _____

Gubernatorial candidates address the issues

Lt. Gov. Paul Patton (left) emphasizes his answer to one of the questions presented during the Kentucky Press Association's Gubernatorial Public Forum, September 26, in Lexington. Patton and Republican nominee Larry Forgy (center) faced a panel of four KPA member newspaper representatives in the hour-long event. The forum is one of two such KPA events during the fall election, in an effort to bring the candidates and the issues to the public. The Lexington forum attracted some 200 citizens. The second forum is set for October 9 in Paducah. At the right is moderator Ferrell Wellman, assistant professor of Mass Communications at Eastern Kentucky University.



In case you missed it...

Institute for Southern Studies sponsoring Investigative Reporting Contest

The Institute for Southern Studies is sponsoring the ninth annual Southern Journalism awards for daily newspapers in the 13-state region that includes Kentucky.

Submissions for cash awards totaling \$3000 are invited in two categories:

- * Investigative Reporting, including individual articles and series that critically examine the policies, practices and accountability of public and private decision-makers and institutions (such as prison conditions, urban development, workplace safety, campaign finances and for-profit hospitals).

- * Reporting on Women in the South, including well-researched and clearly written articles or series on issues of women's health, political organizing, cultural contributions, domestic violence, sexual harassment, employment patterns and related topics highlighting the lives and voices of women.

Entries may be submitted for articles published between July 1, 1994 and November 30, 1995 and received by 5 p.m., December 1. A \$35 fee must be paid with each entry. To submit an entry or obtain additional information, contact Southern Journalism Awards, Institute for Southern Studies, 2009 Chapel Hill Road, Durham, N.C., 27707 or phone (919) 419-8311.

NNA Board sells ANR to sales executive

The National Newspaper Association Board of Directors has announced an agreement to sell its advertising subsidiary, American Newspaper Representatives (ANR) to Hilary Howe, of Troy, Mich.

Howe has been national sales director of ANR and a leading sales executive for 15 years.

NNA chairman Mike Parta said the sale included an ongoing affiliation with NNA. ANR was formed in 1943 as Weekly Newspaper Representatives, Inc., and was later renamed as the company expanded its emphasis. Sales for community newspapers through ANR are about \$5 million annual.

Parta said the sale was a logical step in NNA's strategy to increase ANR's profitability and effectiveness. The company has been engaged in a series of restructuring moves in recent years, as the advertising business has shifted and changed.

NNA will continue its own marketing work for community newspapers, with a focus on raising the profile of that media. It will also continue its National Newspaper Exchange (NNX), promoting community newspapers as vehicles for political and advocacy advertising.

U.S. Postal Service STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION <small>Required by 39 U.S.C. 3685</small>			
1A. Title of Publication The Kentucky Press		1B. PUBLICATION NO. 0 0 2 3 0 3 2 4	
2. Date of Filing 10-2-95		3A. No. of Issues Published Annually 12	
3. Frequency of Issue Monthly		3B. Annual Subscription Price \$8	
4. Complete Mailing Address of Known Office of Publication (Street, City, County, State and ZIP+4 Code) (Not printers) 101 Consumer Lane, Frankfort, KY 40601-8489			
5. Complete Mailing Address of the Headquarters of General Business Offices of the Publisher (Not printer) Kentucky Press Service - 101 Consumer Lane, Frankfort, KY 40601			
6. Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor (This item MUST NOT be blank)			
Publisher (Name and Complete Mailing Address) Kentucky Press Service, same			
Editor (Name and Complete Mailing Address) David T. Thompson - same			
Managing Editor (Name and Complete Mailing Address)			
7. Owner (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given. If the publication is published by a nonprofit organization, its name and address must be stated.) (Item must be completed.)			
Full Name Kentucky Press Service			
Complete Mailing Address 101 Consumer Lane, Frankfort, KY 40601			
8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities. (If there are none, so state)			
Full Name			
Complete Mailing Address			
9. For Completion by Nonprofit Organizations Authorized to Mail at Special Rates (EIMM Section 421 (2) only) The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes. (Check one) <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (If changed, publisher must submit explanation of change with this statement.)			
10. Extent and Nature of Circulation (See instructions on reverse side)		Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Published Nearest to Filing Date
A. Total No. Copies (Net Press Run)		650	600
B. Paid and/or Requested Circulation			
1. Sales through dealers and carriers, street vendors and counter sales			
2. Mail Subscriptions (Paid and/or requested)		519	518
C. Total Paid and/or Requested Circulation (Sum of 10B1 and 10B2)		519	518
D. Free Distribution by Mail, Carrier or Other Means Samples, Complimentary, and Other Free Copies		31	17
E. Total Distribution (Sum of C and D)		550	535
F. Copies Not Distributed			
1. Office use, left over, unaccounted, spoiled after printing		100	65
2. Return from News Agents		0	0
G. TOTAL (Sum of E, F1 and 2 - should equal net press run shown in A)		650	600
11. I certify that the statements made by me above are correct and complete		Signature and Title of Editor, Publisher, Business Manager, or Owner	

Publishing the manifesto What Kentucky editors say...

Continued from Page 3

whet his appetite for additional recognition? What guarantee is there that a person who will send bombs through the mail to innocent people will keep his word?

In summary, publication of the Unabomber's manifesto was ill-advised and opens the door for more terrorists to seek to hold the media hostage with their demands.

Robert H. Ashley, editor Owensboro Messenger-Inquirer

Yes. Maybe it will save a life - or lives. And as Arthur Sulzberger said this morning - in effect - it's only newsprint. A cheap price to pay if it works.

Tom Clinton, editor The Madisonville Messenger

In a column Saturday, September 23, headed "Papers gave your power of the press to a madman," Clinton said he is torn over what he would have done in the place of Katherine Graham or Arthur Sulzberger. "My gut feeling would be to refuse," writes Clinton, "not because I want the bomber to strike again; but, because there is no guarantee he won't. His identity is unknown, his madness is known, and his promise holds no weight at all...A newspaper's response to such ultimatums, whether they come from shoplifters or terrorists, ought to be in the best interest of its readers. Caving in to the threat of a terrorist sends a signal to other terrorists. But it also tells the shoplifters of the world and, more importantly, the newspaper's readers that they no longer can rely on the power of the press.

"The power of the press belongs to you, because you buy newspapers. The New York Times and The Washington Post just took a little of it away from you and placed it in the hands of a madman."

Tim Kelly, editor Lexington Herald-Leader

Kelly's column, "There's no easy answer on printing bomber's tract" in the September 24 issue, says from his corner, the answer is "Don't know, can't say." His reason is that no editor, publisher, talk-show host or media critic, is privy to all of what Attorney General Janet Reno and FBI Director Louis Fareh shared with publishers of The New York Times and The Washington Post. "Without it, no one can possibly sit in informed judgment.

"Publishers and editors must live with the impact of their

decisions...It'd be swell if there were a handy-dandy set of journalism rules to cover every situation, every contingency. Not a chance. No two situations are ever exactly alike.

"It sounds so trite, but it's true. The biggest decisions are made on a case-by-case basis. After all the facts are in, it invariably comes down to following your instincts, going with your best judgment and praying to God you've done the right thing -- even if it's not popular.

Kit Millay, editor The Oldham Era

Publication of the Unabomber's manifesto would open the door to publication of similar documents from other kooks, crazies and lunatics.

There is no guarantee that publication would halt his criminal activity. There is no compelling reason to throw away journalistic integrity to give a news forum to a criminal.

'Traditional advertising can't approach value of newspaper columns?'

American Features Syndicate headquarters may be soliciting columnists from professionals within your community and making it sound like AFS is working with your newspaper to attract these writers.

The company, with administrative headquarters in Lexington and corporate offices in Cincinnati, has been writing some professionals in communities about a local syndication program. The letter, in at least one case signed by Wayne Yeager, Features Coordinator, stated, "I'm looking for a person who would like to be a columnist for the Ky. Standard." That was news for Standard publisher Steve Lowery who responded in writing to Yeager, stating his newspaper "will in no way honor your promise."

Yeager's letter to professionals writes in his letter that columns are one of the best ways to increase clientele base; that it's free advertising for your practice; and your business will go through the roof.

Those being solicited are also told that weekly, small town newspapers are extremely receptive to materials provided by local professionals, and "Once you become a regular columnist, they'll even print your byline and photo with the column."

The letter, in essence, encourages professionals to decrease their advertising dollars in favor of using American Features' materials. "Traditional advertising can't even approach the potential of these newspaper columns. In fact, when you can reach and impact thousands of potential clients every week for free, regular advertising makes no sense."

Carnahan named KPA News Bureau Director

Lisa Carnahan, editor of the Harlan Daily Enterprise, has been named director of the Kentucky Press Association News Bureau.

Carnahan expects to take over the bureau in late December after a maternity leave.

The KPA Board of Directors, at its August meeting, recommitted itself to a full-time News Bureau and wanted to get the "best possible newspaper person available to take over the operation."

"I think we have accomplished the Board's desire by getting Lisa as the News Bureau director," said KPA executive director David T. Thompson. "Lisa has the writing and organizational skills we need to make this News Bureau serve the needs of the member newspapers."

News Bureau use by member newspapers has diminished in the past year, leading to the possibility that it would be changed to a part-time member service if not done away with.

"But the Board made the commitment with the instructions that we seek out an individual to take it to the next



level," Thompson added.

During her tenure as a reporter and then editor of the Daily Enterprise, the Harlan publication has won numerous General Excellence awards in KPA contests.

Lisa's husband, Mike, a Kentucky State policeman, is being transferred to the Frankfort post. "That allowed us to talk to Lisa about taking over operation of the News Bureau."

Continuing education KPA to host seminars for editorial, advertising and circulation staffs

Fall will be a busy time for Kentucky newspaper staffs with three upcoming seminars being planned to help advertising, circulation and editorial departments.

Three fall seminars are being planned in October, two in Louisville and a third in Lexington.

October 12, at the Hurstbourne Lane Holiday Inn, advertising staffs will gather from Kentucky newspapers for a half-day of seminars on various laws related to the newspaper industry.

The seminar begins with a presentation by Sue Shackleton of the Kentucky Human Rights Commission, updating newspapers on complying with federal Housing and Urban Development (HUD) laws. Shackleton heads up the Human Rights Commission division overseeing compliance with HUD regulations. Although there was a flurry of activity in violations against newspapers in late 1994 and 1995, HUD has re-structured its watchdog efforts and strict enforcement of the federal regulations.

Also on the program are representatives of the Better Business Bureau and the Kentucky Attorney General's office discussing various scams that are being offered through advertising sources and how newspapers should react. The seminar concludes with an afternoon session by Kim Greene, KPA General Counsel, on various other state and federal laws affecting newspaper advertising.

Also on October 12, at the Hurstbourne Hotel and Conference Center,

the KPA News Editorial Division is sponsoring a half-day seminar, focusing on the latest technology in electronic transfer of pages, electronic imaging and pagination.

The seminar will be conducted by James Morris and Steve Martin of the Danville Advocate Messenger.

Both October 12 seminars will be from 10 a.m. until 2:30 p.m. (Eastern time). The Advertising Seminar will be at the Hurstbourne Holiday Inn, just across Interstate 64 from the Hurstbourne Hotel and Conference Center, site for the News Editorial Division session.

KPA Circulation Seminar

The Fall seminar sessions wrap up October 26 at the Holiday Inn North in Lexington.

That day, the KPA Circulation Division will be hosting a half-day of programs geared at marketing and promoting the newspaper; increasing single copy sales; and understanding postal regulations and forms.

Included on the program are Joe Mitchell of the Lexington Herald-Leader, discussing marketing and promoting the newspaper; Mike Reynolds, of the Louisville Courier Journal on increasing single copy sales; and KPA past president and National Newspaper Association postal chairman Max Heath discussing various issues related to the U.S. postal service.

Information about the KPA Circulation Division Seminar will be mailed later this month to all Kentucky newspapers.

Court of appeals decisions on meetings, records favor openness

The Kentucky Court of Appeals has issued favorable opinions for public access to open meetings and records, including one that carried the comment that a school board "went way out of bounds" in holding a series of closed sessions.

The court's decisions included ones on the Floyd County Board of Education, a contact to build a 300-acre landfill in Magoffin County and informal complaints against police officers.

The decisions were announced September 1.

In the Floyd County case, the court ruled a broad reorganization of the school system's central office staff must be rescinded. The reorganization included the dismissal of three administrators.

The court ruled the Board of Education violated the Kentucky Open Meetings law. Judge Martin Johnstone said, "The exceptions to the Open Meet-

ings Law are not to be used to shield the public agency from unwanted or unpleasant public input, interference or scrutiny. Unfortunately, we believe this is precisely how they were used in this case.

The violations occurred during a series of illegal meetings in March and April, 1993. The three administrators who were dismissed because of the reorganization threatened a lawsuit. The school board's attorney said the discussion of personnel matters and the threat of litigation were enough to provide exceptions to the general rule that meetings of public agencies must be open to the public.

The Court of Appeals also ruled that anonymous complaints about police officers are generally subject to disclosure under the Open Records Law.

The opinion resulted after the Louisville Courier-Journal sought forms that are completed when complaints are received by the Louisville Police Department. Access to the forms were denied by the city, claiming the forms were preliminary memos that can be withheld under the law.

Appeals Judge J. William Howerton said that exemption only extends so far. "Nevertheless, the form loses its exempt status when it is no longer part of an investigation, and, for whatever reason, becomes finalized by a warning, disciplinary action, written reprimand or simply filed as frivolous." Some forms, however, can be kept secret while cases are pending.

In the Magoffin County case, the court ruled 2-1 to uphold a June, 1993, ruling from special Circuit Judge James Chenault that the Magoffin Fiscal Court violated state law by awarding a landfill contract without advertising for bids.

Eastern Kentucky Resources, Inc., planned to build a 300-acre landfill in Magoffin County that would have taken in 4000 tons of trash a day from other areas.

EKR had argued that the fiscal court was acting in a proprietary manner, not governmental capacity. Judge Rick Johnson, however, said state law gives counties "primary responsibility and the authority for the exclusive management of solid waste" and thus was acting in a government function.

News Express seeks access to settlement agreement

The Appalachian News Express in Pikeville has filed a motion in Federal Court seeking access to an agreement reached recently between Pike County and eight former workers. The News Express' motion asks that the agreement be made public.

The former employees had filed a suit against the county for alleged illegal and wrongful termination. The case went to court in early September but four days into the trial, attorneys on both sides announced an out-of-court settlement had been reached.

The terms of the agreement, however, were sealed by order of the court at the request of both parties.

The Appalachian News Express' motion asks U.S. District Judge Joseph Hood to unseal the agreement. Attorneys for the newspaper argued that the newspaper has a "constitutionally protected First Amendment right" to the information because public money may be involved. The newspaper had attempted to gain access to the documents through an Open Records Law request but Judge Executive Donna Damron refused, stating she could not disclose any information for fear she would be held in contempt of court. Damron noted, however, that the county's insurance company would not pay for the settlement since termination was considered "willful."

Reporter barred from meeting of three water districts

A reporter for the Richmond Register was barred from a meeting in September when three Madison County water districts were urged to merge, consolidate their debts and expand.

The meeting was not announced to the public but information received by the Register indicated a session had been planned. Reporter John Kelly went to the courthouse where he was told the meeting was "discussional" and that he was not invited to attend. Madison Judge Executive Kent Clark told Kelly it was "none of his business" who would be attending the meeting.

Clark locked the door but Kelly was let in through a back door. He then found the courtroom door also locked but was able to listen to the meeting from outside the door.

The Register is filing a formal complaint with the Attorney General's Office about whether closing the joint meeting was a violation of the state's Open Meetings Law.

Clark faxed a statement to the Register the next day, acknowledging the meeting but stating that a full public discussion will be held to hear the proposals before a decision is made.

Inez Council may have violated 24-hour notice law

The Inez Town Council may have violated a segment of the state's Open Meetings Law when it held a session without giving the required 24-hour notice to the press and the public.

The council reportedly held meetings on August 29 and 30 to raise sewer rates and to allow the local water district to begin pulling water meters from homes if sewer bills are not paid on time.

State law requires public agencies to give the public 24 hours notice of any special meetings and to post the meeting's agenda in a conspicuous place.

Health Care Reform may alter KPA's insurance coverage

Kentucky has enacted legislation (House Bill 250) which imposes various requirements as to the purchase of insurance in the Commonwealth of Kentucky. These requirements are generally referred to as health care reform provisions.

Under HB250, a new separate state agency with powers similar to the Department of Insurance (the Kentucky Health Policy Board) was established to develop and control the health reform provisions. A state owned and operated Health Care purchasing cooperative known as the Alliance was also created in competition to private employer plans as a part of HB250. On July 15, 1995 the major provisions of the law that affect your insurance coverage became effective. Those requirements are as follows:

1. Mandated Benefit Plans. The law requires the Kentucky Health Policy Board (KHPB) to develop five standard benefit plans that all insurers are required to offer to potential insureds. Everyone who purchases an insurance policy must purchase a benefit plan which has been developed and approved by the Kentucky Health Policy Board. When your policy renews, you will be required to convert your existing benefits to one of these mandatory plans.

2. Guaranteed Issue of Coverage. All insurance companies who sell insurance in Kentucky must agree to provide insurance to anyone who applies to coverage. This provision ensures the portability of benefits when a person changes jobs. This became effective July 15, 1995 regardless of the renewal date of your policy.

3. Pre-Existing Condition Clause. A pre-existing condition clause precludes coverage for health conditions which existed prior to the purchase of insurance coverage. Under House Bill 250, there is a 6 month maximum for a pre-existing condition. Also under the law, if coverage existed within 60 days of becoming eligible for new health insurance coverage, an insurer must give credit for the time accumulated under the previous coverage in applying pre-existing condition limitations. This provision ensures the portability of benefits when a person changes jobs and applies July 15, 1995 regardless of the policy renewal date.

4. Modified Community Rating. For Health insurance policies issued to an employer with 2 to 100 employees, an insurer must use a modified community rating methodology to develop the group's rates. The insurer can only use age, geography, family composition, benefit plan design, cost containment provisions, and a limited discount for healthy life-styles in the development of the rate for all employers in the 2 to 100 market.

The health programs offered by the Kentucky Press Association have adopted the provisions of HB250 relating to portability and pre-existing condition limitations even though they are not technically required to do so until their renewal effective July 1, 1996. The two provisions that have not been universally adopted are the provisions relating to mandated benefit plans and the modified community rating methodology. Mandated benefit provisions will be adopted coincident with the July 1, 1996 renewal.

Conversations with members of the General Assembly at the time HB250 was passed led association representatives to believe that the community rating provisions were not intended to apply to association programs. The Kentucky Health Policy Board (KHBP) has issued an answer to procedural questions which states these programs will be subjected to community rating methodology.

Several Associations have instituted litigation in Franklin Circuit Court against the Kentucky Health Policy Board Court (Civil Action No. 95-CI-990) to obtain a Declaration of Rights preventing the KHPB from applying modified community rating methodology to Association sponsored Health Care Plans. The Associations sponsoring the litigation have been granted a preliminary injunction prohibiting the KHPB from community rating to programs maintained by the party Plaintiffs during the pendency of the litigation.

Other associations, including KPA, are pursuing legislation to introduce in the 1996 legislature which would clarify that association programs are exempt from modified community rating. We also encourage individual firms and their employees to contact their legislators to express their concerns over modified community rating.