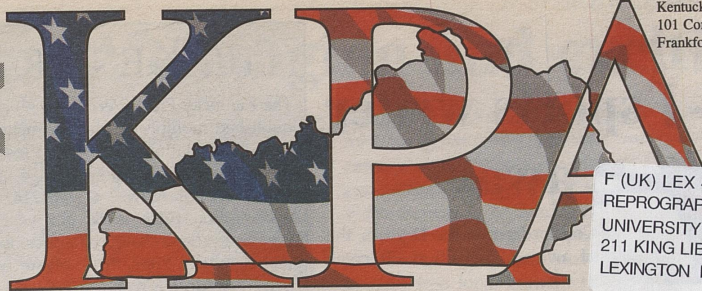


The  
Kentucky  
Press



Volume 77, Number 5  
Kentucky Press Association  
101 Consumer Lane  
Frankfort, KY 40601

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Glasgow, KY 42141  
Permit No. 939

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

## PEOPLE AND PAPERS

### News-Express changes to daily

Pike County will have a daily newspaper for the first time in five decades.

The Appalachian News-Express announced that it has begun publishing six days a week Tuesday through Sunday.

Publisher Marty Backus said going daily has been a longtime goal at the newspaper.

Making the switch will allow the paper to provide more local news coverage to an area that doesn't have many local news sources, Backus said.

A recent readership survey turned up a large group of people that wanted the News-Express to switch to a daily format, Backus said.

"The progress Pike County has made in the last few years has stirred up the need for a daily," Backus said. "I came to the conclusion that with the way things are in Pike County today, they need their own daily newspaper."

News-Express general manager Jeff Vanderbeck said the newsstand cost of the paper would not change.

Readers of the New-Express can expect many new features with the change.

The News-Express also

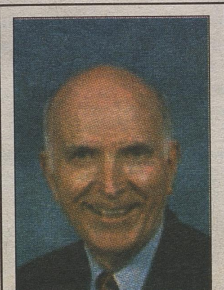
See People on Page 12

## SESSION SIGN-OFF



PHOTO BY JOHN WHITLOCK

Kentucky Press Association Executive Director David Thompson, left rear, and State Rep. Dennis Horlander, standing fourth from right, celebrate the signing of House Bill 3 by Kentucky Gov. Ernie Fletcher, seated. The law will ease some restrictions on access to juvenile criminal records and proceedings. The bill had the support of the Kentucky Press Association.



FRED PAXTON

## End of an Era

Journalism community says  
goodbye to media legends

See page 6 for complete coverage



BARRY BINGHAM JR.

## PASSINGS

# Former C-J sports writer Carrico passes away

John W. Carrico, who reported for The Courier-Journal for 42 years, the majority in the sports department, passed away March 30 at Hillcreek Manor of esophageal cancer. He was 86.

Carrico joined the staff of The Courier-Journal in 1945 as a reporter, following three years in the U.S. Army. He had enlisted as soon as he graduated from the University of Kentucky where he earned his journalism degree in 1942.

A Louisville native and St. Xavier High School graduate, Carrico reported news for six years before moving to the sports desk, where he worked the next 37 years. Known as Speedy, Carrico covered the high school beat, golf and track, and also was a columnist and copy editor.

Carrico was a past-president of the American Association of Baseball Writers. He had also been executive director of the Kentucky State Golf Association and worked for that group after his retirement in 1982.

.....

# Robert Barnard, retired editorial page editor dies

Robert Thurman Barnard, retired opinion page editor at The Courier-Journal in Louisville and former president of the National Conference of Editorial Writers, has died. He was 79.

He died at Kendal at Lexington's Borden Health Center after being treated for prostate cancer, according to his son, Kevin Barnard.

Robert Barnard retired in 1990 after 27 years at The Courier-Journal, 17 of them as editor of the editorial page.

He served as president of the NCEW in 1979 and was the first president of the NCEW Foundation, which supports NCEW programs, including an annual Minority Writers Seminar for opinion writers at newspapers and radio and television stations.

Barnard was a founding member of the First Amendment Congress, a coalition of 20 national journalism and communications organizations that sponsored national, state and local congresses on media and First Amendment topics from 1979 through 1997.

Barnard joined The Courier-Journal in 1963 as assistant managing editor. He moved to the editorial staff as an associate editor in 1970 and became editorial page editor in 1971. He was named associate editor of the newspaper's daily Forum page in 1988.

Keith L. Runyon, editor of The Forum in the Courier-Journal, described Barnard as "an editor of exacting standards" who oversaw the editorial page during upheaval of the Vietnam War, Watergate and the desegregation of Louisville's schools.

"Though he shunned the spotlight personally, the words he guided onto the pages of The Courier-Journal provided a beacon still felt in this region. For those of us for whom he was mentor and teacher, he will be remembered with great respect," Runyon said.

He began his journalism career in 1949 as a reporter at the Raleigh (N.C.) Times. He later worked at the Winston-Salem (N.C.) Journal and the St. Petersburg (Fla.) Times.

Barnard was born in Wayne, Pa., on Aug. 2, 1926, grew up in Grosse Pointe Farms, Mich., and graduated high school in Scarsdale, N.Y.

## THE KENTUCKY PRESS

The Kentucky Press (Permit # 939) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Third Class postage is paid at Glasgow, KY. 42141. 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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# Newspapers: A changing and exciting world

Content is king. Publish a strong, vibrant, interesting newspaper and readers and advertisers will follow.

That applies to our broadcasting brethren too. A few years ago, it appeared cable TV would eat the broadcast networks' lunch with a slow but steady erosion of their audience. But some wildly popular hit shows on CBS and ABC now have network executives reciting their new mantra - "content is king." And the smart ones are looking at every delivery platform available - TV, online, iPods, DVDs, etc.

It's just as true in the print world. And as an extension, the "content is king" axiom carries

*Oh, by the way ...*

By David Greer  
KPA Member Services  
Director



over to the online world too.

It's been fascinating to watch many newspaper web sites evolve. Once, text-only ruled many papers' sites. But now some are actively adopting a multi-media lifestyle. Look for the trend to grow and grow.

The Courier-Journal, for example, now updates local stories throughout the day. Podcasts are

also offered. And a perky staff member gives a very polished on-camera weekly run-down of weekend activities and events thanks to video-streaming technology.

Some other newspaper web sites around the state now offer limited free local content to non-subscribers but make the entire paper or most of it available online for paid subscribers.

As a paid subscriber of the State Journal here in Frankfort, I enjoy reading the online version before I even have a chance to take the paper version out of my box at home.

Does that make me a traitor? I don't think so. I still like the feel of paper in my hands and the con-

venience of paper as much as the next person. Despite our many evolving technologies, few, if any, yet offer the reliability and portability of paper. But that's changing - albeit slowly - and it still makes content king.

Predicting the future can be fun - if not daunting. But it certainly looks to me that the lines between print and broadcast journalism will continue to blur in the years ahead as the Internet and streaming audio and video make their marks.

Ten years from now, heck, maybe just five years, a routine job interview question at many papers will be: "Did you bring any of your audio and video clips?"

## Kentucky colonel charges Colo. Press session

### KPA president-elect gives insight to NIE program

BY SCOTT GATES  
COLORADO STATE UNIVERSITY

Attendees at this year's Colorado Press Association Convention who sat in on this Friday afternoon session were met by a rare treat: the appearance of a genuine Kentucky Colonel.

Kriss Johnson, who led the Newspaper in Education session, was made an honorary colonel last January, joining the same order as Harland Sanders of Kentucky Fried Chicken. But going far beyond a good chicken recipe, her contribution served the state in drawing students and their parents to newspapers.

Five years ago, Johnson made the push for a statewide literacy program in the form of serialized stories, meted out one chapter a week in local papers. When the program first launched, 44 out of the 146 Kentucky newspapers signed on. This year, 84 are participating - that's all but one of the dailies - with 935,000 impressions of the story being printed each week.

The success of this colonel-worthy project is one example of Newspaper in Education, or NIE, the focus of Johnson's session and her link to the CPA. Nine years ago, she left the Greeley Tribune's NIE program and moved to Lexington, Ky., joining the Herald-Leader as its educational and community outreach manager.



KRISS JOHNSON

NIE is a big deal in Lexington, and 6.6 percent of the Herald-Leader's circulation goes into classrooms. The catch is then getting the students into the newspapers, "paper-training" them as Johnson put it, an art that she discussed throughout the session.

On the newspaper side of the issue, one of the best things NIE representatives can do is educate teachers, said Johnson. Once they're aware of the benefits newspapers bring to the classroom and how to utilize them, the program can build steam.

The 11 that attended the session represented

all aspects of the industry in Colorado, from reporting and editing to ad design and circulation. Some, such as Cindy Piller of the Longmont Daily Times-Call, spoke about their own NIE programs and offered feedback throughout the session.

Piller brought up the point that teachers can initially be overwhelmed by the idea of a "different textbook every day," a pitch often used in promoting NIE that can conjure up images of unwieldy lesson plans.

Johnson and other attendees familiar with NIE agreed, stressing that it should be made clear to teachers that a newspaper is an educational tool, not simply a burden on lesson plans.

And an effective tool at that: the Newspaper Association of America Foundation, which is involved in more than 950 NIE programs nationwide, conducted a study in 2002 that found newspapers in classrooms increase standardized test scores anywhere from 3 percent to 10 percent.

Johnson finds her involvement with NIE rewarding in its own right and summed up the experience with a quote from publisher Katharine Graham: "To love what you do and feel that it matters - how could anything be more fun?"

Newspapers looking to expand NIE programs can find more information online at [www.naafoundation.org](http://www.naafoundation.org), or see what Johnson and the Herald-Leader are up to at [www.nieconnects.com](http://www.nieconnects.com).

# This honor belongs to many



## 2006 KENTUCKY JOURNALISM HALL OF FAME INDUCTEES

In April, six new members were inducted in the University of Kentucky Journalism Hall of Fame. Honored at a luncheon were Larry Spitzer, a retired Louisville Courier-Journal photographer; Don Neagle, owner/operator of WRUS-AM in Russellville; the sons and widow of Claude Sullivan, long-time Kentucky Wildcat announcer for WVLK and the Standard Oil Network; David Thompson, executive director of the Kentucky Press Association; Ferrell Wellman, former WAVE-TV Frankfort bureau chief and now EKU faculty member; and Bob White, retired as "Mr. High School Sports" with The Louisville Courier-Journal.

April 11, I had the privilege of being inducted into the Kentucky Journalism Hall of Fame. It is an honor any journalist would be proud of and I was deeply touched to learn of my selection.

However, most all of you reading this share in my award. While the name David Thompson might be printed on the plaque, there are a host of people whose names should be on there.

The five with whom I was inducted and most of the previous 142 recipients are recognized because of what they did, and do, as individual journalists -- their writing, reporting, editing, photography and broadcasting. But I know that my award isn't for anything David Thompson has done, it's more for what KPA is and KPA has become. In an association arena, one person doesn't do anything.

By name and by position, I credited a lot of people in my acceptance speech. This isn't the speech I gave because it was never written down. But it is parts of the speech that came from the heart.

Certainly there's Dad because I probably wouldn't be in the industry if he hadn't been a journalist. And Mom who never said a discouraging word even though at about age 12 I had decided what I wanted to be. (Seeing Dad sitting on the floor, or down on the field covering

### On Second Thought

By David T. Thompson  
KPA Executive Director



games for the Lexington Herald convinced me early on what I wanted to be.) I share it with them.

Then there's the group who labeled themselves the "firing squad," the executive committee of KPA in August, 1983. Don Towles, Lewis Owens, Betty Berryman (all three of them are members of the Hall of Fame), Floe Bowles and John Munford. They were looking for an executive director and for some reason set aside my resume for one of the people to interview. There were two interviews with them. I've held orders to Vietnam in my hands and in October, 1997, suffered a near fatal heart attack. But neither of those, I don't think, scared me as much as sitting before Don, Lewis, Betty, Floe and John for two interviews. I'm grateful to them for giving me the chance to become KPA executive director.

I really don't remember much from the two

interviews, except for one question. Betty Berryman, in the second interview, asked, "If you're offered the job, would you commit to five years?" My answer was a quick "yes," but honestly inside I said, "Lady I just hope you'll keep me for five years."

Over the last 22 years, I've heard a lot of horror stories about contentious relationships between press association executive directors and their boards and officers. I've never been able to relate to those horror stories because there have been no contentious relationships. No, not every issue has been met with unanimous approval, and not every vote has passed. But I know everything the boards have done have been to make KPA the best organization it can be and to help newspapers, large and small.

We have the second largest board in the country with 27 members. But still I don't have any tales to tell. Many of the board members and officers I consider to be very good, even very close friends. And with all of them over the last 22 years, perhaps 200 to 250 individuals, I share the award.

There wouldn't be a KPA if not for newspapers. Newspapers that I would proudly put

See THOMPSON on Page 5



### Three print journalists enter Hall of Fame

Three distinguished print journalists entered the Kentucky Journalism Hall of Fame on April 11 during a luncheon and ceremony at the Radisson Plaza Hotel in Lexington. Pictured are (above left) David Thompson, executive director of the Kentucky Press Association and Duane Bonifer, president of the University of Kentucky Journalism Alumni Association; Larry Spitzer, (above right) a retired Louisville Courier-Journal photographer, and Bonifer; (below right) Bob White, a retired sports writer with the Louisville Courier-Journal, and Bonifer. Also inducted into the Hall of Fame were Don Neagle of WRUS-AM, Claude Sullivan (posthumous) of WVLK/Standard Oil Network and Ferrell Wellman of WAVE-TV and currently a member of the Eastern Kentucky University faculty staff. This year marks the 26th year of the Kentucky Journalism Hall of Fame. This year's six honorees join the 142 previous inductees in the Kentucky Journalism Hall of Fame.



## THOMPSON

Continued from page 4

against newspapers in any state, any place, any time.

Overall, I believe Kentucky has top quality newspapers. Our contests are judged under reciprocal agreements with other states. In the last 22 years, there have been 64 different contests judged (remember, most of those years we had the ad contest and two news contests) and never once have I been embarrassed by the quality of Kentucky newspapers. In fact, I've often come away very proud of the comments judges have made - about photography, about writing, about the overall appearance of our newspapers. And I remember year before last, two judges, both appeared to have several years of experience in the business, telling me after the judging ended, "If I ever have the chance, I want to work for a Kentucky newspaper." So to all Kentucky newspapers, to the publishers, the editors, the ad directors and all the staff members, I share the award.

Ten people who were at the luncheon April 11 were glad I was but probably wish they weren't.

I think they actually look forward to the times I'm out of the office. I speak of course of the staff of KPA and much like I feel about my newspapers, I feel that way about the staff. I'll put them up against the staff of any press association, any place, any time. The strength of this staff is its experience. There are just 11 of us but we share 138 years of experience working for KPA. And five of us have an additional 78 years in the news media, mostly with newspapers. Together that's 216 years of working with and working for newspapers. And with my staff, I share the award.

And then there are three people who are why I do, what I do. Even over the last 22 years, when asked "Just what is it that David does," they've readily replied, "He opens mail and talks on the phone."

Of course, I speak of Marilyn, Kalli and Symmi. Kalli and Symmi were both threatened at a young age, by their mother, if they ever went into the newspaper business. Symmi heeded those words and became an RN. Kalli did, too, in a way but turned the tables on me and went into TV and is now in radio sales with Clear Channel in Lexington. And she married Brian who is in TV. Of course, she's also the one

who, when I told them of the award, said she didn't know there was a "Letter Openers Hall of Fame."

To Marilyn I really owe the largest part of the award. She's always known and done what's best for me. Thirty-six years ago, soon as we were married, she said we'd survive on the pittance of a teacher's salary and that I would go back to the University of Kentucky and get my journalism degree. The decision had been made and, as usual, she had made it. But the biggest sacrifice came in early 1979 and had it not been for that, I wouldn't be here today. My dream job was to be publisher and editor of the Georgetown News and Georgetown Times. And when that job came open, she encouraged me to go for it. But the sacrifice came in that it resulted in a 33 percent pay cut. So to her I really do give the largest credit for the induction.

There are many, many others - friends, family, confidants and associate members - who have played a role in my career and played a role in making KPA what it is today. To each of them, and to all of you reading this, I share the honor of being in the Journalism Hall of Fame.

The plaque might read David Thompson but it belongs to a lot of people.

# End of an Era

*Kentucky journalism community mourns loss of Barry Bingham Jr. and Fred Paxton*

## Bingham's vision, ethic will endure in legacy

Barry Bingham Jr., who guided The Courier-Journal and Louisville Times to three Pulitzer prizes before family disagreements led to the papers' sale in 1986, has died. He was 72.

Bingham had been suffering from complications of pneumonia. He died April 3 at his home in Glenview, a Louisville suburb. Bingham, a third-generation publisher of the family-owned newspapers, took over in 1971 from his father, Barry Bingham Sr., and quickly emphasized ethics and public service journalism. He led the newspapers until his family sold them despite bitter opposition from Bingham Jr.

The newspapers' photo staff won the Pulitzer for feature photography in 1976 for photos of court-ordered busing. The Courier-Journal won the Pulitzer for general or spot news reporting in 1978 for stories on the Beverly Hills Supper Club fire that killed 164. Two years later, it won for international reporting for coverage of Cambodian refugees in Southeast Asia.

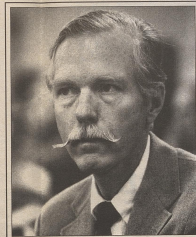
"He was always careful to point out that it's not the awards that are important, but rather it's the agenda-setting and policy-changing work for which the awards are given that's important," said David Hawpe, The Courier-Journal's editorial director, who has been with the newspaper since 1969.

Dissension among the children surfaced in 1984, when daughter Sallie Bingham challenged her brother's control of the companies. She and her sister, Eleanor Bingham Miller, were ousted from the board of directors, and Sallie Bingham turned down a family offer of \$26.3 million.

The newspapers were sold by Bingham's family to Gannett Co. Inc. in 1986 for more than \$300 million.

Barry Bingham Sr. said he couldn't find a solution to the family's disagreements that was fair to everyone. His son, though, issued a statement saying the decision to sell was "in my opinion, both irrational and ill-advised. ... It is difficult not to view this action as a betrayal of the traditions and principles which I have sought to perpetuate."

He agreed to stay on as publisher until



BARRY BINGHAM JR.

the sale was finalized, and received a standing ovation from staff members when he departed in July 1986.

"Wherever you go in the tradition of these newspapers, I will be with you," Bingham told them. "Wherever I go my loyal heart will be with you here. Preserve this shrine of quality and integrity which I have tried to help you build over the past 15 years."

The Bingham reign began in 1918, when Robert Worth Bingham spent more than \$1 million to buy a controlling interest in The Courier-Journal and The Louisville Times.

Barry Bingham Sr. became publisher and president in 1937 after his father died.

Bingham Jr. graduated from Harvard with a degree in history in 1956 and served in the Marines before starting in broadcast journalism, working for CBS and NBC in New York. Survivors include his wife, Edith, whom he married in 1963; their daughters, Emily Bingham and Molly Bingham, and his two sisters. Daughter Molly, a freelance photographer, was in the headlines in 2003 when she and three other journalists were held in Iraq's Abu-Ghraib prison for several days shortly after the war broke out.

Funeral services for Bingham were held April 6 at Christ Church Cathedral.

## Paxton was a leader in Washington, Frankfort

From helping the disadvantaged to meeting with presidents, Fred Paxton is being remembered for his legacy of compassion for others and generosity in his contributions to the community.

"Kentucky lost one of its finest citizens," said former Gov. Brenton Jones. "Fred was the epitome of honesty, decency, basic goodness and plain old common sense."

Paxton, 73, died at 5:50 a.m. Sunday after a three-week battle with pancreatic cancer. He was chairman of the board of Paxton Media Group, whose media holdings in western Kentucky include The Tribune-Courier, The Paducah Sun, The Eddyville Herald Ledger, The Cadiz Record, The Metropolis (Ill.) Planet and WPSD-TV.

Paxton was recognized as an outstanding community and business leader, and as a man who shared his talents and financial success to improve the community at all levels.

One of his last acts was to help Paducah's River City Mission, which provides assistance to the homeless and transients.

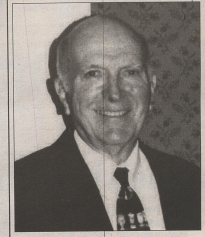
"He came out and wanted to help with either a new cabin or to help fix our sewer problems," said Shirley Barlow, chairman of the mission board. He offered a \$25,000 contribution.

"He's been very supportive of the mission for many years," Barlow said. "No one knew what he did to help us other than the board members. It was people like him who kept the mission going."

Joe Frampton, chairman of the board of The Paducah Bank, worked with Paxton on the Paducah Junior College Board, the Greater Paducah Economic Development Corp. and several other committees.

"He gave of his time and resources ... a lot of us will continue to benefit from that for years to come," Frampton said. "He helped many people and did a lot of things that no one knows about. He sought no credit and had no desire to get credit for what he did. He did things because he felt they were the right thing to do."

"The city has lost a real friend," said former Mayor Gerry Montgomery. "I always found Fred to be an encourager of good things. He helped to make things happen. I



FRED PAXTON

mourn his loss for the whole community."

Survivors include: his wife of 51 years, Peggy Sabel Paxton; a brother, Frank Paxton of Venice, Fla.; a sister, Pat Brockenborough of Paducah; three sons, Jim, David and Richard Paxton, all of Paducah; a daughter, Nancy Desai of Atherton, Calif., and 12 grandchildren.

Fred Paxton also was a confidant of elected leaders in Washington and Frankfort.

"I don't think there was a single civic or governmental issue that affected far-western Kentucky that I didn't start with Fred to gather information," said U.S. Sen. Mitch McConnell, R-Louisville.

"He was a man of great influence because he owned newspapers and the television station, but he never abused his clout for personal gain," McConnell said. "He used his influence for good purposes for the community and the state, and never for self interest."

Jones, the former governor, said he often called Paxton for advice.

"I could always pick up the phone and call Fred when I needed advice," Jones said. "He was the type of person who would always give you an honest answer. He never gave a political answer, which is valuable to a governor."

# Help is here with political advertising

Do you want fries with that?

While that may not be a question that ad sales reps normally ask, we all should consider additions when dealing with our political clients. While visiting with your client, be sure to offer all the french fries available at your location.

Recently, we had a political client interested in changing the size of his ad and the question arose "what about color?" We were able to show how easy it was to change the size of the ad

## Advertising Plus

By Teresa Revlett  
KPS Director of Sales



without much trouble at all. Then the cost was presented for comparison to see if the budget would allow for the color addition.

During the summer and fall

months, it is likely that there will be a lot of political clients needing help with campaigns.

It is our job to offer anything that is available. Tailor a spending plan to include preprints, online, shoppers, special sections as well as stand alone newspaper advertising.

By sitting down with the client and creating a helpful budget there will be goodwill spread.

Whenever you plan your political special section, be sure

to send a flyer or brochure with all the details to me at [trevlett@kypress.com](mailto:trevlett@kypress.com) so that we can present it to potential clients.

Remember, if a political client comes to you and wants to have a one stop shop, we can help you by providing a quote for newspapers located within a specific area. The main focus should be making it easy to place ads in newspapers.

If KPS can help ease that process for your political client, everyone will be happy.

*In the opinion of the Attorney General*

# Records shouldn't have been redacted

The Kentucky Attorney General has ruled in favor of a Lexington Herald-Leader reporter's efforts to overturn a police department decision.

The issue at hand in this appeal to the Attorney General's office is whether the Lexington-Fayette Urban County Government Division of Police properly used state laws to partially deny Lexington Herald-Leader reporter Delano Massey's May 4, 2005 request for "the case file for a rape allegation at the University of Kentucky Wildcat Lodge ... on April 20, 2005" and reporter Valerie Spears Nov. 11, 2005 request for "any additions made to the Wildcat Lodge alleged rape investigation file since May 4 and/or the Herald-Leader's last request on file."

The Attorney General has ruled the reasoning behind the denial was "misplaced."

In its June 2, 2005 response, the police division released a redacted copy of the case file, stating "this case is cleared by exception and is available to you, subject to the following: pursuant to KRS 61.878(1)(a) and OAG 91-35, when no sus-

pect is arrested or charged with a crime, the suspect has an expectation of privacy. Pursuant to the above referenced statute and Attorney General's opinion, all information and documents identifying the suspect will be redacted and are exempt from disclosure.

The police's Nov. 29, 2005 response to The Herald-Leader's Nov. 11, 2005 request mirrored its partial denial of the earlier request.

On Feb. 3, The Herald-Leader initiated this appeal, asserting that "the police's reliance on KRS 61.878(1)(a) to support redaction of suspect identities from all case files cleared by exception where a suspect was not arrested is erroneous and improper pursuant to the opinions of the Kentucky Attorney General and clear Kentucky common law."

In a follow-up directed to the office of the Attorney General, the police said that the 940 records from the investigative file were released to the public after the police concluded its investigation and cleared the case by exception and that both

the Fayette County and Commonwealth's Attorneys reviewed the case and refused to prosecute.

Noting that in previous opinions, the Attorney General has said that releasing the name of a person investigated but not charged with criminal activity represents a severe intrusion on the privacy interests of the individual in question and should yield only where exceptional interests mitigate in favor of disclosure.

The Lexington police contended that "nothing can be more intrusive than to be linked to a criminal allegations where three independent and district government agencies have found that no crime has been committed."

Because some of the individuals involved in the case lose a certain degree of privacy because of their status as a public figure, the AG found that the information should have been released.

In its decision, the AG's office said that disclosure of a suspect's identity will, in fact, advance the open records related

public interest in insuring that the alleged criminal activity was thoroughly investigated and vigorously prosecuted without favoritism or bias and transgress only minimally on the privacy interests of the suspect.

"Accordingly, we find that the Division's reliance on KRS 61.878 (1) (a) to support redaction of the suspect's identity from the requested records was misplaced," the opinion said.

Although a public figure does have an expectation of privacy, the public also has a right to know that potentially criminal activity is being investigated without outside influence on the police.

The office said police erred with using existing regulations to withhold the information from the newspaper.

"To the extent that the Division construes OAG 91-35 to authorize nondisclosure of the suspect's identity in all criminal cases that are cleared by exception, that decision is hereby notified," the opinion said.

The Lexington police were ordered to turn over unredacted copies of the records in question.

# Two wins for open-records questions

Kentucky's Open Records Act celebrates its 30th birthday this year. After three decades, the reach of the sunshine law continues to be the subject of debate in the courts and at the office of the Attorney General, Kentucky's chief open records officer. Fortunately, in this installment of the battle for open government, the press has secured two important victories. Both cases involved the Courier-Journal.

The first occurred on March 31, 2006, when the Kentucky Court of Appeals released its decision in the case of Cape Publications v. City of Louisville. In that case, the Courier-Journal sought access to the job performance evaluations of two employees of Louisville's city parks department, Metro Parks. The two employees were former Metro Parks athletics manager Rob Roberts and former Metro Parks director Brigid Sullivan.

In September 2002, Roberts was charged with stealing, and in turn selling, hundreds of pairs of athletic shoes that had been donated to Metro Parks for needy children. He pleaded guilty to charges of theft and was fired by the city. Sullivan, who was Roberts' supervisor, resigned. The Courier-Journal requested various records relating to both Sullivan and Roberts. The city refused to disclose their job performance evaluations, citing a long line of Attorney General decisions holding that the disclosure of government employees' job performance evaluations would constitute "an unwarranted invasion of personal privacy."

In this line of cases, which began in 1979, the Attorney General recognized privacy interests for both the evaluated employee and the evaluator. Performance evaluations can contain personal details about public employees that have little to do with the public functions of the job, for example the employee's health information.

Furthermore, the Attorney General had believed that the evaluator has a privacy interest in the evaluation and would be more likely to be honest and forthcoming with constructive criticism knowing that the evaluation will not be publicly released.

Under the existing line of Attorney General decisions, only the evaluations of the top employee in an agency had been subject to disclosure under the Open Records Act.

Because neither Roberts nor Sullivan were the ultimate authority (both ultimately answered to Louisville's mayor), the Attorney General and the Jefferson Circuit Court held that their job performance evaluations need not be disclosed.

However, in its March 31 decision, the Court of Appeals overturned the longstanding rule that had been established by the line of

## From a legal standpoint

By *Jeremy Rogers*  
KPA General Counsel  
Dinsmore & Shohl



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Attorney General decisions.

The Court held that government employees' job performance evaluations are not automatically subject to the Open Records Acts personal privacy exemption.

As in most cases where the personal privacy exemption is at issue, the public agency and the courts must strike a case-by-case balance between the individual's right of privacy and the public's right to effectively monitor its public agencies.

In this particular case, the Court of Appeals reasoned that the balancing should have tilted more toward public disclosure, given the public interest involved in Roberts' criminal activities and Sullivan's supervision over Roberts during the scandal.

Put another way, Roberts had forfeit much of his privacy interests by using his public employment to perpetrate the crime. The Court ordered the City of Louisville to produce the performance evaluations, with only the "truly personal information" redacted.

The Court of Appeals decision is a published decision, and the City of Louisville has announced that it will not attempt to appeal the decision to the Kentucky Supreme Court.

As such, Cape Publications v. City of Louisville is now the law in Kentucky and public employees' job performance evaluations are no longer automatically exempt, in their entirety, from the Open Records Act.

The second victory for openness came in the case of Ernie Fletcher v. Gannett Kentucky Limited Partnership. The Circuit Court in Frankfort has rejected Governor Fletcher's argument that he is exempt from the Open Records Act. The case, which is still pending, involves open records requests for copies of emails sent to and from Governor Fletcher's once secret email account Sadie@ky.gov.

The Governor set up the email account (which was named for a dog he once owned) as an alternative way of communicating with advisors and others.

The email address became public knowledge during the Franklin County special grand jury investigation of the administration's hiring practices. When the Governor denied reporters from the Courier-Journal access to the emails, the Courier-Journal appealed to the Attorney General, who also happened to be in charge of the hiring practices investigation.

As part of the appeal process, the Attorney General routinely requests to view copies of disputed records in order to determine whether they are subject to disclosure.

When the Attorney General did so in this case the Governor refused even to release the emails to the Attorney General, claiming executive privilege and arguing that, because of the grand jury investigation, the Attorney General could not be a fair and impartial decision maker.

The Attorney General held that the Governor had not met his burden of proving that the emails were exempt and ordered the Governor to disclose all of them to the Courier-Journal.

The Governor appealed the decision to the Franklin Circuit Court and argued that the Open Records Act could not be applied to his emails because of the separation of powers in Kentucky's Constitution.

Citing a 1978 Kentucky Supreme Court case that exempted from the Open Records Act records being used in an ongoing trial, the Governor argued that the legislative branch could not constitutionally tell the chief executive how to handle the records that are central to the functioning of his office.

The Franklin Circuit Court, in its April 13, 2006 decision, rejected the Governor's arguments and held that the emails must be submitted to the Court for a determination as to whether Open Records Act exceptions apply.

The Governor may still appeal this ruling after the court has reviewed the emails. At least for now, though, the Open Records Act continues to apply to the Governor.

On the other hand, Governor Fletcher recently announced that he will no longer use email.



# AWARD WINNERS

## WKU School of Journalism takes third in Hearst competition

Western Kentucky University's School of Journalism and Broadcasting has placed third overall in the annual Hearst Journalism Awards Program, the school's eighth consecutive top four finish in the national competition.

Often called the "Pulitzers of College Journalism," the Hearst program holds yearlong competitions in writing, photojournalism and broadcast news. WKU won the overall title in 2005, 2001 and 2000.

The top 10 in the 2006 Overall Intercollegiate Competition are North Carolina, Arizona State, WKU, Nebraska, Northwestern, Syracuse, Maryland, Missouri, Penn State and Florida.

In the year's final writing contest, WKU sophomore Corey Paul will be one of eight competitors in the national writing championship June 7-10 in San

Francisco.

WKU photojournalism students Will DeShazer, a Bowling Green senior, and Allen Bryant, an Owensboro senior, will submit additional photos for the semifinal round of judging in the Hearst competition. Six finalists will be selected to compete for national honors in San Francisco.

WKU won the Hearst photojournalism competition for the 15th time this year and finished seventh in the broadcast news competition. Awards will be presented June 9 in San Francisco.

The Hearst Journalism Awards Program operates under the auspices of the accredited schools of the Association of Schools of Journalism and Mass Communication. The program is funded and administered by the William Randolph Hearst Foundation.

More than 100 schools participate in the program, which awards more than \$400,000 in scholarships and grants annually.

## News and Views recognized by group

Hopkinsville Community College's student newspaper News and Views won statewide recognition Feb. 25 at the Kentucky Intercollegiate Press Association Convention.

Rosa Deacon, staff writer and photographer for the student publication, was awarded first place in the category of General Interest Column for her column Mother to Mother.

The staff of News and Views was also recognized first place in the Opinion Pages and third place in the Continuing News categories.

## College Heights Herald receives honor

The College Heights Herald, Western Kentucky University's student newspaper, won two Silver Crown Awards in New York City in March for the fall 2004 and spring 2005 newspapers.

The Columbia Scholastic Press Association presented the awards at the its convention. Carla Depoyster, a senior from Big Clifty, was awarded a certificate of merit for her feature photo.

## Herald-Leader staff writers honored

The Society of Professional Journalists has announced that the Lexington Herald-Leader has won two Green Eyeshade Awards for 2005. The contest honors the best in print, radio, television and online in 11 southeastern states. The Herald-Leader won first place in business reporting for the series Win, Lose or Draw by Bill Estep, John Stamper and Linda Blacklord. The newspaper also won third place in the serious commentary category for Death & Corruption written by Larry Dale Keeling.

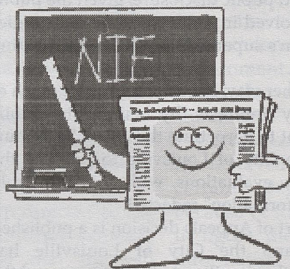
## Free chemistry supplement available for NIE programs

With generous sponsorship from Ashland, Knight-Ridder Productions and the Kentucky Network for NIE offers your newspaper a free 16-page Newspaper in Education tab on Chemistry, a \$300 value.

"Chemistry is Essential to Life" is a 16-page supplement for middle and high school students that makes learning chemistry fun and profiles exciting projects scientists are working on. This is an excellent guide for science teachers and for general classroom teachers alike.

This supplement is free to your newspaper. You can get local sponsors to help pay the publishing costs but you must include the Ashland logo. Space has been made for a local sponsor logo.

Please contact Kriss Johnson via e-mail if you are interested to: [kjohnson@kypress.com](mailto:kjohnson@kypress.com)



## Classifieds

**IMAGESetter FOR SALE - ECRM**  
VRL36 with precision rollers for excellent color registration. Can handle film widths from 12 to 14 inches. Perfect condition. Includes Harlequin RIP Version 5.5, revision 1a (handles Level III postscript and PDF files accurately). Will image a broadsheet page in approx. 3 minutes. We will deliver and set up machine within 200 miles without charge. Will negotiate on further distances. Includes imagesetter, RIP, G4 Macintosh to host RIP with dongle, 17-inch monitor, two film input and two take-up cassettes. Entire setup only \$5,000 (less than the price of a RIP program alone). We can include a Glunz & Jensen Devotec 15 film processor, also in excellent condition, for additional \$2000. Todd County Standard, Elkton, KY. Toll free phone 1-877-220-9446, ask for Mike or Michael.

## Daily News helps create online yard sale maps

Bowling Green Newspaper Uses 'Mashups' to Create Online Yard Sale Maps

The Bowling Green Daily News has taken yard sale advertising to the next level – the paper produces detailed online maps of the week's yard sales. Click here to view yard sale maps from the Daily News.

The maps are "mashups" – web pages generated by combining information from several online sources. In this case, the page is created by mapbuilder.net using Google's mapping technology and Yahoo's geo-coding.

To the end-user, the maps are quick and easy. Shoppers can access the address of the sale, what is being sold and directions to the sale just by clicking on elements on the page. They can zoom in on intersections or specific streets or zoom out to see the entire area. Sale details, such as times and items to be sold, are accessed by clicking on graphics on the page.

People advertising a yard sale in the Daily News historically have run an ad on only one day. The Daily News offers them a special buy – run the ad for two days and the newspaper will include it on the yard sale map.

Mark Van Patten, general manager of the Daily News, said he asked the newspaper's classified system vendor to write a script that would convert yard sale ads into a "txt" file, including the fields needed by mapbuilder.net. The finished script takes only a minute to run.

Once the txt file is created, the newspaper's online specialist imports it into mapbuilder.net and generates the map, which takes another minute. The map data is hosted on the mapbuilder.net server. Van Patten said the paper uses a front-end interface called MapObject, an application developed by mapbuilder.net to produce "rich maps" for end users. Mapbuilder.net is a combination of Google maps and Yahoo geo-coding. There is no charge from either Google or Yahoo.

The newspaper is in its first weeks of the new service, and expects to be able to expand it to include other advertising, such as open house ads in the real estate section.

For more information, Van Patten can be reached by email at [mvanpatten@bgdailynews.com](mailto:mvanpatten@bgdailynews.com).

## Wal-Mart says advertising tests in rural papers didn't pay off, so no more ads

Wal-Mart Stores Inc., which many rural newspapers say has made life hard for them, has decided not to expand its local newspaper advertising after an experiment in Missouri and Oklahoma "showed the expense is not justified" the company said yesterday, reports The Associated Press.

The test "had been closely watched by publishers who complained publicly last year that Wal-Mart sought free publicity from their newspapers but refused to buy ads . . . while driving out local businesses that had been mainstays," AP wrote.

After complaints from the National Newspaper Association, a group dominated by weekly papers, "Wal-Mart agreed to run a test in the holiday shopping season," placing a full-page, four-color ad for electronic items in 336 papers, AP wrote. "It did increase product sales, but our margins are so thin that we didn't even come close to offsetting the cost of the ads," spokeswoman Mona Williams told AP. Mike Buffington, immediate past president of NNA, said Wal-Mart told him likewise.

Buffington pressed Wal-Mart on the issue as president, in the year ending Oct. 1, and remained point man with the company. Buffington, co-publisher of Jefferson, Ga.-based MainStreet Newspapers Inc., told AP "A one-time test is probably not a true way to evaluate community newspapers. In fact, we understand they had quite a bump in sales. But the advertising itself, the full-page color ads, were expensive and they were advertising loss-leader type items." Wal-Mart wouldn't say how much the ads cost.

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## PEOPLE AND PAPERS

Continued from page 1

announced it hired new staff to help with the switch, including reporters, Mary Music, Lindsay Lancaster and Leigh Ann Wells.

### .....

## Voice-Tribune welcomes Westmoreland as editor

The Voice-Tribune of Louisville is happy to welcome Charles L. Westmoreland as newspaper editor.

Westmoreland received his education in journalism and English from the Defense Information School, Fort Meade, Maryland and University of Louisville. He served as editor of The Blackhorse, a publication of the U.S. Army, 11th Cavalry Regiment, was a contributing editor of the Bluegrass Guard publication of Kentucky Army National Guard and most recently, as editor-in-chief of UofL's student newspaper, The Louisville Cardinal. Westmoreland has earned a number of academic and service medals and awards, most notably being named, Kentucky Intercollegiate Press Association 2005 Staffer of the Year.

### .....

## Satterly takes over GM at Oldham New Era

Julie Nelson Satterly has been named the editor and general manager of The Oldham Era by the newspaper's parent company, Landmark Community Newspapers Inc.

Satterly has served as managing editor of the paper since October 2003. She replaces Jim Patrick, who served as publisher for nearly 21 1/2 years.

Patrick recently took a position as national sales manager with Fastline Publications.

Satterly came to The Era from The Richmond Register, where she served as news editor. She also worked as a copy editor and graphic designer at The Jessamine Journal in Nicholasville.

Satterly graduated from the University of Kentucky in December 2001 with a bachelor of science degree in journalism. She was the managing editor of the university's newspaper The Kentucky Kernel.

She currently serves as a state at-large member of the Kentucky Press Association board of directors. She is also a member of the board of Challengers of Oldham County local drug prevention and awareness coalition.



JULIE NELSON  
SATTERLY

### .....

## Mio assumes publisher duties at Daily Times

Community Newspapers Holdings Inc. announced last week that Peter L. Mio has assumed publisher duties at the Glasgow Daily Times.

Mio comes to Glasgow from Rochester, N.Y., where he was publisher of the Daily Record, a niche publication catering to legal and business communities.

"I'm delighted to introduce Peter L. Mio as publisher of the Daily Times," CNHI Vice President and Division Manger Keith Ponder said. "Pete has an outstanding track record as a newspaper publisher and brings a great deal of experience to his role in Glasgow."

Mio is no stranger to Kentucky. Among his career stops was a stint as publisher of the Pioneer News, a Landmark Community Newspapers publication in Shepherdsville. He even paid a visit to Glasgow in 1990 as a member of a state literacy commission, having been appointed to that post by former Gov. Wallace Wilkinson.

Mio's career has included numerous stops since his graduation from Windsor College in Windsor, Ontario, Canada, although perhaps one helped steer him toward Glasgow a bit more than others. During a stint as vice president of sales and marketing with Thompson newspapers — later purchased by CNHI — Mio worked for CNHI Chief Operating Officer Keith Blevins.

Mio's wife, Karen, is a lab technician and hopes to join her husband in Glasgow sometime this summer upon the graduation of their son, Jarod, 18, from a high school in Rochester. The couple also have a daughter, Dana, 23, who works for an investment firm in Rochester.

When not fulfilling the duties of his job, Mio can often be found enjoying golf, football and hockey.

### .....

## Brad Laux joins Morehead News staff

Brad Laux will be the new sports writer covering the Rowan County and Morehead State beat.

Laux replaces longtime sports editor Denver Brown who has been promoted to managing editor of the Morehead News' sister paper The Olive



PETER  
MIO

Hill Times and Grayson Journal.

Laux recently served as a sports writer for the Flemingsburg Gazette.

Laux graduated from the University of North Carolina Greensboro in 1992.

His work experience also includes stints at the University of Tennessee, George Mason University and Internet team writer at the 1996 Atlanta Olympic Games.

Laux and his wife Ginny, live in Morehead.

### .....

## Williams joins ad staff

The Citizen Voice & Times welcomes advertising salesperson Carl Williams Jr. to the staff. Williams joined the staff March 6 and is responsible for advertising sales in Madison County. He is a musician and a member of the Bluegrass gospel group New Found Road.

Williams and his wife Janice have three children, Jacob 17, Can 12 and Hannah 8.

### .....

## Kentucky Standard teams up for Easter promotion

The Kentucky Standard has partnered with Bardstown Booksellers, DQ Grill & Chill, and Hurst Discount Drugs to sponsor the 2006 Egg-Citing Coloring Contest for the Nelson County community.

Laura Stately, marketing spokesperson for The Kentucky Standard, said she was excited about hosting the contest.

"We had a positive response for our fall coloring contest, and we are anticipating even more participation in this contest," Stately said. "Our partners have generously donated some fantastic prizes for children who submit winning entries."

Prizes included \$15 gift certificates from Bardstown Booksellers for age division winners.

An Easter basket filled with stuffed animals and Easter goodies from Hurst Discount Drugs was given to the grand-prize winner.

### .....

## CNHI sells three papers

Triple Crown Media Inc. said it will acquire three newspapers from Community Newspaper Holdings Inc. in a trade of media properties.

Lexington-based Triple Crown will take over The Clayton Daily News in Jonesboro, Ga., The Henry Herald in McDonough, Ga., and the Progress-Argus, a weekly in Jackson, Ga., the company announced yesterday in a statement. In exchange, Community Newspaper Holdings will receive the Goshen News in Goshen, Ind. Other terms of the deal were not released. Triple Crown is the parent company of Host Communications.