

## On the lookout

• June 26-27  
KPA Summer Convention  
Embassy Suites  
Covington

• Oct. 23-24  
KPA/KPS Board of Directors  
Fall Retreat  
Jamestown Marina

• Jan. 22-23  
1998 KPA Winter Convention  
and Trade Show  
Raddison Plaza, Lexington

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June, 1997  
Volume 68, Number 6

The Official Publication  
of the Kentucky Press  
Service

# THE KENTUCKY PRESS

## Time's running out to register for summer convention

'97 summer event  
offers something  
for everyone

By LISA CARNAHAN  
KPA News Bureau

Only two weeks remain until the 1997 KPA Summer Convention, so time's running out to register for all the programs and activities that will fill the two-day event in Covington.

This year's convention is being held at the Embassy Suites Hotel — an all-suite facility. The spacious two-room suites feature, among other extras, two televisions, On Command video, two telephones, voice mail, a sleeper sofa in the living area, refrigerator, wet bar and microwave. And the room price

includes a free, full-order breakfast each morning for each guest in the room, as well as a two-hour Manager's Reception each evening.

As usual, there's something for everyone at the summer convention — seminars and roundtable discussions, golf, shopping, the Cincinnati Zoo, King's Island, a picnic at Cinergy Field with the Reds vs. St. Louis Cardinals, and, of course, the 1997 Kentucky Press Association Better Newspaper Contest Awards Banquet.

On the program side Thursday, participants can choose from roundtable discussions on Management/Employment Issues, Open Meetings/Open Records, and Photography Tips. Later that afternoon, Supreme Court Chief Justice Robert Stephens will discuss new

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The lights of downtown Cincinnati, as seen from Covington, make for some spectacular scenery — scenery that those attending the 1997 KPA Summer Convention will be able to enjoy during a moonlight cruise on the Ohio River.

## FOI Hotline has new number

The KPA FOI Hotline number has changed, but the quality service newspapers have come to expect won't.

Kim Greene and Jon Fleischaker, who also serve as KPA General Counsels, announced in late May they would be leaving the firm of Wyatt, Tarrant & Combs to open the Louisville office of Dinsmore & Shohl.

"We've had a very close and very positive relationship with Jon and Kim since the early 1980s when KPA established the Freedom of Information Hotline," said KPA Executive Director David T. Thompson. "That relationship was enhanced in 1994 when we asked them to serve as general counsels for KPA."

Thompson said the KPA/KPS executive committee voted unanimously that the association should continue this relationship by moving



GREENE FLEISCHAKER

the hotline and general counsel representation with Kim and Jon.

"A fax was sent to all board members discussing the pending change and asking for their opinions on what we should do," Thompson said. "Eight board members called and all very strongly recommended that KPA must stay with Jon and Kim. 'The best media attorneys in Kentucky' was the way they were described by some of our board members."

The only change in the

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## KPS Clipping Bureau sold

The KPA/KPS Board of Directors made the difficult decision in mid May to sell the clipping service.

The KPA/KPS Vision 2000 Committee met May 15 and discussed at length the status of the clipping service and the proposals for purchasing that operation from us. The committee approved a recommendation that KPS accept the proposal from GeoTel Corporation to purchase the KPS Clipping Service. The recommendation was passed to the board and by return mail ballot, the board voted unanimously to accept that recommendation.

See CLIPPING, page 8

## KPA issues '96 newsprint report

Since 1994, Kentucky newspapers have been required to file an annual report with the Cabinet for Natural Resources on the use of newsprint and recycled newsprint.

House Bill 282, enacted by the 1994 Kentucky General Assembly, was passed as a way to keep track of how Kentucky newspapers were doing in increasing the use of recycled newsprint.

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# Kentucky people, papers in the news

## Mills returns to news editor's job at Greensburg

Tom Mills has returned to the Greensburg Record-Herald to the position of news editor.

A native of Greensburg, Mills worked at the Record-Herald as a sportswriter in 1992 and 1993 and then as news editor from mid 1996 to January of this year. Prior to returning to Greensburg, Mills was the regional editor of the Crossville (Tenn.) Chronicle.

## Stahl named to top post in Maysville newsroom

Matt Stahl has been named managing editor of the Maysville Ledger-Independent.

Stahl served as news editor for

nearly four years. He began his newspaper career at the Ledger-Independent after high school and is only the fourth person to hold the managing editor's title since the two local newspapers were consolidated in 1968.

A 1989 graduate of the University of Kentucky School of Journalism, he has worked at the Lexington Herald-Leader and the Herald-Journal in Spartanburg, S.C. He also held internships at both the Herald-Leader and the Kentucky Post.

## Holloway returns to Journal-Enterprise

Mark Holloway has returned to work at the Providence Journal-Enterprise.

Holloway worked for the Providence newspaper for over nine years, joining the staff after graduating from Murray State University in 1985. He left the newspaper to work for a Henderson-based law firm but after a year, returned to the newspaper business and a job with The Evansville (Ind.) Press. While at Evansville, he worked as a copy editor and reporter.

The news editor's position at Providence opened when Robin Vaughn accepted a position with The Madisonville Messenger.

## Greene named publisher at Mt. Sterling; Mascle takes editor's position

Two members of the Mt. Sterling Advocate staff were promoted recently. Glen Greene took the top post of publisher and Deanna Mascle accepted the job as managing editor.

Greene had been serving in the position in an acting capacity for eight months. A graduate of Morehead State University, Greene started work for the Advocate in 1991 as a staff writer. He was promoted to managing editor in 1993.

A journalism graduate of State University in New York, Mascle also holds a master's degree in education from the University of Bridgeport in Connecticut. She worked for The Webster Post in New York for six years before moving to Kentucky in 1994. She has written for ACE magazine, The Lane Report, Lexington This Month and The Jessamine Journal.

Mascle joined the staff of the Mt. Sterling newspaper in 1996.

## Cahill joins staff of Russell Register

Ed Cahill has joined the staff of The Russell Register as the paper's new sports editor.

Cahill was the sports editor for newspapers in Williamsburg, managing editor of the Russell Springs Times Journal for four years, and most recently worked in the newspaper business as managing editor of the Laurel News Leader. He also serves as publisher and editor of the Kentucky Civil War Journal, a monthly magazine he founded last year.

In addition to his Kentucky experience, Cahill served as sports editor for newspaper in Sullivan, Ind., and Chula Vista, Calif.

## Two papers added to growing Recorder Newspaper chain

Two new papers have been added to the Recorder Newspaper chain. The Erlanger Recorder will focus on news from Elsmere and Erlanger and the Campbell Community Recorder on Northern Kentucky happenings.

Bowling Green native Kevin Nichols is the Erlanger Recorder editor. Nichols received his journalism degree from Northern Kentucky University.

Dave Niinemets is the Campbell Community Recorder editor. Niinemets began his career with Recorder as an intern in 1992 during his senior year at NKU. He returned as a staff writer in 1995

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**The Kentucky Press**

The Kentucky Press (ISSN-0023-0324) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Periodical-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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## Deaths

### Theodore Greeman

Theodore Lee "Ted" Greeman, 64, Lawrenceburg, died April 26 at his home. A former co-owner of the Tribune Democrat newspaper in Mount Olivet, Greeman was a health program representative for Kentucky.

A native of Illinois, he was a 1963 graduate of the University of Kentucky and served in the United States Navy during the Korean Conflict.

Survivors include his wife, Iris M. Greeman; two daughters, Debbie Birdwhistell, Georgetown, and Gayle Yocum, Versailles; two grandchildren; and three brothers.

Funeral services were held at the Ritchie-Peach-Todd Funeral Home in Lawrenceburg and burial followed in Frankfort Cemetery.

The family requests contribu-

tions to Hospice of the Bluegrass, 208 Steele Street, Frankfort, 40601.

### Raymond McClure

Raymond McClure, retired journalist who worked for several newspapers during his career, died in April.

McClure, 75, began his newspaper career reporting high school news for the Mount Vernon Signal where he was later editor for several years. He was also editor of the Whitley Republican in Williamsburg. In the late 1950s, he was a correspondent for the Lexington Herald and held reporting positions at the Daily Pantagraph in Bloomington, Ill, and the South Bend Tribune in

See DEATHS, page 11

## KHSJA off to good start

Buoyed by \$5,000 from the Lexington Herald-Leader and Kentucky Broadcasters Association, and \$1,000 from the Louisville Courier-Journal, more than \$31,000 has been committed to help start the Kentucky High School Journalism Association.

Some 60 Kentucky newspapers, KPA Associate members and other organizations have contributed to the effort. The high school association, the first in the country to be organized through a statewide press association, gets started in July with a two-day Professional Development Seminar for teachers.

The high school association idea was approved earlier this year by the Kentucky Press Association/Kentucky Press Service Board of Directors. The formation of a high school journalism association fills a void not only in Kentucky but the country as well as Kentucky was the only state without a statewide organization for its journalism teachers and students. The association is operated by the KPA Past Presidents under the School of Journalism Foundation of Kentucky, Inc.

Also in the past month, Lexmark International, based in Lexington, has agreed to donate surplus computer equipment.

"We hoped to reach the \$30,000 level," said KPA/KPS Executive Director David T. Thompson. "The commitments received in the last month put us at \$31,150 and does not include a \$15,000 in-kind contribution from the Kentucky Press Association and the value of the surplus computer equipment from Lexmark."

As of June 1, 123 high schools in the state had joined the new association and 12 journalism teachers had already registered for the summer workshop.

"We're thrilled at the membership response we've received from the teachers so far," said KPA News Bureau Director Lisa Carnahan, who also serves as KHSJA administrator. "The deadline to register for the workshop isn't until July 15 so response to that has been good as well. We originally had planned to launch the high school association at the start of the 1997-98 school year, but the need is so great we decided to begin providing training for the teachers over the summer. Teachers have really been totally without any resources when it comes to advising their school's publication or developing curriculum for their journalism classes."

## It's time to unleash the newsroom's creativity

At a cocktail party (yes, even in these politically correct days, such things exist, although the smokers, like social cockroaches, had to scamper to the restrooms), I was talking to a new acquaintance when a third person joined our group.

The new acquaintance introduced me as a "writing teacher," not a writing coach.

I liked that. On my really good days, I am a teacher: I take apart a story and show a writer how to construct it better; I explain why a sentence fails and how it can succeed; I come up with creative ways to report, ways the writer didn't consider.

On those days, I figuratively rise from my chair and pump my fist like a baseball player who hits a game-winning home run. To show a writer how to turn a limp list of facts into a clear, precise, compelling story is rewarding.

When I have taught a writer something he or she can use in the next story, I'm in heaven.

But earlier in the day of the cocktail party, I did a seminar with a group of newspaper reporters. As I was explaining ways to turn an ordinary idea into

### Coach's corner

By Jim Stasiowski



a creatively written story, a reporter raised her hand and made clear to me that when she turns in a risky story, an editor at her paper changes it to something conservative.

The rest of the seminar, reporters opened their questions with, "I don't like to editor-bash, but ..."

In other words, reporters are writing great stories, and editors are ruining them.

So why should I waste time teaching reporters? They already know how to write great stories. If I really wanted to help them, reporters are implying, I should be strong-arming editors into accepting creative stories.

A couple of months ago at a newspaper, I urged editors to allow writers to try new things, risky things.

An editor said, "Are you telling

See CREATIVITY, page 12

## Kentucky High School Journalism Association Charter Members

The following Kentucky newspapers, individuals, KPA Associate Members and the Kentucky Broadcasters Association have committed a total of \$31,150 to the School of Journalism Foundation of Kentucky, Inc., to help establish the Kentucky High School Journalism Association.

For information about participating in this project, contact David T. Thompson or Lisa Carnahan at the Kentucky Press Association, parent company of The School of Journalism Foundation of Kentucky, Inc.

Dawson Springs Progress	Friend
Fulton Leader	Friend
Tompkinsville News	Friend
Bath County News Outlook	Associate
Benton Tribune Courier	Associate
Cadiz Record	Associate
Casey County News	Associate
Cynthiana Democrat	Associate
Eddyville Herald Ledger	Associate
Franklin Favorite	Associate
Georgetown News Graphic	Associate
Guthrie/Mayes Public Relations	Associate
Kentucky AP Editors Association	Associate
Laurel News Leader	Associate
McLean County News	Associate
Murray Ledger & Times	Associate
Owenton News Herald	Associate
Perry County News	Associate
Princeton Times Leader	Associate
Shelbyville Sentinel News	Associate
Teresa Revlett	Associate
The Central City Times Argus	Associate
Union County Advocate	Associate
Woodford Sun	Associate
Alfaro Enterprises & Associates	Associate
Appalachian News Express	Associate
Elizabethtown News Enterprise	Associate
Anderson News	Patron
Citizen Voice and Times	Patron
Clay City Times	Patron
CSX Transportation	Patron
Danville Advocate Messenger	Patron
Gene Clabes	Patron
Harrodsburg Herald	Patron
Henry County Local	Patron
Kentucky New Era	Patron
Max Heath	Patron
Mt. Sterling Advocate	Patron
The Farmer's Pride	Patron
The Kentucky Standard	Patron
The Pioneer News, Shepherdsville	Patron
The State Journal, Frankfort	Patron
Winchester Sun	Patron
Henderson Gleaner	Patron
American Electric Power	Sponsor
Landmark Community Newspapers	Sponsor
The Daily Independent, Ashland	Sponsor
The Oldham Era	Fellow
BellSouth	Fellow
Kentucky Utilities	Fellow
Owensboro Messenger Inquirer	Fellow
Preston*Osborne	Fellow
Recorder Newspapers	Fellow
The Courier-Journal	Fellow
Toyota Motor Manufacturing	Fellow
Ashland, Inc.	Founder
The Herald-Leader	Founder
Kentucky Broadcasters Association	Founder
Kentucky Press Association	Founder



## LEGAL NEWS & VIEWS

# Minor 'details' can lead to major legal headaches

By **KIMBERLY K. GREENE**  
KPA General Counsel  
Dinsmore & Shohl



The devil is in the details! Nowhere is this aphorism more true than in the news business. Making sure that the details are correct in that complicated story you are reporting about allegations of wrongdoing is essential to avoiding legal problems.

Often, reporters and editors spend hours pouring over source material, double checking information and confirming quotes for the news article. Sometimes they even consult legal counsel for pre-publication review which will help them spot possible defamation or invasion of privacy issues.

All of this time and effort goes into ensuring the accuracy of the body of the news article. Sometimes, unfortunately, some of the other pieces of your total news product don't get that same close scrutiny. And that oversight has landed some news organizations in court. So, the moral of this story is: Don't consider your

hard reporting and editing completed just because you are satisfied with the content of your news article. Be just as careful with things like the headline (including the headline on the jump), the selection of photographs or other graphics, and the cutlines under those photos or graphics.

Starting with the most obvious, make sure that photographs you select to accompany a story actually are photographs of the subjects of the story, if that's your intention. If your story contains critical comments about someone, you don't want a photograph of someone else on page one smiling at all of your readers.

If, on the other hand, you want to select a file photo to illustrate your story, be sure that the file photo chosen doesn't create the implication that someone in that file photo was guilty of wrongdoing.

This happened to a news organization in the Northeast which did a series of hard hitting stories on prostitution on the streets of a major city. The news organization intended to select a photograph of a nighttime street scene in that city as an illustration for the story. And that's what they did select, but prominent in that pho-

tograph was a very identifiable young woman walking down the street.

That young woman was understandably concerned to have her photograph associated with that particular news article. Even though her name was not contained anywhere in the story, the photograph of her was clear enough that family members, friends and co-workers readily recognized her. She was a respected professional woman in the city and had nothing to do with the prostitution trade. To put it mildly, the court frowned on the situation, holding that the implication was defamatory to this woman and the news organization had been negligent when it published that particular photograph in that context.

Likewise, care must be taken when composing headlines. Just like any part of the news article, a headline can be the basis of a defamation claim, even if the facts are correctly reported in the body of the news article.

A newspaper out West learned this lesson when it was sued for defamation by the subject of a news story, the head of a significant local

See **DETAILS**, page 11

## Ministries sue newspapers

Two Tampa, Fla., ministries have filed a civil suit against three newspapers, including the Owensboro Messenger-Inquirer. The suit seeks \$10 billion in monetary damages.

Gerald Payne, founder of Greater Ministries International, and Charles Edison, founder of Freedom Centers of Tampa and America, and Church of the Avenger, are listed as the plaintiffs in the lawsuit.

In addition to the Messenger-Inquirer, the Lancaster (Pa.) Intelligencer Journal and the Tampa Tribune, are named as the defendants along with the president or publisher of each company.

All three newspapers have reported on activities of the two ministries, including their fundraising methods.

The suit alleges the newspapers "have intentionally, maliciously and savagely attacked Plaintiffs in an effort to slander, defame and cause irreparable harm to the Plaintiffs through their derogatory claims and remarks, most of which they know to be blatant lies, laced with innuendo that would lead the general public to believe that the Plaintiffs are out to cause harm to America."

Edison has been slandered by accusations of racism and bigotry while Payne had been portrayed as a "liar, cheat, thief, scoundrel and pyramid scheme operator," the suit claims.

As a result, "Plaintiffs have both suffered not only extreme emotional distress, but have dealt with bouts of depression, and a decline in business and revenues that cannot be measured..."

## Court: Fee required to peddle papers

The United States Court of Appeals for the Sixth Circuit has overturned a trial court's finding and ruled that a city ordinance requiring street peddlers to pay a \$50 permit fee does not violate the First Amendment.

The Cleveland, Ohio, ordinance requires every person engaging in peddling anywhere in the city to have a peddler's license.

Each applicant for the license must pay an annual fee of \$50.

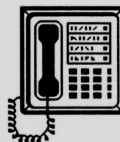
Two organizations that sell newspapers on the street brought suit against the city to stop enforcement of the ordinance. The groups claimed that the ordinance,

by requiring them to pay a \$50 fee in order to sell their publications on the street, constituted an impermissible prior restraint on speech under the United States and Ohio constitutions.

According to the court, the license fee was not a tax on speech, but rather a fee reasonably related to defraying expenses of administering the ordinance and in furtherance of a legitimate state interest of preventing fraud by solicitors.

(Northeast Ohio Coalition for the Homeless v. Cleveland. Reprinted from the May issue of LawLight)

Got legal questions about a story or ad?  
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# AG issues opinion on USPS change to ad laws

Last July, the U.S. Postal Service enacted a number of changes in the Domestic Mail Classification Schedule that included renaming "Second Class" mail to "Periodicals" class.

Although the change was referred to in the Federal Registration as a revision in "nomenclature" only, the Kentucky Press Association sought an opinion from the Attorney General as to any effect the title change could have on Kentucky's public notice advertising laws.

On May 15, Diane Schuler Fleming, of the state Attorney General's office, released OAG 97-16, addressing the request for clarification.

The opinion, relating to the language KRS 424, states:

Effective July 1, 1996, the United States Postal Service enacted a number of changes in the Domestic Mail Classification Schedule. Vol. 61 Federal Register, No. 49, page 10114. Accordingly, "Second Class" mail has been redesignated as "Periodicals." This change is referred to in the Federal Register as a revision "in nomenclature" and appears to be void of any substantive changes.

Our office has been asked to examine the effect of the changes to the Domestic Mail Classification Schedule upon KRS 424.120. It is the position of the Kentucky Press Association that the changes to the Schedule are simple ministerial and that there is no difference in the eligibility requirements for the new "Periodicals" class of mail from the former category referred to as "Second Class" mail.

We begin our analysis with a review of KRS Chapter 424 which sets forth the criteria for the publication of legal notices in the Commonwealth of Kentucky. Pursuant to this chapter, all newspapers which are permitted to publish legal notices must meet the requirements set forth in KRS 424.120. Said statute states in relevant part:

(1) Except as provided in subsection (2) of this section, if an advertisement for a publication area is required by law to be published in a newspaper, the publication shall be made in a newspaper that meets the following requirements:

(a) It shall be published in the publication

area. A newspaper shall be deemed to be published in the area if it maintains its principal office in the area for the purpose of gathering news and soliciting advertisements and other general business of newspaper publications, and has a second-class mailing permit issued for that office. (Emphasis added.)

Clearly, KRS 424.120 requires newspapers to have a second-class mailing permit. However, pursuant to the changes instituted by the United States Postal Service, such a permit no longer exists. As a result, we are left with the question of what effect the federal action has upon our state statutes. Specifically, we ask how can a newspaper comply with KRS 424.120 when it can no longer obtain the necessary second-class mailing permit. To answer these questions, we must turn to the rules of statutory construction.

It is basic premise of statutory construction that the language used in a statute should be construed so as to carry out the purpose of the

See USPS, page 10

# Newspaper can't be sued for truthful reporting

A newspaper article regarding an FBI investigation of a securities broker did not defame the broker because the overall article provided an accurate summary of the investigation and the broker's alleged criminal involvement.

During the investigation of a possible criminal scheme to defraud a savings and loan association, and FBI agent submitted an affidavit regarding the status of the investigation and the parties suspected of involvement in obtaining large sums of money from the savings and loan and laundering it through a securities company.

The securities broker, who was the account executive responsible for the accounts in question at the securities company, was one of the named parties who was suspected of participating in this plan.

Shortly after the FBI investigation, an article appeared in a newspaper that described the questionable financial activities, as well as the possible criminal involvement of the broker. Subsequently, the broker sued the newspaper and the author of the article for portraying him in a defamatory light.

A federal district court in Texas held that the overall "gist" of the

article was accurate.

All of the accusations and factual accounts in the article were conclusions drawn by the FBI and not by the reporter alone. The accuracy and truth in a publication should be evaluated as a whole and not in a piecemeal fashion as isolated parts.

The article provided a correct report that the FBI received information connecting the broker to the scheme to defraud the savings and loan.

None of the implications of the article triggered any genuine issues of material fact, nor were there any

false statements in the article.

The portions of the article that the broker claimed to be libelous only dealt with items of secondary importance which did not detract from the substantial truth of the entire article.

The principle of the free flow of ideas and opinions concerning matters of public interest, as well as the substantial truth and absence of false statements in the article, supported the newspaper's right to print the article.

(Mullens v. The New York Times Co. Reprinted from the May issue of LawLight)

# Nominations for Bingham media award being accepted

The Kentucky Psychiatric Association is accepting entries for the Barry Bingham Sr., Media Award. The award is designed to increase community attention and support for the 600,000 mentally ill in Kentucky.

Entries will be judged by experienced print journalists who will look for journalistic quality, accuracy of health information and the story's consistency with the mission of the state psychiatric association. Stories must have been published between July 1, 1996 and June 30, 1997.

A plaque and \$200 stipend will be considered in each of the following categories: Newspapers (weekly, monthly); Daily Newspaper (under 15,000 circulation); and Daily Newspaper (over 15,000 circulation).

All entries must be accompanied by an entry blank which can be obtained through the Kentucky Psychiatric Association at (502)

695-4843. Multiple entries should be accompanied by individual entry blanks.

Six copies of the article must be included with the entry and originals are preferred.

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# It's your loss when readers can't reach you

We are in the business of communicating. We reach out to readers every day. But we often do not make it easy for readers to reach us. If they have a news tip, a question, a complaint, a comment — how do they contact us?

If we don't make it easy for readers to reach us, how hard will they try? How long will they try? If they give up ... whose failure is that?

Let's make it easier for readers to contact us. By using a bit of our own space, we can create a "You can call us" box.

Here are some ideas and tips:

- Anchor the call-in box, so readers will grow to know precisely where to look for it. And keep this box as part of your standard fare — don't use it as a filler when an ad drops out or a story runs short. Readers have a right to expect to see this box in the same place, and in every issue.

- Consider anchoring the box in the same area as your postal box or your advertiser index (see my previous column). In fact, you could create an attractive and informative package by placing these elements together, perhaps on page 2.

- Don't overdo: keep the call-in box clean and simple. Avoid the use of tint blocks or design gimmicks that get in the way of clear communication. Readers ho come to this box are

## Design is Everything

By Ed Henninger



looking for pure information, not visual stimulus.

- Keep the type simple, and by all means make it large enough so it's easy to read, even for your older readers. It does no one any good for you to cram in all your names and phone numbers so small than no one can read any one of them.

- Sans serif type faces are best in this type of box. Sans serif is clean and it implies more of a list — something to check — than a narrative.

- Use tab stops to help align the type in the list. For sample, you might want to give a person's name, title and phone number. Tabs help you to sort this out for your readers.

- If your box is wide, consider using underlines or dot leaders to help readers travel across the lines of type.

- Think of a map to help readers get to your office. If you decide to offer a map, be sure to indicate where readers can park. You might also

want to do a "map" of the lobby area of your building, so readers will know where to go for help.

Some content ideas to keep in mind:

- Remember to include more than managers and supervisors in this list. Readers want to know who's in charge, but they also want to know the name and number of the sports or lifestyles clerks, for example, because these are the people who will help them get their item into your newspaper.

- Consider a brief description of how a department can help the reader or advertiser. The new caterer in town looking to place a display ad in your paper would benefit from knowing that it's the retail department — not classifieds — that she wants to talk with.

Remember to list all departments, including production and circulation. How about the reader who wants to complain about sloppy press work? Or the reader who wants to compliment a particular carrier good service?

- With high-tech telephone systems being what they are nowadays, it might be worth the space to offer your readers and advertisers a couple of sentences on what they can expect when they call. Will they get an automated system? Will they be asked for an extension number?

See READERS, page 10

## Newsprint

Continued from page 1

Each year, the Kentucky Press Association gathers the data from the 42 printing plants across the state that print Kentucky newspapers then files the report with the cabinet and legislative committees.

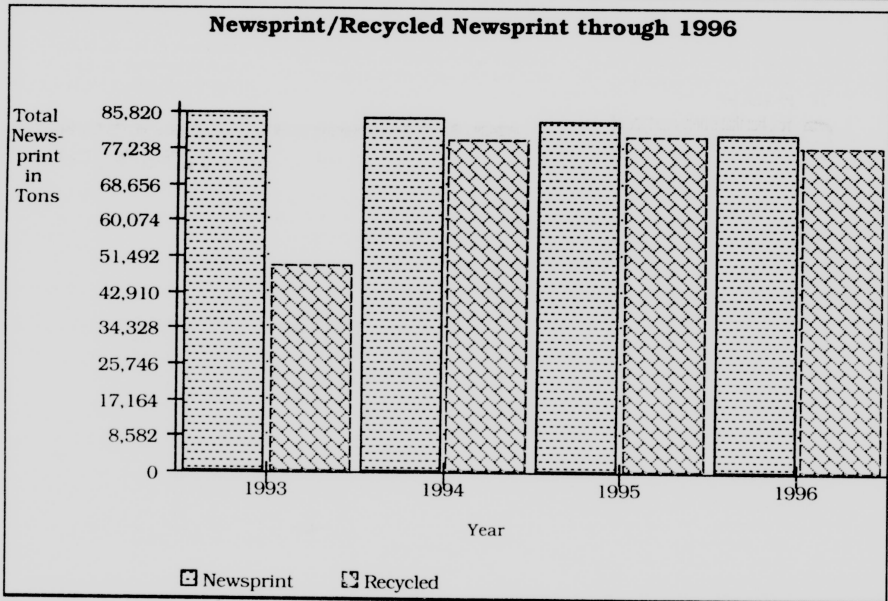
"The law asks each publisher to file the report annually," noted KPA Executive Director David T. Thompson, "but publishers individually don't have the time nor the data on-hand. The state has allowed KPA to collect the data from the printing plants and in turn file the necessary reports."

The first mandated report, for calendar year 1993, was filed in July, 1994, and showed a total of 85,816 tons of newsprint used with 49,220 tons containing some level of recycled fiber. In each subsequent report, overall newsprint tonnage has decreased while recycled newsprint use has nearly doubled.

The report for the 1996 newsprint/recycled newsprint use will show the continued decrease in overall newsprint consumption but a slight increase in recycled fiber.

With 40 of the 42 printing plants responding, accounting for 140 of the 150 newspapers, total newsprint use was 80,666,033 tons with 77,744,474 of that containing recycled fiber.

"That means nearly 96.5 percent of the newsprint used for Kentucky newspapers contains some level of recycled fiber," said Thompson. "And for the third straight year, every plant has been able to use recycled newsprint for



Kentucky newspapers."

By comparison, KPA first surveyed Kentucky newspapers informally in 1989 and found that 18.2 percent of some 97,000 tons contained recycled fiber. "We thought that was good," said Thompson, "and without any effort, it showed that Kentucky newspapers were making progress."

By the first report under HB 282, the percent had jumped to 57.3561 percent and since 1994 has held steady at 93 to 96 percent.

HB 282 did not include any

recycled fiber provision when it was finally approved. "There were logistical problems with the recycled fiber idea," Thompson added. "The larger plants probably could have met the goals because of the demand while smaller plants might not have been able to get any recycled newsprint at all. By incorporating our suggestions in HB 282, all the plants have been able to share in the success story."

Overall fiber content has held steady in the mid-30 percent range. "When the state was considering

legislation on recycled newsprint, it wanted newspapers to be using at least 50 percent recycled fiber by the year 2000," said Thompson. "We showed the cabinet and the legislature that the 50 percent fiber level would be impossible to reach by all plants but assured them the newspapers were committed to doing as much as possible to help the environment by using recycled fiber."

The report for calendar year 1996 will be delivered to the cabinet in mid-June.



BY SEAN GLEESON sean\_gleeson@okpress.com

# The dance of black & white

You use **contrast** every day. It's time someone showed you what it is.

**I've seen a lot of interesting studies on how to increase advertising sales. Do you have any practical suggestions on the matter?**

**I might.** By any chance, does any of these studies mention making your ads look good?

**Um, no. What do you mean by that?**  
I mean design every ad to communicate the advertiser's message visually. An advertiser may or may not recognize good design, but he'll sure notice good response from his customers. People buy ads when the ads work; and the ads work when they look good.

**Well, sure, that's easy for you to say. But I'm no art major, and I can't afford to spend hours on every ad. Is there some easy trick for making ads look better?**

There sure is. It costs no money, and takes no time to learn, because you already do it every day. It's called **contrast**.

**Contrast, huh? I've heard of that. Isn't that something you do in Photoshop?**

Yes, but that's only one type of contrast. I'll discuss the different types of visual contrast in just a minute. But first, let's define contrast generally, and see how it works.

Contrast, put simply, is getting the audience accustomed to one thing, then showing them something different. I'm going to repeat that, because it's the whole point of this column: **get them accustomed to one thing, then show them something different.** It's the backbone of all communication, and everybody does it.

Contrast is putting sugar in the salt shaker. Contrast is faking left, and passing right. Contrast is shouting for five minutes, then whispering "...or else." It gets attention. I'll repeat that, too: **contrast gets attention.**

**Puttin' sugar in the salt shaker? Yep, that would get attention. But just how do I do that in a display ad?**

I was speaking metaphorically. There are several types of visual contrast. The one most people mean when they talk about contrast is **value contrast** (sometimes called "tone" or "color" contrast). You use it whenever you switch from one color or shade to a different one. Tell me, have you ever run an ad in a spot color?

**Of course.**

**Why?**

**It gets attention.**

**Why does it get attention?**

**Um, because it's red?**

No, because it's *different* from what you've accustomed the reader to. If the whole paper were red, a red ad would get no

extra attention. The same is true for any value contrast, like reverse type, or dark backgrounds. They get attention because they are used sparingly.

Besides values, you can contrast with **shapes**. A delicate curve against a background of rigidly straight lines is an example of shape contrast. You can also get shape contrast by selecting the right typeface for the message you want to send.

**EVERY TYPEFACE HAS ITS OWN SHAPE. AND ITS OWN PERSONALITY.**

The kind of contrast most people use without even realizing it is **weight contrast**. Everyone who has ever set a paragraph of type knows that putting a couple of words in boldface makes those words stand out. But the opposite is also true: in a block of bold type, putting a couple words in light face

VALUE	SHAPE	WEIGHT	SIZE	POSITION
<p>The five basic types of contrast:</p>				

makes those words stand out. It's not being bold that gets attention; it's being *different from what you've accustomed the reader to*. Lines have weight too, and so does art.

**Size contrast** should be pretty easy to understand, so I'll just move on to my favorite, **position contrast**. It's my favorite because it occurs entirely in the mind. Which of these 12 triangles stands out in your mind?



Obviously, it's that fourth one from the right. Nothing visually distinguishes that triangle from the others, except that it's not in

the position your mind expects it to be. And you only expect it because I accustomed you to a certain position with the other 11.

People's expectations are powerful tools. An upside down photo, or a sideways headline, or a word with a letter missing, are all examples of position contrast, because we've been accustomed to seeing these things the "right" way all our lives. Seeing them the "wrong" way demands attention. It's like tasting sugar when we expected salt.

**Next Month: Assorted tricks to teach your computer.**

## Here's this month's MacDaddy Challenge!

**Challenge:** This one's a toughie. Anyone can design an ad for an attractive and useful product. But it takes a creative soul to make an effective ad for an *ugly and useless* one! Your assignment is to create a 1 col. x 2" display ad for "Clumpumuck," a shapeless, hardened blob of paste. You may use clip art, photos, or any other weapon in your arsenal.

**Extra credit** will be awarded for designing a Clumpumuck logo to go with the ad.

**Example:** I made this beauty in Quark, Photoshop, and Illustrator →



Available in three sizes!

**Prize:** Ad design skills, national fame, a MacDaddy! sticker, and a handsome certificate.

**Send entries by June 30, 1997, to MacDaddy! at OPA, 3601 N. Lincoln Blvd. Oklahoma City, OK 73105 or e-mail to: sean\_gleeson@okpress.com**

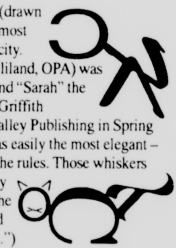
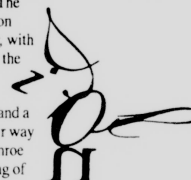
**And there's still time** to enter last month's Challenge, which readers will remember was to send in your best standing graphic, such as a banner, flag or nameplate. Get those in by May 30. I'll publish the lucky winner next month.

Contest is open to all readers of MacDaddy! Winners will be judged on elegance and adherence to rules. All entries become property of Oklahoma Press Association and may be published.

Thanks y'all for entering the March 1997 *MacDaddy Challenge!*, drawing your pet with type. I'm sure you all had fun and honed your type handling skills, but only one of you can get the coveted MacDaddy Award. The entries were judged, as always, on *elegance and adherence to rules*, with extra credit given for using only the letters of the animal's name.

**The winner:** A MacDaddy! sticker and a handsome certificate are on their way to Kirsten Lauterbach of the Conroe (Texas) Courier, for her rendering of "Julio" the cockatiel. I currently live with a cockatiel, and so I immediately recognized the awkward posture, vapid stare, and bad-hair-day plumage as dead-on accurate. Congrats, Kirsten.

**Some also-rans:** "K.C." the Shih Tzu (drawn by Fleeda Hill, Conroe Courier) almost took first prize, for its sheer simplicity. "Boscoe" the mutt (by Jennifer Gilliland, OPA) was the most lively entry. And "Sarah" the gray tabby (by Linda Griffith Schwanke, of River Valley Publishing in Spring Green, Wisconsin) was easily the most elegant — but barely adhered to the rules. Those whiskers and ears may be 'i's or 'v's, but they seem to me to violate the spirit of the game. (And no extra credit, too bad the kitty's name wasn't "Vicioiviyi.")





## API announces creation of Extended Learning Center

The American Press Institute has announced a series of seminars that will be delivered across the Internet in online, virtual classrooms. The first online seminars will be conducted this September. The online seminars will be offered through API's new Extended Learning Center, said William L. Winter, API president and executive director.

Dr. Winter said that seven seminars will be included in the first public offering of the virtual classroom seminars this fall.

"Four of those courses will be for the newsroom in computer-assisted reporting, copy editing and reporting," he said. "Also, we'll have one for advertising sales staff, one for circulation managers and one for marketing and promotions staff. Our intent is to provide this quality training to the huge numbers of newspaper professionals who may not now have opportunities to attend residential seminars at remote sites."

API has spent the past 18 months in intensive research and development of an online classroom mode. It staged its first three pilot seminars in computer-assisted reporting, copy editing and circulation management in January and February. More than 60 newspaper men and women participated in the pilot programs, which were co-sponsored by the Gannett Co., Inc., Knight-Ridder, Inc., Thomson Newspapers and Morris Communications.

"The overwhelming, positive response from our seminar participants,

our online discussion leaders, and our sponsoring companies convinced us that we had achieved a level of quality of instruction that warranted taking the online seminars public in September," Dr. Winter said. "We've been careful to preserve the things that have made API training so powerful — immersion in newspaper issues, intensity, access to industry experts, and a chance to build bonds with peers who are working in similar environments." Tuition for the first cluster of online seminars will be \$595 per program.

Dr. Winter announced that Jeff Cowart, an associate director at API for five years, has been named director of the Extended Learning Center. Cowart, a journalist with more than 16 years of newsroom experience ranging from reporter to copy editor to executive editor, is a newspaper management specialist who regularly conducts leadership programs for individual newspapers and newspaper groups and will continue to do so as part of his work for the Extended Learning Center.

"The goal of our Extended Learning Center is to make the type of teaching that API is renowned for available in a variety of ways, in a much broader range of venues," Dr. Winter said in announcing creation of the extended-learning initiative.

More information about the Extended Learning Center and the online seminars is available online at: [www.newspaper.org/apixl](http://www.newspaper.org/apixl).

## Clipping

Continued from page 1

The original proposal was for GeoTel to take over the operation on June 30. But with a vacant staff position and the need to hire someone as soon as possible, GeoTel offered to move the effective day to May 31 and KPS accepted that date.

GeoTel Corporation, based in Columbia, Mo., has also purchased clipping bureaus from Arkansas, Iowa and Missouri Press Associations and is negotiating with others.

"It was not an easy decision," said KPA Executive Director David T. Thompson. "The board had discussed this possibility over the past two years, but the clipping bureau has been a profit center for KPS since it began back in the early 1970s."

"Comments that we are operating a dinosaur may be somewhat overstated but not far off base. With ever-changing technology, clipping bureaus are able to offer a variety

of services that I don't think the Board or the staff wanted to incorporate into our program," Thompson explained. "Archiving news clips and forming databases of stories are some of the services that can be made available but we just didn't see that as the way to proceed with our service."

Thompson said GeoTel provided the best offer, including employee security.

"We considered two proposals. Throughout any discussions, the one stipulation the board had was on employee retention," he said. "The board wanted to ensure employment for the present staff and GeoTel was willing to make that promise. We received one other proposal, but the company was not interested in having an office in Kentucky and wasn't interested in ensuring employment for the present staff."

GeoTel will be operating from the KPA Central Office for some three months and then will be moving to another location in Frankfort, perhaps within the same building complex.

The KPS clipping staff has recorded an exceptional level of ser-

vice over the years. With the exception of one statewide election cycle when the staff did 323,000 clips, they've been consistent in getting about 225,000 clips each year.

"When I came here in 1983, the staff wanted a holiday if it sent out 1,000 clips in a week. Now, they get close to 1,000 clips in a day and have done as many as 8,000 clips in a week. That speaks of the quality individuals we've had in the clipping service in the past few years," said Thompson.

"It's not the type of work that everyone would do. I've often told them it's the one job at KPS I won't do. And it's obvious some staff members in the past had a difficult time," he said. "We had one employee a few years ago that on her first day of work, went home for lunch. She never returned. We've had others stay for a week or two. They think it's leisurely reading but then they find it's memorizing 150 clients, their contracts, their 'want' and 'don't want' lists and trying to remember all that through reading 150 newspapers. It takes a special kind of employee to concentrate on reading newspapers eight hours a day."

Thompson said the hardest aspect of the sale was the loss of loyal employees.

"I think it goes without saying that we will miss the employees even though physically they will still be here in our office through the end of summer," he said. "Rachel McCarty has been here nearly 13 years and is the second in tenure of all the KPA/KPS staff. We've had a close-knit staff for several years and it's going to be different without them. But the sale presents a good opportunity for the staff as well as KPA/KPS."

The sale will allow KPA and KPS to focus attention on its other services.

"This gives KPA and KPS the ability to focus more attention on services that benefit our member newspapers directly," said Thompson.

"While the clipping service was a major benefit to KPS' financial picture, it was the one service that was not in place for the benefit of newspapers. I would imagine a majority of the newspapers did not even know this was part of our operations."

## Convention

Continued from page 1

initiatives involving the Bench, Bar and Press.

Thursday evening the Better Newspaper Contest Awards will be presented. The banquet will begin at 7 p.m. and immediately following the awards presentation and dinner, we'll leave the hotel and take a moonlight cruise on the Ohio River.

Friday morning, guests can take an early bus to King's Island for a day of entertainment while the rest of us stay at the Embassy Suites for more

informative sessions and roundtable programs.

The sessions get underway Friday at 9 a.m. with "Marketing and Promoting Professional Sports." Officials with the Cincinnati Reds and Bengals will talk about marketing and promoting the teams in Kentucky.

Also participating in the program will be Dr. Bill Crouch, president of Georgetown College. Georgetown College was recently named the site of the Cincinnati Bengals' summer training camp. Officials will discuss what this means not only to Georgetown College, but the rest of Kentucky as well as the Bengals look to expand their fan base far into

Kentucky.

From 10:30 a.m. to noon, three roundtable programs are scheduled: Advertising Legalities and Laws, Libel and Privacy Issues, and Co-op Advertising.

At noon, participants can catch a bus to King's Island to join their friends and family or head to Devou Park for the 1997 KPA golf outing.

Regardless of your choice, we'll meet back at the Embassy Suites at 6:30 p.m. and begin the walk across the Newport Bridge to Cinergy Field for the Reds game. We'll get a head start with our own picnic in the left-center field stands prior to the ball game.

The convention officially

ends after the ball game, but for those interested in learning more about desktop publishing, a four-hour seminar will be held Saturday morning. The session will feature Mike O'Donnell, a desktop publishing consultant who formerly worked with the Chicago Tribune.

There is a separate charge for this seminar and newspapers participating are asked to send their templates on disk along with four separate issues of their newspaper.

So what are you waiting for? The deadline to register is June 18 so don't risk missing out on the convention that offers something for everyone!

## Better 'Benefit Headlines' draw more attention to ads

By JOHN FOUST  
Raleigh, N.C.

The headline is the most important part of a print ad. Research has shown that most people who read a headline will never read the body copy. As a result, the headline must telegraph a message to readers.

There are three types of effective ad headlines: those which promise a benefit ... give news ... or arouse curiosity. It's no secret that the most powerful of these is the benefit headline. Think about it. Almost everything we do is because of some real or perceived benefit. Self-interest determines which products we buy and which stores we shop.

Benefit ads command attention. Ads that are filled with generalities and unsubstantiated claims do not. It's as simple as that. If you know how to write ads that appeal to your readers' self-interest, you'll create ads that sell.

There is a simple tool which can help you write better benefit headlines — the two little words "how to." Let's take a close look:

1. "How to" creates a direct path to a benefit. Whatever you put after the words "how to" will automatically promise a benefit. Take book titles, for example. Library shelves are loaded with "how to" titles which contain benefits. Perhaps the most famous of these is Dale Carnegie's book "How to Win Friends and Influence People."

2. Be specific. Let's say you are

### Ad-Libs®

By John Foust



writing an ad for a gadget that reduces water consumption and saves money for consumers. From the outset, it is important to reveal exactly how much it saves. Stay away from vague declarations about how the Super Widget "saves a lot on your water bill." Your headline will work better with a specific figure, such as "How to reduce your water bill by 40 percent."

3. Avoid claims and exaggerations. Some advertisers talk in superlatives. They use words like "fantastic" and "incredible" to describe the products they sell. But consumers don't believe this kind of puffery. It's up to us to bring their language down to earth.

If a product offers a documented benefit, all an advertiser needs to do is tell the truth. Truth is always more compelling than exaggeration.

4. Support the benefit in the body copy. After you dangle a benefit in front of your audience, make sure you back it up with product details, testimonial quotes from satisfied customers...or some other kind of supporting information. Evidence lends credibility to what you say.

See HEADLINES, page 12

## Video workshop can help your staff create better ads



At last...a program that is tailor-made for newspapers! *Basics of Layout and Copy* is getting rave reviews from publishers and ad managers coast-to-coast.

It's a workshop, not a lecture. Your staff will be involved from the start—working on layouts, getting ad ideas and writing more effective headlines.

Find out how to train your staff the quick and easy way. Write today for free brochure.

John Foust Advertising Seminars  
PO Box 10861, Raleigh, NC 27605, ☎ (919) 834-2056

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## Ad reps: Don't forget to use your pitch books

Where do I turn? Where can I go? Who should I ask? What is available, both easily accessible and inexpensive?

Many of us have asked ourselves these questions during our selling and sales management careers.

In my case it was during my tenure at a small northern Illinois daily newspaper just after college. For you it might be the newspaper you currently service. No matter what the circulation size or frequency of your newspaper, having an out-of-date, inadequate, or non-existent pitch book can be both frustrating and discouraging to your sales efforts.

What do I mean by a pitch book? It is all the necessary information you need to help a potential advertiser visualize why they should advertise in your newspaper. A pitch book is not a rate card. It is more than that! A pitch book ideally is a ringbinder that contains information on your market, your

newspaper, your competition, plus additional data you need to tell and sell your newspaper's story.

Developing a pitch book, even the most fundamental one, does not have to be a formidable, time-consuming, or expensive task. It is possible even if you are at a newspaper that has limited research resources, both human and financial.

But what are we going to investigate? Available, and in some cases free resources to develop more facts, data, and information about your market, your newspaper, and your competition in order to create, build, and refine your pitch book:

•For Market Information — The first, and possible the best, resource may be your own newspaper. Don't overlook departments or personnel. Begin a reference file featuring photocopies of news stories about your market (growth, changes, population, schools, new retailers/employers, demographics).

See PITCH, page 12

## The Job Shop



### Assistant Editor

The News-Enterprise, Elizabethtown, a 17,500-circulation morning daily, seeks an assistant editor. (The position is open after assistant editor Darrell Bird was named managing editor of The Cats Pause, an independent publication covering University of Kentucky sports.) The assistant editor must coach and train Reporting Team members to their fullest potential by developing expectations to achieve the editorial department's goals. The assistant editor also plans local news coverage and special sections, edits copy, serves on the Newsroom Leadership Team and oversees the editorial department in the editor's absence. Qualifications include a minimum of 5 years of journalism experience preferably with a daily newspaper, experience in positions that provided opportunities to demonstrate leadership, strong communications skills and strong organizational skills. Must live in local market. Apply by sending resume and appropriate work samples to: David Greer, Editor, The News-Enterprise, 408 W. Dixie Ave., Elizabethtown, KY 42701

### Advertising Sales Manager

The Messenger, a leading daily newspaper in the heart of the Pennyridge region of Western Kentucky is seeking an aggressive, success-oriented individual to join our management staff. Key qualities are a strong background in both advertising sales and marketing, and the ability to develop, train and lead our growing sales staff. We offer a strong compensation and benefits package with an opportunity to join one of the fastest growing media companies in the Southeast. For consideration, please forward your resume to: Bob Morris, Publisher, The Messenger, P.O. Box 529, Madisonville, KY 42431. FAX 502-821-6855

Take advantage of KPA's "The Job Shop." List your newspaper's job opening for just \$10. Or, if you are a newspaper professional seeking new opportunities, send us that information!

# Report has 'good news, bad news' for newspapers

The good news for newspapers is that more advertising dollars continue to be spent on newspapers than on broadcast television.

The not-so-good news, however, is that the percentage of the U.S. adults (18 years and older) who read newspapers on a daily basis has declined to 58.8% in 1996, from 64.2% in 1995, according to the latest Facts About Newspapers booklet from the Newspaper Association of America.

Sunday newspaper readership also declined, to 68.5% of the adult population in 1996, from 72.6% in 1995.

The report is a compendium of information gleaned from an assortment of sources, including Scarborough Research and the Editor & Publisher International Year Book.

While newspaper readership declined, advertising expenditures in newspapers reached an all-time high last year. According to the NAA report, \$38.1 billion was spent on newspaper advertising in 1996, up from \$36 billion in 1995.

Classified spending rose to \$15.1 billion in 1996, from \$13.7 billion in 1995. Retail advertising expenditures were up to \$18.3 billion, from \$18 billion, and national ad spending increased to \$4.6 billion, from \$4.2 billion in 1995.

Total morning circulation was up, while evening and Sunday circulation declined. According to preliminary data from the Editor & Publisher International Year Book, morning circulation rose to 44.7 million, from 44.3 million, while evening circulation declined to 12.2 million, from 13.8 million, and Sunday dipped to 60.7 million, from 61.5 million.

The total number of U.S. daily newspapers declined by 13 in 1996, compared with 1995, tapering from 1533 to 1520.

The number of morning newspapers grew to 686, from 656, while the roster of evening papers declined from 891 to 846. The number of Sunday newspapers increased by two.

The report also showed that newspaper readership increases with the level of education, household income, job responsibility and home value.

The general news section of a newspaper is the most well read, the report showed, with 95% of adults stating that they read it.

Other sections and the percentage of adults reading them each day are: entertainment, 79%; sports, 78%; editorial pages, 76%; business/finance, 75%; TV/radio listings, 74%; food, 73%; classified ads, 73%; comics, 72%;

home section, 71%.

When it comes to online services, the report finds:

- More than 500 North American daily newspapers have launched online services as of March 1, 1997, including Web sites and partnerships with consumer online companies.

- Of the top 100 newspapers by circulation, 95 offer online products.

- More than 60% of the daily newspapers on the Web have circulations under 30,000.

- More than 100 newspapers provide Internet access in their communities.

- Based on preliminary results of a survey of online newspapers, 36% say they turned a profit in 1996 or will be profitable in 1997. Another 24% say they will be profitable within four years.

Citing preliminary figures from the U.S. Bureau of Labor Statistics, the report says the number of newspapers employed 491,000 people in 1995, 478,000 in 1996. The number of men employed by newspapers fell by 10,000 to 244,000, and the number of women declined by 3,000 to 234,000.

(Reprinted from the May 3 issue of Editor & Publisher)

## Paper cashes in on civic pride

The El Dorado (Ark.) News-Times (morning, circulation 10,635) got a \$12,000 jackpot when it asked the questions, "Why El Dorado and Union County?"

It was an exercise in unabashed boosterism. The 28-page magazine explores "all the good things about us," says Karen Williams, advertising director.

According to Williams, the magazine is a guide to the community for those who live there and those who might want to move to the area. The stories include why some prominent local citizens live in the area, what the libraries and schools offer, and the local Chamber of Commerce's efforts at industrial recruiting.

The magazine also includes information on historical sites, arts and civic organizations, law enforcement, festivals, and churches. Industries are using it for recruiting purposes, and the Chamber of Commerce is sending it out to people who ask for information on the community.

The tab-size magazine has a slick, four-color cover. The maga-

zine received strong advertising support from the hospital, the city of El Dorado, the Chamber of Commerce, banks, Main Street of El Dorado, car dealers, department stores, schools, realtors, furniture stores, industries, and the mall. "It was really well supported," says Williams.

The magazine came out in October as a Sunday insert, but there was no date, so it has a long shelf life. Overrun copies were distributed free to advertisers who requested them.

It was so successful that his year they are going to expand their reach. There are two other towns, Camden and Magnolia, that with El Dorado form what is known locally as the "The Golden Triangle." Editorial and advertising will include those communities, and the News-Times will pay to distribute it through the local papers.

(Reprinted from the May issue of Big Ideas)



## USPS

Continued from page 5

statute. *Singleton v. Commonwealth*, 164 Ky. 243, 175 S.W. 379 (1915).

Over the years, many courts have adhered to this rule, reinforcing the concept that the purpose of statutory construction is to give effect to the legislative intent. See, e.g., *Martin v. Louisville Motors*, 276 Ky. 696, 125 S.W.2d 241, 245 (1939) (stating that in matters of statutory construction, it is the legislative will that is controlling, not the specific words.) As the Sixth Circuit Court of Appeals stated in *Egyptian Supply Co. v. Boyd*:

*In carrying out legislative purpose which is the prime and sole object of all rules of statutory construction, the courts are not always confined to the literal meaning of a statute and to this end will disregard the literal import of words used, when the reason of the law is indicated by its general terms and when adherence to its strict verbiage or punctuation will defeat its purpose.*

117 F.2d 608, 611-612 (6th Cir. 1941).

A few years later, the Supreme Court espoused this philosophy in *Perry v. Commerce Loan Company*, 383 U.S. 392, 400, 86 S.Ct. 852, 857, 15 L.Ed.2d 827, rehearing denied, 384 U.S. 934, 86 S.Ct. 1441, 16 L.Ed.2d 525 (1966).

Reviewing the Bankruptcy Act, the court noted that the most persuasive evidence of the purpose of a statute can be found in the words employed by the legislature. In such cases where those words are sufficient in and of themselves to determine the purpose, the plain meaning of the words should be followed.

However, when the plain meaning leads to absurd or futile results, the court may look beyond the words to ascertain or carry out the purpose. See also, *Colautti v. Franklin*, 439 U.S. 379, 392, 99 S.Ct. 675, 684, 58 L.Ed.2d 596 (1979) (stating that it is "an elementary canon of construction that a statute should be interpreted so as not to render one part inoperative."); *U.S. v. Branham*, 97 F.3d 835, 846 (6th Cir. 1996); and *Overnite Transportation Co. v. Gaddis*, Ky.App., 793 S.W.2d 129, 131 (1990) (noting that a departure from the literal meaning of a statute may be warranted when adherence leads to "an unreasonable or nonsensical result").

Applying the foregoing principles of statutory construction to the question before us, we find that KRS 424.120's requirement of a "Second Class" mailing permit should now be read as a requirement for a "Periodicals" mailing permit.

We base our decision upon the observation that the changes to the U.S. Postal Services's Domestic Mail Classification Schedule, i.e., redesignating "Second Class" mail as "Periodicals," is a ministerial change. The eligibility requirements for the new "Periodicals" class of mail do not differ from the former category referred to as "Second Class" mail. To find otherwise would thwart the legislative will and lead to a nonsensical result.

We caution, however, that our interpretation applies only to the language found in KRS 424.120. The interpretation of the phrase "Second Class" mail as it may appear elsewhere in the Kentucky Revised Statutes has not been presented for our consideration and as such is a question left for another day.

## Readers

Continued from page 6

ber? Will they get voice mail? How do they get to an operator or any other "real" person?

- Remember to include in your list all of the ways readers can reach you: phone, 800-number, fax and e-mail.

- At the risk of stating the obvious: include your hours of operation. Nothing is more frus-

trating to a reader than calling you — only to find out you're not open yet.

Readers and advertisers are our bosses. Either we make it easier for them to reach us — or we make it easier for them to reach someone else.

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## Deaths

Continued from page 2

South Bend, Ind. After retirement, he worked part-time at the Mount Vernon paper.

Survivors include his brother, Grover C. Sowder, Jr., Camarillo, Calif.; a sister, Ruth King, Lake Havasu, Calif.; a nephew and three nieces.

Memorial services were held at Cox Funeral Home in Mount Vernon.

### Bill Billiter

Bill Billiter, 62, former political writer for The Courier-Journal and editorial writer and city editor of the Louisville Times, died in April of an apparent heart attack.

Billiter left Louisville in 1978 and had spent the last 19 years at the Los Angeles Times as a reporter in LA and as city editor of the Orange County edition.

A native of Winchester, Billiter began his newspaper career covering sports for the Winchester Sun. After graduating from the University of Kentucky and spending four years in the Air Force, he worked for a couple of other newspapers before landing the job in Louisville.

Survivors include his wife, Maureen; two daughters, Mary Billiter Thomas and Suzanne Billiter Faulkner; two sons, Stephen and Patrick Billiter, and six grandchildren.

Memorial services were held in Lakewood, Calif.

### James Bolus

James M. Bolus Sr., Louisville, died May 14 at the age of 54.

Bolus, considered the definitive authority on the Kentucky Derby, was a sports reporter for 23 years at The Courier-Journal and Louisville-Times Co. He received national acclaim for his writing while covering a wide variety of sports but his overriding passion was horse racing, especially the Derby.

He left newspaper work in 1986 to pursue free-lance writing, which also focused on the racing industry. Of the eight books he wrote, seven centered on the Derby including the 1974 classic, "Run for the Roses: 100 years at the Kentucky Derby."

Before the 1995 Derby, Bolus was appointed the Kentucky Derby Museum's curator, making official a job he had done for years.

As word spread of Bolus' death, several race tracks marked his passing. Flags were lowered at half-staff at Churchill Downs.

In addition to his wife, the former Suzanne Hitt, he is survived by his son, Jim "Bo" Jr., grandson Eli, and daughter Jennifer Bolus, his bother Minnie Karen Bolus, two brothers, George and Rick Bolus, and a sister Shirlee Bolus.

Memorial services were held at Churchill Downs. Memorial contributions may go to Kosair Children's Hospital, the Thoroughbred Retirement Foundation or the Disabled Jockeys Fund.

## People

Continued from page 2

and became an editor in March of this year.

Other new Recorder staff members include Circulation Manager Charlie Powell and staff writers Joe Christofield and Juli Whitis.

Powell joins the Recorder team after 13 years in retail sales and a stint as circulation manager for Scripps Howard.

Christofield is a journalism graduate from Morehead State University and a former writer for the campus newspaper, The Trailblazer.

Whitis, Elsmere, is a graduate of Northern Kentucky University.

### Carrollton paper up for 'Business of the Year'

The Carrollton News-Democrat has been nominated for the 1997 Business of the Year Award. The newspaper was nominated by the local chamber of Commerce.

In making the nomination, the chamber said, "It (the News-Democrat) provided flood coverage and was an important link in getting information to the public regarding assistance and various other important information."

### Collins to run circulation department at Richmond

Rod Collins was recently named circulation manager at the Richmond Register.

Collins comes to Richmond from the Portsmouth Daily Times in Ohio where he directed a staff in the circulation of the 18,000 daily. Before his newspaper career, Collins was the president and CEO of Banner Steel in Ohio.

### Vaughn joins staff at Madisonville Messenger

Robin Vaughn has joined the

staff of the Madisonville Messenger as a staff writer.

Vaughn comes to the Madisonville paper from the Providence Journal-Enterprise where she worked as a staff writer and news editor. She has a degree in English and secondary education from Oakland City College in Indiana. She taught five years at Marian Heights Academy in Ferdinand, Ind., and she taught English in Mexico and Korea.

### Campbellsville paper launches Internet site

The Central Kentucky News-Journal has a website on the Internet with news, sports, columns and other items usually found in the newspaper.

CKNJ Online can be found at www.cknj.com and in addition to news from Campbell and Taylor county, the website features a special kids site, travel information and the latest weather.

### Reese joins news staff at Citizen Voice & Times

Jody Reese, a Canadian-American and graduate of McGill University, is the newest staff member at the Citizen Voice & Times in Estill County.

Reese, 23, was born in Nova Scotia to Canadian-American parents. His father, a native of Casey County, is a Vietnam Veteran who lives in Louisville. Reese comes to Irvine from Leslie County where he was news editor and staff writer for the Leslie County News and the Thousandsticks newspapers.

### Schurz re-elected to AP, NAA boards

Mary Schurz, publisher of the Danville Advocate Messenger, was re-elected to the boards of two national news associations.

Schurz was elected to her third three-year term on the Associated Press board of directors and to her

second two-year term as a director of the Newspaper Association of America. She also serves on the board of the Southern Newspaper Publishers Association.

### Longtime pressman at Winchester retires

Bill Bell recently retired from the Winchester Sun after 45 years of service. A native of Winchester, Bell started working for the newspaper at the age of 20.

His career with the newspaper spanned three generations of newspaper technology. Bell took college course to keep up with those changes.

When Bell first started, hot type, metal type was still being used. Then in the early 1960s, the Sun joined the offset generation, when photographic images replaced metal type and speeded up the process. Offset then led to the next generation, that of desk-top publishing and image setters.

Publisher Betty Berryman called Bell one of the paper's most dependable employees. "You knew Bill would be on the job ... He felt loyalty to his job and a responsibility for his part in publishing a daily newspaper," said Berryman.

### Williams accepts job at Pennsylvania daily

Lance Williams, a former KPA intern and sports reporter for The Licking Valley Courier, has taken a job with the Centre Daily Times, a 30,000 circulation paper in State College, Penn.

A native of West Liberty, Williams worked for the Licking Valley Courier while he was still in high school. He had an internship at the St. Louis Post-Dispatch and was editor of the Kentucky Kernel, the University of Kentucky student newspaper.

## Details

Continued from page 4

business who was the subject of rumors and allegations of wrongdoing.

At the time of the news article, the allegations were not "official", that is, no lawsuit had been filed and no government agency had brought charges. All of those facts were contained in the story, but the headline declared "CEO Charged With Harassment of Female Employees." As it turns out, not only had the CEO not been charged on the date of that publication, he never was.

A similar problem can occur when you have taken great care to avoid drawing a conclusion of illegality in your news article, but your headline flat out says "X Corporation Violated the Law."

This can come up, for example, when you are reporting a story in which accusations are flying about

a particular course of action taken by a public agency or a business.

A lot of the citizens you have interviewed believe that the action was illegal, but you know it would be defamatory to report that unless it is true.

Since there is no official charge or lawsuit making that allegation, and certainly no finding by a court or a government agency that the action was illegal, you take great pains to set out the facts in your story and to quote your citizens as questioning whether the action was right. You never draw the conclusion, explicitly or implicitly, that illegal activity has taken place. Unfortunately, a headline that boils the story down to just that conclusion (like X Corporation Violated the Law) can erase whatever good your cautious approach to the story might have gained you.

If you have questions about headlines, cutlines or photos, don't hesitate to call your hotline attorneys. And please note our new telephone number effective June 2, 1997: 502/540-2300 — Jon Fleischaker, Kim Greene.

## Owensboro paper launches new edition

The Messenger-Inquirer began publishing the Southern Indiana Edition on Sunday, June 1. The new edition is published 7 days a week and is designed to serve readers and advertisers in Perry and Spencer counties.

It will include top stories from Perry and Spencer counties, news from the capital and elsewhere around the state and intensive coverage of local sports.

In addition, readers will receive the full package of national, international, business as well as regular features of the Owensboro Messenger-Inquirer such as Good Times, Health, Religion & Values, Parade Magazine, TVWeek and

Perspective.

The Southern Indiana Bureau opened June 2nd at 419 Main Street in Tell City. Mark Stalcup, previously of the Evansville Press, and Scott Hagerman, previously a part-time sports clerk and reporter for the Messenger-Inquirer, have been assigned to the bureau and will be working from the office to cover local news and sports.

Ed Riney, President/General Manager of the Messenger-Inquirer says "we're looking forward to providing thorough news and sport coverage for the folks in Perry and Spencer counties. They deserve attention from a daily newspaper, and we think extending the Messenger-Inquirer into

those counties will help us better serve both readers and advertisers on both sides of the Ohio River."

The Southern Indiana Edition is available for home delivery as well as from over 30 rack and dealer locations in Spencer and Perry counties, 7 days a week. Readers may subscribe by calling 800-633-2008.

The Owensboro Messenger-Inquirer and the Southern Indiana Edition Messenger-Inquirer are published daily at 1401 Frederica Street, Owensboro, KY 42301, serving Daviess, Muhlenberg, Ohio, Hancock, McLean counties in Kentucky and Spencer and Perry counties in Indiana.

## Pitch

Continued from page 9

Don't forget to tag each story with the newspaper's name and date of story. In addition, keep an eye out for feature stories about your market in other area newspapers, regional business journals, and even your competition.

•Realtors; Banks; Savings & Loans; Credit Unions — All of these businesses tract their customer base and how it relates to your market and their business. Ask them if they will share the information with you, volunteer to share your information, and give appropriate credit for the information. New housing starts, average

home price, growth in retail sales, available/spendable income are all important to your potential advertisers.

•Local College/University/Branch Campus, Libraries, and Government Sources — These are great sources for economic (census statistics, population, age/income/educational information) and historical (your local town origin, county origin, reasons behind largest town social/economic event) data.

•For Newspaper Information — As with your search for market information, your first resources may be your newspaper. Talk to everyone within your newspaper, probe and search out any and all information regarding your newspaper's history, goals and mission, readership, and

circulation.

•For Competitive Information — Just ask. To learn about your competition and what they are doing in your market, ask advertisers if they would share their competitive strategy and information with you. Call your competition, ask some questions, and request a rate card or media kit. You do not have to readily identify yourself. To learn about a particular media (television, radio, direct mail), call an out-of-market competitor.

Keep looking for new resources. Keep updating your pitch book. It's your pitchbook. Make it work for you. It will help you become the resource your advertisers turn to first when they need information.

(Reprinted from the May issue of Ideas Magazine)

## Creativity

Continued from page 3

the reporters that? Because for years we've been telling them to take risks, and they won't listen."

At a seminar the next day, I gave reporters ideas for creative story-telling.

"Are you telling the editors this?" a reporter said. "They will not accept creative stories."

What a good atmosphere for learning. I got a lot of teaching done that day. Every time I recommended something, I got the "been-there-done-that" response.

Editors say writers won't try anything new; writers say editors won't accept anything new.

And teachers end up being referees.

What a waste of teaching time.

Wake up, folks. All of you -- editors, reporters, publishers -- take a look at your newspaper. Are there creatively written, interesting, against-the-grain stories? Do you read your paper and say, "Geez, those stories taught me things I didn't know?" Do stories surprise you, anger you, make you smile, make you recommend them to your spouse

or a friend?

If you answered no, no, no, stop blaming everybody else.

If your newspaper has problems, it's your fault. Convene a meeting, editors and writers, and stay in the room until you answer this simple question: Who is holding back the creativity?

If guarantee you, the truth is: both editors and reporters.

John B. Reporter turns in a risky story. Sally B. Editor changes it to something conservative.

John, hurt by the rejection, never again tries anything risky. It's safer and more comfortable to stop being creative, to turn in dull, conservative stories he knows the editor won't change. Plus, it's fun to gripe about the editor's lack of imagination.

Sally, a creature of the modern newsroom, is a manager more than an editor and therefore too busy to guide her reporters. She can't find three minutes to tell John she appreciated his enterprise, to explain why she made the changes.

So the writing coach came to town, eager to teach. He finds editors who vent on writers, writers who vent on editors. As the coach explains techniques for making stories better, reporters and editors are

either saying or thinking, "That'll never work at my paper."

The teacher, who knows about stories and sentences and reporting techniques, is supposed to heal the communications wound, to make peace between the newsrooms Palestinians and Israelis.

Tell you what: You heal your own wounds. When you're ready for some teaching, you can find me at the cocktail party.

**THE FINAL WORD:** Our sources, especially police officers, will choose a vague word so they may later deny they said anything specific. A popular evasion verb is "to involve," as in "Police say George Miller was involved in the shooting."

"Involved" might mean Miller pulled the trigger, or it might mean he manufactured the gun in a far-away plant. You're asking the reader to interpret a word that has a world of possible meanings.

When your source uses "involved," or when you find yourself typing it, do something to pin down the meaning.

(Writing coach Jim Stasiowski welcomes your comments or questions. Call him at 410-247-4600 or write to 5812 Heron Drive, Baltimore, Md. 21227.)

## UK j-school re-accredited

The school of Journalism and Telecommunications at the University of Kentucky was unanimously re-accredited by the Accrediting Council on Education in Journalism and Telecommunications earlier this month.

A site team visited the school in February.

"We received high marks for innovation, one of the hallmarks I had hoped to bring to the school," said Buck Ryan, the school's director for the past three years.

The school also earned praise for its closer ties to professional news, advertising and public relations agencies; assembling a strong committed faculty; resurrecting its relationship with high school journalism programs, and for a much-improved budget, which has risen 19 percent in three years.

## Headlines

Continued from page 9

5. After you write the headline, you can drop the words "how to" and still communicate the same message. Take another look at the headline "How to reduce your water bill by 40 percent." Now drop the first two words, so it reads "Reduce your water bill by 40 percent." They say the same thing, don't they? As you this formula, you'll find that some "how to" headlines pack more punch without actually using the words "how to."

Headline writing is an important advertising skill. If you want to be good at it, you have to tweak the words until you have them just right.

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

## Hotline

Continued from page 1

KPA FOI Hotline service is the telephone number. The new number is (502) 540-2300 and the new fax number is (502) 585-2207.

"Jon and I really love working with the KPA members through the FOI Hotline and we're thrilled that that relationship is going to continue," said Greene.