

The Kentucky Press

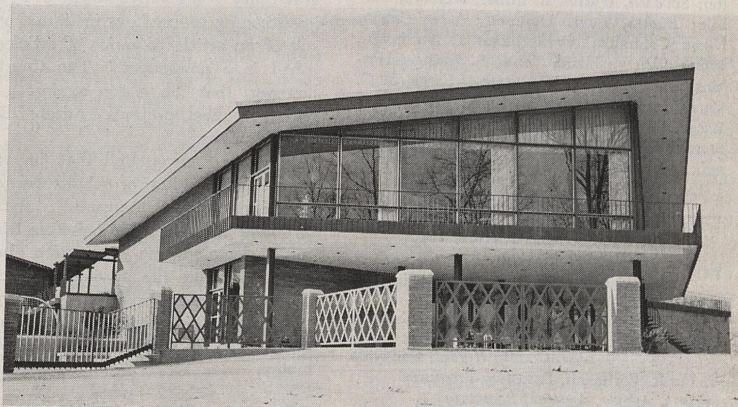
Published in the Interest of Community Journalism . . . Of, By, and For Kentucky Newspapers

The Kentucky Press Association recognizes the fundamental importance of the implied trust imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social and cultural community development and progress.

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University of Kentucky
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Kentucky Dam Village, site of West Kentucky Seminar and WKPA Meeting, April 17-18.

The Kentucky Press

+ As We See It +

Volume 30, Number 6

Official Publication
Kentucky Press Association, Inc.
Kentucky Press Service, Inc.

Victor R. Portmann, Editor
Perry J. Ashley, Associate Editor

Member
Newspaper Managers Association
Kentucky Chamber of Commerce
Better Business Bureau, Lexington
Sustaining Member
National Editorial Association
Associate Member
National Newspaper Promotion Association
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School of Journalism
University of Kentucky

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Libel Suit Defenses Must Reveal Sources

Superior Court of New Jersey ruled recently that a newspaper must reveal its sources of information if as defenses to libel it pleads fair comment, good faith, truth and lack of malice.

Suit was filed against Point Pleasant Publishing Co., publisher of a weekly newspaper, the Point Pleasant (N.J.) Leader by William H. Beecroft, chief of police, Point Pleasant. The police chief is seeking damages as a result of an alleged defamatory editorial published in the Leader July 24, 1963.

Court ruling came on a motion by the newspaper to strike several questions by the plaintiff during pre-trial examination about the sources upon which the editorial was based. The newspaper contended that the information was confidential and claimed the privilege of non-disclosure granted by New Jersey statute.

Superior Court cited as "controlling in the present case," a previous Supreme Court decision (Brogan v. Passaic News) which held that when a newspaper raises defenses of fair comment and good faith, and testifies that its information came from a "reliable source," the newspaper in effect waives its privilege and may be cross-examined concerning the "reliable source."

The Court noted that "in the vast majority of reported cases involving the newspaperman's privilege, it was invoked before grand jury or legislative bodies or at similar investigating proceedings instituted as a result of an article or series of articles published in a newspaper." The Court said, however, that "an action against a newspaper for libel presents entirely different considerations."

The Court also stated that "in view of the sweeping nature of our discovery rules, which are designed to insure . . . the ability to obtain all relevant facts before trial, this court perceives no distinction between [Brogan] where the privilege was claimed on cross-examination at trial and the case at bar where the privilege has been asserted before trial in support of the defendants' motion."

* * *

Senator Finds Danger In Taxing Advertising

The Wisconsin legislature came within a hair of extending the state sales tax to newspaper advertising. The likelihood that this will come up again, and not only in Wisconsin, adds interest to the comments of

State Senator Large after the proposal was defeated:

"It has been stated on this floor that those of us who have voted to exempt newspapers from the 3% sales tax had yielded to newspaper pressure out of fear. I want to make it clear to the members of the Senate that my vote to eliminate the newspapers from the sales tax was for the purpose of safeguarding the individual rights and liberties guaranteed to the people of this country under the United States and State Constitutions.

"Regardless of what members of the body have stated relative to the legal right of the various legislatures to tax newspaper circulation, I strongly feel that a tax on the media of the freedom of speech or press is a tax which could destroy the basic liberties which are inherent to the people of this country.

"Many times, we in public life feel that we have been unjustly attacked by newspapers. The present law, known as the law of libel, gives every person, including public officials, the right to appeal to the courts for any libelous printing. To begin now to tax newspapers, which is in effect taxing free speech, we are also jeopardizing our own freedom of speech. I have had numerous tussles with newspapers. I have enjoyed the controversial exchanges which I personally have had with various newspapers in the State of Wisconsin, just as much, I assume, as they have enjoyed them. If I were to use the floor of the State Senate as a means of retaliation by placing a tax on newspapers, I would not be worthy to serve as a member of this body.

"The sales tax is, as you know, a consumer tax. We are attempting to place the consumer tax where it will least harm the people of Wisconsin. Bear in mind that at the end we and all other consumers are going to pay this tax.

"I am pleased that the Senate has voted to eliminate the tax on newspapers from this bill for the reason that the power to tax a newspaper is the power to destroy not only the freedom of the press but our own individual freedom of speech."

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FLY-BY-NIGHT PROMOTERS

Spring time is "warning" time for newspapers to call attention of their readers to fly-by-night promoters who want to furnish seed lawns, trim shrubbery, put out tobacco stocks, fertilize, fix roofs and down spouts—the list is long. Warn your readers to trade only with local, reputable firms, because the itinerant promoter is long gone and no recourse. We might warn our readers against "referral" purchases and home-study courses; check them carefully.

Supreme Court Sets New Precedent In Libel Cases

A constitutional landmark for freedom of the press and speech came in the decision of the U.S. Supreme Court on March 9 which threw out an Alabama libel judgment of \$500,000 against the New York Times and four Negro ministers. It struck a new balance between sometimes conflicting interests, the rights of Americans to speak and write and publish freely, and the protection of their reputations against defamatory comment.

The Constitution provides special protection for comment on the public performance of public officials, the Court held with all Justices in unanimous decision. In fact, the decision sets forth the principle that a public official cannot recover libel damages for criticism of his official performance unless he can prove that the statement was made with deliberate malice. The Court held that, even though a statement may be false and defamatory, an official may not recover libel damages unless he can prove with "convincing clarity" that it was motivated by deliberate malice.

The Court's opinion, written by Justice Brennan, was joined by Chief Justice Warren and Justices Clark, Harlan, Stewart, and White. In separate concurring opinions, Justices Black and Goldberg said that the Court should have gone further and established an absolute privilege for criticism of officials, even for malicious statements. Justice Douglas joined these opinions.

This far-reaching rule will meet new threats to freedom of press and speech. It should have a forceful impact on the country's press and politicians for it really requires all concerned to see the possibility of libel action in an entirely new light. Its full scope will be clear only after some time and perhaps after other cases seek litigation.

Until the present, limits on libel suits have been a matter of state law with different states following different rules. Many, but not all, provide qualified privilege for criticism of public officials along with other privileges. However, most printed texts on the law of the press devote chapters to analysis of the several state laws, but record hardly a word toward the Federal Constitution with the emphasis placed alone on the First Amendment.

Kentucky Constitution in the Bill of Rights provides in its preamble: That the great and essential principles of liberty and free government may be recognized and established, we declare that:

§ 1. Rights of life, liberty, worship, pur-

suit of safety and happiness, free speech, acquiring and protecting property, peaceable assembly, redress of grievances, bearing arms. All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

§ 8. Freedom of speech and of the press. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

§ 9. Truth may be given in evidence in prosecution for publishing matters proper for public information; jury to try law and facts in libel prosecutions. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Now there is a uniform national limitation under the free press and speech clauses of the First Amendment. Its most immediate effect is likely to come in the context in which the Times case arose—the context of the racial struggle in the South. However, the Court, in its decision, did not limit its discussion to the racial context. Many pending libel suits have been awaiting on

this Supreme Court decision may not even be brought to trial as, no doubt, the decision will have immediate impact thereon.

The New York Times now faces a total of \$5 million in libel suits in Alabama. The Columbia Broadcasting System is being sued there for \$1.5 million. The Times had argued that the purpose and effect of these suits was to discourage coverage of the racial situation. That view was supported in friend-of-the-court briefs filed by the Chicago Tribune, the Washington Post, and the American Civil Liberties Union.

The decision arose from an advertisement published in The New York Times on March 29, 1960, which sought to raise funds for civil rights causes. The advertisement attacked conditions in many parts of the South in strong terms, but no official was mentioned by name in the ad. Nevertheless, four present and former city officials of Montgomery and the governor at the time claimed they were defamed. The first suit tried was one brought by L. B. Sullivan, a Montgomery city commissioner with general charge of the police there. He said the public would connect the alleged illegal activity by the police described in the ad with him, and so he would be injured. Alabama courts found the advertisement "libelous per se" because it tended to injure Sullivan's reputation and said it was therefore presumptively malicious.

One defense left was absolute truth. The Times could not argue this defense because it conceded certain errors in the advertisement. Herbert Wechsler of New York, who argued the case for the Times, made two alternative contentions. He said the first amendment bars all libel suits for comment on official conduct—the view taken in the concurring opinions—or at least rules out so loose a test of libel as Alabama had applied. The Brennan opinion does leave it open to Mr. Sullivan to seek a new trial. But the Court made it plain that it would upset any jury verdict for him based on the kind of evidence produced in the first trial.

There is no doubt that the decision will have immediate effect upon the tremendous sum allowed by the courts for punitive damages. We visualize that hereafter courts will be loathe to assess such huge damages "on reputations" as we have seen the past year. Justice Brennan undoubtedly had this trend in mind when he wrote:

"[Criminal-law] safeguards are not available to the defendant in a civil action. The judgment awarded in this case . . . was one thousand times greater than the maximum

fine provided by the Alabama criminal statute . . . Whether or not a newspaper can survive a succession of such judgments, the pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which the First Amendment freedoms cannot survive."

In the past, as Justice Brennan noted, the Supreme Court has looked past such labels as "insurrection," "contempt," breach of the peace, "obscenity" and "solicitation of legal business" to find violations of the First Amendment. Now the New York Times says it has looked under the cover "libel" and found a device to repress free discussion of public issues. We do not believe that the decision will goad our newspapers to be more savage in their appraisals of public officials, or politicians, than they have been in the past, especially when we look back to the bitter invective in political editorials and cartoons of the last century.

The decision will encourage outspoken press comment on the vital issues to today by its elaboration of the First Amendment. In fact, the Court agreed with Herbert F. Wechsler, New York, who wrote in the brief for the Times:

"This is not a time—there never was a time—when it would serve the values enshrined in the Constitution to force the press to curtail its attention to the tensest issues that confront the country or to forego the dissemination of its publications in the areas where tension is extreme."

This agreement is evident in the Court's words: ". . . we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. . . ."

"Criticism of their official conduct does not lose its constitutional protection merely because it is effective criticism and hence diminishes their official reputations."

The Times avers that "lawyers who have studied Justice Brennan's opinion do not doubt that it provides very substantial protection for critical comment on official conduct. It is true, as Justice Hugo L. Black said in his concurring opinion, that a Southern jury might find "malice" and return a huge verdict whatever the facts. But Justice Brennan made clear that the Court will scrutinize any such verdict and put a heavy burden on the official to sustain it.

"Some may be concerned at the idea that an official may not recover damages for even false statements, if they were made in good faith. The reason for including the false within the privilege was given by Jus-

tice Brennan: "A rule compelling the critic of official conduct to guarantee the truth of all his factual assertions—and to do so on pain of libel judgment virtually unlimited in amount—leads to self-censorship."

"The public figure remains free, moreover, to sue for defamatory comment on his private life. The only member of the Court who reads the First Amendment so broadly as to bar libel suits even in the wholly private area is Justice Black. At least he has said so in the past. He did not reach the point this week."

Chief Justice Hughes gave this wise counsel (in an Oregon case): "Imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

Justice Goldberg, with Justice Douglas concurring, closed his decision with this emphatic statement: "If the government official would be immune from libel actions so that his ardor to serve the public will not be dampened and 'fearless, vigorous, and effective administration of policies of government' not be inhibited, then the citizen and the press should likewise be immune from libel actions for criticism of official conduct. Their ardor as citizens will thus not be dampened and they will be free 'to applaud or to criticize the way public employees do their jobs, from the least to the most important.'"

"If liability can attach to political criticism because it damages the reputation of a public official as a public official, then no critical citizen can safely utter anything but faint praise about government or its officials. The vigorous criticism by press and citizen of the conduct of the government of the day by the officials of the day will soon yield to silence if officials in control of government agencies, instead of answering criticisms, can resort to friendly juries to forestall criticism of their official conduct.

"The conclusion that the Constitution affords the citizen and the press an absolute privilege for criticism of official conduct does not leave the public official without defenses against unsubstantiated opinion or deliberate misstatement. Under our system of government, counter argument and education are the weapons available to expose these matters, not abridgment . . . of speech. . . ." The public official certainly has equal if not greater access than most private citizens of media of com-

munication. In any event, despite the possibility that some excesses and abuses may go unremedied, we must recognize that "the people of this nation have ordained in the light of history, that, in spite of the probability of excesses and abuses, (certain) liberties are, in the long view, essential to enlightened opinion and right conduct on the part of the citizens of a democracy."

"For these reasons (with others), we strongly believe that the Constitution accords citizen and press an unconditional freedom to criticize official conduct. It necessarily follows that in a case such as this, where all agree that the allegedly defamatory statements related to official conduct, the judgments for libel cannot constitutionally be sustained."

To sum up, even though a statement (against a public official) may be false and defamatory, an official may not recover libel damages unless he can prove WITH CONVINCING CLARITY that it was motivated by DELIBERATE MALICE.—V.R.P.

Postal Economy Program Not To Affect Second-Class

Postmaster General Gronouski stated March 10, while some postal service would be reduced starting July 1, the processing and delivery of first and second-class mail is not supposed to be affected by the cutbacks. Cutbacks in services, estimated to save \$12.7 million annually, will eliminate 3,100 post office jobs under President Johnson's economy program. The economies listed by the PMC, include:

1. A reduction of delivery service on parcel post routes from six to five days a week;
2. reduction of window services at post offices;
3. miscellaneous reductions such as cutbacks in maintenance services;
4. consolidation of regional accounting and data processing;
5. consolidation of 300 small postoffices with larger offices.

Postal Regulation

A Nebraska editor, turned postmaster, sent this memo to the state central office: "Newspaper editors may be interested in this excerpt from the Postal Manual (Sec. 152.24). 'Manuscript intended for publication when not accompanied by any matter in the nature of personal correspondence is not a letter. Mere news matter prepared by press correspondents for the columns of their publications are not letters. News matter to be used for the purpose of radio broadcasting is not a letter.' This means this material need not go as first class mail but could be sent as third class if desired."

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KPA Libel Statute Changes Old Retraction Requirements

KPA's sponsored libel bill, introduced in the Senate by Senators Shelby C. Kinkead, Wilson Palmer, and Tom Garrett, SB No. 119, passed the Senate by a vote of 26 to 5 with 7 senators present and not voting or absent, and the House by a vote of 72 to 2 with 26 representatives present and not voting or absent. Governor Breathitt signed the bill which will be in force in 90 days and repeals KRS 411.050.

The passage of this bill, which affects printed publications, changes the previous libel section KRS 411.050 in that the plaintiff must make a sufficient demand for correction in writing; must specify the statement, or statements, claimed to be false and defamatory; must state wherein they are false, and set forth the facts; and delivered to the defendant prior to the commencement of the action if the plaintiff expects to establish legal malice in the process of winning punitive damages. Actually damages are presumed to exist per se.

This new version specifies the method of correction which was not present in the old statute, and re-defines the meaning of "conspicuous publication" which, in KRS 411.050, definitely set position and specified the size of type of the correction.

It also re-defines the meaning of "timely publication" to three business days for a daily and "prior to the next regular" or next regular issue of a publication not published daily, and "not less than three business days." All procedures to start after the day on which a sufficient demand for correction is received by the defendant.

This statute gives the same protection to printed media as that accorded electronic media which was passed by the legislature in 1956 and recorded as Sections KRS 411.061 and 411.062.—V.R.P.

The new statute states:

AN ACT relating to actions for libel and slander against newspapers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) In any action for damages for the publication of a defamatory statement in a daily or other newspaper the defendant shall be liable for actual damages sustained by plaintiff. The defendant may plead the publication of a correction in mitigation of damages. Punitive damages may be recovered only if the plaintiff shall

allege and prove publication with legal malice and that the daily or other newspaper failed to make conspicuous and timely publication of a correction after receiving a sufficient demand for correction.

(2) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the facts; and which is delivered to the defendant prior to the commencement of the action.

(3) A "correction" is either (a) the publication of an acknowledgment that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or (b) the publication, in a fair and impartial manner as a matter of law, of the plaintiff's statement of the facts (as set forth in his demand for correction) or a fair summary thereof, exclusive of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (a) above and with other of such statements pursuant to (b) above.

(4) A "conspicuous publication" in a newspaper is a publication which is printed in substantially as conspicuous a manner as the statement or statements specified as false and defamatory in the demand for correction.

(5) A "timely publication" in a daily newspaper is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "timely publication" in a newspaper other than a daily newspaper is a publication in or prior to the next regular issue which is published not less than three business days after the day on which a sufficient demand for correction is received by defendant.

Section 2. KRS 411.050 is repealed.

Just tell them, "I saw it in the Kentucky Press."

Rural Road Carriers Ruled Non-Employees

Rural motor carriers are not employees, the U.S. Court of Appeals, Fourth Circuit, decided in January, reversing a ruling of the National Labor Relations Board. The case involved 232 carriers for the Baltimore Sun and News American, which a trial examiner for NLRB had held in violation because they refused to bargain with the union. The court held that the publishers lacked significant control over the carriers' performance to create an employment relationship.

In this connection, the court noted expressly that (1) the carrier alone determines the number of papers he receives and sustains the loss if he orders more than he can sell; (2) he risks loss for papers lost, damaged or destroyed after he receives them; (3) he decides whether to extend credit and bears the risk of noncollection; (4) whether to solicit in newly developed areas is up to him, and (5) he employs helpers at his own election and decides manner and amount of their compensation.

Furthermore, the court noted, carriers are "largely uninhibited by publisher control," being subject to very little supervision and having only limited contacts with the company. In addition, they fix their own hours of work and method of transportation, and their vehicles bear no identification with the publishers. The latter carry no workmen's compensation on carriers nor do they deduct for social security or income tax, and carriers are free to hold other jobs.

"The picture developed by these circumstances," the court declared, "is unmistakably that of independent contractors and not employees."

Make Your PR Show

Here are a few suggestions you might want to keep in mind to help build a favorable public "image": Emphasize courtesy in all contacts, personal or by telephone, by the publisher and by every member of the newspaper staff; take part in all worthwhile civic activities.

Carefully plan and schedule regular "house ads"; identify your plant with clean windows and an easily visible sign; make sure your integrity and that of your publication is above question at all times; turn out a good product.

Always have one or more current "causes" which your paper can champion; give generous editorial support to local activities; be the sponsoring organization for meeting some community need; and select good employees and pay them well.

Newspapers Urged To Send Teachers To Classroom Workshop

KPA's second "Newspaper in the Classroom" short course will be offered for public school teachers this summer by the School of Journalism. Following the format of last year's highly successful program, the session will stress problems of publishing, importance and handling of news, and guides for using print media as a supplement to regular textbook materials.

Offered the first two weeks of summer school, the course will give two hours of University credit. These credits may be applied to the teacher's graduate or undergraduate programs. The dates of the workshop are June 8 through June 19.

Fourteen teachers were underwritten by KPA members, the Newspaper Fund and associate members in the 1963 workshop. Fifteen other teachers joined the group, to bring the total enrollment to 29.

Costs for the 1964 session will approximate those of last year. Estimated costs are: Tuition, \$25.00; room (15 days at \$2.00), \$30.00; and meals (\$3.00 per day at cafeteria prices), \$45, total around \$100.00.

The plan which newspapers followed in underwriting teachers is to pay full costs, offer the teacher one-half (\$50.00), or to offer to pay tuition only. This might be regulated, partially, if the teacher would be enrolling in the regular summer term at the University.

A follow-up survey of the teachers enrolled in the 1963 session, indicates that all were finding more uses for newspapers in their teaching programs. Some of their comments are:

"... Essay writing was taught by using editorials and precise (concise) writing when long articles needed to be summarized."

"... The difference between fact and opinion was often illustrated by studying the editorial page and comparing the news handling and style of writing with the news pages."

"... My students particularly enjoyed the mechanical aspects of newspaper printing. Since the completion of the unit, my students have found the newspaper most helpful in writing reports and for research. In fact, several of my students visited the local plant for research purposes. They returned to class very pleased with the fact that a local reporter told them they sounded like professionals."

"... My classroom is 21 feet wide and

at one end is a bulletin board which extends the full width of the room. I divided it into sections for (1) science, (2) history, (3) sports, and (4) our community. I appointed a different group of pupils each day to do one of the four above sections. It created more interest in reading of newspapers than anything I have ever done."

"... I have used it in my journalism classes to point out various kinds of stories and news writing techniques. I also use it to demonstrate various kinds of makeup."

"... I have used it more in history than any other study. The children (elementary) brought in pictures and clippings on the Kennedy assassination. In nutrition, we have collected articles of interest on food which are made into posters."

"... Students (senior high) found newspaper examples to illustrate capitalization and punctuation rules. They made scrapbooks, posting newspaper clippings under quoted rules. Parents entered into this search, too, when the going 'got a little rough' for the students. This developed sensitivity to the mechanics of writing."

And so it went through many pages of comments and remarks.

The ten day program for the coming summer will tentatively include:

1. Techniques of using newspapers in the classroom, presented by a panel of teachers who have been using them successfully.
2. The functions, role and responsibility of the press.
3. Reporting and handling of news.
4. Field trip to study newspaper in operation.
5. Local affairs—problems of government, education, health, agriculture, welfare, etc.
6. National and international affairs and relationship to social studies.
7. Using the newspaper in the teaching of English and languages.
8. Newspaper economics and organization.
9. Graphic and pictorial presentations of the newspaper.
10. Reports by teachers in the group on individual projects.

In addition to these discussions, each teacher will be asked to outline a plan for using newspapers in her area of teaching, or a special area of interest. These reports will, then, be supplied to the entire group.

What can you gain by underwriting a teacher to this workshop? First, a closer working relationship with your local educa-

tional system. This teacher will have a better understanding of your problems and will apply this knowledge to her teaching program.

Second, you will be taking part in an industry-wide promotion. The newspaper in the classroom program is not designed to just promote metropolitan dailies or just community weeklies. When you have increased the understanding on one area of newspapering, you have helped the whole industry.

Third, it will give you a chance for local promotion. The School of Journalism will supply you with pictures. This can be used with a story about your participant.

Plans should be made now to select the teacher who will represent your paper this summer. If he or she is registered with the School of Journalism by the middle of May, that person will be assured of a spot in the class. When summer school officially opens at the University, any interested teachers will be accepted until a full enrollment is reached. About 50 teachers can be enrolled on a first come, first served basis.

NEA Libel Insurance Is Offered Newspapers

NEA decided to make libel insurance available to its members because of a growing need for such protection in the face of an apparent increase in the number of suits involving charges of libel, invasion of privacy, and copyright infringement being filed against newspapers all across the country. It is now being offered for the first time through NEA, and includes protection against: (1) Libel, slander of title, or other forms of defamation; (2) Infringement of copyright—statutory or common law; (3) Invasion of the right of privacy; and (4) Unauthorized use of titles, formats, ideas, characters, plots, or other material embodied in the insured publications.

The insurance is provided with the following three options: Basic Coverage—\$50,000, \$100,000, and \$200,000.

All three policies include the \$1,000 deductible feature and all three provide for attorney's DEFENSE fees, usually the costliest part of every libel suit. We suggest you give this some serious thought since so many people are now running around "suit happy".

Legal notices are precise and accurate accounts of events or proceedings which the law requires to be published. They serve to protect the public interest by informing the public of public business.

25 Newsmen Attend First Seminar

With a roundtable and discussion of publishing costs, the 1964 KPA seminars got under way with the first session at UK's School of Journalism. Twenty-five newspaper men from the Central Kentucky area were in attendance.

Secretary-manager Victor Portmann opened the program with a caution that all cost items should be charged to the department (such as newspaper, commercial printing, retail, etc.) according to where the money is spent. This is the only way, he said, that a publisher can know exactly where his business is efficient or inefficient.

Tommy Preston, publisher of the Cynthiana Democrat, gave five points for a more smoothly operating back shop: (1) keep time card records on all jobs as a guide for estimating future costs, (2) put money back into the business in the form of more efficient equipment, (3) hire extra help when overtime becomes excessive, (4) arrange back shop so that machinery, stock and materials are convenient, and (5) divide floor space between the needs for newspaper and job printing.

Commercial printing shortcuts, presented by B. J. Wathen, Bardstown Standard, included having two of three men who are capable of operating any machine in the plant, price some "extra jobs" low to keep the plant busy during slack times, decide what to print in your own plant and what to "farm out," have proper inks and stocks on hand before beginning a job, have "snack bar" in the plant for employees so they are not running out for refreshments, when set up to run specialized work do all that is in the plant, use estimating forms, and have a daily work schedule filled out for each machine and man before he arrives for work that day.

Warren Fisher, serving on the same panel, said offset had proven to be less costly, and therefore more profitable, in the production of his Carlisle Mercury. From 1961 to 1963, he said, expenses had increased 7%, income 28% and net profit 84%. He partly attributed this to offset, giving better reproduction to advertisers, and also paved the way for a general rate increase without complaint. His lineage went up during the same period.

Friday afternoon was relegated to the news coverage which newspapers are, or should, be giving to their communities. A panel, composed of Bill Hanna, Lexington Leader; Martin Jessee, Lexington Herald; Cattie Lou Miller, Kentucky Department of Public Information, and J. R. McCauley,

School of Journalism, suggested many areas of news, feature and pictorial reporting which might improve the coverage given by the newspaper. Outgrowths of the panel discussion were that more candid pictures will be used than before. Jessee suggested the 35mm camera will probably be the most practical camera for this type reporting.

Miss Miller, discussing features, said good features can serve many purposes for the writer and newspaper. They can help grind an ax more subtly, are good for increasing readership, can be used effectively to promote special projects, may help increase advertising revenue, and may be used more effectively, in many cases, than a straight news handling.

McCauley proposed that many of the more important news items in the community are being overlooked because they "seem like dull materials." Using the county budget as an example, he said only about 30 percent of the state's newspapers were actually commenting, in the news columns, on this county outlay. Other such stories, he said, should be reported in an interesting manner.

Douglas Cornette, Courier-Journal; S. C. Van Curon, Frankfort State Journal, and Niel Plummer, School of Journalism, reviewed the 1964 legislature and KPA program, during the Saturday morning program. Cornette and Van Curon, co-chairmen of KPA's legislative committee, said KPA had few friends in the legislature and that passage of the libel bill needed help (the bill has since passed and is now becoming law). In summarizing the efforts of KPA, the panel recommended four actions for the future: (1) hire and maintain a full time lobbyist in Frankfort during legislative sessions, (2) prepare a legislative program at least one year in advance so that all members of KPA could get behind the program; (3) talk to candidates for office about the program during their local campaigns, and (4) try to get some young association members interested in serving in the legislature.

Social events on the weekend calendar were a dinner and reception at the Imperial House.

Other seminars which are to come and the location are: April 17-18, Kentucky Dam State Park, Gilbertsville; April 24-25, Lake Cumberland State Park, Jamestown (in conjunction with the spring executive committee meeting); and May 8-9, Jenny Wiley State Park, Prestonsburg.

KPA members attending the Lexington

seminar were Frank Bell, Bedford Democrat; B. J. Wathen, Bardstown Standard; Tommy Preston, Cynthiana Democrat; Warren Fisher, Carlisle Mercury; Fred Burkhard, Liberty News; George Joplin, Somerset Commonwealth; Archie Frye, Georgetown Graphic; Leonard Kelsay, Kentucky Department of Public Information; Dave Schansberg, St. Matthews Voice; Joe Goodman, Elizabethtown Enterprise; Bill Hanna, Lexington Leader; Martin Jessee, Lexington Herald; Cattie Lou Miller, Kentucky Department of Public Information; Douglas Cornette and Donald Towles, Louisville Courier-Journal and Times; W.



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Barry Bingham Discusses Newspaper "Monopolies"

Barry Bingham, editor and publisher of the Louisville Courier-Journal and Times, recently spoke to the Oregon Press Conference on the on the heavy burden of responsibility and the unusual opportunities for accomplishment of the newspaper with no competition in a community. Mr. Bingham said that one-ownership newspaper towns have been increasing rapidly since the turn of the century. He pointed out that the word "monopoly" is not accurately applied to newspapers in towns where there are television and radio stations "pouring out news broadcasts into the air at frequent intervals every day."

The existence of these other news media, however, does not relieve press responsibility, he said. "The public may get its headline news first these days from a radio or TV broadcast," Mr. Bingham noted. "It is to the newspaper that people turn however, for confirmation of the facts, for supporting details, for discussions and explanation," he continued.

In most instances, Mr. Bingham said, only the monopoly newspaper can survive, because of financial problems. But, he maintained, "a really poor paper will not continue to flourish, even in the best-heated hothouse of monopoly. Advertisers will take their business increasingly to other media. Readers themselves will turn more and more to news broadcasts, to small suburban sheets, to shopping guides."

Among the advantages of single ownership, Mr. Bingham cited the relative immunity to advertisers' pressures. "These pressures, far more frequent in the old days than today, worked against the interest of newspaper readers. They were exerted almost always for negative purposes—to keep out of the paper things that were legitimate news items, and therefore the rightful property of the public." Mr. Bingham noted that circulation wars between competing dailies can consume huge sums of money. In a one-ownership city, he said, this money can be spent for more news, better features, and higher staff salaries. "The readers benefit directly by such expenditures," Mr. Bingham declared.

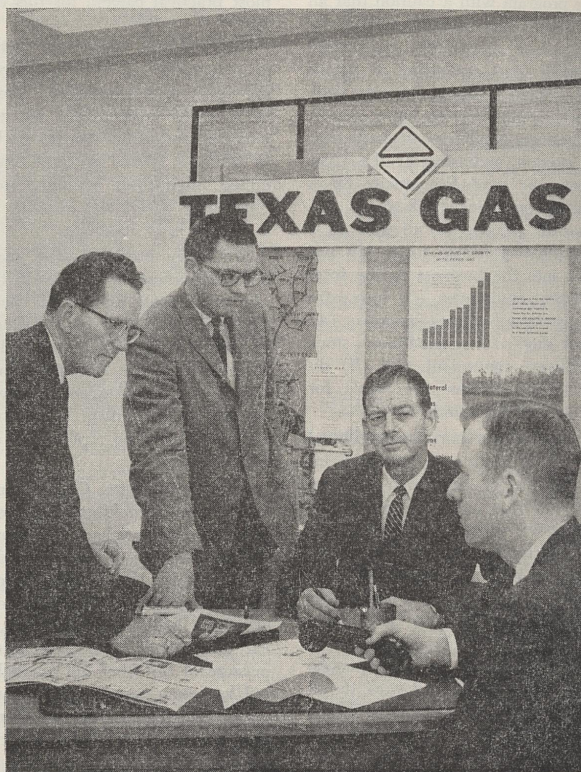
(Continued From Page Five)

Foster Adams, Berea Citizen; Maurice K. Henry, Middlesboro Daily News; S. C. VanCuron, Frankfort State Journal; Niel Plummer, Robert Thorp and J. A. McCauley, UK School of Journalism; Victor Portmann and Perry Ashley, Central Office, and Robert Featherston, Kentucky Consumer Finance Corp.

NNW Scheduled In October

National Newspaper Week is definitely scheduled for October 11-17 this year. John F. Blatt, Mount Dora, Florida, formerly promotion director of the Oklahoma City Oklahoman and Times, has agreed to be the project coordinator for the 1964 National Newspaper Week. Mr. Blatt will work with this year's co-chairman, Melvin Street, general manager of the New York

State Publishers Association, and Stewart Macdonald, manager of the ANPA Newspaper Information Service. Mr. Blatt will be in charge of coordinating the contents of this year's kit and of mailing the kits to newspapers. An earlier plan to hold this year's National Newspaper Week in March was abandoned after meeting much opposition.



This is your "staff" at Texas Gas

Their names: John Potter, Allen Travis, Alton Sears, and John Blewer.

■ **Their job:** to get you the facts about Texas Gas that your readers want to know. ■ **Their attitude:** "Let's give newspapermen all the help we can." ■ **Want to know about Texas gas employees living in your area and the work they do? Or about the 4,700-mile pipeline system which brings gas to your community and 270 others in an eight-state area? Or about our expansion programs, which will help draw new people and new money to the Big River Region?** ■ To get the answers about Texas Gas, just write or phone us at the number below. ■ Your "staff" is always ready to help you.

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SERVING THE BIG RIVER REGION

In Memoriam...

Jonathan W. Bingham, 21, was electrocuted accidentally on March 7, near his home in Louisville, while trying to install electrical wiring to an old barn. Friends, with him at the time, said he touched a high-voltage wire at the top of a utility pole and fell about 20 feet to the ground.

Young Bingham was the youngest son of Mr. and Mrs. Barry Bingham, editor and publisher of the Courier-Journal and Times, and president of WHAS, Inc.

Editor Justifies Printing Of Out-Of-Town Advertising

An Oklahoma editor outlined his reasons for accepting out-of-town advertising as follows:

One writer states that "in the past he has been 'protecting' his home town's merchantmen, and that he would hate to see a tractor bought locally from an out-of-town dealer just to get a \$5.00 ad."

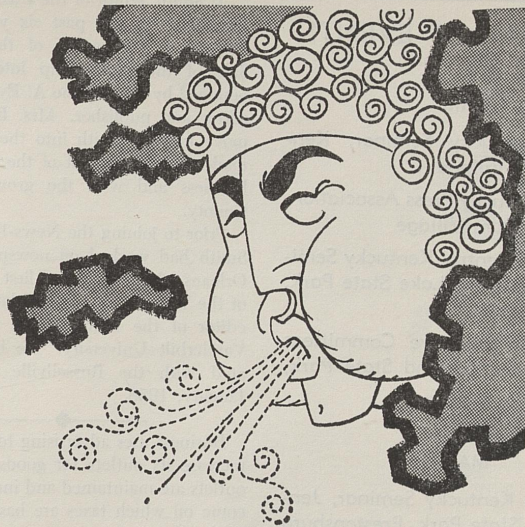
There was a day "away back when" the newspaperman could do a fairly decent job of protecting his home market . . . but those days were over when the auto replaced Old Dobbin as transportation; and when radio and television appeared on the air; when third class mail began to flood the way; when give-away and throwaway papers appeared. . . . There is no need to shed tears over those long-gone days, they are not coming back.

Looking at things from another angle is that there isn't a merchant in any town who would even remotely think of turning away a single dollar just because it came from out of town . . . in fact many a merchant that a local editor was trying to protect, in turn used other newspaper advertising, used throw-away circulars, used the radio and TV to build up business . . . overlooking his newspaper friend who was trying to protect him.

In view of the modern trend that is here to stay, this writer thinks the only reason for turning down advertising, regardless of where it comes from, is when it is determined the ads are misleading or selling shoddy merchandise or services.

The newspaper is perhaps the most important single establishment in the town so far as the welfare of the town or city is concerned . . . the more successful and financially sound a newspaper is, the more services it can render to a town . . . this means that it should take every honest dollar that comes across the counter. . . .

The days for sentimentality are gone.



Weather is always NEWS

The paths of wind, ice and snow storms sometimes are marked by uprooted trees, smashed windows and — once in a while — felled telephone poles and lines.

Thanks to teamwork though, Southern Bell is on the scene quickly to restore service if this does happen. Telephone crews equipped with emergency supplies are rushed into the storm area. It's part of providing the round-the-clock telephone service that you depend on.

We try to keep you posted on telephone damage, too, and what we are doing to maintain and restore service.

In all kinds of weather, you can count on your telephone.



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... Serving You

CALENDAR OF EVENTS

APRIL

- 17—West Kentucky Seminar, Kentucky Dam Village
- 18—West Kentucky Press Association, Kentucky Dam Village
- 24-25—South Central Kentucky Seminar, Cumberland Lake State Park, Jamestown
- 25—KPA-KPS Executive Committees meeting, Cumberland State Park, Jamestown

MAY

- 8-9—Eastern Kentucky Seminar, Jenny Wiley State Park, Prestonsburg

JUNE

- 4-6—Mid-Summer Meeting, Kentucky Press Association, Cumberland Falls State Park.
- 8-19—Newspaper in Classroom Short Course, School of Journalism, Lexington.
- 24-27—NEA Annual Convention, Hotel Commodore, New York
- 28-July 2—Newspaper Managers Annual meeting, Ocean Park, New Jersey

Newspapers are more than purveyors of news; they also have a hand in creating it by digging it out of news sources who don't realize they have a news story.

COMMUNITY PRESS SERVICE
SERVING AMERICA'S WEEKLY NEWSPAPERS
 • EDITORIAL FEATURES
 • HOLIDAY GREETING ADS
 • GRADUATION GREETING ADS
 • HOLIDAY FEATURES
 100 East Main St. Frankfort, Ky.

STAMPS CONHAIM
A COMPLETE NEWSPAPER ADVERTISING SERVICE
 For Daily and Weekly Newspapers
 101 FIFTH AVENUE, NEW YORK 3
 Representative
Chas. H. Lovette
 1919 Sundown Lane, Ft. Wayne, Ind.


Al Smith, editor of the Russellville News-Democrat for the past six years, has just become a part owner of the newspaper. Sale of the partnership interest was announced by Mrs. Byrne A. Evans, executive editor and publisher. Mrs. Evans said the move to take Smith into the business was made to keep abreast of the growth of the business and with the growth of Logan County.

Prior to joining the News-Democrat staff, Smith had worked on newspapers in New Orleans where he served first as state editor of the Times-Picayune and later as assistant editor of the Item. He is a graduate of Vanderbilt University. He became associated with the Russellville newspaper in January, 1958.

Business uses advertising to maintain and increase its outlets for goods. Unless such outlets are maintained and increased, the income on which taxes are based will not be forthcoming.

CIRCULATION NEED A BOOST?
 Over 3,500 Newspapers Recommend the "LINER PLAN"
Liner Circulation Service
Time-proven Integrity and Reliability
 221 N. LaSalle St., Chicago 1, Illinois
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In Kentucky... after bowling, beer is a natural

After you've bowled a game or two, or when you're winding up the evening at the neighborhood bowling center, it's good to relax with friends and compare scores. What better way to add to the sport and the sociableness than with a refreshing glass of beer? However you take your fun—skiing, skating, or at your ease in the game room—beer always makes a welcome addition to the party.

Your familiar glass of beer is also a pleasurable reminder that we live in a land of personal freedom—and that our right to enjoy beer and ale, if we so desire, is just one, but an important one, of those personal freedoms.

In Kentucky... beer goes with fun, with relaxation
UNITED STATES BREWERS ASSOCIATION, INC.
 P. O. Box 22187, Louisville, Kentucky 40222



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"COCA-COLA" AND "COKE" ARE REGISTERED TRADE-MARKS WHICH IDENTIFY ONLY THE PRODUCT OF THE COCA-COLA COMPANY.

FRAGILE

Handle with care. Our legal line, which appears on every ad, helps us protect both trade-marks. But trade-marks can still be damaged, even destroyed, if not handled with care. You can help us protect these trade-marks by capitalizing the initial letters of "Coke" and "Coca-Cola." And by never adding an "s" to either trade-mark. Thank you.

things go
better
with
Coke
TRADE MARK ®



Best today



Better tomorrow

POWER FAILURE!!! a tornado roars across the countryside, transmission lines snap from towers, lightning strikes a substation, a careening automobile crashes into a utility pole, circuit breakers trip—homes, factories and cities are darkened, appliances and machinery stop running and radios are silent. *But not for long.*


Here in the nerve center of the KU system, telephone, teletype and microwave communications, closed circuit TV, remote control switches and highly skilled personnel react instantly to restore vital electric service.

Dispatchers—men who know our system from generator to backyard service pole—scan meters and TV screens, study circuit diagrams and listen to radio reports. They analyze, plan

and make decisions. Switches are thrown, circuits are rerouted and instructions crackle out over the radio net to line crews already on their way to trouble spots. Quickly and efficiently, service to our customers is restored.

This dispatch center is the most modern, efficient and dependable in Kentucky but it is being improved. In May, a digital computer will be integrated into the system to make it even more efficient.

Addition of this computer, the first of its kind to be used by the electric power industry for dispatch and operations, is another example of how KU always strives for progress. In 1964, we will spend 13 million dollars to improve service and build for the future. We believe that only the very best is good enough for our customers.

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Industrial Development
Community Development

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