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The Tennessee Press

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Daily Herald building bought by local businessman, an advertiser since 1973

KERRI BARTLETT
Columbia Daily Herald
April 25, 2021

Local broker and auctioneer Larry Hubbell is now the new owner of The Daily Herald building where the newspaper has operated since the 1960s, after the sale closed in April

"I have been advertising with The Daily Herald since 1973," Hubbell said. "I have always been interested in the Herald building. Many national politicians have walked the halls over the years. There's a lot of history in that building."

Hubbell

Although the 16,605-square foot iconic building at 1115 South Main St. in Columbia is changing ownership, the newspaper will continue its work serving the community.

Photo by Kerri Bartlett, The Daily Herald, Columbia

This building, which has been home to The Daily Herald, Columbia, more than 50 years, was recently sold to local businessman Larry Hubbell.

Glynn Patin, director of operations at Gannett, the parent company of The Daily Herald and more than 250 newspapers around the nation, said plans have been made to secure a new office for The Daily Herald team close by.

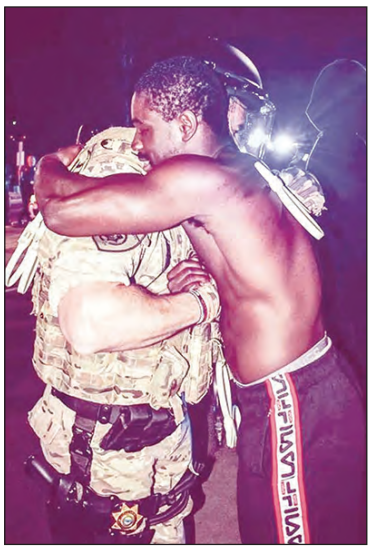
"We are glad that the ownership of the Herald building will remain local and build upon the local family legacy of this 173-year old paper," Patin said.

The building sold for $725,000. Hubbell said he remembers when Sam Kennedy, renowned lawyer, nationally-recognized champion of open government and free press, and award-winning journalist, served as publisher before selling the paper in 1983. The location of the Herald is ideal to catch the new wave of growth and development in the city's downtown area, Hubbell said.

"We are excited to invest in Columbia, so close to the square, joining the progress and revitaliza-

See **DAILY HERALD** Page 4

A life-changing hug



Submitted photo

During a June 2020 protest in Johnson City, just days following the death of George Floyd in Minneapolis, an impromptu discussion between a law enforcement officer monitoring the scene and a protestor changed both men's lives. Read about it on page 12.

Memphis area journalist drops lawsuit against city

DAVID WATERS
For the Daily Memphian
May 18 2021

A Memphis area journalist has agreed to dismiss his lawsuit against the City of Memphis after his complaints were addressed. The lawsuit was filed in late February by the Reporters Committee for Freedom of the Press (RCFP) on behalf of Marc Perrusquia.

"After Marc filed his suit, the city issued a new written policy that all administrative investigations in which a Memphis police officer is found to have used excessive force will now be referred to the Shelby County District Attorney," said Paul McAdoo, a Nashville attorney for the RCFP. "That policy change, along with the city's decision to produce the requested public records at no cost to Marc, are the reasons Marc has decided to dismiss the case."

Perrusquia

Perrusquia is director of the Institute for Public Service Reporting in Memphis, but he filed the lawsuit as a Shelby County resident. He was seeking the release of bodycam footage of three "excessive force" incidents involving Memphis patrolman Colin Berryhill, who resigned in October.

A Memphis Police Department administrative investigation found that Berryhill violated MPD policies against excessive or unnecessary use of force three times between May 2018 and April 2019.

Last July, Perrusquia requested copies of bodycam footage of the three incidents. City officials denied the request, filed under the Tennessee Public Records Act, contending the footage was part of an open Internal Affairs investigation.

Two days after Perrusquia filed his suit, the police department sent the Berryhill case to District Attorney Amy Weirich, who declined to file charges. The case was dismissed in March. In May Perrusquia received copies of all requested bodycam footage.

On March 11, outgoing Memphis Police Director Michael Rallings issued new procedures requiring internal investigators to refer all confirmed cases of excessive force to prosecutors for review.

The new procedures came at Weirich's urging, and followed a series of stories by Perrusquia for the Institute for Public Service Reporting and The Daily Memphian.

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TPAers with suggestions, questions or comments about items in The Tennessee Press are welcome to contact the managing editor. Call Mike Towle, (615) 293-5771; or email editor@tnpress.com. The deadline for the August 2021 issue isJuly 6, 2021.

Knox County mulls public notice changes

TN Coalition for Open Government

Deborah Fisher

The Knox County Commission in mid-May was proposing an ordinance that would create a new central repository on its website for all public and legal notices required by law, with the idea that it might be able to eliminate the expense of buying ads in local newspapers to publicize items such as upcoming meetings, tax-delinquent sales and government bid opportunities.

Knox County Mayor Glenn Jacobs wants to eliminate spending on ads that would publicize meetings, delinquent tax sales, bid opportunities and other items, and instead post all the notices on its website in one place.

County Mayor Glenn Jacobs said in a statement published by online news site Compass that he thinks it's antiquated to put public notices in a newspaper "especially when you have to pay for it" when "everyone is getting their news on social media and free news websites."

Jacobs

The fiscal note for the ordinance says that the county could save $25,000, but notes this is on the low side because the county does not know how many public notices would be allowed to be posted only on the county website and not in a newspaper.

The ordinance passed on first reading at the commission's Monday night meeting and will be set for a vote in June.

Ordinance would prohibit putting public notices in a paid-subscription newspaper

The ordinance has two parts, establishing an online repository for all the county's public and legal notices, and mandating that any public notices required by state law to be published in a newspaper of general circulation be published in a free newspaper.

In Knoxville, that would mean the county would no longer be allowed to publish any public notices in the Knoxville News Sentinel and would have to use a newspaper that is free to residents, such as the weekly Knox Focus, for its ads.

According to reporting by Jesse Fox Mayshark at Compass (a paid subscription online news organization in Knoxville), Knox County has placed notices for items such as public meetings, sales of tax-delinquent properties and bid solicitations in two local newspapers: the Knoxville News Sentinel and Knox Focus.

Over the past two years, the Knoxville News Sentinel has received the bulk of the business at $225,000 in invoices, while Knox Focus has received just under $7,000. The county reasons in its ordinance proposal that if the public notice is in the free newspaper, it would reach an "expanded audience." The county provided no data on the difference of audience reach between a free newspaper or a newspaper that has paid subscribers.

News Sentinel argues its audience reach, including digital, is larger

New Sentinel Publisher Joel Christopher pushed back, noting that the county would be reaching fewer members of the community if it took public notices out of the News Sentinel and required them to be only in a free publication. It would also reach a smaller audience if it just posted public notices on its own website, he said. The News Sentinel reaches a much larger audience in print and online, he said.

Christopher

He told Commission Chairman Larsen Jay in an email that "small private outlets and the public sector will never be able to match the digital reach of a news organization like the News Sentinel, which has advantages of search primacy online and distribution in print that can't be replicated by other private or public options."

He also noted that public notices and legal notices are not behind a paywall on the news website. Also, any public notices published by the newspaper are simultaneously published in a statewide free public notice website operated by the Tennessee Press Association. The site is searchable by county and city, and by word phrases. The press association publishes notices from all newspapers of general circulation, including those who are not members of the association, such as the Knox Focus.

Commissioners hope to stop paying for ads to publicize meetings, tax sales, land use changes

Knox County already posts agendas for upcoming meetings on its website. It also posts on its website delinquent tax sale information, solicitations and open bids, but they are in different places on the site. It's not clear what new would be posted, but presumably it would all be available from a central place on the county's website.

Knox County Commissioner Kyle Ward hopes more legislation is passed that lifts requirements of governing bodies to purchase ads for public notices and other legal notices.

Ward

But some county commissioners appear to have a bigger aim in sight: Eliminating the purchase of ads altogether for public and legal notices.

During the May 17 night county commission meeting, Ward referenced legislation passed by the General Assembly this year that allowed a certain type of public notice published in newspapers to be published online. That legislation allowed the state to put notice of sunset review hearings for state agencies on the state's website and remove the requirement that the state put notice of the hearings in newspapers in the state's major metro areas.

Ward said that he expected that lawmakers will introduce more legislation next year that would presumably remove requirements that governing bodies purchase ads

See **FISHER** Page 9

Knox County working OT to torpedo public notice law

From the Executive Director

Carol Daniels

The General Assembly has wrapped up its session, but at least one county commission is working hard to erode public notice law.

As of mid-May, the Knox County Commission was attempting to pass a law that would limit public notices to be placed only in non-subscription-based newspapers and on the county's government website. The commissioners backing the new law claim it will increase transparency for Knox County citizens.

The Knox County mayor stated, "I think that in this day and age when everyone is getting their news on social media and free news websites that it is antiquated to dig through a newspaper, especially when you have to pay for it," he said. "This proposal is not only more transparent, but it will also save the taxpayers money."

"Everyone"? We should take issue with statements like this from our elected officials.

The mayor's anecdote is incongruent with the Tennessee Press Association's independent readership study – conducted last year – which shows that more than 70 percent of Tennesseans expect and look for public notices in newspapers. In addition, as required by state law, all newspapers post published public notices on a common website, which can be accessed by the public for free.

This tactic is one that we should see as the tip of an iceberg, one that members will be faced with in the foreseeable future. Many departments of state government are pushing for all notices to be placed on state websites – which they should be doing as a matter of course now – but I am worried that many lawmakers will look at this as an alternative to the required notice in newspapers and our statewide public notice site.

Last month, I asked each of you to set up lunches with your local state representatives, giving us time to sit with them and listen to their concerns and be able to share ours. Doing this outside of when the general assembly is meeting is imperative. I know we will have our winter convention this coming year, and with that our legislative reception, but I do think we need to take more action for our lawmakers to truly understand how important our newspapers are to the citizens of Tennessee.

I know that I am preaching to the choir here, but our elected lawmakers have a responsibility to actively inform citizens of what they are doing. The best way, and the way their constituents trust, is to inform citizens through public notice in newspapers. By publishing notices in newspapers, lawmakers are actively pushing the information to citizens rather than having a few citizens go looking for information.

We get our news in many different ways, including the social media push most of our members do for their stories, but we should remind ourselves and our local elected officials that research shows Tennesseans overwhelmingly get their news and information from our news sites.

More than 80 percent of Tennessee adults read newspapers either in print or online. We as an industry need to be sharing this data constantly, the rhetoric of 'No one reads newspapers anymore' has to end. *You* are on the frontline, *You* have the readers, *Your* paper makes a difference! It's time to shout it out loud.

Thank you.

Carol

Carol Daniels is executive director of the Tennessee Press Association.

News & Moves

Findley joins Marion County News staff

Marion County News, Kimball, is pleased to announce the addition of Montana Findley to its writing staff. Readers may recognize Findley's name as he has covered sporting events for the newspaper over the past few months. He hails from South Pittsburg and earned his bachelor's degree in interdisciplinary media from Middle Tennessee State University.

Findley

Marion County News publisher David Riley said, "We're super excited to have Montana join the staff full-time. His previous work with the paper was well-received by readers."

Findley said of the move, "It's a great opportunity for me to tie together my aspirations in media with my love for sports, and it's even better to be able to receive my start here in my hometown."

Riley and Findley also acknowledge that there is an expansion of Marion County News' offering coming this summer in cooperation with WEPG as there will be an effort to produce a weekly sports show.

"Montana has an eye for broadcast media," Riley said. "I want to move our platforms forward without losing respect for the loyal readers that have been with us for decades."

Marion County News, Kimball
May 20, 2021

Times-Gazette announces addition, promotion

Shelbyville Times-Gazette Publisher Adam Johnson recently announced two changes to the paper's news department - one a staff writer addition and the other an internal promotion.

Zoë Haggard of Nolensville will be working as a general assignment reporter, covering government meetings and composing local feature and business articles. Dawn Hankins, a veteran Times-Gazette staff writer, has accepted the position of senior news editor.

Haggard

Haggard considers herself a Tennessean through and through. "I've seen just about every part of this great state from the Great Smoky Mountains to the Ocoee to Reelfoot Lake and to the mighty Mississippi. I love every bit of it."

She studied journalism at Middle Tennessee State University, where she wrote for the university paper Sidelines and was a visual editor for the creative magazine Collage.

T-G General Manager and Advertising Executive Diandra Womble said, "With Zoë being a recent graduate of MTSU, the Times-Gazette was very fortunate to bring her on our team! I am thrilled for this new addition. I look forward to watching her grow as a staff writer."

As senior editor, Hankins will oversee the news department from composition to production of each issue. She has worked in the T-G news department the last three years, writing articles and photographing city government, local school board and school events, general features and special sections.

Hankins

See **NEWS & MOVES** Page 4

TPAF

The Tennessee Press Association Foundation gratefully acknowledges a contribution

In memory of

Gail Atkins

given in fond remembrance by Elizabeth Kennedy Blackstone

For Your Calendar

June 2021

3: Free Webinar: How to effectively use Instagram for storytelling. onlinemediacampus.com. Free to TPA members.

4: Free Webinar: Using automation to increase revenue and engagement. onlinemediacampus.com. Free to TPA members.

14-18: Investigative Reporters and Editors (IRE) Conference. Virtual event.

23-25: The American Jewish Press Association annual conference, virtual event

July 2021

22: Free Webinar: Effective Advertising for a Small Business Budget. onlinemediacampus.com. Free to TPA members.

August 2021

27: UT-TPA Tennessee State Press Contests Awards Luncheon

September 2021

1-5: 2021 Society of Professional Journalists (SPJ) National Convention, New Orleans, La.

Sept. 30-Oct. 2: National Newspaper Association's 135th Annual Convention and Trade Show, Hyatt Regency, Jacksonville, Fla.

October 2021

14-17: National College Media Association Fall Convention 2021, offered in conjunction with Associated Collegiate Press, New Orleans, Sheraton New Orleans

17-19: America's Newspapers Annual Meeting, The Broadmoor Hotel, Colorado Springs, Co.

March 2022

March 8-13: 2022 Spring National College Media Association Convention, New York Marriott Marquis, New York, NY

June 2022

23-25: Tri-State Press Convention June 23-25, 2022 Arkansas • Mississippi • Tennessee, to be held in Memphis

For all you ad department bosses, this one's for you

AD-LIBS®

JOHN FOUST

In my advertising and training career, I've observed – and heard about – a lot of boss-employee encounters. Some have been good, some have been bad.

All have been instructive. In many cases, we can learn as much from the negative incidents as we can from the positive ones. Here are several examples:

1. The competitive boss. This kind of manager can't seem to play fairly with others, especially if commissions are involved. Unfortunately, the competitive boss is in position to cherry-pick the best prospects. I knew of one company that relied on a notebook to log incoming leads. The boss was one of three people in the ad sales department, and the procedure was to alternate leads. The others on the team realized that she regularly deleted and re-designated the leads, so prime prospects would be assigned to her.

2. The boastful boss. This manager can't resist bragging that he or she has special perks. The CEO of an advertising services company was once invited by a client to attend one of the biggest college basketball matchups of the year. Although it was one of the scarcest tickets of the season – and although no one else in the firm had a ticket – he made it the main focus of an all-staff meeting on the morning of the game. The next day, the entire office received a follow-up email from him, with a closeup photograph of the crowd taken from the television broadcast. The email boasted that he appeared just a few rows above press row at center court.

3. The disrespectful boss. A disgruntled employee told me about the sales manager who scheduled a regular weekly staff meeting and warned everyone that there was no excuse to miss it or be late. That worked fine for a couple of weeks, although the team often had to rush appointments and phone calls to make it to the conference room on time.

Then came the day when the manager was late for the meeting. Not fifteen minutes late, not thirty minutes. She was over an hour late. She didn't offer any explanation or apology. All she said was, "Okay, let's get started."

"That was the last straw for a lot of us," the employee said. "We sat there debating whether we should go back to our desks, but decided we'd better wait. That was a clear sign that she had no respect for us or our time."

4. The public criticism boss. A salesperson once told me about the time his boss openly complained about his performance in front of everyone in the ad department. "It was bad to be told publicly that I was short of my sales goal," he said. "That kind of thing should be done one-to-one."

Perhaps none of these management mistakes are worthy of investigation by the human resources department, but they all indicate the bosses' morale-killing attitudes toward the people they manage. And they provide crystal-clear examples of what not to do.

(c) Copyright 2021 by John Foust. All rights reserved. Foust has conducted training programs for thousands of newspaper advertising professionals. Many ad departments are using his training videos to save time and get quick results from in-house training. E-mail for information: john@johnfoust.com

DAILY HERALD from Page 1

tion in downtown," he said.

Hubbell, a self-described "country boy," grew up on a dairy farm on 50 acres in Culleoka, Tenn. Although he hasn't solidified a "clear-cut plan," Hubbell said he envisions the building serving as office space, possibly for his own family businesses and others. He plans to renovate the aging building.

Michael Anastasi, Gannett South Region Editor, said the move will benefit The Daily Herald staff, similar to other newsrooms around the country.

"As with so many other businesses, the space and workplace needs of modern news organizations are much different than in past decades," Anastasi said. "Where it makes sense, we have been moving from legacy buildings that no longer work well for us or our employees into state-of-the-art workspaces. We are excited about our future in Columbia. One thing of course that is not changing is our commitment to serve the community with high-quality, local journalism."

Founded as early as 1848 as a weekly, The Daily Herald transitioned into a daily paper in 1899 under the leadership of F.D. Lander. The current building still houses a printing press, which operated for many decades until 2016, when print operations were transferred to a Knoxville facility.

NEWS & MOVES from Page 3

"My earlier days at the newspaper go back to the late Franklin Yates, former owner and publisher of the Times-Gazette. Because of all I knew he did to establish this community paper, I, too, have a committed heart for its success," Hankins said.

"Dawn has been a huge, consistent, and vital part of our newsroom and my go-to person for all magazine and special sections, making sure they are topnotch," Womble said. "I could not be more excited that she is our editor here at the Times-Gazette. I am looking forward to the growth, leadership and community involvement that Dawn will bring."

Shelbyville Times-Gazette
May 22, 2021

Heller chosen for special UT professorship

Rob Heller, University of Tennessee (Knoxville) School of Journalism and Electronic Media professor, has been selected as the fourth recipient of the CCI Board of Visitors Professorship.

The three-year rotating professorship was established to recognize and reward outstanding CCI faculty members whose research, creative activity, teaching, and academic and professional service have uniquely contributed to the mission of their school, the college and the university.

Heller

Heller has been educating future photojournalists and graphic designers for more than three decades at the University of Tennessee. He has been a member of the JEM faculty since 1986 and was promoted to professor in 2009. He earned his bachelor's and master's degrees from the Newhouse School of Public Communications at Syracuse University. Heller used to be an instructor for the TPA's former annual event known as the Institute of Newspaper Technology.

Submitted
May 11, 2021

Listing updates for 2021 TPA directory due in July

The call to update your newspaper's listing in the 2021 Tennessee Newspaper Directory will be mailed in mid-June. The deadline to return corrections is Friday, July 16. You may also update your listing by sending an email with changes to Robyn Gentile, member services manager, at rgentile@tnpress.com.

Staff Reports
May 17, 2021

1,489,547 public notices transferred to new tnpublicnotice.com website

Almost 1.5 million Tennessee public notices were transferred from the old vendor platform archive to the new tnpublicnotice.com site in April. The actual figure is 1,489,547.

Tennessee Press Service switched platform providers from Arizona Press Association to the updated platform developed and hosted by Illinois Press Association in January. The site has an updated design and is mobile friendly. TPA had been on the Arizona platform since 2007.

By state law, Tennessee newspapers have been required to post public notices to the site since 2014. TPA is working to get all publishers set up to receive a weekly update on the number of notices posted by their newspaper.

Publishers can spot check their newspaper's postings by going to www.tnpublicnotice.com and selecting their newspaper and a date range.

Tnpublicnotice.com has been in existence since September of 2007.

If your newspaper needs assistance with upload instructions, please contact Robyn Gentile, TPA member services manager, at rgentile@tnpress.com or (865) 584-5761, et. 105.

Staff Reports
May 18, 2021

Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
April 2021	$43,154	$16,469
Year* as of April 30	$409,605	$72,551

*** The TPS Fiscal Year runs Dec. 1 through Nov. 30**

Start benchmarking performance of local politicians

Community Newsroom Success

Jim Pumarlo

It's customary to rate the president's performance after the first hundred days in office. The stark contrast in personalities and policies of Donald Trump and Joe Biden provides plenty of observations and commentary. National issues range from the pandemic and the economy to immigration and racial unrest.

As we pass that benchmark, newsrooms should take a cue and seize the opportunity to check in on officials elected to local and state bodies, too.

The stories are valuable in at least a couple of respects. First, they provide substantive public affairs content beyond just reporting on meetings or specific votes. Second, these reports can be the beginning of building a resume of politicians' work which will come in handy when preparing coverage for the next election cycle.

Certain questions can be explored and analyzed in any story, whether elected officials are newcomers or veterans and no matter on what body they serve.

- Review their campaign platforms. Are their initiatives gaining any traction? Some of their ideas may be accomplished in short order; others may be longer-term proposals.
- How are they addressing the increasing level of partisanship that seems to permeate so many levels of government?
- Elections can produce new voting blocs and, as a result, change the dynamics of governmental bodies. That may be easily noticeable when individuals run on a party label. It's less evident where office-holders are not elected on a partisan basis. Reporters who regularly cover these bodies are in excellent position to analyze the changes and preview what might be in store for citizens during the short term and long term.
- How do lawmakers navigate, balance their actions and votes when their personal priorities and philosophies might not align with their constituents?
- What has been their role in committee or party leadership?
- Have they authored or been the lead on specific initiatives?
- What are their overall goals for their first year in office? How will they define success?

This is but one checklist. Strike up a brainstorming session in your newsroom, and you're likely to identify other questions – especially if there were circumstances specific to a race. Don't be afraid to solicit ideas from others in the office as well as key individuals in the broader community who watch public affairs closely.

Election coverage, even if well organized, is challenging and chaotic for newsrooms as you weave in the extra responsibilities with the everyday churn of news. Reporters often face a regular barrage of press releases from candidates and their campaigns. As a result, many election stories may focus on a candidate's ability to campaign rather than an ability to govern.

That's why election coverage should not shut down when the winners are announced. It's a worthwhile exercise for staffs to review the election edition periodically and refresh themselves about what the voters said and what the victors promised.

Many candidates mostly receive a free pass on answering the tough policy questions in the heat of the election season as they often spin campaign rhetoric. Reporters have a better opportunity to follow and analyze actions once the winners have been seated and the dynamics of the governing bodies take shape.

The 100-day report card should be considered a starting point. Identify other appropriate times to check in with elected officials. It may be once or twice a year, or more frequent if circumstances warrant. These stories will hold lawmakers and governing bodies accountable and will provide meaningful public affairs content for readers.

Jim Pumarlo is former editor of the Red Wing (Minn.) Republican Eagle. He writes, speaks and provides training on community newsroom success strategies. He is author of "Journalism Primer: A Guide to Community News Coverage," "Votes and Quotes: A Guide to Outstanding Election Coverage" and "Bad News and Good Judgment: A Guide to Reporting on Sensitive Issues in Small-Town Newspapers." He can be reached at www.pumarlo.com and welcomes comments and questions at jim@pumarlo.com.

News outlets need to dig harder in reporting about policing in their communities

Local Matters

Jackie Spinner

The initial press release from the Minnesota Police Department was headlined, "Man Dies After Medical Incident During Police Interaction." That's how police first described the death of George Floyd on May 25, 2020, after former police officer Derek Chauvin kneeled on the 46-year-old's neck and back for more than nine minutes. Chauvin was convicted of murdering Floyd on April 20.

It's impossible to know how the narrative might have shifted or whether Chauvin would have faced trial for Floyd's murder without video of the incident captured by a teenage bystander. But for us as journalists, what matters is the reminder about why we can't take official accounts at face-value.

Firstly, it's important that we remind our communities that we are watchdogs, examining the conduct and the financial records and the decision of every public official. This is not about defending or defunding the police. Or about taking sides. This is about accountability and transparency and what should be our standard practice with any government release or statement from any government body in our community.

We question everybody. But we especially question the people we elect and the people charged with protecting the public.

We do this on behalf of the communities that we cover. If you haven't had this conversation with your readers in a while, it might be time to have it again. We ask questions on their behalf. We push back on official accounts on their behalf. We show up at crime scenes on their behalf. We sit in zoning meetings on their behalf.

The murder of George Floyd made it clear what Black residents in our communities already know: that systematic abuse and discrimination exists in law enforcement. Our experiences with law enforcement vary by the color of our skin. Let's be clear about that.

For many readers, it's too easy to dismiss Black encounters with law enforcements because they have no experience with discrimination. The most many white people feel when they see the red lights in the rearview mirror is regret about an infraction or annoyance about the financial cost. That has been my experience as a white driver. It will not be the experience of my Black sons.

We can teach our children respect for law enforcement officers, for admiration at their bravery and dedication to our communities and simultaneously also teach them about the need to dismantle a system that is racist and abusive and in some cases, murderous. In any workplace, there are people willing to stand up to wrongdoing. There also are people willing to stay silent. It's not our job to judge either of them. It's our job to find them, to cultivate them as sources and to write fact-based stories.

We need to dig harder in reporting about policing in our communities. That doesn't mean we do it from a starting point that we will find something amiss. But we need to start asking questions. After all, it is likely the rare police department in America that has effectively and completely rooted out race and abuse.

It might make it more difficult to do our jobs if our local police departments view us as adversaries once we start digging harder. Perhaps we start with a sit-down between the publisher and the police chief so we are clear about our roles, about our need for open communication, about trust. Then we go to our communities and explain how we cover the police, and we invite people to be a part of that process.

There are similarities between covering the police and covering the military, and I've done both. Soldiers, like police officers, need to know that we get what it's like to be at war, that we've marched and ducked and felt the raze of bullets or the concussion of a blast. The more I covered the military as a war correspondent, and did it fairly, the more trust I earned. That translated into access.

We need to keep police reporters on the same beat long enough to establish the same trust, to know what it's like to work the streets. We also need to live and report among the communities where distrust of the police is highest. We need to understand it just as I did in Iraq, reporting what it was like for innocent bystanders to have their home raided in the middle of the night. If I had only taken the military's account that such raids were necessary, I would have missed the deep resentments that they caused. I would have missed the stories of innocent people caught up in a war that simply arrived at their doorstep because of where they happened to live. Or in Floyd's case and in the case of so many of our Black readers, because of the color of their skin.

We are at a critical juncture in America, in seeking accountability and in dismantling a policing and justice system that simply doesn't treat people the same. We can report on solutions and challenges, challenge policies that are unfair or abusive, or we can sit back and let history judge our refusal to be uncomfortable.

This story first appeared in Publisher's Auxiliary. It is republished here with the permission of its author, Jackie Spinner. A former staff writer for The Washington Post, Spinner is the editor of Gateway Journalism Review and an associate professor at Columbia College Chicago. Follow her on Twitter @ jackiespinner.

TPA MEMBER COVERAGE SHOWCASE I: The Wilson Post, Lebanon

Singletary's widow: 'We are going to see him one day'

JASON GOOLESBY
The Wilson Post, Lebanon
November 6, 2020

The first time Holly Singletary met future husband and country music artist Daryle Singletary is an encounter that couldn't have been better scripted in a romantic comedy movie.

A mutual friend played matchmaker and invited two of his single friends to the same event — a bonfire.

"They were all picking, Daryle was playing and singing 'I Let Her Lie.' I looked over at my friend and said, 'I love that song. Who sings it?' Of course, I thought I said it quietly and I didn't so everybody stops," Holly said with a laugh.

"They were like, 'He sings it, Holly!' "

"I Let Her Lie" was a No. 2 hit for Daryle Singletary in 1995 and is still considered a standard in the songbook of the genre's greatest era.

"I didn't know country music. My parents listened to Fleetwood Mac and CCR," she said.

The comedic encounter led to a relationship and Holly began dating Daryle, the 1990s neo-country traditionalist who also had Top 10 success with such hits as "Too Much Fun" and "Amen Kind Of Love."

Within a year and half Holly had moved from Atlanta to Nashville and they were married.

"We were so similar — cut from the same cloth. Both from Georgia, with families and church, with raising. We really hit it off," she said.

Holly and Daryle were married 17 years and had four children: twins Mercer and Jonah (10), Nora (8) and Charlotte (6).

Life was beautiful for the Singletarys. Daryle would leave on Thursdays to tour and be back in time for family dinners around the kitchen table on Sundays. But in the early morning of Feb. 12, 2018, Daryle died suddenly at his Lebanon home from a blood clot.

He was only 46.

Growing with the grief

Daryle's death left Holly a single mother of four at just 41. The way she has coped with the loss has changed with time.

Photo by Jason Goolesby, The Wilson Post, Lebanon

Holly Singletary enjoys some coffee in her kitchen during her first media interview since the 2018 death of her husband, country music singer Daryle Singletary. JASON GOOLESBY

"The first year we were on autopilot. You have kids, you still have to do school, the world doesn't stop. You're like a robot. That first year you're numb," she said as she cradled a cup of steaming coffee in her hands during an interview (her first one since the singer's death) in her kitchen.

"The second year was harder. It starts to really sink in. You're just like this really stinks,"

Sometimes the grief hits when she least expects it and is triggered by the smallest, seemingly inconsequential, of things.

"Daryle was so particular. He would shower in the morning, shower at night. He would put on his cowboy jeans starched to high heaven and I'd be like 'We are working in the yard. Could you put on something more comfortable?' " she said with a laugh. "But he took pride in that and he always smelled so good.

"We were at Opryland looking at the lights (last) year and somebody walked by and the smell made me go 'Oh.'

Holly said that she turned around quickly, only to realize it wasn't Daryle. "And my heart just sank," she said.

There are also life's little moments that she wishes she could share with him that are a bitter pill to swallow. Sons Jonah and Mercer recently tried out for the basketball team at Tuckers Crossroads. A friend took a picture of the sign that announced they had made it and sent it to her.

"I was so excited. And then I was like I can't even call him," she said.

Holly said that with the exception of a few family and friends, their faith has been the "thing" that has gotten them through dealing with Daryle's death.

Submitted

Daryle Singletary passed away suddenly in 2018 at age 46 from a blood clot.

"Especially with the kids, myself as well, but their little minds need a visual. We talk about how we are going to see him one day and what that's going to look like," she said.

Part of that process is that they try to talk about him every day by telling funny stories.

"Daryle was a horrible dancer," Holly said. "Which is funny because I love to dance, but we'd do a thing where the kids would pick a song and everybody had to dance to it. He was such a good sport. He'd play along every time."

Griggs' 'brother and prayer warrior'

Singer and Wilson County resident Andy Griggs was a close friend of Daryle's.

"Most times the friends you have in the music industry, you don't talk to them unless you're touring with them, you're doing a project with them," Griggs said. "But every now and then it happens.

"We were brothers. We were prayer warriors together. We confided in each other with a lot of things —spiritual things, worldly things."

The two often toured together and loved being on stage with each other.

"We could do 'Lady Down On Love' and command a room. We could go for 30 minutes or we could go for an hour," Griggs said.

Griggs had landed in Houston when he got the word of Singletary's death.

"I turn on my phone and I've got five million messages. But I only had to read one," Griggs recounts slowly and with difficulty. "I called our booking agent and I'm like, 'Is Daryle gone?' She said yeah. And I said 'Like gone, gone?' And she said, 'He's gone, Andy.' "

When asked if that void of friendship has gotten any easier, Griggs said that he's not sure if that's the right word.

" 'Accustomed' is what I'd say. There's always a vacant spot in your parking lot, and it's always front and center," he said.

"I still miss him like crazy. I love his family - Holly and the kids. He'll always be a part of me," Griggs said. "Very few times will I do a show and I don't think about him. I'm not talking about thinking about him earlier in the day. I'm talking about right in the middle of a song."

Moving forward

As the three-year anniversary of Daryle's death approached in February, Holly said that she and the family were finally getting in a good place mentally and emotionally.

"We aren't moving on," Holly said. 'We are just moving forward."

Holly has a website, hopewithholly.com, and is launching a podcast on Nov. 9 called Hope With Holly. She said the first few episodes are going to be questions that have been "filtered through the music industry and friends."

"People want to know what we are doing. You're an extension of Daryle. They're tied to me because they loved him," she said. "And now we are in a good place to do that. I've been so private and worried about the kids, but now I think this could be good."

"I'm by no means an expert, but I can talk about the things that have been helpful for us as we've walked through grief," Holly said.

TPA MEMBER COVERAGE SHOWCASE II: Mainstreet Media of Tennessee, Gallatin

Plumber makes mid-career switch to become artist specializing in pets

LAURIE EVERETT
Main Street Media, Gallatin
January 6, 2021

Bill Kennedy is much the antithesis of a traditional artist.

Life's path turned Kennedy, 53, from a career plumber to an artist.

Instead of a wrench, he wields an airbrush tool and paintbrush to create stunning, so-real-you-want-to-touch paintings and portraits.

Kennedy's art studio is in his den at his home near Donelson, where he works full time on commissioned paintings and other art projects. Many in the Donelson, Old Hickory and Mt. Juliet areas feverishly seek his paintings.

To take in his paintings of dog and cat portraits, horses, people and other animal images, one would never know he's hasn't had years of professional training. In fact, when he was 8 years old, his brother and sister casually told him he stunk at drawing. The familial critique punched his young ego and propelled him to not pick up an artist's tool for years.

He delved into painting about seven years ago. Ironically, it became a reset and second career at midlife.

"I first started art just seven years ago," Kennedy said while sitting next to his in-progress painting of a cat someone commissioned. "It began with me picking up an airbrush to do a few little random craft projects. Well, finding how difficult that was, I realized I needed to learn. I started reading about how to make my airbrush work in the first place. Then, I happened to see incredible artwork people were doing with that medium. With no high hopes, I just wanted to learn a bit."

At the time, he worked in his 30th year as a plumber at Lee Co. The little side adventure was a hobby. He stenciled names on hats. It was not so simple at first, he said.

"Shortly I became obsessed and would rush home after work and practice," said Kennedy, who is a father of five children, husband and grandfather of eight. "I'd practice on my kitchen table, usually from 8 p.m. until midnight. I'd sleep and go back to work the next day. I got the basic techniques down after several months."

Submitted photos

Bill Kennedy meticulously details the eye of a commissioned painting of a feline. He started painting seven years ago and is self-taught. A plumber for 30 years, an injury sidelined him, but it sparked a successful career as an artist.

Then, he ruptured a disc in his neck and damaged the nerves that lead to his right arm.

"I found myself unable to not only work, but paint, as well," he said. "I was in physical therapy a while. I used that downtime to read a lot – a lot about traditional art, the old masters, oil painting, acrylic painting, watercolors. No mediums are off limits to learning and growth, in my opinion. My recovery took months, but then I was able to go back to work, but still with some lingering motor skill issues. I kept reading about and studying other artists and just observing their styles and how I felt I could achieve the same effect."

He practiced on thousands of pictures and portraits and augmented his airbrush with acrylics.

"I realized I had no idea how to draw yet with any real skill," Kennedy said. "So off to YouTube I went and followed some good and many bad videos on how to draw [and] picked up some books along the way on perspective and began to crudely refine basic proportional shapes. I still will tell anyone I am barely competent enough at drawing to get the crude rough proportions in. A pencil artist I am not. However, with proportions, I can carve out the details with a brush or usually mostly an airbrush. I also started studying color theory and many technical aspects of art."

About four years ago, Kennedy woke up and could not walk across the room. His disc and spine issues became worse. He was forced out of his three-decade plumbing career. He stopped painting and dealt with really hard times. He lost critical, good income. He was depressed.

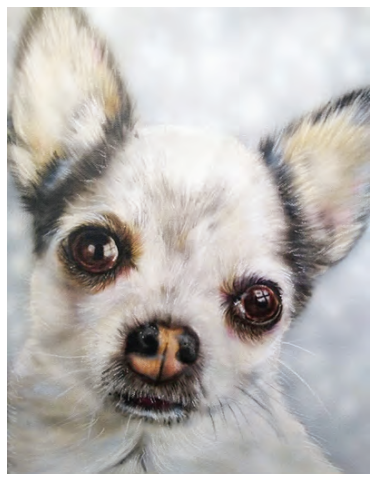
And then the puppies saved him. He got a puppy named Jax, a German boxer-Labrador and Rottweiler mix. He said Jax is the dopiest-looking dog ever.

"And he truly was my saving grace," said Kennedy. "He gave me a reason to get up and move [when it was very hard to walk more than a few minutes.] And I also got my second dog, Rico, [a mountain cur,] and we took many trips to the local dog park, where I also bonded with many other pets – more so than the parents."

He met Rico at the dog park. The dog was on the way to the pound, with a one last visit to the dog park. Kennedy said, "He's mine."

And then it started. Kennedy first painted a couple of dogs. He needed something to do. A huge dog lover, pets became a natural migration in his painting

He met an amateur photographer at the dog park and asked her if he could paint one of her subjects. She did. He painted a husky in the snow with snowflakes



A Chihuahua Bill Kennedy painted around Christmas 2020 – a daughter commissioned him to paint her mother's beloved pet. The fragile dog died a week before Christmas, and the portrait was an emotional Christmas present.

An unusual artist tool for such precise work, Bill Kennedy uses an airbrush gun in his acrylics. Here, he details the veins in an animal's eye.

fluttering around. The recipient loved it.

"By this time, money was running out, and I was still unable to work a regular job," Kennedy said. "So, I started offering my services for the grand sum of $50 – just to get people to give me a chance. I did not have many takers. I realized I would need a larger body of work. So, I found multiple subjects to paint and kept attempting to improve with each one. I was slowly

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TENNESSEE PRESS ASSOCIATION
150th Anniversary
CELEBRATING 150 YEARS
OF SERVING THE
NEWSPAPERS OF TENNESSEE

Want to hear a shocker? The world now relies on editors

DANIEL CASAREZ
Submitted
February 15, 2021

Today's newsroom leaders need not have the strength of Atlas, nor should they shrug in proving themselves worthy in the face of data analytics, SEOs, long- and-short-term projections, and print and digital circulation.

Editors and publishers alike are tasked with the added responsibility of monitoring data analytics to make intelligent editorial and business decisions amid an unprecedented landscape and backdrop to the COVID-19 pandemic. This challenge includes sheltered reporters and sources, and budget meetings via video conferencing, led by editors from the corners of bedrooms and kitchen tables. It's a tightened grip, and some news organizations have announced they will shutter their doors completely, get out of their leases and keep their reporters working from home.

These tough decisions have placed extra pressure on newsroom leaders to blend their editorial expertise with that of the other vital components in the industry.

"The responsibilities of an editor are very different today than they were 20 years ago, when the internet was nascent, Google was brand new, competing with Dogpile, and Mark Zuckerberg was still in middle school," said Frank Pine, executive editor for Bay Area News Group and Southern California News Group.

Managing real-time coverage of COVID-19 cases and vaccinations; California's devastating wildfires, presidential coverage, the storming of the U.S. Capitol, local news, and even Tiger Woods' car accident is all late-breaking news. Much like packaging a story for the print platform, editors now must create an attractive and performing digital package, and this is where a comprehensive understanding over numerous departments will help.

It was years ago this reporter was advised to learn beyond the scope of photography; I became a writer, videographer, and now a multimedia specialist. In brainstorming with my publisher, we decided that, despite our weekly print newspaper, our website would become a daily news outlet. It was a good beginning to the onset of social media. Many photographers are now expected to write engaging and thoughtful stories, reporters are asked to shoot video, and, of course, market and track their presence with the readers.

Pine says today's successful editors should be savvy on metrics and analytics; and know how to package more than on a print platform, but present that attractive digital story to engage readers to subscribe to either stage.

"They need to be able to apply those analytics to newsroom decision-making. Critically, they must balance what the metrics say against the organization's Fourth Estate mission," Pine said. "News has to be more than click bait. The best analytics are those that show us how to report the news in a way that connects with and engages our audience."

Find your fans, connect with them, and hold tight

"It used to be that the front page was the primary portal into the day's news, and then it was the homepage, but now, between print, desktop, mobile, app, alerts, newsletters, search, social, etc., the newsroom bears increasing responsibility for getting the story to the readers in a timely manner," he added.

Sean Scully, digital expert for Lee Enterprises' Napa Valley Register, St. Helena Star and The Weekly Calistogan, is a 30-year veteran of the news industry. He holds that a belief and understanding in the business aspect of a news organization is very helpful in bridging what used to be several departments.

"One of the things that's become obvious is that reporters and editors are having to be a lot more entrepreneurial," Scully said through an email.

"You remember in the old days? We weren't allowed to sell advertising or do any of that kind of stuff. And we still don't, really, but one of the things we do have to do is to make what they call in marketing, 'The big ask.'"

Essentially, each time journalists place a link to a story on their personal social media page, it's Marketing 101: Spread the news and get as many followers, hopefully long-term, on board as possible. Same goes for advertising.

"And that's something new, really new, on the journalism side, the newsroom side," Scully says. "The advertising side can't do that; we're the ones with the direct connection to the readers. And so, it's really us to have to put our hand out and say, 'Hey, we can't do this without your money . . . support us.'"

On-air personalities for National Public Radio, says Scully, ask listen-

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getting a couple of commissions randomly and painting anything I could that would be an income."

Things changed two years ago when he felt confident enough to offer services to the public. Through a Facebook post, someone reached out to him to paint her brother-in-law's dog, and he shipped it out of state. It was a hit, and the brother-in-law hired Kennedy to paint seven more immediately after.

People absolutely fall in love with his paintings. Many people want their pet painted for a lasting memory. Kennedy's artist brand name is W. Leon Kennedy. He's sold more than 200 paintings in the last two years, and currently five are commissioned. For the pet portraits, he always asks the name of the pet before he starts to paint it.

"I get an emotional attachment to the animal," he said. "It's sentimental and at times heartbreaking because people come to me and want that forever portrait of their pet that won't be around for an eternity. But the portrait will."

One regular customer came on short notice to ask him to paint her mother's beloved Chihuahua. She was a loyal customer, and there was no wavering on Kennedy's part. This was December, Christmas just around the corner.

"Time was of the essence," Kennedy said.

The little pet died a week before Christmas, and the daughter presented the painting to her distraught mother.

"They sent me a video of the mother receiving the painting, and the expression on her face undid me," said Kennedy. "I didn't post it for a while because it was just too private. I could tell you many stories of similar such stories about my paintings and what they mean to people."

Last year was challenging for all, and for Kennedy, it was especially difficult because his granddaughter, Ava, 8, was diagnosed with leukemia at the end of January 2020. She spent 31 days in Vanderbilt during the first hospitalization. Kennedy was ready to move to Kentucky to be near her, but he stayed because Ava comes to Vanderbilt regularly for treatments. COVID-19 put a cramp on Kennedy's regular visits with her at the hospital.

Between the visits, Kennedy continues to paint pets and all sorts of other subjects. He started a YouTube channel, where he teaches what he's learned to others.

"Anyone can learn to do art if they are willing to devote the time and learn the skills," he said. "I'm the prime example of that."

And, he's proof second careers are reachable at midlife.

"People put self-imposed limitations on themselves," he said.

While he has a five-star rating on his Facebook page, his goal this year is to revamp and expand his social media presence. And while people adore his pet portraits, he said, "[dogs and cats] fur is tedious."

He paints all sizes, all subjects and mostly uses airbrush and acrylic. His pieces start at $150. He has extraordinary feedback from people.

"It's a blessing to be trusted to paint people's most treasured things," he said. "There's a mutual attachment."

Entries sought for 2021 TPA directory cover photo contest

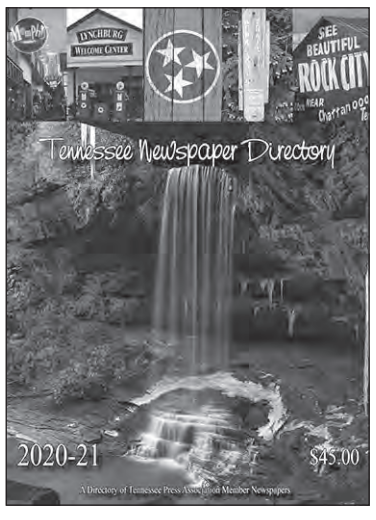
TPA members are encouraged to submit a scenic photo for the 2021 Tennessee Newspaper Directory Cover Photo Contest. Entries are being accepted through June 25. Photos should reflect scenic Tennessee through landscapes, architecture, wildlife and/or nature photography. The prize is $200 and photo credit in the 2021 directory.

The winning entry, to be selected by popular vote of TPA member newspapers, will be featured as the primary image on the cover of the newest edition of the Tennessee Newspaper Directory coming out in September 2021

Sarah Dunlap of the Independent Herald of Oneida, was the 2020 winner with her photo of Northrup Falls at Colditz Cove State Natural Area.

The contest is open to all employees of TPA member newspapers. Entries must have been taken by a regular staff member or employee of a member newspaper and may include published and/or non-published photographs. A maximum of two entries by one photographer may be submitted.

Specifications: Photos must be submitted as digital files in color (minimum size 8.5 x 11 at 300 resolution) by uploading the file to https://tinyurl.com/TPA-Photo-Contest. Vertical images that can be displayed as 8.5 by 11 photos work best for the cover design.



The 2020 Tennessee Newspaper Directory cover features last year's winning photo by Sarah Dunlap. It is of Northrup Falls.

Entry information should then be emailed to TPA Member Services Manager Robyn Gentile at rgentile@tnpress.com with the file name, name of the photographer, newspaper, contact phone number and some information about the subject/location photographed.

Staff Reports
May 15, 2021

Obituaries

James Bennett 'J.B.' Collins

James Bennett "J.B." Collins, who covered Chattanooga City Hall and 10 mayoral administrations for the Chattanooga Free Press and briefly for the Times Free Press, died May 19 at the age of 103.

He joined the then-Chattanooga News-Free Press in 1940 and fit the mold — favored by founder Roy McDonald — that "newspaper reporters are born, not made."

Collins covered the sensational — snakehandling among the Pentecostal faith in Birchwood, Tenn., in the 1940s, and the "Battle of Athens," when returning World War II veterans organized to defeat the entrenched political machine in Athens, Tennessee, in 1946 — as well as the sometimes mundane weekly meetings of the Chattanooga City Commission and later the

Collins

Chattanooga City Council.Former Chattanooga Mayor Pat Rose said he struck up a relationship with Collins when he joined the City Commission in 1969 and had been "a good friend since."

"I enjoyed my relationship with him as much as anybody I know in Chattanooga," he said. "I never [saw] anything I questioned that he wrote. He was a very honest person — unbiased. He did not misquote you. He was tops in my life."

John Vass, who worked with Collins as a reporter and editor at the newspaper, said the longtime urban affairs editor was a "people person" who considered the people who would be reading his work as he wrote. "He never lost that touch."

"He was a fine reporter," Vass said, "and I was fortunate to have him as a mentor for years."

"J.B. was already a legend at the paper when I came to the newsroom in 1968," said David Cooper, a former Free Press and Times Free Press reporter and editor, "and he still worked 30 more years."

Collins graduated from old Central High School on Dodds Avenue in 1935 and majored in journalism at King College in Bristol, Tenn. There, he earned magna cum laude honors and was class valedictorian.

In August 2000, Jon Kinsey, the then-Chattanooga mayor, and four previous mayors honored Collins at City Hall with a celebration of his 59-year career.

Former Mayor Ralph Kelley recalled the reporter's coverage of the "kidnapping" by city officials of the Civil War locomotive "The General" as it moved through Chattanooga on its way to Kennesaw, Georgia. Rose thanked him for "always giving an objective evaluation of the involved issue." And former Mayor Gene Roberts credited him and his Chattanooga Times colleague Springer Gibson for publicizing the city's former air pollution problem.

Kinsey, who had not held public office before becoming mayor, said at the time Collins was "a treasure trove of facts about the history of Chattanooga city government." He remembered him as "a wonderful human being" and "a legend in Chattanooga city politics and government."

"He felt like he was a part of city government," he said, "and he was. He was a really good reporter — very tough. I think he had a lot of fun covering my administration."

At the celebration, Kinsey announced that a large conference room in the City Council building would be named for Collins.

"When J.B. retired," Cooper said, "he said he had outlasted every employee who worked for the city of Chattanooga when he started covering City Hall."

In 1991, the Society of Professional Journalists honored the longtime newsman for his contributions to the media.

Collins was an avid golfer and regularly walked and played at Brainerd Golf Course until age 96.

"I enjoyed the game," he said in 2017, "but I wasn't very good."

Collins was a deacon at First Presbyterian Church and, according to Cooper, served as an usher there into his mid-90s.

He is survived by his wife of more than 40 years, Polly, whom he met at the newspaper, and sons, Benny and David.

Chattanooga Times Free Press
May 20, 2021

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to notify the public, and said the proposed local ordinance would allow the government more control over the notices. He said he expected all public notices would be only on the government website within the next few years. He characterized the ordinance as providing more transparency.

Commission Chair Jay told Compass that he hoped the ordinance would be the first of many steps to eliminate all spending on public notices for "Knox County, the Trustee, zonings and land use items."

Open Meetings Act requires adequate notice of meetings

At issue is the best way to notify the public of upcoming meetings and other government information required to be publicized by law.

Some items are required by a specific statute to be published in a newspaper of general circulation. Examples including public hearings for rezoning issues, budget information and other potentially controversial items.

As for public meetings, the Open Meetings Act says that "adequate notice" must be given of all governing body meetings, but it does not specify what type of notice that is.

In interpreting what constitutes adequate public notice of meetings, the Tennessee Supreme Court has said the notice must "fairly inform the public."

". . . adequate public notice means adequate public notice under the circumstances, or such notice based on the totality of the circumstances as would fairly inform the public." (*Memphis Publishing v. City of Memphis, 1974*)

Later, the Court of Appeals said that issues "of pervasive importance" required more notification and the court established a three-prong test for special-called meetings that said:

- Notice must be posted in a location where a member of the community can become aware of such notice.
- The contents of the notice must reasonably describe the purpose of the meeting or the action proposed to be taken.
- The notice must be posted at a time sufficiently in advance of the actual meeting in order to give citizens both an opportunity to become aware of and to attend the meeting.

Legal opinions have said that the method of notices must be consistent so the public knows where to find them. And in 2011, the Office of Open Records Counsel advised against posting notices of meetings on a website only, taking into account that not everyone has the ability to access a computer and access a website.

Notably absent from any court interpretations of adequate notice are factors of cost or expediency to the government. In other words, the cheapest or most expedient way is not always the best way to reach the widest public audience.

This column was originally published by the Tennessee Coalition for Open Government on May 18, 2021. Deborah Fisher has been executive director of Tennessee Coalition for Open Government since 2013. Previously she spent 25 years in the news industry as a journalist.

Employment Opportunities

Reporter, Maryville
An award-winning daily in Maryville seeks an enterprising general assignment/county government reporter with a nose for news, a relentless curiosity, a healthy distrust of authority figures and a deft writing touch. We're looking for a journalist who thrives on daily deadlines, despises typos and factual errors, and possesses a creative flair. A bachelor's degree in mass communications or equivalent is required. You also must be able to break news on our website, www.thedailytimes.com, and promote your work via our social media sites. Email a cover letter, resume, list of references and three samples of your best work to Editor J. Todd Foster at todd.foster@thedailytimes.com.

Reporters, various opportunities
We are looking for editorial talent to join our Middle Tennessee team. We have several county seat newspapers with opportunities for journalists with solid skills and a portfolio of published (print or digital) work. We need great prospects in great communities telling the important stories of rural Tennessee's remarkable counties. If you're a new grad with experience in student media or someone who has a few years of experience we have opportunities. Please send your resume and top three clips to kponder@lakewaypublishers.com

Associate Editor, Humboldt
The Humboldt Chronicle is searching for an Associate Editor to join its news team. The position covers a broad range of skill-sets including writing articles (news and features), covering news events, taking photographs, and newspaper page and ad layout and design. Experience with Adobe Indesign and Photoshop, Microsoft Word and Excel will be a plus. Send your resume to: lbutler@hchronicle.net.

Digital Media Director
The Citizen Tribune is seeking an experienced Digital Media Director that is goal oriented and self-motivated with some experience. Please send resume with salary expectations to resumes@lcs.net.

TPA members may post newspaper job openings and review resumes at tnpress.com.
tnpress.com/post-a-job/
tnpress.com/search-resumes/

Independent contractor status once again coming under fire

US Department of Labor withdraws Independent Contractor Rule

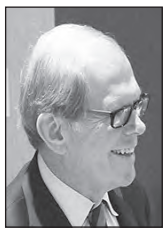
President Biden makes no secret of the fact that he is "a union guy." The President's new secretary of labor, Marty Walsh, is also a big union guy. His early comments signaled a new plan to attack independent contractor status. Why would he do that? Because independent contractors are not eligible for unionization. He plans to do everything he can to "breathe life" into organized labor, which represents only 6.6-6.7% of the private sector workforce.

The Trump Administration under the leadership of Secretary of Labor Eugene Scalia had proposed and finalized a new rule for the U.S. Department of Labor to use when determining whether one was an independent contractor or an employee. That rule was finalized in early January and was scheduled to go into effect on May 7, 2021. On Wednesday, May 5, 2021, the Biden Administration, withdrew/nullified the rule two (2) days before it was to go into effect.

The rule that the Biden Administration blocked focused on two (2) core factors: (1) The nature and degree of control over the work and (2) The worker's opportunity for profit or loss based on initiative and investment. Focusing on these two (2) core factors, it would have been much easier to classify someone as an independent contractor. Organized labor hates factor (2), which recognizes the importance of entrepreneurship.

If a contractor has the right, but not the obligation, to provide services to more than one company, that is great evidence of independent contractor status. It is easy to build that right into the written agreement. Withdrawing the rule makes crystal clear the Biden Administration's hostility to independent contractor status.

Jessica Looman, deputy administrator for the Department of Labor Wage and Hour Division, stated that companies should not expect a new independent contractor rule anytime soon. However, President Biden has reportedly said that he supports a new rule that incorporates the ABC Test used in California, which is very hostile to independent contractor status.



Legal Update

L. Michael Zinser

With respect to newspaper distributors, neither the new rule nor its withdrawal impacted the Fair Labor Standards Act's Section 13(d), which exempts from the minimum wage overtime and child labor provisions individuals "engaged in the delivery of newspapers." That exemption remains in place. However, newspaper publishers have other types of contractors, including freelance writers and photographers. Now is the time to review those written agreements and make sure they are as strong as possible to provide you a great defense if that independent contractor status is challenged.

Acting NLRB General Counsel Ohr's March 31, 2021 Memorandum

Section 7 of the National Labor Relations Act gives employees the right "to engage in concerted activities for the purpose of . . . mutual aid or protection." Activity is held to be for "mutual aid or protection" if it is intended to improve conditions of employment. Activity is held to be "concerted" if it is intended to initiate, induce, or prepare for group action. It is a violation of Section 8(a)(1) of the National Labor Relations Act to discharge or otherwise take adverse action against an employee for engaging in protected concerted activity - whether they're unionized or not and regardless of whether the activities are intended to seek union representation.

Trump administration appointees to the National Labor Relations Board, in their decision-making process, brought common sense back to the enforcement of the National Labor Relations Act and rolled back many offensive Obama-era decisions of the NLRB.

Acting General Counsel Ohr does not like the new common sense precedent. On March 31, 2021, he issued a memorandum that broadly construes Section 7 and states an intention to apply Section 7 in non-unionized workplaces and to employees' discussions on topics such as health, safety, racial discrimination, and employees' political and social justice advocacy activities.

Acting General Counsel Ohr viewed the Trump NLRB decisions to be decisions that curtailed Section 7 rights. He has directed regional directors nationwide to enlarge Section 7 scope by vigorously enforcing the right to engage in concerted activity for the purpose of mutual aid or protection and inherently concerted activity.

In his memorandum, acting General Counsel Ohr states that group action is not a requirement for activity to be deemed concerted where an employee's discussion of certain "vital" terms and conditions are sufficient to render their interaction inherently concerted, even if other employees who are present during that conversation do not agree with the opinion or complaint or seek the same outcome.

General Counsel Ohr further opines that if an employee tells another employee about their thoughts on a political or social justice topic and that topic can be reasonably connected to workplace conditions, the employees have now potentially engaged in protected activity regardless of whether a listening employee responds to or agrees with the comments made by the opining employee.

Note: Under this standard, almost any political or social justice topic may have a direct nexus to workplace conditions, and any conversation about such a topic may be considered protected concerted activity.

Author's Note: Fasten your seat belts; we're in for a wild ride with acting General Counsel Ohr. Management will need to fight to preserve its rights.

Chairman McFerran dissents to predict future?

One of President Biden's first actions was to name Lauren McFerran to be chairman of the National Labor Relations Board. She is currently the lone Democrat on the Board with three (3) other Republicans. There is a vacancy on the Board, which the President is free to fill at any time. Additionally, one of the Republican's term is up in late August, giving the Biden Administration the first opportunity to have a Democrat majority at the NLRB. The current Republican majority continues to make management-friendly decisions with new Chairman Lauren McFerran the lone dissenter. Her dissents may be a peek into the future on what the NLRB will do once it has a Democrat majority.

A recent case involved an employer conducting an investigation into alleged misconduct. The company interviewed several employees and told each employee that the conversation was confidential and that the conversation should not be shared with others, including supervisors and other employees. In a 2-to-1 decision, the NLRB ruled in favor of the employer's directive. The majority held that the facts demonstrated that the employees would reasonably understand that the confidentiality restriction was limited to the duration of the investigation. The Board majority noted that the employer provided notes of the interviews to the union and took no action against the union steward for discussing the interview after the conclusion of the investigation. The Board majority also noted that, "The need to encourage participation in an ongoing workplace investigation is self-evident."

Chairman McFerran railed against the decision. She argued to go back to the standard established in an Obama-era case, Banner Estrella. That case required employers to proceed on a case-by-case basis in imposing investigative confidentiality restriction on employees. Chairman McFerran would allow confidentiality only if the employer can prove that a legitimate substantial business justification outweighed employees' rights in the circumstances of a particular case. Chairman McFerran's framework prevents a bright-line rule which gives guidance to employers.

In another recent case in a 2-to-1 decision, the NLRB ruled that an employer lawfully distributed a new employee handbook to union and non-union employees alike. In ruling for the employer, the NLRB majority concluded the employer did not represent to employees that the handbook trumped the labor agreement and did not profess to make any changes to the collective bargaining agreement. The handbook stated on page one that the labor agreement affected the policies of the handbook and that some terms of the handbook might be different for the union-represented employees.

Again, Chairman McFerran dissented. McFerran would have found a violation, arguing that union-represented employees were required to sign an acknowledgment of their receipt of the handbook. McFerran found the disclaimer lacking, arguing that the handbook should advise employees that the labor agreement trumped the handbook. She argued that this failure meant the employers were left to guess which handbook provisions were impacted by the labor agreement.

Drafting Tip: Review handbook disclaimers to make sure the disclaimer clearly communicates to unionize workforces that, if conflicts exist, the collective bargaining agreement controls. Additionally, this writer recommends a provision in the collective bargaining agreement that states that the handbook applies to the employees covered by the collective bargaining agreement, and in the event of a conflict, the collective bargaining agreement controls.

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Connect with community with weekly publisher's column

GET REAL

PETER W. WAGNER

One of the best bits of advice I received before starting The N'West Iowa REVIEW came from the editor of the newspaper where we would be printing the new paper.

"You need to write a weekly column," he told me. "You need to let your readers know who you are and what you believe."

That was easy for him to say. He was a college-educated, experienced wordsmith. I was just an advertising salesman with a dream. For the first months we published the paper I would carefully count each word as I wrote, much like a student required to write a 300-word essay. I hardly ever produced more than 10 inches of printed copy.

But those columns grew longer — too long, my wife and editor often tell me — as I recognized the value of sharing reflections regarding local readers and community events.

I strongly believe community newspapers, and locally written columns, are the first recorders of local history. I also believe that we have an obligation to be the watchdogs of government and public trusts. But most of all, I believe hometown newspapers, especially with personal columns, need to provide strong, personal positions regarding challenges to personal and corporate freedom and opportunity.

I wrote my first columns attempting to appear wise and knowledgeable. But I was inexperienced in the processes of local government and clueless regarding the worthiness of local and state politicians. Absent of great ideas to expound upon, I wrote about the one thing I knew: my day-to-day experiences.

I wrote about picking strawberries with my wife and two young sons, the boys participating in Cub Scouts, attending our first Orange City Tulip Festival and all the stages of our sons' growing-up years including their weddings and the births of our four grandchildren.

By rough count, I've probably written more than 2,200 original columns for The REVIEW and our community newspapers.

But one of the most satisfying group of columns, 52 in all, were produced over a 12-month period just a few years ago while passing a major milestone in life.

It began with my realizing how little I know regarding my grandparents and even my parents. All of them were deceased and there is nobody to share their stories with me or especially my grandchildren. The result was writing one year of columns titled "Letters to My Grandchildren."

To keep the weekly efforts interesting to my readers as well as family I jumped between generations and different members of my wife and my families. I thought it especially important that I shared stories about my sons, Jeff and Jay, growing up.

The columns were very personal and were meant to be since I eventually planned to put them together in a book for my four grandchildren. The subjects moved from fun times and sad times, stories of both Connie and my parents, moments that changed our lives and vacationing at our lake place to exceptional times with each of those grandchildren, now all college age.

One column shared the story of how their great-grandfather, Hans Herman Wagner, burned the family barn to the ground.

His mother and father had driven into town and my dad, along with his brother Bill and two sisters Anne and Hertha were playing firemen.

One by one they'd take turns lighting the hay against the barn on fire and shout fire as loud as they could. That would be the signal for the other three to come running with buckets of water to put out the fire. But when it was Dad's turn to shout fire, all his siblings were in the house eating pie.

Someday soon I plan to publish the columns into book form with appropriate photos. Along with the four grandchildren I plan to give copies to my deceased older brother's grandchildren since many of the stories are their history, too.

And what about my subscribers who were asked to read this obviously self-serving material? One lady at church mentioned that many of the columns reminded her of her own lifetime experiences as well as made her feel like she was one of our family.

Peter W. Wagner is founder and publisher of the award winning Sheldon, IA, N'West Iowa REVIEW and 13 additional publications.

EDITORS from Page 8

ers for financial support for programming. As do celebrities asking for pledges for Public Broadcasting Service, with a "Thank you!"

He tirelessly promotes the digital and print circulation through his column and on social media, and he strongly encourages his reporters to follow his lead and get their word out as well. He closely monitors the report he receives on the monthly count of the digital subscriptions for his newspapers.

"So, we can really move the needle with just a little bit of effort. That's been a humongous change from when I started 30 years ago," says Scully, who admits he over-communicates with his staff, sending newsletters and explaining the importance of measuring analytics and readership engagement.

Many newsrooms have already mastered the use of Chartbeat and Parse.ly, Google News, and Google Analytics, while others have developed their own measuring tools.

One of Scully's key goals this year will be based around digital subscriptions. "That's my 'performance review,' and likely the evaluation of the editors," he says.

John Loesing, editor for the independently owned Acorn newspapers in Agoura Hills, Thousand Oaks, Simi Valley and Camarillo, keeps his staff on track with reports from an analytics tool that measures their presence on Facebook and Twitter. He's proud of the branding achieved for the weekly community newspapers, and of the following. Loesing admits reporting has changed, but the newspapers' reach and interest in the community haven't.

"People love it; they feel ownership in this paper. We can no longer wait six, seven days to put out a story, so we are a daily news outlet for the community seven days a week, 24 hours a day," he said.

More with less ... and no budget

Executive Editor Julie Makinen leads 11 California newspapers for Gannett. Like thousands of other newsroom leaders, Makinen, with her two-decades-plus experience in the industry, is expected to lead reporters in growing an audience, and often without a budget.

"I don't control the price of subscriptions. I don't have a budget to market the newspaper, and yet I'm expected to, you know, raise the number of subscribers," she said.

Makinen, California editor for the USA Today Network and executive editor of The Desert Sun in Palm Springs, leads numerous newsrooms in editorial content and in strategizing for the digital platform.

"The things that we care about have changed, right? Front-page news to a much bigger focus on converting casual consumers into the paying subscribers," she added. "We're just about to roll out a new set of analytics for 2021, and that is very different than what we've had before. I've got to educate my entire staff on what that means."

Gannett and GateHouse Media underwent a merger in 2019 to help both companies with the rising operating costs and circulation. Each company also had different analytics in place. Reporters constantly worry over page hits, followers and their own presence on social media. And during a merger or acquisition, it's even more stressful.

"Those kinds of anxieties, right? I try to talk to my staff, and say, 'Look, this is like a holistic product, right? We have breaking news, we have in-depth things, we have stuff that is everywhere in between; and we need all of those things to keep our customers happy," said Makinen.

New responsibilities; now what?

Now comes a broader learning curve, and Jay Hamilton, director of the Stanford University Journalism Program, urges today's executives to keep on pace in this digital universe.

"Editors and publishers operate in an increasingly challenging environment. Revenues and staffing are down, pressure and scrutiny from owners are up, all in a world where data may appear to offer new ways to learn or fall behind," said Hamilton, also a Hearst professor of Communication at Stanford University.

Hamilton finds three projects appealing and great learning tools:

- The American Press Institute offers Metrics for News (metricsfornews.com), a service managers can use to online track traffic and engagement.
- Considered an all-in-one package publishing platform, Newspack (newspack.pub) helps small- to medium-size publications drive audience and generate revenue.
- The Arc Suite (arcpublishing.com/products), from The Washington Post, is helpful in allowing publishers to test headlines and increase advertising effectiveness.

"In a world where getting access to Excel can be too expensive for some outlets, these software solutions may appear out of reach," Hamilton says. "But their development and deployment are evidence of the types of challenges that editors and publishers face in current markets."

Gabriel Kahn, a professor of Professional Practice at USC Annenberg School of Journalism, keeps to a more traditional approach. He's not a fan of the many hats sported by editors, and says leave the expertise of search engine optimization to the pros.

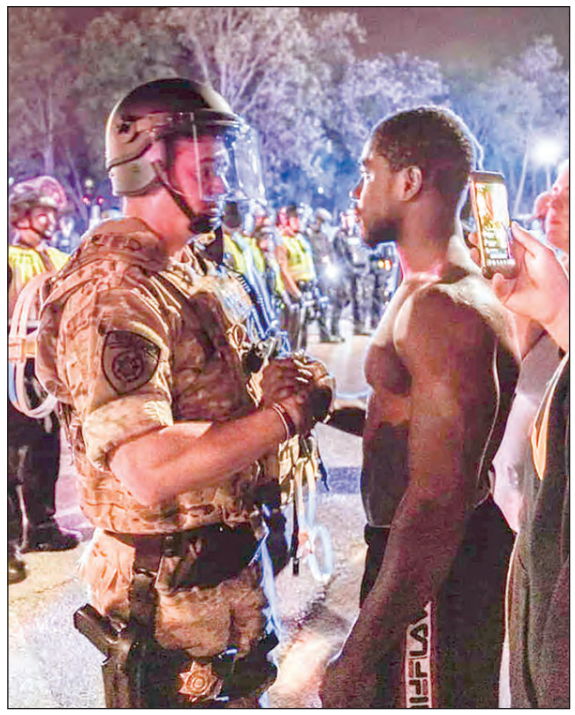
"It is unrealistic to think that an experienced editor who produces a solid print product can in any way also master the type of SEO-specific headline writing, multi-platform social presence and publishing cadence that leads to success on digital," he says. "It is a team effort. It requires youth as much as it does years of experience. And it requires a newsroom culture built on constant experimentation, not well-worn tradition and experience. It's Google and Facebook's world, and we're just living in it."

Daniel Casarez is a freelance journalist based in Fresno, Calif. This piece is reprinted with permission from the Winter 2021 edition of California Publisher, the official newspaper of the California News Publishers Association.

TPA MEMBER COVERAGE SHOWCASE III: Johnson City Press

One hug, one life changed at tense BLM protest

BECKY CAMPBELL
Johnson City Press
December 5, 2020



Left photo submitted. Right photo by Becky Campbell, Johnson City Press

Left photo: Washington County Deputy David Cate and protester Mark Karluah shake hands during a June 2020 demonstration in downtown Johnson City, in which BLM-led protestors were protesting the recent death of George Floyd at the hands of law-enforcement officers in Minneapolis, Minn. Right photo: Now a member of the Marine Corps, Karluah meets up again with Cate at the intersection near where they first met about six months earlier.

Sometimes the smallest gesture can create the biggest change in someone's life.

For 24-year-old Mark Karluah, it means he joined the Marines after an encounter with a sheriff's deputy during a high-tension Black Lives Matter protest in June 2020 that blocked a major city intersection for hours.

That encounter led Karluah to take a long look at his life and the society around him, and he came to the conclusion that, "I want to be a better person."

That night in Johnson City, the emotion of the demonstration was overwhelming for Karluah, but when he saw Washington County Sheriff's Deputy David Cate lock eyes with him and start walking forward, he readied himself for a confrontation and stood his ground.

What Cate did next took Karluah by surprise. Instead of an adversarial encounter, Cate simply asked, "Hey, can I talk to you?"

The Encounter

Karluah is no stranger to the tension between demonstrators and law enforcement. His family fled the Ivory Coast of Africa when he was 5 years old because of violent clashes involving citizens and police.

Cate told Karluah he wasn't there to fight anyone, and if the protesters worked with law enforcement officers, the tension could be alleviated and both sides could work together.

The Black Lives Matter movement exploded across the country in the wake of George Floyd's death after a Minneapolis police officer kneeled on his neck for eight minutes. Cate himself was appalled about the death and had made a comment on his personal Facebook page just days before he met Karluah.

On May 27, Cate wrote a statement on his Facebook page:

"I don't even know what to say. This hurts me to think that this stuff is happening. This is not what law enforcement is about. I'm sorry that this has happened and I promise I will not allow another officer to do something like this. These officers that did this and allowed this to happen do not represent me or the thin blue line. To the officers that are crooked and believe this is ok you need to quit and find another career. I will not stand for this. We as officers are here to make sure all humans are safe and feel safe when we are around. We are not here to hurt anyone just because we have a badge. This was embarrassing and disgusting to watch. There was no need for this to happen. I pray for the family and friends of George Floyd."

The Protest

Karluah attended the June protest after a friend invited him to go. He said the crowd of protesters was calm at first, but things got heated when police in tactical gear began to try clearing the intersection.

After one person was arrested, Karluah said the protest's tension jacked up a few notches.

"Everybody started yelling back, throwing stuff. I started getting bothered by that 'cause it really sent a flashback. Growing up in Africa I did see a lot of hatred from police officers and from civilians as well. That hatred, all that (built) up in me," he said.

Karluah was born in the Ivory Coast, located on the western side of Africa. His family fled the country to get away from the violence and immigrated to the U.S. Even though he was young at the time, Karluah remembers the violence.

One thing that had the crowd riled was a reneged promise made by city leaders to meet with the protesters. Officials said once the group illegally blocked the intersection, they chose to back down from that initial promise.

"Officer Cates, when he saw me, he stopped and said, 'Can I talk to you?,'" Karluah said. "I really didn't want to speak. At that point I really wanted to yell because my temper went from a fuse to a high wire."

Cate later told the Johnson City Press that something caused him to lock eyes with Karluah.

"I saw this guy and he was upset. I could see the pain in his eyes and I could see he was frustrated. I knew he wanted to be heard. I stood there and just watched him. I felt God telling me to go talk to this man," Cate said.

"God was telling me to go talk to him, so I did. We locked eyes. I shook his hand and said, 'Hey, I want to talk to you,'" Cate said. He told Karluah he didn't want to arrest anyone out there that night, and he wanted to help change come about.

"Tensions were very high, both sides," Cate said about the protest. "Us as law enforcement were hoping everything would be peaceful. If they want to protest, then protest, but do it in a manner that's positive so it can bring change."

In that moment, Cate shared some of his personal life with Karluah.

"I have a Black niece and I love her to death, and she means the world to me," he said. "I've heard what it's like. I've listened. I told him I'm not here to hurt anybody. We're here to keep people safe. I said, 'Look, we don't hate you, we love you. I love you, man. I don't want to be out here in the middle of the night. We can make a change, but let's do it in a positive way.' I listened to him and we just talked.

"I told him we can get through this. It's going to take both of us to do it, though. We've got to come together. We need unity. We're better than this, all of us."

Someone in the crowd took a photo of the moment the two men grasped hands and hugged.

Cate and Karluah both said the crowd around them watched him approach Karluah, and when they embraced, the tension seemed to immediately ease up. For Cate and Karluah, that moment was the start of what they say will be a lifelong friendship.

"It was so meaningful I had chills," Cate said. "It was a moment I'll never forget and I've gained a friend and a brother for life." He was excited when Karluah told him about joining the Marines.

His New Path

Karluah, who grew up in Scott County, Tennessee, lives in Johnson City because he was attending East Tennessee State University. Those plans are on hold now as he recently signed up for, took the oath for and has prepared himself for the Marines.

He went to the local Marine recruiting office and signed on the dotted line. He was originally set to ship out for boot camp in January, but after he met others in the recruiting office, they wanted him to go sooner.

"The gunnery staff sergeant said, 'Whose monster is this?' and my staff sergeant said, 'Mine. He's leaving Jan. 4.' " But the gunny had a different plan.

" 'No, bring him up to Dec. 14 That's the kind of guys we need. Your sheer strength … that's what we want.' "

Cate has encouraged Karluah after finding out about his future plans. "They're gonna break you down and build you back up. You've got the strength and you can do it,"

Karluah said he may make the Marines a full career, but his ultimate dream is to own land and start an animal rescue.