

The Tennessee Press

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No. 8

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Gannett sells News Sentinel building

RYAN WILUSZ
Knoxville News Sentinel
December 26, 2021

Scottie Johnson, a Knoxville-based leader in after-market battery applications, has purchased the Knox News property from its parent company, Gannett, which has pursued a strategy of selling properties and leasing back office and production space.

All Knox News operations, including printing of the News Sentinel and other regional newspapers such as The Tennessean and the Lexington (Kentucky) Herald Leader, will continue at the facility, one of the nation's busiest newspaper presses. The newsroom, advertising, circulation and human resources offices will remain in the building under the lease-back deal.

In all, Knox News will continue



Submitted

The Knox News, to include its printing operations, will continue to utilize more than half of the building's square footage, while new building owner Scottie Johnson's business will occupy much of the office space on the ground floor.

to use more than 115,000 square feet of the approximately 190,000 square feet of the building on News Sentinel Drive near the Mechanicsville neighborhood.

Johnson's business will occupy much of the office space on the ground floor, and he will lease out



Christopher

additional office space on the first and second floors. "This is an ideal relationship for everyone," said Joel Christopher, Knox News executive editor. "Scottie Johnson gets a great location to expand his rapidly growing, locally based businesses, Knox News locks in a long-term deal for its production and office needs, and other businesses get an opportunity to lease in a location with tremendous access to downtown, the airport and the interstate system."

He plans to construct a manufacturing facility on site before

See **SENTINEL** Page 5

Make Plans
Now for TPA's
"Day on the Hill"
Feb. 23, 2022



File photo

The Tennessee Press Association Government Affairs Committee has scheduled a "Day on the Hill" for Feb. 23. All TPA members are invited to participate by either joining in person at the Cordell Hull building in Nashville or by contacting legislators by phone that day. Details will be sent to all publishers via email from Carol Daniels, executive director. Or, contact her at cdaniels@tnpress.com. See also Daniels' column on page 3.

Mall to increase their expected number of participants from 5,000 to 30,000 people.

Green light: Permits for rallies follow standard "time, place and manner" guidelines permitted under the First Amendment. They are reasonable rules that are designed to protect public safety and order. They are what the law calls content and viewpoint neutral — not based on the political views of the organizers or what they will say.

See **POLICINSKI** Page 6

When did the Jan. 6 insurrection move past the First Amendment?

The January 6 insurrection in 2021 started as a rally protected by the First Amendment, but within hours moved outside its protections.

The First Amendment guarantees our rights to freedom of speech, peaceful assembly and petition — the right to ask the government for changes. It protects the ability to protest in public spaces like streets, sidewalks, parks and such — within reasonable rules regarding the time, place and manner of such protests. It does not protect criminal acts like trespass or assault.

Using videos, time markers and details from exhaustive timelines researched by The Washington Post and The New York Times, let's consider the "rules of the



FREEDOM
FORUM:
PERSPECTIVE

GENE POLICINSKI

road" with traffic signals showing when actions of participants that day were:

Green: protected by the First Amendment.

Yellow: caution, those 45 words might not apply.

Red: no First Amendment protection.

We'll start our First Amendment analysis on the date first noted in the Post's timeline:

Dec. 19: President plans a protest

Then-president Donald J. Trump asks supporters nationwide to come to Washington, D.C., on Jan. 6 for a "Big Protest" as Congress was to count electoral college votes confirming Joseph R. Biden's election as the next president.

Green light: Political rallies and speech have the highest First Amendment protection. The views and content of such speech are not subject to government approval or penalty.

Jan. 4: Protest permitted

The National Park Service OKs a request from the groups organizing the Jan. 6 rally on the National

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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 April 2022 issue is March 8, 2022.

Watch and learn from the boss

Watch and learn.

We've all heard it from a parent, grandparent, coach, teacher, mentor, friend or maybe on an instructional video. It's usually a task or a skill to be learned.

Rarely does anyone tell you to watch how they act and interact with others, so you learn how to manage or lead (two different things). But I would suggest that is exactly what you should do.

Read all of the great management and leadership books. Subscribe to and immerse yourself in the appropriate podcasts. Google 'how to manage' or 'be a great leader' every day for the rest of your life.

But if you want to learn and watch these practices in action, watch those around you.

Watch your boss and listen to how she or he interacts with you and your peers. Listen to how they coach. Observe how they treat you and how they treat others. As a side note here: Don't be surprised if your boss treats you differently than she or he treats others. Every associate has different skills, different needs and different personalities. A good boss will recognize this and, as a result, interact differently with each of her or his team members. The idea that everyone should be treated the same suggests all people are the same.

Keep an eye on how your boss gets the best out of you – or not. Tune in to those subtle differences. Is your boss inviting you to participate in decision-making processes, or is it a constant drumbeat of direction? Is the leader of your



**YOUR
PRESIDING
REPORTER**

RICK THOMASON

company collaborating with you and your boss? Is she or he in tune with the reality of the business? Is she or he approachable?

In 41 years in this business, I've had 11 direct bosses. A boss is a boss is a boss, right? Nope.

Eleven bosses each taught me something. Some taught me a lot!

Here's the thing, though: Some taught me how not to do some things. I doubt any of them will ever see this column, but out of respect for them all – and I certainly did respect them all – no names will be used in this space.

For example: Early in my career as a publisher, I had a boss who was a perfect gentleman. In fact, he epitomized the word. He never raised his voice. It wasn't necessary. He spoke with authority and had a way of getting his point across speaking evenly and clearly.

Another boss was a great guy who would give you the shirt off his back. But sometimes he was just too nice. People figured out that they could walk all over him, and they often did. I learned that you can't always be nice in a leadership role.

Another boss taught me the meaning of passive aggressive. I was an editor at the time. Some-

times I would sit down at my desk early in the morning to find a copy of that day's paper that looked like it had come from a homicide scene because there was so much red ink on it.

Oh, and let's not forget the large-print expletives. A call to that boss to try to figure out the scribbles always was met with, "Oh, it's no big deal." That's infuriating and toxic in a work setting. People don't stay in that kind of environment. I didn't, and neither should you if you're met with such nonsense. But I learned from that boss what not to do.

Another boss taught me the true meaning of teamwork. When he wanted us to be a software beta site (something that, in hindsight, I do not recommend), he asked if we'd be willing to tackle the project and, more importantly, how we would go about it as a team. We truly felt we had the option to say that we didn't want to play.

So, be an observer. Watch your bosses and listen to how they interact with you and others. If you have an eye on a management or leadership position, take careful mental notes. You'll see what works and what doesn't and, more importantly, you'll note why. Those observations will serve you and your team well.

Rick Thomason is Tennessee Press Association president for the 2021-22 term. He is the publisher of the Kingsport Times-News/Johnson City Press and president of Six Rivers Media, LLC.

Tennessean expands digital services, ends Saturday edition home delivery

SANDY MAZZA
The Tennessean, Nashville
January 12, 2022

Most Gannett Co. newspapers, including The Tennessean, are ceasing home delivery of Saturday editions, in response to the ongoing dominance of digital news consumption.

The Saturday edition will no longer be delivered to subscribers at home. Rather, a full digital replica of the day's paper will be available

online. Local news, advertising and features such as comics and puzzles will be available.

The new model, to take effect in the coming months, will result in home newspaper delivery six days a week as well as a daily digital edition. The change comes as many news outlets across the country and within Tennessee have taken similar steps in response to the changing marketplace. The Chattanooga Times Free Press, for example, announced in

2021 it was moving to a mostly digital product, with print editions only on Sundays.

"The Tennessean is by far the state's largest and most comprehensive news organization and that's not changing," Tennessee Vice President and Editor Michael A. Anastasi said. "We all know the way our community consumes news continues to evolve and, as with any business, we'll continue

See **TENNESSEAN** Page 8

Day on Hill, Tri-State Convention on tap

We are entering the 24th month of the pandemic and, looking back, I don't think any of us could have imagined that we would be where we are. Yet, here we are.

The Tennessee Press Association Board of Directors decided that our association would not have an in-person winter convention in 2022, which means we also do not have the opportunity to host and visit with members of the Tennessee General Assembly at the legislators' reception that normally kicks off our annual convention.

Getting together with the senators and representatives our



FROM THE EXECUTIVE DIRECTOR

CAROL DANIELS

readers have elected to work for them in Nashville is an important opportunity for us – we get to remind them how connected and engaged our newspapers are to the work that legislators are in town to do. I hate that we won't be having a social/business gathering with our elected officials. Instead, we have decided to have

a "TPA Day on the Hill," where you can meet with your local legislator and with legislative leaders.

February 23rd has been designated as TPA Day on the Hill, and all of you are invited to come to Cordell Hull. We realize that not everyone will be able to attend in person, so we are working on 'virtual' ways you can attend as well.

Meeting with and having a friendly relationship with your local representatives goes a long way when we are discussing or opposing legislation during session. As I am writing this, bills are still being filed for this legislative session. Bill filing deadline

for the house was set for Feb. 2, so you can imagine the bills are rolling in.

Now, for some 'in-person' news. I'm sure you have all heard we are working with Arkansas and Mississippi Press Associations to have a Tri-State Convention this summer. The convention will be held in Memphis, and with three states in attendance it should be a great turnout! The convention will be held June 23-25, so please mark your calendars for this 'in-person' convention.

Stay warm!

Carol Daniels is executive director of Tennessee Press Association.

NEWS & MOVES

TPA Board Meeting and Business Session set for Feb. 17

TPA President Rick Thomason has called a Concurrent TPA Board of Directors Meeting and Business Session for Thursday, Feb. 17 at 9:30 a.m. Central/10:30 a.m. Eastern via Zoom.

TPA will hear from a representative of CPA Assurance, the accounting firm that was charged with counting TPA's member ballots on 12 proposed changes to the TPA Constitution and Bylaws. Particularly, whether or not the membership voted to add a new online division.

All TPA members are invited to attend the meeting. Contact Robyn Gentile at rgentile@tnpress.com for the link to the meeting.

*Staff reports
Jan. 14, 2022*

Banner carrier retires at 81 after 42 years

Always smiling, Hazel Peters served as a newspaper carrier for the Cleveland Daily Banner for 42 years. In September, Hazel decided to retire and give up her job as a carrier. She laughed, noting she was an 81-year-old woman throwing newspapers.

A native of Benton, Hazel grew up in Polk County, where she attended school and graduated in 1958 from Polk County High School.



Peters

"When I got out of school, mom had heart trouble and my dad was dead. He died when I was 6. I couldn't go to college," she said.

Most people don't understand that paper carriers are contract employees. The carriers buy the newspapers and sell them to the customers.

Hazel said, "I enjoyed doing a newspaper route. Best thing was getting time by myself. It was relaxing and I could go home after."

Her job at Cutler Hammer, where she worked 27½ years building switch boxes on an assembly line, was from 7 a.m. to 3 p.m. p;She would get off at 3 p.m. and go on her route. "If I had a bad day, I could really throw those newspapers hard," she said with a laugh.

*Cleveland Daily Banner
Nov. 13, 2021*

True joins Press as reporter

Macenna True has come aboard the Weakley County Press, Martin, as its newest reporter. She grew up in West Chicago, Ill., and moved to Dresden in 1997 with her family. She graduated from Dresden High School with honors in 2001.



True

True has worked in healthcare since 2001 as a certified nurse's assistant, social services/marketing/ admissions coordinator and an activities director. Current-

ly, she is pursuing her bachelor's degree in sociology at the University of Tennessee at Martin. True and her two children, Allison and Cameron, reside in Dresden with their dog and two cats.

Macenna has always been an advocate for Alzheimer's and dementia awareness. Her interest in reporting stems from a lifelong love of language, culture and passionate storytelling. She is very excited to follow her dreams reporting for The Weakley County Press as well as taking on the classified advertising department.

*Weakley County Press, Martin
Jan. 11, 2022*

Foster named editor of the Banner

The Cleveland Daily Banner named veteran editor and reporter and native Tennessean J. Todd Foster as editor, effective Jan. 3. Foster succeeds retiring associate editors Rick Norton and Gwen Swiger. Foster led the Bristol (Va.) Herald Courier to the 2010 Pulitzer Prize for Public Service and



Foster

recently led The Daily Times in Maryville to the Tennessee Press Association's general excellence award and 31 category honors, including nine first-place awards.

"Mr. Foster brings an award-winning track record to the Cleveland Daily Banner," Banner Publisher Jack McNeely said. "He believes in strong, ethical news reporting that makes a difference to the communities we serve and to our readership family."

"He will continue in the successful footsteps of Mr. Norton and Ms. Swiger, as a strong leader for our newsroom. He will also become an active member of this community."

Foster has won more than 100 reporting and writing awards across the country.

"It is an honor to join such a storied and historical newspaper as the Banner, which is about to celebrate its 168th birthday," Foster said. "I look forward to helping the Banner navigate the stormy seas facing all print products and transitioning it to a web-first mentality with a marked digital presence."

Foster also worked as a digital journalist and as a publications manager for a half-dozen community magazines published by hibu,

See **NEWS & MOVES** Page 4

FOR YOUR CALENDAR

February 2022

- 10: TPA Government Affairs Committee Meeting via Zoom 2:00 p.m. CST
- 17: TPA Concurrent Board of Directors Meeting and Business Session via Zoom 9:30 a.m. CST

March 2022

- 8-13: 2022 Spring National College Media Association Convention, New York Marriott Marquis, New York, NY
- 13-19: Sunshine Week, www.newsleaders.org
- 11: Deadline 2022 TPA-UT State Press Contests (Newsroom)
- 17: 2022 National Newspaper Association Congressional Action Team Summit, Washington D.C.
- 18: Deadline 2022 Ideas Contest (Advertising & Circulation)

April 2022

- 8-10: 2022 Women in Journalism Workshop, Reynolds Journalism Institute, University of Missouri, Columbia, Mo.,
- 10-12: News Industry Mega-Conference, presented by America's Newspapers, JW Marriott Bonnet Creek Resort, Orlando, Fla.
- 15: Tennessee Press Association Foundation Grant Request Application Deadline

June 2022

- 23-25: Tri-State Press Convention, Arkansas • Mississippi • Tennessee, Sheraton Memphis Downtown Hotel, Memphis

July 2022

- 20-24: 2022 International Society of Weekly Newspaper Editors Convention, University of Kentucky, Lexington, Ky.

August 2022

- 25-27: 2022 National Native Media Conference, Native American Journalists Association in partnership with the Walter Cronkite School of Journalism and Mass Communication, Arizona State University, Tempe, Ariz.

October 2022

- 26-30: Fall National College Media Association Convention in conjunction with Associated Collegiate Press, Grand Hyatt Washington, Washington D.C.

Asking a client for a tour of the business can open doors

One of the most important questions you can ask an advertising client is, “Would you mind showing me around?”

Think about it. When you have a conversation in a client’s office, you get a filtered version of that person’s business. There’s a good chance that many of his or her comments have been rehearsed, because those same questions have been asked by other salespeople. Across-the-desk conversations are fine for gathering general advertising information, but when it comes to idea generation, it’s a good strategy to leave the office and take a tour. You’ll be surprised at the things you’ll see and hear that can spark ad ideas.

During my ad agency days, I remember talking to a residential real estate developer who repeat-



AD-LIBS®

JOHN FOUST

edly told me that his company’s greatest strength was “attention to details.” When I asked for examples, he talked in vague terms about good products, good design and good craftsmanship. There was nothing specific, nothing that provoked an idea for his advertising. Obviously, he was repeating the same talking points he had given dozens of times.

So, I asked if he would mind showing me around the subdivision in which his crews were

working. He eagerly agreed – and we made the short trip to a job site. When he was surrounded by specifics, he began to talk in specifics. He explained why his bannisters and kitchen cabinets and finish nails and hardwood floors were better than those in other houses. He showed me how they were marking certain trees for saving. He showed me why their energy efficient features exceeded the going standards for that time.

My head was swimming with ideas – ad concepts I couldn’t have gotten from a conversation in his office. The end result was a campaign which featured a lot of photographs, evidence of the “attention to detail” which meant so much to him. The tour made that claim come to life on the printed page.

“Would you mind showing me around?” That question can be worth its weight in ideas. If your schedule doesn’t allow time for lengthy tours, a simple walk-through can be helpful. Or you can ask to see photographs and product diagrams. Almost anything that gets clients away from their standard talking points can help you gain a better understanding of their businesses and their customers.

This strategy has a couple of important benefits. First – as long as you are completely sincere in your interest – you will provide your clients with the chance to talk about one of their favorite subjects: how their products are designed, made, stored, distributed or sold. This can strengthen your rapport and give you a solid

foundation for future conversations. From then on, you’ll share some common knowledge about their business operation.

Second, you’ll find a ton of ad possibilities. Ideas are out there. This gives you a practical way to look for them.

Sometimes the right ad campaign starts with the right question. Just think of it as “attention to detail.”

Copyright 2022 by John Foust. All rights reserved. John 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

NEWS & MOVES from Page 3

formerly the Yellowbook Co. One of those titles was North Cleveland.

In addition to The Daily Times, he was the executive editor of the Chattanooga Times Free Press and managing editor of the Bristol Herald Courier and The News Virginian in Waynesboro, Va.

Foster also was a reporter for People magazine; investigative, police and prisons reporter for The Oregonian in Portland; investigative and environmental reporter for The Spokesman-Review in Spokane, Wash.; and special projects editor at the Pensacola (Fla.) News Journal.

*Cleveland Daily Banner
Jan. 2, 2022*

TPA State Press Contests makes late circulation changes

TPA previously announced State Press Contests divisions determined by the Board of Directors at their Nov. 10 meeting. The Board had reviewed and adopted the recommendations of the Contests Committee. However, after that meeting, the latest circulation data became available and the Contests Committee in early January recommended more changes.

Based on the new recommendations, the Board voted by ballot to change the dividing line between Groups Two and Three and be-

tween Groups Three and Four. The new 2022 divisions are as follows:

Group One—Non-Dailies under 3,000 total weekly print circulation

Group Two—Non-Dailies with a combined total weekly print circulation of 3,000 to 7,999

Group Three—Mixed: Non-dailies with a total weekly print circulation above 7,999 and dailies under 19,999.

Group Four—Dailies with a combined total weekly print circulation of 20,000 to 149,999

Group Five—Dailies with a combined total weekly print circulation of 150,000 and above

The deadline to enter the 2022 State Press Contests is Friday, March 11. Entry information is posted at www.tnpress.com.

*Staff reports
Jan. 14, 2022*

TPA again makes Online Media Campus free to members

Tennessee Press Association has again purchased access to the Online Media Campus to provide TPA members with free access to all webinars and archived training sessions through 2022.

In addition to the live webinars, there are archived webinars on the site. The categories are Advertising, Digital, Editorial and Management.

View the list and register for training at [pus.com.](http://www.onlinemediacam-</p>
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Members may obtain the free coupon code by contacting Robyn Gentile, member services manager, at rgentile@tnpress.com or (865) 584-5761, ext. 105.

*Staff reports
Jan. 13, 2022*

Ideas Contest updated, digital categories added

TPA is calling for entries in the 2022 Ideas Contest for advertising and circulation departments. The contest has been revised and digital categories have been added. There are 11 new categories including ten for digital and one for innovation.

The Ideas Contest deadline is Friday, March 18. The contest details are posted at www.tnpress.com.

*Staff reports
Feb. 3, 2022*

RJI Fellowship application process for 2022-23 now open

The Donald W. Reynolds Journalism Institute invites proposals from individuals and organizations who wish to partner with them on practical innovative projects for local news.

Chosen projects often include devising new strategies or models to solve a problem, building new tools, creating a training workshop/program or building resources for journalists. All fellowship projects

are built and implemented during the eight-month fellowship.

The deadline is March 25. For more information contact <https://rjionline.org/about-rji-fellowships/>

*Submitted
Nov. 15, 2021*

Media law workshop returns in April

Applications are now being accepted for the 2022 Reporters Workshop. Sponsored jointly by the Tennessee Bar Association’s Communication Law Section, the Tennessee Association of Broadcasters and the Tennessee Press Association Foundation, the program will be held in person April 22-23 in Nashville.

Organizers will select 15 print, online, television and/or radio journalists who want to develop a deeper understanding of media law issues that may affect their everyday work, including access to government information, defamation and

privacy concerns in reporting, and other timely topics.

Journalists interested in attending should apply at www.tinyurl.com/TBAworkshop22 before 5 p.m. on March 1. Student journalists are also encouraged to apply. The selected journalists will receive a stipend to defray the cost of travel.

If you have questions, please contact Brooke Leeton at bleeton@tnbar.org.

Sunshine Week in March

Sunshine Week is March 13-19. Visit www.newsleaders.org for resources.

April 15 is TPAF grant request deadline

The Tennessee Press Association Foundation is accepting grant applications for consideration at its summer meeting. Contact cdaniels@tnpress.com for the application.



Tennessee Press Service Advertising Placement Snapshot

| | ROP: | Networks: |
|---------------------|-----------|-----------|
| December 2021 | \$135,019 | \$26,025 |
| Year* as of Dec. 31 | \$135,019 | \$26,025 |

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

The New Year is weeks old, but it's not too late to take inventory, prepare calendar

It's standard procedure at many newspapers to chronicle headlines in year-end editions. The continuing social and economic impact of COVID-19 is certain to capture a lion's share of attention in most communities. Other noteworthy events can include the passing of key individuals; the success, or maybe failure, of a civic project; milestones in sports achievements, election results or key community benchmarks.

That begs the question: Are you ready for 2022? All newsrooms should prepare an editorial calendar and review it regularly. Yes, we are already more than a month into the new year, but it's not too late to develop a plan of action.

Many of the things you cover spanning hard news and features are the same year after year. Use the opportunity to explore new ideas and approaches for coverage. When is the last time you've really examined reports on local government budgets, a community's citizen of the year or United Way kickoff, the start of another school year or high school sports season, a civic fundraiser, the months-long election season?



COMMUNITY NEWSROOM SUCCESS

JIM PUMARLO

Think across the spectrum of your community as you prepare a calendar. Here are three areas:

1. Public affairs always demand attention beginning with meetings of local government bodies. Do you preview the important agenda items? Do you go beyond the votes and explain the impact of actions in real and understandable terms? Think outside meetings. Trace the process of how a recommendation reaches an elected body. Government bodies spend weeks, even months, preparing budgets before adoption. Capital improvement projects are previewed – sometimes including a tour. A school board seeks feedback on a variety of fronts before deciding whether to close and/or consolidate schools.

Also, consider stories that

warrant special coverage. Has a longtime public official announced that this will be his or her last term? In that regard, look at the private sector, too. Is a company's founder retiring, selling the firm? Are single issues dominating a government body or community-wide debate?

2. Sports present a staple of stories: the preview, the continuum of the regular season, the playoffs. Team performance can present challenges and opportunities. How do you keep readers interested if a team suffers through a losing season, possibly not even winning a single game? In contrast, what stories can be pursued if a team is headed for a championship season, maybe even going undefeated?

Again, brainstorm stories that might warrant special coverage. Is an athlete on the verge of achieving a scoring milestone? Might a coach notch a noteworthy victory? Is this the last season for a school in a sports conference due to league realignment? Has a team suffered a revolving door of coaches in recent years?

3. Civic clubs are the fabric of communities. The number of

groups and the range of contributions mean editors are routinely approached with requests for coverage. The "asks" range from the Lions Club annual brat feed fund-raiser to volunteer of the year recognition to a candidate forum sponsored by the League of Women Voters. It's impossible to produce a story and photo for each event. Communicate with organizations early and discuss the two elements of publicity: promotion and actual coverage. An even better idea is to produce guidelines that can be distributed to publicity chairs.

Some items warrant special coverage here as well. Is a club celebrating a significant anniversary? Is a local officer rising through the ranks in an affiliated state or national organization? Does a fundraiser or other project have extra significance for a community?

Planning a calendar can be overwhelming. These are but three areas in your entire menu of news. So take a slow approach. Explore and outline your editorial calendar for the everyday regimen of news.

Then identify one new area where you'd like to bolster coverage. Announce it in a column, and

set up a process for soliciting community feedback. Develop a plan of action and present it to readers.

Every newsroom is stretched for time and resources as you strive to produce stories that people like to read and stories that people should read. The pandemic continues to demand regular attention, making your tasks even more challenging. Any additional time you give to planning your calendar is a win-win-win scenario for your newspaper, your readers and your community.

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.

SENTINEL from Page 1

moving his employees in 2023 to the current building that was built less than 20 years ago.

"This opportunity to not only buy a building but buy a building with such a respected and well-known main tenant, the newspaper, was a no-brainer for me," Johnson told Knoxville News. "I have a very solid understanding that the newspaper is not leaving any time soon. The plan is for that business to still grow here."

Johnson built his holdings on batteries

Johnson, an engineer who competed in national car audio contests, first came to Knoxville from Kentucky in 2006 to help a local company develop a new line of batteries.

He later purchased that portion of the company to start XS Power Batteries on Cherry Street in 2011, which creates batteries used in vehicles for after-market applications.

"Think race cars, show cars and car stereo applications," he



Photo by Saul Young, Knoxville News Sentinel

Press operations will remain at the 2332 News Sentinel Drive property, which was purchased from Gannett by Scottie Johnson of XS Power Batteries for \$8.5 million.

said. "You name it. Anything that needs an incredibly high-powered battery, we provide that. Compared to everything else that's in the market, the product that we make is the highest quality and most powerful."

Johnson later founded Showtime

Electronics, a distributing company that also will move to the Knox News property.

He also purchased another company, TurboStart Batteries, which has licenses from vehicle manufacturers to create replica batteries for classic cars.

Johnson excited about new location

These companies' operations are based out of two separate suites on Cherry Street, totaling just 15,000 square feet. Johnson currently employs around 30 people at his Knoxville-based businesses.

"That would be a lot higher, but we're out of space," he said. "We already have people working over top of each other, so it's inefficient. What we really need in our production business is about 12 production lines . . . but we only currently have space for two."

Johnson said he has spent three years looking for an updated space. He considered constructing a new facility but called his recent purchase "a major shortcut" in being able to grow his companies.

He plans to construct a roughly 50,000-square-foot manufacturing facility on the interstate-facing side of the property in 2022. His lease on Cherry Street ends at the end of next year, and Johnson has plans to move employees to the new property in January 2023.

"I could work from home every day if I wanted to, or I could work

from a refrigerator box," he said. "I don't need the nicest and most fancy things, but my staff deserves it. They need to have the latest and greatest equipment. They need to have a space that's custom-tailored to what their needs are to be efficient.

"We really want to grow the family."

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POLICINSKI from Page 1**Jan. 5: D.C. Mayor prepares to protect protest**

Washington, D.C., Mayor Muriel Bowser asks that federal law enforcement officials do not independently patrol city streets and states that the Metropolitan Police Department is “prepared for this week’s First Amendment activities.”

Green light: The mayor asks federal officials not to repeat earlier law enforcement actions that appeared aimed only at Trump critics. That approach runs counter to the First Amendment protection for free speech, which should apply regardless of who is speaking and what they are saying. Bowser also notes D.C. police are aware the planned rally is protected by the First Amendment.

Later on Jan. 5: FBI monitors online threats

The FBI finds that extremists from at least four states are preparing to travel to Washington to commit violence and “war,” according to an internal document reviewed by the Post. An online conversation monitored by the FBI contains this chilling paragraph:

“Congress needs to hear glass breaking, doors being kicked in, and blood from their BLM and antifa slave soldiers being spilled. Get violent. Stop calling this a

march, or rally, or a protest. Go there ready for war. We get our President or we die. NOTHING else will achieve this goal.”

Green light, probably: Even threats of violence such as this lack essential elements to lose free speech protection. To be an unprotected “true threat,” it must be directed at a specific person or group and be imminent. This threat might well be defended as neither specific nor imminent enough to be punishable as a true threat, since the comment was posted at least a full day before the mob overran police and entered the Capitol.

In this analysis, it’s important to note that the “traffic cop” at our fictional intersection is still investigating. The U.S. House Select Committee on the Jan. 6 attack is subpoenaing witnesses and gathering evidence. We now know the Jan. 6 insurrection was the result of decisions, emotions and actions that took root weeks and months before the attack.

Jan. 6, About 11 a.m.: Protesters begin to gather, police prepare

Two hundred to 300 protesters arrive at the Capitol area. City officials say they repeatedly are assured by police authorities that officers will observe First Amendment rights and have made necessary preparations for crowd

control, public safety and to protect the now-off-limits grounds around the Capitol.

Green light: The normally publicly accessible grounds of Capitol Hill can be closed off without violating rights in the name of public safety, since police at this moment likely can demonstrate a need for such a move as necessary, temporary and reasonable to protect Congress. The closing must be enforced fairly and apply to all — not just, as one administration official suggested, in a recently disclosed email, “to protect the Trump people.” While police and other officials express concern as more people gather near the Capitol, without clear signs of wrongdoing, those protesters likely still have a First Amendment right to assemble. The areas outside the actual U.S. Capitol grounds are what the law calls a “traditional public forum” for First Amendment expressive conduct such as protest marches and gatherings.

11:57 a.m.: Trump speaks at White House rally

Trump begins speaking at a rally near the White House, about 10 blocks from the Capitol, and tells the crowd: “They rigged an election, they rigged it like they’ve never rigged an election before ... All of us here today do not want to see our election victory stolen by emboldened radical-left Democrats. ... We will never give up. We will never concede. It doesn’t happen. You don’t concede when there’s theft involved.”

Green light: While Trump’s election claims repeatedly fall short in multiple court cases, the First Amendment has no “truth” requirement — and the protection for such political speech stands on the firmest free speech grounds. In a 1964 case involving freedom of the press, the U.S. Supreme Court held that we have “a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”

Between 12:15 and 12:45 p.m.: Capitol crowd builds

With Trump still speaking, law enforcement and media report growing, increasingly agitated crowds arriving at the Capitol grounds, some dressed in what resembles military or police “riot gear.” Verbal confrontations with police begin.

Yellow light: As this crowd builds, it raises the prospect of “imminent lawless action” — a standard that removes some First Amendment protections, set out in a 1969 U.S. Supreme Court decision. Still, no criminal acts have yet been committed. In that same decision, the justices held that even speech advocating use of force or violating laws is protected “except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.”

12:49 p.m.: Crowd pushes past Capitol barriers

Some in front of the large group near the reflecting pool pick up a metal barrier and push it into two officers. A crowd begins to press onto the restricted Capitol grounds, confronting overwhelmed officers. Some attack television news crews and photographers. As Vice President Michael Pence entered the House chamber to preside over the electoral count at 12:59 p.m., Capitol Police Chief Steven Sund broadcasts that he is “watching my people getting slammed.” Within minutes, hundreds of demonstrators breach low metal barriers, taunting and manhandling police, breaking windows and attempting to force open locked doors.

Red light: What had been protected, demonstrative speech has just moved into a clear zone of unprotected conduct — criminal trespass and assault. Whether it’s a march through the streets that spills onto private property, or onto the steps of the U.S. Capitol, there is no First Amendment protection against trespass, violating police lines or invading the building.

Some demonstrators will proclaim that as taxpayers or citizens, the Capitol and its grounds belong to the people. In the 60-plus convictions since the insurrection, no such claims have been upheld. Police may enforce reasonable restrictions, and make arrests for violations of those restrictions, as long as those arrests are not spurred by objections to what protesters are saying.

Fighting Words: Under a still-evolving doctrine known as “fighting words,” first set out in 1942, while police are expected to be more resistant than the average person, our speech can lose First Amendment protection when our words “by their very utterance ... tend to incite an immediate breach of the peace.”

1:10 p.m.: Trump speech concludes

Nearing the end of his speech, Trump says “we’re going to walk down” to the Capitol, where Republicans must “fight.” Trump says he will be with the crowd. “We’re going to the Capitol,” he says. “We’re going to try and give them the kind of pride and boldness that they need to take back our country” and that “if you don’t fight like hell, you’re not going to have a country anymore.”

Green light: The U.S. House impeached President Trump for “incitement of insurrection,” saying he encouraged, and should have foreseen, the lawless actions at the Capitol. But a standard in law set out by the Supreme Court, called the “Brandenburg Test,” removes First Amendment protection for speech only when there is an intent to cause imminent, likely violence, which Trump’s lawyers denied at the trial in which the Senate fell short of votes to convict.

About 1:15 p.m. Through the afternoon: Crowd breaks into the Capitol

Demonstrators push their way into the Capitol, storming through hallways and stairwells. As Pence and Senate and House leaders are rushed from their chambers, some insurrectionists chant that Speaker of the House Nancy Pelosi and Pence should be hanged. As the crowd attempts to enter the House chamber, a protester is shot by police and killed. Members of the

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Judges needed for Hoosier State Press Contests

TPA needs judges for the Hoosier State Press Association’s contests at the end of April. Please sign up to judge at tinyurl.com/JudgeforHoosiers or email to rgentile@tnpress.com. Thank you!

TPA MEMBER COVERAGE SHOWCASE: The Daily Herald, Columbia

Retired Gound Zero firefighter recalls horror of September 11, 2001

MIKE CHRISTEN
The Daily Herald, Columbia
September 12, 2021

Editor's note: This article was edited to fit the space allotted.

Although Niels Jorgensen, 52, has only walked through Columbia's Fire Station No.1 a handful of times, each visit is a return home.

A 22-year firefighter and retired lieutenant with the New York Fire Department, Jorgensen said he is most at home and at peace between the roaring diesel-fueled engines and blaring sirens of an active fire station.

The veteran firefighter's feelings are reciprocated by members of the local fire department, who have embraced their brother in service, recognizing him for his dedication and role in one of the most significant moments in U.S. history.

Jorgensen, who is in the process of moving to a home in the rural Maury County community of Williamsport, was invited by the department to speak at its 2020 ceremony recalling the events of Sept. 11.

A year later, Jorgensen, who during his career drove a fire truck for the Emmy-nominated series "Rescue Me," sat inside the engine bay of the Columbia station listening to an emergency call come through.

"It's giving me a reminder," Jorgensen said, as a siren wailed over a dispatch call. "If a call came in and there was only a one-unit response, you would yell out: 'Get out there you, cowards! Get out

there! It is just a little bit of that chop-busting firehouse humor."

Now, a decade after a rare leukemia diagnosis forced his early retirement, Jorgensen still feels a call to rush into the cabin of a fully-loaded engine and drive a fully-equipped team of firefighters to the scene of an emergency.

"I wish I was on that truck," he said.

The day everything changed

Twenty years earlier, Jorgensen was a 32-year-old fireman working one of two side jobs as a commercial driver on the morning American Airlines Flight 11 sliced into the north tower of the World Trade Center.

He called his fire station, Brooklyn's Ladder 114, but he did not get a response.

Then, United Airlines Flight 175 struck the second tower about 15 minutes later.

"I sped up into the yard, dropped the truck, threw them the keys and got into my car," Jorgensen said. "I knew we were under attack."

Off to Ground Zero: 'Keep low'

As he made his way through Staten Island to cross the Verrazano Bridge to join the response effort, a general recall was issued for all firefighters, police officers and EMS personnel in New York City.

As he continued, making a brief



The Daily Herald, Columbia

Retired New York City firefighter Niels Jorgensen was one of many first responders who rushed to and worked through the the ruins following the 9/11 terrorist attacks on the twin towers. At the time this photo was taken, he was in the process of moving to Williamsport, a rural community in Maury County, Tenn.

call home, the words of his father, a 34-year fire department veteran echoed in his mind: "Keep low."

The term is used by firefighters reminding them to stay under the smoke when responding to a blaze.

When he arrived at his station, Jorgensen was ordered to commandeer a city bus with 12 other firemen and drive over the Brooklyn Bridge to what would become Ground Zero.

"We were just at the foot of the Brooklyn Bridge or just coming across it when the other tower had come down," Jorgensen said. "At

that point, I truly thought we had lost 500 of our guys. We got in, and we held to the side until one of the command chiefs could decide where to best utilize us. It became very chaotic very quickly now that the buildings were down."

Assigned to 'the pile'

When they arrived at the scene, Jorgensen and his fellow firefighters were then dispatched to begin the search process.

"We were assigned to 'the pile,' and the pile was what was then referred to as the trade center,"

Jorgensen said. "Two mammoth buildings that were then only 10 stories high. Just a rubble debris field."

Jorgensen recalled fighter jets flying above the city.

"I have spent eight years in the Army Reserve, and I have never seen combat, thankfully, but to me, I was in a combat zone. We just continued on, and we continued digging. It was just chaos. I went in with the mindset that for the rest of the day, we were under attack. I just remember looking up at the Century 21 store that runs adjacent to the trade center. It was just shrouded in dust and debris. It was a war zone. It looked like something out of an apocalypse movie."

As he searched, Jorgensen recalled the sound of sand sifting through the rubble and a hiss from ruptured gas lines.

"That sand just kept falling down into the pile," Jorgensen said. "Everything was pulverized into this grey dust."

"At about 4:30 in the morning, we were physically unable to breathe anymore — unable to see — and our lieutenant made the call."

Jorgensen and his fellow firefighters were then transported to a nearby fire station, Engine 201, before they made their way home.

"This bus dropped us off, and I remember I felt like I swallowed a box of razor blades, from the base of my sternum to the roof of my mouth, I felt like I couldn't

See **FIREFIGHTER** Page 12

POLICINSKI from Page 6

mob enter House and Senate chambers and offices, some claiming to be rummaging through desks and files looking for evidence of wrongdoing.

Red light: While our nation's history is replete with examples of public protest having a strong role in changing the course of public policy or forcing the nation to confront injustice, there is no First Amendment right to violence or criminal conduct. When we believe a law or police order is illegal or immoral, the freedoms of speech, assembly and petition protect our rights to speak out,

gather peaceably with others of like minds and to demand change. But violating laws has legal consequences. Civil rights protesters of the 1950s and '60s, for example, were not insulated from arrests and convictions for breaking what they considered immoral and unjust laws — though their arrests touched the conscience of the nation.

8:06 p.m.: Congress reconvenes and police investigations begin

Congress reconvenes to declare Biden the winner of the election and the next president of the

United States. A combination of military troops, Maryland and Virginia state police, and federal and D.C. police have sealed off the Capitol grounds and streets near Capitol Hill. Insurrectionists have scattered. In the ensuing days and weeks, as police conduct investigations, they review video and posts online that help identify those who will face changes ranging from trespass to attacking police.

Yellow light: Social media posts from the Capitol — some from inside offices or in chambers — by insurrectionists themselves are enough evidence to bring early arrests. But subsequent reports of cell phone intercepts and oth-

er intelligence gathering raise long-standing First Amendment concerns about privacy and the extent of government surveillance.

In the wake of Jan. 6, several state legislatures consider or enact laws aimed at stifling public protests — most have yet to fully face challenges in court.

We have taken to the streets and public spaces through this nation's history to protest all manner of government policies and actions, and to challenge social standards and mores such officials and laws support.

To be sure, some of those protests and challenges have been tainted by violence, injury and

deaths. But rarely, if ever, have our First Amendment freedoms been tested so severely in such a short span of time and in such a basic way.

Even a year later, the echoes of the insurrection still resound through the 45 words — and the meaning and the future — of the First Amendment.

This column was republished with permission of the author, Gene Policinski, Freedom Forum senior fellow for the First Amendment. It originally ran on the Freedom Forum website on Jan. 5, 2022. You can reach Policinski at gpolicinski@freedomforum.org.

Why the Times-News did ‘Meth Mountain,’ and how we pulled it together

ROB WALTERS
Kingsport Times-News
December 26, 2021

Kingsport Police Chief Dale Phipps is the impetus behind the Times-News’ four-day project “Meth Mountain.”

I met with Phipps and his command staff the morning of May 5 to introduce myself as this newspaper’s new managing editor.

“Your biggest challenge in Kingsport?” I asked.

Phipps answered without hesitation, “Methamphetamines.”

The chief and his leadership team explained methamphetamines and fentanyl are rapidly filling the void left by the dwindling use of prescription opioids.

I shared this information with the newsroom. Then on June 7 Times-News reporters decided as a team to pursue a staff project that examined the emerging crisis.

To gain a greater understanding of the problem, reporters arranged for a series of four “brown baggers” — lunch meetings held on the T-N campus — with local experts.

Reporters first met with Phipps and Sullivan County Sheriff Jeff Cassidy. After that: Kristie Hammonds, the CEO of Frontier Health, and Chad Duncan, division director from Frontier Health; Criminal Court Judge James Goodwin, who spoke about Recovery Court; and finally, 2nd Judicial District Attorney General Barry Staubus and Deputy District Attorney Gene Perrin.

Reporters interviewed several others, including those in recovery. They sought information from the U.S. Drug Enforcement Agency, Gov. Bill Lee’s office, the Tennessee Bureau of Investigation, Sullivan County Sheriff’s Office,



Submitted

Rob Walters is managing editor of the Kingsport Times-News.

Kingsport Police Department, Hawkins County Sheriff’s Office, state health departments, federal courts, the Centers for Disease Control and Prevention, health care workers, prosecutors, school administrators, service organiza-

tions, judges and more.

The newsroom learned staggering facts, including:

- The presence of crystal methamphetamine and heroin increased substantially in 2021 as border restrictions decreased.

- From August 2020 to the present, the DEA has seized 80 pounds of crystal methamphetamine in NE Tennessee, with a street value of between \$2 million and \$3 million.

- Sullivan County averages one overdose death per week.

Why is the project called “Meth Mountain”? Staubus said when Sullivan County license plates are seen in Atlanta (one source for the region’s meth), folks comment that the cars are from “Meth Mountain.” In other words, the tight-knit community of the Appalachian Highlands.

“Meth Mountain” is not a cham-

ber of commerce-type story. The facts are ugly, and the people are real. The Times News insisted that all interviews be on the record and real names used. This provides strength and credibility to the report.

Addiction hits home for the Times News. Following the initial story, we ran a deeply personal first-person story from Allen Rau, managing partner of Six Rivers Media, owner of the Kingsport Times News.

Over the next four days, the Times News presented stories about the crisis. The news team looked to swarm all the angles, writing 21 stories — not including guest editorials, graphics, word clouds and breakout boxes. On the last day, the Times News offered stories about a possible path forward — a way to descend off “Meth Mountain.”

Factors to consider to avoid publishing misleading photos

SAMANTHA SUNNE
Reynolds Journalism Institute
November 16, 2021

One of the many challenges journalists face in the misinformation crisis is in images. As storytellers, we circulate an enormous number of images daily — online, in print, and on TV. This gives us a large risk for inadvertently spreading misinformation through inaccurate or misleading photos.

How do we make sure we don’t spread misinformation when we’re busy churning out multiple photos, stories, graphics and pieces every day?

When you need to vet photos, I recommend First Draft News’ guide to online verification. It goes over what First Draft calls the “Five Pillars” of verification: source, date, location, motivation and provenance.

Provenance means the origin of the photo — who exactly took it, and where did it come from. Shaydanay Urbani, partnerships and programs manager at First Draft News, said provenance may be the most important aspect of verification, because it provides so much valuable context. For example, make sure you aren’t confusing a “verified source” with a verified

social media account — they are very different things.

Urbani also recommends a browser extension called RevEye as one small step that can have a big impact. RevEye searches for websites where a photo has already been published, in what is called a reverse image search. “The great thing about a reverse image search is that it takes 10 seconds,” Urbani said.

In fact, RevEye combines searches on Google Reverse Image Search, Yandex and TinEye, some of the most widely used tools available. That’s why, Urbani said, installing it as a browser extension can save you so much time. RevEye was designed for Chrome, but can also be installed on Firefox, Microsoft Edge, Opera and other browsers.

Another plugin called InVid, which does a similar job of searching for an image across several search engines, also comes highly recommended by investigators who use these tools. If you’re new to reverse image searching, the Google News Initiative includes an excellent short tutorial as part of its verification training track.

This can help you find the origin and context of a photo, or even just reveal that something you thought was new has actual-

ly been published before. Many photos, though, deserve even closer inspection.

Often, the scale of how fully to vet it comes down to two broad questions: how trustworthy is the source, and how high are the stakes?

A reliable source is one that you, as a journalist with a seasoned news judgment, don’t have much reason to question. A good example of this would be your staff photographer or Getty Images.

Unverified sources, unfortunately, comprise most other sources: social media posts, pictures sent by readers, or someone with a motivation to provide a certain narrative.

Here’s an example: Let’s say an AP photo comes across the wire, showing an enormous Elmo balloon in the Macy’s Thanksgiving Day Parade. This is a) a reliable source and b) noncontroversial content, so it’s a green light on both counts.

Another example: Someone tags your newsroom in response to a tweet showing a man struggling in the arms of two police officers. The officers seem to be pinning him to the ground, and the tweet states that this happened at a protest in your city last night.

This photo gets a red light on

both counts. You don’t know the source of this video, nor do you know the full story of what’s going on inside it. Your action should be to verify the photo as much as possible before running it.

This should include at least a few of these steps:

- Reverse image search;
- Looking up the user’s Twitter bio and DMing them to ask where the content originated;

TENNESSEAN from Page 2

to evolve to best meet those needs.”

The Saturday digital “E-edition” will continue the print newspaper look, while adding features including the ability to change text size and clip and share articles.

Subscribers will also have access to the USA Today Network’s digital newspapers nationwide and ad-free crossword puzzle access.

The Tennessean is part of the USA Today Network, which is implementing these changes across the U.S.

“Our commitment to Nashville hasn’t wavered and it won’t. We’ve grown our staff over the past year and we’re adding more

- Looking at the photo’s meta-data;

- Calling the police PIO or filing a public records request.

If you don’t have time to do all of these, or at least most of them, do not release the image until you do. On the other hand, you don’t need to devote as much time to verifying the parade photo as you would this one, because that wouldn’t be a good use of time.

journalists to the team in 2022,” Anastasi said. “We expanded our Sunday print edition last summer and print will remain a key part of our multi-platform product mix. We’ll continue to invest in the right places to ensure we remain indispensable to this community.”

Tennessean print subscribers have full digital access that includes subscriber-only stories, as well as video and audio benefits, obituaries, legal notices and classifieds.

News and sales staffing at The Tennessean will not change as a result of this, other than to add increased digital news delivery abilities. Delivery times for the other days of the week will remain unchanged.

'Labor of love' highlights city's rich musical talent

Since I write news and feature articles for a living, most people assume that stringing words together into a compelling narrative comes easily to me.

Like all I need to do is sit down at my computer and they tumble out in this perfect sequence like an Olympic gymnast on her A game.

Nope. Not even close.

My attention-deficit disorder coupled with an unhealthy obsession for finding just the right word or phrase often turns what should be a pretty straightforward task into an otherwise herculean effort.

Yes, the struggle is real.

Which is why I would NEVER try to write a book because that would be TORTURE.

At least I had no intentions of writing a book until May of 2019.

That's when Jennifer Bruce made me an offer I couldn't refuse.

OK, it wasn't really an offer. It was more of an idea.

I had interviewed Bruce for the Hendersonville Standard about the state markers she secured on property once owned by Johnny Cash and Marty Stuart along Hendersonville's Caudill Drive.

During the interview, we



GUEST COLUMN

TENA LEE

strolled along the windy road, marveled at its beauty and chatted about its unique, almost magical history. Even today, the area holds a mystique that is almost palpable.

Most people know by now that Cash and his wife June Carter lived at 200 Caudill Drive for more than 35 years until their deaths nearly two decades ago. Many know too that Stuart and his wife Connie Smith lived next door to the couple. The tragic story of the land between them, where the home of legendary singer Roy Orbison once stood, has faded from many memories though.

Bruce, who had moved here a few years before from California, had centered her Capstone project for Vanderbilt University around memorializing the land's legacy.

"Somebody needs to write a book about this place," she said.

I didn't disagree. The idea had gnawed at me for years.

After moving to Hendersonville in 1998, I was hired as a part-time feature writer for the now-defunct Hendersonville Star News. For more than 20 years I've chronicled Hendersonville's growth as both an observer and as a participant. I've also heard countless stories about the city's early days when tourists flocked from all over to visit the Bobby Bare Trap, the House of Cash, and Twitty City.

"You don't know the half of it," I said.

A month later Bruce sent me an email thanking me for the article I wrote and asking if I'd like to collaborate on a book with her.

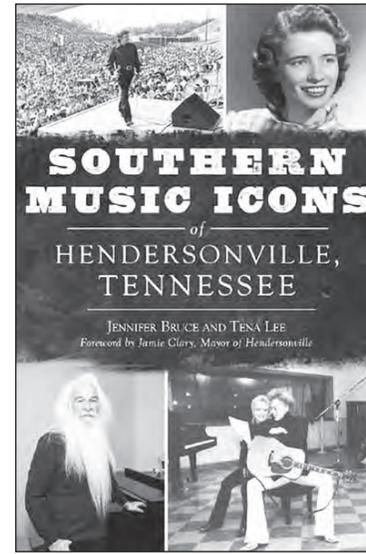
"Sure," I said, honestly not thinking anything would ever come of it.

My phone rang a few weeks later.

"We have a contract," she said as breathlessly as if she'd just sprinted a 5K.

Unbeknownst to me, she had submitted a full book proposal to The History Press, a publisher of local and regional history books.

And, like the two of us, they thought a book about Henderson-



Submitted

"Southern Music Icons of Hendersonville, Tennessee", co-authored by Hendersonville Standard reporter Tena Lee and Jennifer Bruce, was scheduled for a Jan. 31 release.

ville's musical heritage — beginning with Roy Acuff in the mid-1950s to a young Taylor Swift in the early 2000's — would be a worthwhile project.

Nearly three years later, "Southern Music Icons of Hendersonville, Tennessee" was to be released on Jan. 31.

Of course, we wouldn't have had anything to write about if there hadn't been so many talented people who have lived here. The Cashes, Orbison, Stuart and Smith, Swift, Conway Twitty and the Oak Ridge Boys immediately come to mind for many.

But there's also country music pioneers Roy Acuff and Kitty Wells; record producer Fred Foster; "Rocky Top" writers Boudleaux and Felice Bryant; "Heartbreak Hotel" writer Mae Axton, Bobby Bare, Ricky Skaggs, T. G. Sheppard, Kelly Lang, Dan Seals and Kelly Clarkson, to name a few more.

Researching and writing about their accomplishments made the sometimes-torturous writing process almost enjoyable.

To borrow an overused cliché, our chance collaboration was truly a labor of love — one we hope sparks a renewed interest in some of our city's unique musical heritage.

Tena Lee is a reporter for the Hendersonville Standard.

The fork in the road arrives; now's the time to take it

Unlike crooning legend Frank Sinatra, I can't claim to have lived a life of doing everything my way, but — just like the songster — although I do have a few regrets, they are too few to mention.

I guess that's not too shabby for somebody closing the door on a journalism career spanning 44½ years, more than half of it spent in a sometime chaotic newsroom smudging my fingers almost daily with undried ink . . . inarguably the lifeblood of a newspaper and the icon for freedom of speech. But now — like the postured skunk told the curious fox — the end is near.

For most insiders, it's not a secret. For a few outsiders, it might still come as a surprise. But, it shouldn't. I spilled the beans — in the Cleveland Daily Banner's Opinion page space — earlier this year after word of my pending retirement had begun filtering through the community.

The claims weren't exaggerated.



GUEST COLUMN

RICK NORTON

The grapevine served its purpose. I'm just glad I had made the decision before the rumor made its way to me.

That's just a lighthearted way to say it's been a great ride. Like a rollercoaster, journalism has brought its expected share of ups and downs. Thankfully, the ups have far outweighed the downs. I hope the same can be said of most professions where the heart beats this reminder: Some jobs are jobs; others are ways of life.

That's what newspapering is all about. It's not 9 to 5. It's not Monday through Friday, and it's not a long weekend on every federal holiday. It's a 24/7 mindset lived

at a pace that rivals an Olympic marathon.

Not everybody is cut out for newspaper work. I should know. In my years in a newsroom, I've seen too many come and go. Heck, I left newspaper work after my first 12 years back in '89. Although I was still young — practically a kid in the eyes of curmudgeonly old editors — I was already burnt out and in need of trying another side of communications, one not so intense and less emotionally draining.

With an opportunity to explore public relations and corporate communications, I took the plunge. Working for three different companies — one nonprofit and two global home-appliance conglomerates — I relished the normalcy of lifestyle and 21 years of predictability; and the pay and benefits weren't bad either.

But, something was missing, something like personal reward. So, when a door opened in 2010 —

a chance to return to newspapering — I stepped through it. And — just like in the late-1970s and '80s — the rollercoaster began its churn through a string of twists and turns, curves and straightaways, and hills and valleys.

Long hours, migraines — and once again being exposed to the inner-workings of the good and the bad of a community — all followed. Some might flinch at having the word "bad" associated with our hometown. Not to worry. Every town has a little. Those who believe they don't should take another look in the mirror . . . a long one. But, for every bad in Cleveland and Bradley County, there are a hundred goods.

That's why my wife and I have made it our home. Back in 1977, as wide-eyed college graduates and newlyweds, we followed the job market and landed in Cleveland. It was a simple plan. Move here. Get some work experience under our belts. Pad the resume. Move back

to West Tennessee to be closer to family within five years.

Like clockwork, everything worked out perfectly . . . except for the moving back. The longer we lived here, the more we loved it. Cleveland became our home. We've been here longer than anywhere. No regrets.

In my case, as the calendar has unfolded the clock has ticked. I can't say when it happened, but one day I grew old. The bathroom mirror said as much one morning when I peered into it to shave. My life-battered, broken-down dad was looking back. That's when I realized: It was happening.

When 2020 rolled around, its message came boldly. Until then, my strategy had been to reach full retirement age (66 and two months), work a few extra months deeper into 2022, and then hang it up. Like typing "30" at the end of a news story to depict its close, I

It's getting harder and harder to find a newspaper for sale

Late last month, my son and I were photographed outside of Columbia College Chicago for a story about my employer's new policy limiting children on campus.

The Chicago Tribune photographer captured him in a wrap on my back, his blue Vans untied and a floral mask covering his face. It was my baby's first newspaper photo.

I'm just old school enough that after I saw the story online (and after I shared it on social media) that I decided I should get a copy of the print edition for the scrapbook I will put together for him one of these years, probably after he's gone to college.

I am not a print subscriber to the Tribune. In fact, I am embarrassed to admit that I currently do not get a single print newspaper subscription delivered to my home. I have stacks of New Yorkers that I don't have time to read and library books at my bedside that have been there for weeks, automatically renewing without me opening them.

I am a working parent of three little boys, and my days of being able to sit with the Sunday newspaper and read it over coffee are behind me, for now. I'm busy in the morning getting my children ready



LOCAL MATTERS

JACKIE SPINNER

for school, frantically answering emails and trying to plan my day so I'm most likely to scan the headlines online and flag stories I want to read later in the day. I still pay for and consume journalism through a number of digital subscriptions. But I consume almost all of my news online right now.

Nonetheless, I wanted my son to have a copy of the picture, something to save, to yellow eventually. So I stopped at a convenience store to buy the paper. Sorry, the clerk told me. They don't sell the paper. I tried another store. And another. And then another. I must have searched a half-dozen stores within a one-block radius of my north side Chicago home looking for a print copy of the paper.

Once again I went on a search, trying gas stations, more convenience stores and even several coffee shops. I finally find a copy at the grocery store.

The last time I had to look this

hard for a newspaper was when I was living in Oman in the Middle East. It was the fall of 2011, and Arab Spring protests had broken out in the sleepy sultanate. I had seen piles of newspapers, untouched, in the stores for weeks before the protests began. They rarely carried actual news and certainly not news that challenged the government. But after the protests started in Oman, the newspaper publishers became emboldened and started carrying actual news. It was suddenly difficult to find a newspaper and not because the government was confiscating them. People were actually buying them because they had information that was valuable.

The only other time I've not been able to find a paper in Chicago was in 2016 when the Cubs won the World Series. I was at The Washington Post when Barack Obama was elected as the nation's first Black president and was able to get my souvenir copies in the newsroom.

There was nothing particular about the Wednesday my son's photograph ran in the Chicago Tribune. I ultimately posted on our neighborhood Facebook page to see if anyone with a print subscription could give me the paper for that day. A couple of neighbors



Photo by Shannon Kokoska via Flickr

responded, and I picked up my copy the next morning. But the story wasn't there. It ran a few days later on the front page, which I found out about when a neighbor texted me a picture that his mother-in-law had taken and sent.

I had a different relationship with The Washington Post when I lived in DC undoubtedly because I worked there. But the Post also prided – and sold itself at the time – as a local newspaper with a national reputation.

I've had a harder time feeling connected to Chicago's largest daily. The Tribune does some incredible journalism, and I have much respect for its reporters and editors, some of whom were colleagues of mine at our student newspaper in college. But the paper has never really felt like a hometown newspaper, not in the

way that a newspaper should.

It strikes me that this disconnect I feel is one that others can relate to; we mostly consume our news online in a format that feels impersonal even when our clicks generate personalized ads. (The latest Pew Research Center survey from earlier this year found that more than eight of 10 Americans read their news online.)

We know our readers, our future is digital because it already is. We know our neighbors are more likely to read us online than in print.

But I also think if we want to keep or regain the public's faith in what we do, if we want to be relevant to younger and younger audiences, we have to find a way to reclaim that hometown feel that newspapers used to have, that idea, however fleeting it now seems, that we were connected.

It's hard to feel connected when you can't even find the paper.

Jackie Spinner is the editor of Gateway Journalism Review. This commentary was originally published Nov. 4, 2021, and is reprinted here with her permission. A version of this story first appeared in Publisher's Auxiliary. Follow Spinner on Twitter @jackiespinner.

NORTON from Page 9

would be doing the same on a long career.

But, 2020 took its toll. Life happened, and it wasn't all about COVID-19. Harsh reality opened my eyes in a way like never before. And the desire to spend some extended time at the newsroom helm fizzled.

Some have asked what I'll do in retirement. Many have suggested writing a book. Maybe two. It's an intriguing idea, but 44½ years in journalism have taught me this: I need a break. Might be for just a little while. Might be longer. Might be forever.

For now, my immediate plans call for a long-overdue return to reading for pleasure, jumpstarting a daily regime of walking, working in the yard and finding a part-time job that'll keep me moving while paying for a Medicare supplement. I've always had a hankering to work in a grocery store. Maybe the time is right, assuming they hire

rickety old fellows like me who believe we can still be of use to somebody.

Love Muffin — who is also retiring in December — and I want to do some traveling. We don't know when. We don't know where. We don't even know in what direction. But, with the time together we have remaining, we'd like to see a few more corners of this land.

I won't miss the long hours, or the stresses, of a newspaper. But, I will miss writing this column. I'll miss hearing from the readers and I'll miss listening to their stories.

I've always said: Readers are why writers write. Writers are why readers read. It's a pretty good system, one that makes you glad you studied your alphabets in school.

In leaving, I'll miss getting to be part of the coverage of some big news stories in months, years and decades to come: the ribbon cutting and dedication of the new Bradley County Tennessee State Veterans Home next spring, the 2025 completion of the Highway 60

widening project, and the rollouts of a comprehensive downtown redevelopment plan and possible game-changing highway extensions near Exit 20.

But, others can tell those stories. I'll be content to read about them.

After almost half-a-century in journalism, you'd think I could better dramatize this retirement thing by ending the final page of the closing chapter with an inspiring thought . . . maybe something

like riding into the sunset or fading away like an old soldier. But, nothing so noble.

At day's end, I'll probably just turn out the office lights, climb into the KIA, click in the Mumford & Sons disc and scan to track No. 5, crank up the volume, and find an open road toward home.

Whether I sing along, I can't say. But whatever I do, I'll do it my way. Frank would be pleased.

And now, I am without words.

Advertising Committee announced for 2022

Darrell Richardson, chair of the TPA Advertising Committee, has announced the committee's roster for 2022. The committee is charged with the planning and execution of the advertising sessions in con-



Richardson

junction with a live or virtual event. This committee already has been hard at work to make changes to the 2022 Ideas Contest to include 11 new mostly digital categories.

Committee members are:

- Darrell Richardson, Chair, The Daily Times, Maryville
- Kim Forbes, Gibson County Publishing, Humboldt
- Billy Kirk, Kingsport Times News

I guess we all know what that means, so let's just keep it simple: Goodbye, folks. It has been, and always will be, my honor to have been a part of your lives while sharing a little of mine. With hope, and a little prayer, maybe we'll meet again on the other side.

This column originally appeared in the Dec. 4 Cleveland Daily Banner. Rick Norton, winner of many TPA State Press Contests awards, retired from the Banner in December 2021.

- Sara Jane Locke, The Herald-News, Dayton
- Sheena Meyer, Cleveland Daily Banner
- Roger Wells, Herald-Citizen, Cookeville

Ideas Contest for
Advertising & Circulation
DEADLINE: March 18

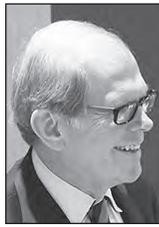
U.S. Supreme Court stays OSHA's extraordinarily overbroad mandate

On January 13, 2022, in a 6-3 decision, the U.S. Supreme Court stayed OSHA's Vaccine or Testing Mandate, stating that OSHA's Mandate exceeds its Statutory Authority and is otherwise unlawful.

The Court started its analysis by noting that OSHA is tasked with ensuring Occupational safety. OSHA's regulations must relate to employment. The court then stated that OSHA's ability to issue emergency temporary standards is permissible only in the narrowest of circumstances. The rule orders 84 million Americans to either obtain a Covid-19 vaccine or undergo weekly medical testing at their own expense. This is no "everyday exercise of federal power." "It is instead a significant encroachment into the lives – and health – of a vast number of employees. We expect Congress to speak clearly when authorizing an agency to exercise powers for vast economic and political significance." The court goes on to rule that OSHA is empowered to set workplace safety standards, not public health measures. OSHA's provisions speak to hazards that employees face at work, and no provision of OSHA addresses public health more generally.

Significantly, the Court stated the following:

"Although Covid-19 is a risk that occurs in many workplaces, it is not an occupational hazard at most.



LEGAL UPDATE

L. MICHAEL ZINSER

Covid-19 can and does spread at home, in schools, during sporting events, and everywhere else that people gather. That kind of universal risk is no different from the day-to-day dangers that all face from crime, air pollution, or any number of communicable diseases. Preventing OSHA to regulate the hazards of daily life – simply because most Americans have jobs and face those same risks while on the clock – would significantly expand OSHA's regulatory authority without clear congressional authorization."

While Congress has given OSHA the power to regulate occupational dangers, OSHA was not given the power to regulate public health more broadly. Requiring the vaccination of 84 million Americans would be doing just that, regulating health more broadly.

In a concurring opinion Justice Gorsuch made clear that it is Congress – not OSHA – that would be required to decide whether 84 million people could be mandated to take the vaccine. Justice Gorsuch noted that a majority of the Senate even voted to disapprove

OSHA's regulation. Chastising the Biden administration, Justice Gorsuch wrote "it seems, too, that the Agency pursued its regulatory initiative only as a legislative "work-around."

Less than two (2) years ago OSHA itself argued in Federal Court that the statute does not "authorize OSHA to issue sweeping health standards that affect workers lives outside the workplace."

This is a question of vast economic importance. If Congress wanted to delegate that power to OSHA, it should have clearly delegated that authority in the statute. Congress did not do so. We cannot have the Government by bureaucracy supplanting the Government by the people.

Justice Gorsuch wrote "under OSHA's reading, the law would have afforded it almost unlimited discretion – and certainly imposed no specific restrictions that meaningfully constrain the agency." He then quoted Chief Justice Marshall from an 1825 decision: "there are some important subjects, which must be entirely regulated by the legislature itself and others of less interest in which a general provision may be made, and power given to others to fill up the details." This OSHA mandate is not just "some detail."

The Supreme Court's decision corrects an egregious abuse of power by the Biden Administration.

Independent contractor status is under the microscope!

A year ago, with the advent of the Biden Administration, I wrote a column predicting that once the President had filled open seats and had a Democratic majority at the National Labor Relations Board, that independent contractor status would be attacked.

In a January 2019 case named Super Shuttle, the NLRB issued a ruling reaffirming its adherence to traditional common law factors to determine whether one is an employee or independent contractor. Super Shuttle reversed a 2014 Obama Board decision that had modified the test to "severely limit the significance of a worker's entrepreneurial opportunity for economic gain." Super Shuttle specifically recognized the importance of entrepreneurial opportunity. The Super Shuttle opinion favorably highlighted a newspaper industry case, St. Joseph News-Press, holding that home delivery, single copy, and bundle hauler newspaper carriers were all independent contractors. The St. Joseph News-Press case recognized the importance of entrepreneurial opportunity which was built into the written contract in that case.

On December 27, 2021, the current NLRB with a Democrat majority seized upon a case involving

makeup artists, wig artists, and hair stylists to challenge the Super Shuttle precedent. The Regional office of the NLRB had ruled that these individuals were employees and not independent contractors. The employer requested a review of that decision; the NLRB granted it to scrutinize the independent contractor issue. In its December 27, 2021 Order, the Board issued "Order Granting Review and Notice and Invitation to File Briefs."

In this Order the Board invited the filing of briefs in order to afford the parties and interested parties the opportunity to address the following questions:

1. Should the Board adhere to the independent contractor standard in Super Shuttle?
2. If not, what standard should replace it? Should the Board return to the standard in FedEx home delivery, the 2014 Obama board case?

The Democrat majority would not have issued this invitation unless it was seriously considering going back to the FedEx home delivery case standard. NLRB Members Kaplan and Ring (Republican Trump appointees) dissented. The dissenters stated, "We cannot support the majority's decision to revisit Super Shuttle and potentially return to the standard in FedEx or some variation of that discredited stan-

See **ZINSER** Page 12

OBITUARIES

Louise Gephart Durman

Louise Gephart Durman of Jefferson City, a long-time writer and editor for the Knoxville News Sentinel, passed away on Nov. 19, 2021 in the company of her family at Friends of Hospice Serenity House in Morristown, Tenn. She was of the Episcopal faith.

Louise was the daughter of the late Dr. Roy E. and Anna Louise Gephart of New Castle, Ind., and the niece of U.S. Congressman Ralph Harvey and his wife Charline Harvey of Mt. Summit, Ind.

Louise graduated from Purdue University with a bachelor's degree in home economics and from Columbia University in New York City with a master's degree in journalism. While in New York, she interviewed Eleanor Roosevelt,



Durman

wife of President Franklin D. Roosevelt.

She was employed by the Washington Post in Washington, D.C. immediately after graduating from Columbia University. She

then returned to Indiana where she was a feature writer with The Indianapolis News. After her marriage to Fred H. Durman, they moved to Dandridge, Tenn., and she was employed by the Knoxville News Sentinel for more than 36 years as a feature writer and food editor. She was author of four cookbooks, including the popular "Vol Vittles" and "Recipes Upon Request."

The Durmans restored historic

homes in Dandridge, New Market, Jefferson City, and Morristown. Fred Durman died in 2011.

Throughout the past few years, Louise has resided at Signature Lifestyles in Jefferson City. Louise and her family have been appreciative of everyone who has worked with and lived with Louise during her time at Signature Lifestyles and during her brief stay at Serenity House.

Louise leaves behind her beloved son Christopher Durman, daughter-in-law Candice Durman, and grandson Will Durman of Jefferson City, Tennessee. She also leaves behind many friends, colleagues, and family members.

Graveside services were held Nov. 27 at the Old Methodist Cemetery portion of Westview Cemetery on West Old Andrew Johnson High-

way in Jefferson City, Tenn.

Christopher, Candice, and Will would also like to add that Louise was a wonderfully loving and supportive confidant, mother, and "Neenee" who they will all miss terribly. Louise always held a special place in her heart and her home for the animals in her life.

Submitted, Dec. 6, 2021

Elenora Easterly Edwards

Elenora Easterly Edwards of Clinton, former news editor of The Courier News, Clinton, and former longtime managing editor of The Tennessee Press, died on Saturday, Feb. 5, 2022, at the age of 79.

She was the daughter of late Guy and Lucile Easterly, who once owned The LaFollette Press.

She is survived by her son Ben



Edwards

Edwards, her sister Helen Anne Tucker, cousins and friends.

A celebration of life is scheduled for Saturday, Feb. 12, 2022 at 1:00 p.m. at the Memorial United Methodist Church

in Clinton.

Holley-Gamble Funeral Home of Clinton is handling the arrangements.

In lieu of flowers, gifts may be made to a fund designated for Ben Edwards' long-term care. Gifts may be sent to Memorial United Methodist Church, 323 North Main Street, Clinton, Tennessee 37716.

A complete obituary will be included in the March edition.

FIREFIGHTER from Page 7

breathe,” Jorgensen said.

“I remember saying to one of the older guys: ‘At least we are all alive.’ And he said, ‘No we are all dead. You don’t understand. Whatever we breathed in is poison, and we are going to be there for a long time looking for everybody, and it is going to kill us all.’ Now looking back, he was right.”

Exposure to toxins lead to illness

A report released this month by the Department of Justice has found that more people have now died from illnesses related to the attack than in the attack itself.

The Victim’s Compensation Fund has issued financial awards to more than 40,000 individuals, totaling nearly \$9 billion.

In 2011, Jorgensen was diagnosed with Hairy cell leukemia, a rare type of cancer in which the bone marrow produces too many lymphocytes.

Less than 500 individuals in the U.S. are diagnosed with the disease each year, but several firefighters who served at Ground Zero have been diagnosed with the illness.

The Mayo Clinic found that studies show that people with Hairy cell leukemia might also have an increased risk of developing a second type of cancer.

Following a series of severe chemotherapy treatments, Jorgensen remains in remission from the illness.

“Some guys were assigned down there for a month deployment at a time,” Jorgensen said, who was redeployed to Tower Ladder 15 in Southern Manhattan.

The station lost 15 firefighters at the World Trade Center.

“I would go on my off-duty days to dig and search,” Jorgensen said, “on and off for the next nine months, until May, when it was considered finished. Half the victims were never even identified, which is just heartbreaking.”

Jorgensen said the months passed in a blur as he held his post at Ladder 15, filling the shoes of those who had died at the towers.

On New Year’s Eve, Jorgensen watched as his childhood friend and fellow firefighter, 34-year-old John Albert Schardt, was laid to rest after his remains were located on Christmas Eve.

Schardt left a successful career as a chemical operator with Merck pharmaceutical company to pursue his passion of serving as a firefighter. He was assigned to Brooklyn’s Engine 201, where he spent his entire seven-year career in the service.

As children growing up on Staten Island, the two had a recreational football team.

“We played like warrior poets,” Jorgensen said. “He was such a spirit. He had this big, huge smile

all the time no matter what the situation. He was a great soul. You felt loved in his presence, and you felt protected because he was such a strong guy.”

Jorgensen attended his friend’s funeral and participated in the ceremony as an honor guard.

In May of 2002, Jorgensen’s daughter and Scharden’s daughter were born three days apart.

“I feel so guilty to this day. I have seen my kids and my family grow, but John has not seen none of this. It is just not right because he was such a great human being,” Jorgensen said.

“I think we should try to be humble and grateful that there were so many people that day who gave their lives helping others.”

Seeing ‘the best of America’

In the weeks that followed the attacks, Jorgensen watched hundreds of emergency responders and volunteers flood into the city from across the country.

“It was the best of America,” Jorgensen said. “Everybody just rallied to that call to help. I have never felt so unified, and I have never felt so proud to be an American. Those days just resonated. It didn’t matter what race, what religion, what gender. It was a great feeling to feel that tight bond with fellow Americans.”

For Jorgensen, the unity he saw following the events of Sept. 11 are

a far cry from the current affairs of the nation.

“I have had the honor and the privilege to work in service and with men and women who are willing to give up their tomorrows so that you could have your own,” Jorgensen said.

“9/11 was a true testament to the greatness of our country. People just have their love to help others, and so many put their lives on hold without any expectation of anything in return. We were together regardless of how we were raised or where we were raised or what your beliefs were. Racial, gender, ethnic, it didn’t matter we were all in this together.”

Stop pointing fingers, start listening

Visiting Columbia Fire & Rescue and his former firehouses in New York, Jorgensen said the nation’s youth remain willing to take up the mantle of service.

“There is still generation after generation of young people that want to do these jobs for very little pay and very little recognition and for very little respect,” he said. “Responders are going to make mistakes, but there is no one stopping them and thanking them. This division has to stop. A house divided cannot stand. We cannot keep going on this way.”

Reflection on his career, Jorgensen said the U.S. of today is in

need of deep, honest conversations free of personal attacks.

“If you share your viewpoint, you are attacked, regardless of what side it is instead of sitting down like mature adults,” Jorgensen said. “Now it is just a constant, immediate attack. Be thankful. Be grateful.”

“We need to start looking around and seeing how we can make things better. We have to stop pointing fingers at one another, and we need to start listening.”

Continuing the memory

Jorgensen has partnered with Iron Light Labs, an independent media lab, to produce the podcast “20 for 20.”

The production, which was launched to coincide with the 20th anniversary of Sept. 11 in 2021, aims to preserve the memory and the stories of those who were involved in the event from police and firemen to those who worked inside the towers.

Listeners of the podcast are encouraged to support the Tunnels to Towers Foundation, an organization established in honor of the sacrifice of Stephen Siller, a firefighter who donned his gear and ran through the closed Brooklyn Battery Tunnel to the World Trade Center, where he perished.

To listen to the Jorgensen podcast visit ironlightlabs.org/20-for-20/ and to support Tunnels for Towers, visit t2t.org.

ZINSER from Page 11

dard. We respectfully dissent.”

We already know from the public record that the current Chairman of the NLRB, Lauren McFerran, is opposed to independent contractor status from her speeches. Democrat Member Gwynne Wilcox expressed her hostility to independent contractor status during her confirmation hearings.

Newspaper management, prepare for battle! Do your due diligence and do everything you can to get your independent contractor agreements in good shape: train your management personnel who contract with independent contractors, teach them the independent contractor concepts, and the correct way to administer those contracts.

It is significant to note that the 2014 Obama Board FedEx decision was reversed by the U.S.

Court of Appeals for the D.C. Circuit. The D.C. Circuit Decision gave great weight to the importance of entrepreneurial opportunity for gain or loss. In the coming years companies may need to go to the U.S. Courts of Appeal to achieve Independent Contract Status under the National Labor Relations Act.

On January 6, 2022, the U.S. Department of Labor and the NLRB announced that the two agencies have signed a Memorandum of Understanding, detailing procedures on information sharing, joint investigations, and enforcement activity. Expect these two agencies to collaborate on attacks on independent contractor status.

NLRB: Employees may wear BLM messaging

On December 3, 2021, the NLRB issued a sweeping complaint against Whole Foods Mar-

kets, claiming that the Company had violated the National Labor Relations Act by maintaining and enforcing rules regarding workplace attire that prohibit employees from wearing Black Lives Matter messaging at work. The NLRB is claiming that wearing Black Lives Matter messaging at work somehow is raising concerns about working conditions. That seems like a real stretch! However, NLRB General Counsel Jennifer Abbruzzo had earlier stated that she was going to be taking a very broad view of employee rights under the National Labor Relations Act.

The complaint targets the following policies:

- A face mask operating procedure that prohibited masks for face coverings with any visible slogan, message, logo, or advertising.
- A dress code policy that required employees to wear Whole Foods Market attire without any

visible slogan, message, logo, or advertising.

- An updated dress code that included similar limitation applicable to all apparel worn by employees, with an expressed exception for union-related insignia, pins, or buttons.

This case is clearly legal adventurism on the part of the current General Counsel who has indicated time and again that she interprets employee rights very broadly under the National Labor Relations Act and is going to pursue cases to try to effect change in the Board’s case law. A trial before an Administrative Law Judge is scheduled for March 2022.

Whole Foods answered the complaint vigorously. The Answer states that the NLRB is unconstitutionally trying to compel speech by Whole Foods in violation of its First Amendment rights. Whole Foods also accuses the NLRB of “unlawfully infringing upon and/

or diluting Whole Food Markets protected trademarks” by trying to mandate that it allow display of “a political message in conjunction with” its trademark uniforms and logos. Whole Foods argues that BLM messages do not relate to workplace conditions, but rather are “political and/or social justice speech.”

The employees also filed a Title VII Action in Federal Court claiming that the Company’s policies constituted unlawful discrimination. The Federal Court threw out most of the allegations finding that a rule generally prohibiting employees from wearing logos, insignia, or messaging did not constitute discrimination under Title VII.

L. Michael Zinser is president of The Zinser Law Firm, P.C., in Nashville. He can be reached at 615.244.9700 and mzins@zinslaw.com.