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The Tennessee Press

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Vass takes TPA president's gavel from Horne

MIKE TOWLE
Managing Editor
July 25, 2019

Chris Vass, public editor of the Chattanooga Times Free Press, is the new president of the Tennessee Press Association. Vass takes over the association's presidency from Doug Horne, owner of Republic Newspapers, Knoxville.

Horne completed his one-year term by handing the president's gavel to Vass during a ceremonial reception held Thursday, July 18, at the Tennessee Aquarium as part of the TPA Summer Convention in Chattanooga.

As mandated by TPA by-laws, Vass had served in a TPA vice-presidential role for two years before moving up into the president's seat. She joined the TPA board of directors in 2008.

"My colleagues are publishers or paper owners with more business experience in the industry

and knowledge of the challenges Tennessee papers of all sizes face," Vass said in her inaugural address. "They welcomed me, shared their wisdom and their friendship. Now I have the privilege of giving back and leading this organization over the next year with the goal of helping our members assert their important community voices, their value and their accessibility to readers.

"This is what I think: We have the unique relationships and readership that our competitors envy and will never claim. TPA's 129 members will succeed when we make 50 good decisions every day. They don't have to be big. Fifty small ones every day will do. We can do that.

"Our readers, our communities are counting on us. If not newspapers, then who? 2019-2020, here we come!"



Photo by Tony Centonze, for the Tennessee Press Association

Chris Vass (left), Chattanooga Times Free Press, takes the TPA president's gavel from outgoing president Doug Horne, Republic Newspapers, Knoxville, during the TPA Summer Convention Reception held July 18. See more TPA Convention Reception photos on page 7.

Tribune publisher honored by Human Rights Commission

SUBMITTED
Tennessee Tribune
June 27, 2019

Rosetta Miller Perry, a long-time Civil Rights activist has been named the recipient of the 2019 Tennessee Human Rights Commission's Jocelyn D. Wurzburg Civil Rights Legacy Award. The award was to be presented, Friday, July 19, at the Supreme Court Chamber of the Tennessee Capitol.

This award is named in honor of Jocelyn D. Wurzburg of Memphis, who has a long history of volunteer civil rights accomplishments, advocating for equity, equality and non-discrimination. She served on the Tennessee Human Rights Board of Commissioners on two occasions — in 1971 and again in 2007. During that time, Wurzburg began extensive work and research to



Perry

write the model for the Tennessee Human Rights Act, which she continued to promote after her first term. In 1978 her actions were responsible for transforming the Tennessee

Human Rights Commission from an advisory to an enforcement organization. The very first Wurzburg Award was presented to Jocelyn for her continued efforts in civil rights and women's rights.

The Wurzburg Award is given to individuals who have demonstrated long-term advocacy to human rights. Beverly Watts, executive director of the Tennessee Human Rights Commission said, "Award recipients are selected because his

or her life's work embodies the ideals and principles of inclusion, equity, equality, access and diversity and (Perry) exemplifies those characteristics. (Perry) stated that she had worked with Ms. Wurzburg when she was a member of the Tennessee State Advisory Committee to the United States Commission on Civil Rights and she



Wurzburg

was a field investigator. She said Ms. Wurzburg was always there in Memphis working to better relations within the community and state then and now and she is deeply

humble to receive this award from a person she has always for more than 50 years. The Tennessee Hu-

man Rights Commission Board of Commissioners selected Mrs. Perry as a recipient of this award because of her dedication and leadership in cultivating more inclusive and equitable communities," Watts added.

Perry is founder and publisher of the Tennessee Tribune, which has operated for more than 25 years. Additionally, she served a Field Coordinator of the Equal Opportunity Commission and worked in pivotal roles in Nashville and Memphis during the 1960's Civil Rights era. Her work has been chronicled in various publications, including the book, A Spy in Canaan: How the FBI Used a Famous Photographer to Infiltrate the Civil Rights Movement by Marc Perrusquia.

For more information, contact Veronica McGraw at 615-253-1608 at the Tennessee Human Rights Commission.

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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; send a note to 118 East Kingwood Drive, Suite F16, Murfreesboro, TN 37130, or email editor@tnpress.com. The deadline for the October issue is Tuesday, September 3.

What matters the most is what we can do

It's summer 2019, and Tennesseans already are inundated with 2020 presidential politics. Partisanship has deepened and widened; the level of discourse coarsened. Conversation is seemingly stuck. The public's impulse to blame "the media" with a wide "fake news" brush stroke diminishes those who get up every day to practice quality journalism.

Did any of us believe a decade ago that consumers would view our credibility the same way they view the credibility of Breitbart or Daily Kos? To steal the title of one of my husband's favorite movies: "It's a Mad, Mad, Mad, Mad World."

For two days, though, that madness stopped for those who participated in the "TPA CONNECT Chattanooga 2019" summer convention. This year's event, which offered training sessions for newsroom, advertising and circulation staff, included a celebration of the best work by newsrooms across the state as well as ceremonies to induct three giants in Volunteer State journalism into the Tennessee Newspaper Hall of Fame. It was refreshing to talk about journalism without answering a question about something MSNBC, CNN or Fox News was reporting.

Our state's best local journalism was recognized at an awards luncheon that kicked off the two-day event. The Texas Press Association judged our entries, and TPA will return the favor this fall when we judge the Lone Star State's best journalism. It was gratifying to honor the work of reporters, editorial writers, photographers, graphic artists and designers from Tennessee.

Local papers cannot fulfill their public service mission without strong, customer-focused advertising and circulation services. At the convention, sales and circulation staffs were motivated by presentations by Chuck Underwood, who delved into the relevance of taking generational approaches to these critical newspaper functions. The best advertising and circulation ideas were recognized at the a luncheon on Friday, followed by training sessions on sales communications, growing audience and more idea exchanges that allow member papers to share effective techniques boosting readership and return for advertisers.



YOUR PRESIDING REPORTER

CHRIS SHERRILL VASS

Thank you, Doug!

While Doug Horne's official TPA leadership ended at the July convention, his impact on our organization will be felt for years to come. Over the past year, he capably led TPA with a keen eye on our budget. During his tenure, the board restructured dues to reflect new readership realities, and most generously, Doug provided our TPA and TPS staff with office space for three years — at no charge. His generosity allowed our organizations to stabilize our financial footing at a critical time. Well-done, Doug. On behalf of TPA's board and membership, thank you!

As our industry grapples with stark financial uncertainties, it's motivating and reassuring to see newsrooms producing quality work that serves their readers and communities with local news. Each of our markets will be best served, and our newspapers best served, by the production and promotion of quality journalism — reporting on local governments, school boards and schools, the state legislature, high school and college sports, police and court happenings, the good works of individuals and the unique stories of people who make communities special. It is the local newspaper that has the responsibility to hold local and state public officials accountable. Well-trained journalists in every step of the process are the reason complex community problems can be unpacked, explained and solutions offered.

To end the convention, we inducted (posthumously) three newspapermen into the Hall of Fame. John M. Jones III, John Seigenthaler and George Whitley helped set the bar high for today's journalists. In an environment that seems to shift on a daily basis, the ability to look back at how these newsmen handled their business can be invaluable to all.

The time together, the awards luncheon and Hall of Fame dinner gave us the chance to remember that a free and independent press is as relevant today as it was when those Hall of Famers launched their newspaper careers.

There was a time when reporting the news was all that was required

of newspaper journalists, but that is not the case now. The people who most need to understand what quality journalism looks like reside on the business side of our newspapers. It is equally important that our editorial staffs appreciate what goes into marketing and selling our product.

There has to be a partnership to sell the journalism while re-educating consumers on the difference between our content and the latest internet site populated with listicles, quizzes or cat videos.

We talk about creating value for our readers in all of the platforms we use, but what is the value that will distinguish us from others in the "media"? I would contend that beneath all of the tactics and strategies, only high-quality journalism will create value; building readership and relationships begins and ends with the journalism coming out of newsrooms in Tennessee. Personally, I have spent most of my working life in a newsroom, and I know that the principles of objectivity, fairness, balance and accuracy ingrained in me are not subject to the whims of technology or generational shifts.

One of the most satisfying things in my journalism career was knowing we "had the back" of the Chattanooga region. The best thing we can do for our communities, and perhaps the best thing we can do for ourselves, is to return to the place where citizens know their newspaper has "got the back" of its community.

One of my favorite movies is "Spotlight." Liev Schreiber, playing Boston Globe Editor Marty Baron, said, "What I am more focused on right now is finding a way to make this paper essential to its readers." In a period of consumer confusion about what reporting they can trust, what is essential is an unrepentant commitment to the highest standards of journalism possible.

I hope we focus, together, on producing and promoting journalism so that newspapers can assert their voice in Tennessee. We are 129 papers strong, and we have a powerful message to tell. That message is based on high-quality local journalism. Let's share that message, together, in the next year.

Chris Vass is the public editor of the Chattanooga Times Free Press and TPA's 2019-20 President.

Welcome, Chris Vass, our new TPA president

Over the past several years, I have been fortunate to work with Chris on several different committees and projects. Her input has been thoughtful, engaging, and generally makes me say to myself, "I wish I had said that!"

And a huge thank-you to our outgoing president Doug Horne, who handed over the gavel to Chris last month in Chattanooga. It has been an honor to work with Doug over the past year. He has always been available when I needed to discuss different issues and topics that impact our association. Most importantly, he was a great sounding board with some sage advice on our efforts to devise and implement a new dues structure for the TPA. We were able to implement the structure this year, and it is positively impacting the sustainability of our



FROM THE EXECUTIVE DIRECTOR

CAROL DANIELS

association. Thank you, Doug!

As one president steps down and another steps up, I am reminded how much I enjoy working with different leaders of our associations from across the state. TPA is a diverse organization with many different types of members; our diversity demands that we have leaders who can represent all of those members. The alternating presidencies of metro and community leaders helps to maintain the kind of balanced knowledge and engagement that

we need.

As we all should know, we are entering into TPA's 150th anniversary year! I am excited that we will be rolling out several initiatives throughout our sesquicentennial. We have been working on an essay series that will focus on topics that the association and our industry were a big part of. Our goal is to showcase how dynamic and essential to their communities that our member papers are.

The role our newspapers have played in informing their readers and documenting their communities is crucial and should be recognized and celebrated! We are also working with the First Amendment Center at MTSU to bring a First Amendment campaign to all of the papers across the state. There has been much

discussion on how all members, big and small, can create local awareness of the importance of strong community journalism. That program is scheduled to roll out early in 2020.

I also want to introduce Tennessee Press Service's newest team member, Frank Zier. Frank will be our National Account Director, representing our members to existing and potential advertisers. Frank is excited about the chance to tell of your good work and the stories of TPA papers, and, of course, to bring revenue to you!

Thank you,

Carol

Carol Daniels is the executive director of the Tennessee Press Association.

FOR YOUR CALENDAR

AUGUST

7-10: Association for Education in Journalism and Mass Communication Annual Conference, Sheraton Centre Toronto, Toronto, Ontario, Canada

7-11: National Association of Black Journalists Annual Conference and Career Fair, JW Marriott Miami Turnberry Resort & Spa, Aventura, Fla.

SEPTEMBER

5-7: Society for Professional Journalists, Excellence in Journalism Conference, Grand Hyatt, San Antonio, Texas

9-10: ASNE-APME News Leadership Conference, New Orleans Marriott, New Orleans, La.

12: **Free Webinar** for TPA Members: Enhance Your Paper's Obituary Category

29-Oct. 1: Association for Women in Communications, Embassy Suites, Charles, Mo.

OCTOBER

3-5: National Newspaper Association's 133rd Annual Convention and Trade Show. The Pfister Hotel, Milwaukee, Wisc.

6-8: Southern Newspaper Publishers Association (SNPA) - Inland Annual Meeting, J.W. Marriott Chicago, Chicago., Ill.

18: **Free Webinar** for TPA Members: The Community's Perception(s): State of U.S. Print Weekly Newspapering in the 21st Century

NOVEMBER

Oct. 31 - Nov. 3: College Media Association Fall National College Media Convention 2019, in conjunction with Associated Collegiate Press, Grand Hyatt Washington, Washington, D.C.

FEBRUARY 2020

12-13: **TPA Winter Convention**, DoubleTree Nashville Downtown Hotel, Nashville

APRIL 2020

17-18: Journalism Education Association National Convention, Gaylord Opryland, Nashville

Thanks one and all for your service

This is my last column for the Tennessee Press as my term as President is completed. We have a great person in Chris Vass, Chattanooga Times Free Press, as our new president, Chris will do a fine job.

I want to thank all the dedicated members for their work in 2018 and 2019; starting with our executive director Carol Daniels, Robyn Gentile, Earl Goodman and all other staff members, and the officers of the TPA Board, the TPS Board, the TPA Foundation Board and the nine district directors of the Press Association. We have a dedicated, committed, and experienced Press team across the state - thank you again for your



IMMEDIATE PAST PRESIDENT

DOUG HORNE

service.

Also I want to commend the long and extraordinary service of the three newspapermen inducted into the Tennessee Newspaper Hall of Fame - John M Jones Sr., John L Siegenthaler and George T Whitley. These are legendary men for Tennessee Press; we owe them much.

And finally, I want to thank

all 129 member newspapers in Tennessee for the steady, continual commitment to getting the news out to more than 6 million Tennesseans by way of print, online and digital means. And most importantly telling the stories of people in their communities and being the standard bearer and official record for Tennessee communities. Our First Amendment responsibilities have never been more critical and significant to preserve our state and country freedoms. We know that America is the last, best hope for freedom and justice in this world. No one plays a bigger role to assure this mission is successful than you, the newspaper men and

women. The man, Thomas Jefferson, who is credited with writing most of the Declaration of Independence in 1776, that we just celebrated again on July Fourth, knew this monumental and freedom role that you have for our state and country. And thank you for your service in upholding and defending the First Amendment - freedom of the press.

God bless!!

Doug Horne, owner of Republic Newspapers, Knoxville, just completed his one-year term as president of the Tennessee Press Association for 2018-19.

TRACKS

Whaley named Daily Times' ad director

Joi Whaley, formerly the advertising sales manager for The Daily Times, Maryville has been named the newspaper's advertising director. She replaces Evelyn Sandlin, who retired effective June 30 after 20 years at The Daily Times.

Whaley is still relatively new to The Daily Times. She has been an employee since September



Whaley

closer to her mother and brother, who is autistic.

2018. However, she is not new to the newspaper world. She worked at The Mountain Press in Sevierville as its advertising director for 16 years. She left there to move

Because of her past experience as advertising director at The Mountain Press, Whaley said she has a good grasp on what her new position entails, just on a larger scale than what she is used to.

She received her bachelor's degree in marketing and advertisement from Lincoln Memorial University.

Whaley wanted to get her degree in education, she said, but

See **TRACKS** Page 4

Free webinars for TPA members

**Sept. 12:
Five Ways to
Enhance Your
Paper's Obituary
Category**

OnlineMediaCampus.com
Contact rgentile@tnpress.com
for the coupon code.

A quick peek at the 'stock market' for ideas

Daniel told me about an ad he created for a commercial real estate firm. "They prided themselves on the hard work they did for their customers. Their marketing manager said 'shoe leather' was their secret of success. When I heard that, I knew it would work in their ads."

"I found a stock photo of a shoe with a hole in the sole, then asked our creative department to enlarge the hole to make it more dramatic. The copy described the advertiser's willingness to wear out their shoes to serve their customers. That photo was a real winner. It became the theme for everything they advertised."

Stock photography can be an important addition to your creative toolbox. Here are some points to keep in mind:



AD-LIBS®

JOHN FOUST

1. Look for an image to illustrate an idea you already have. That is what Daniel did. "I knew I needed a picture of a shoe," he said. "It was just a matter of finding the right one. A photo worked better than a drawing, because it was a picture of an actual shoe. Sure, we modified it, but the end product was still a real shoe."

2. Browse through images to find a new idea. Sometimes you'll have a general concept in mind. You just

need a visual image to crystallize the idea.

Let's say you're developing a campaign for an investment company that has a long history of helping people navigate the ups and downs of the economy. Their philosophy is, "There's no need to worry. Your investments are safe with us."

You look through some stock images and find several distinct categories to consider – people, objects, activities and places. They all offer opportunities to use comparisons and hyperbole.

To consider a few generic examples . . . could a mountain climber represent the company's expertise in moving onward, regardless of the unpredictable twists and turns of the economy? Could a lighthouse symbolize the firm's guiding prin-

ciples in protecting their clients' retirement accounts? Could a padlock represent their commitment to financial safety?

What about the advertising for a home builder? Could a paint brush symbolize their meticulous attention to detail in the homes they build? Could a clock represent the fact that their houses sell quickly, because they are so popular?

3. Don't hesitate to modify an image. Like Daniel modified the stock photo of the shoe, you can customize an image to fit your specific situation. "The change made the selling point more noticeable," he said. "I knew the shoe would appear in small ads, as well as large ads – and I didn't want anyone to miss the point."

4. Be sure to check the usage

agreement. Even if your publishing company has purchased a collection of stock images, do some research before you present an idea to your client. You'll want to make sure you have the proper permission to use the image how you want – and as many times as you want.

Without a doubt, the "stock market" for photographs is a great place to find ideas.

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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

TRACKS from Page 3

changed her mind after realizing how much unnecessary pressure she put on herself in her English courses.

After graduating, she went to work in marketing for a local credit union. As part of her position there, she worked with both The Daily Times and The Mountain Press, and got to know Sandlin.

*The Daily Times, Maryville
June 30, 2019*

Francis joins MCN staff

The Morgan County News, Wartburg, is pleased to announce that Emery Francis is the newest member of its team. Francis' main role for the News will be covering sports, but don't be surprised to see her at other community events



Francis

as well.

Francis is attending Roane State Community College and is majoring in journalism.

"If your job is doing something you love, you'll never work a day in your life. This new opportunity is not only a job I'll love, but it's in a county I love and all about people I love," Francis said.

"We are happy to have Emery here at Morgan County News," said

MCN editor Goose Lindsay. "Emery has lived all of her life in Morgan County. She knows the people in this area and understands the importance of relationships in a small community like ours."

*Morgan County News
June 26, 2019*

McKenzie retires after 42 years at DPA

After more than 40 years of service, Patricia McKenzie has retired from the Daily Post-Athenian, Athens.



McKenzie

An Englewood native, McKenzie, who most recently had worked in the advertising specialties division, started her tenure at The DPA in 1977.

"The best thing about being at the DPA all these years are the customers I've met and keep coming back. It's like family," McKenzie said. Even at The DPA, I've made so many lifetime friends that I still keep in touch with now. No amount of money could replace that – it's like family."

McKenzie, 65, noted she was hoping to keep her fulltime position as long as possible.

"I never planned on retiring because I have enjoyed it," she

said. "It's something that I thought I could do at least another year, but I've had so many health problems, and my husband (Mike) convinced me into retiring."

McKenzie was initially hired in the job printing division, but has since occupied a number of jobs ranging from typesetting, manually constructing the newspaper's layout, serving as the manager of the job printing department and managing the commercial print shop.

Her career spanned the presence of eight publishers. While she can recall the influence of hundreds of coworkers, she spoke about a couple who particularly interested her.

J. Neal Emsinger, the paper's editor when she was hired, made a significant impression.

"Working with Mr. Emsinger, I was in awe," McKenzie said. "He was such a great speaker – I could sit and listen to him way longer than he could talk. And he was a great friend. He was probably one of the nicest people I've ever met in my life."

She also mentioned Richard Edwards, a former managing editor, as an important figure.

"There has never been a better representative for this paper than Richard Edwards," McKenzie said. "He always thought about how you look at things and wanted to make it perfect."

In 42 years, McKenzie has seen

the industry's development from a physically-dependent process to what is now almost entirely digitized.

"I've seen so many things change over the years," she said, referencing everything from photo production to editing and overall assembly. "All of those steps actually took a team to get a job finished. It was just a process – and a lot of good people worked as a team to get the finished product out."

Now that she is retired, McKenzie said she hopes to finish remodeling her childhood home, as well as spend more time with her family. She has been married to Mike McKenzie for 47 years and they have one son, Mark.

*The Daily Post-Athenian
June 24, 2019*

Hensley is Lakeway's circulation vice president

Phil Hensley has been named as vice president of circulation for Lakeway Publishers and circulation director for the Citizen Tribune.

Hensley comes to the Tribune after 37 years of working at the Johnson City Press and a nine-month stint at the Opelika-Auburn News in Opelika, Alabama.

For Hensley, the opportunity to work at the Citizen Tribune also meant a homecoming. He grew up in Morristown, playing football at Morristown-Hamblen High School East.

"It was something I couldn't pass up," he said.

Hensley has been married for almost 35 years and has two daughters and two grandchildren. He took the position after longtime Vice President of Circulation Donald Lovelace Jr. left the Citizen Tribune.



Hensley

Hensley was born in Knoxville, but spent most of his childhood in Morristown when his family moved here when he was six years old. He attended elementary, middle and high school in Hamblen County.

After he graduated from East High School, he left to attend East Tennessee State University.

He first considered sports broadcasting at ETSU, but found the major changed on him. During his college years, he landed a job as district manager helper in circulation at the Johnson City Press and decided he had a taste for the news business.

Over the years, he rose to district manager then zone manager and in 1991 became circulation director for the Johnson City paper.

He later went back to school and earned his bachelor's degree in business administration from Milligan College in 1998.

OBITUARIES

Curtis Adams

Curtis Adams, recognized as the longest-serving commissioner in Hamilton County history and former chairman of that panel, died Tuesday, July 2. He was 86.

"Curtis was a true southern gentleman," said Hamilton County Trustee Bill Hullander, who served on the commission with Adams for all 12 years of his own tenure. "He always wanted to do what was best for the county, and those who were close to him knew he was also a very spiritual person."

Adams, also a former East Ridge city manager, was a longtime circulation director and advertising



Adams

director for the Chattanooga News-Free Press.

"Curtis Adams was a dedicated public servant who loved working for the betterment of his district and the county," Hamilton County Mayor Jim Coppinger said in a statement.

"We still laugh in the office about some of his antics, including the day Curtis brought a wheelbarrow into the commission room to show his support for a wheel tax.

Curtis was a character who will be remembered for his commitment to the people of District 8, his leadership and his enduring friendships from both his newspaper career and his distinguished public service."

"I have known Curtis Adams personally for many years," East Ridge Mayor Brian Williams said. "He was a good friend and extraordinary public servant who loved the City of East Ridge. His service and accomplishments at the county and city level will long be remembered, not to mention he was always the sharpest-dressed man at any function."

Adams was first elected to the Hamilton County Commission in August 1988 as a Democrat to fill a vacancy after the resignation of Charles Gass. Adams was re-elected the following year and served on the commission until 2010, including a stint as chairman. He flipped to the Republican party in February before the 2005 vote.

Adams spent 41 years working for Roy McDonald, the founder of the News-Free Press, beginning his time on the loading dock in 1951 as a "dock boy" and working his way up. He called those years "the best of my life."

He also served for a time as circulation and advertising director



Churchwell

for the Chattanooga Times, and in later years worked a brief stint as city manager in Crossville, Tennessee.

"Curtis was a passionate man who loved Hamilton County

and wanted to see it grow," said Hamilton County Sheriff Jim Hammond, who talked with Adams two weeks ago. "I felt both his ire and his praise. He always reminded me of [actor] George Hamilton, dressed to the nines and sporting a good tan."

Chattanooga Times Free Press
July 2, 2019

John Wesley Churchwell

John Wesley Churchwell, 83, of Big Sandy, Tenn., went to his heavenly home on Monday, July 22, at St. Thomas Midtown Hospital. Mr. Churchwell was born on June 19, 1936 in Perry County, Tenn. to the late Eddie Garner Churchwell and Jessie Francis Hicks Churchwell.

He was also preceded in death by his wife Barbara Crosby Churchwell, son Don Churchwell and granddaughters Chelsea and

Candace Churchwell.

Churchwell was a retired electrician with Hood Container Corporation, and he was a former owner of the Camden Chronicle/Magic Valley News & Shopper. Churchwell was an avid supporter and promoter of southern gospel music, a loving devoted father, grandfather & great grandfather.

He loved his God and family so very much.

Survivors include daughters Betty (Randy) Hudson of Big Sandy, Tenn., and Christy (Roger) Brasher of Camden, Tenn.; daughter-in-law Dawn Churchwell of Camden, Tenn.; six grandchildren; and five great-grandchildren.

Camden Chronicle
July 22, 2019

Robert "Pete" Doughtie

Robert L. (Pete) Doughtie, age 77, founder of the Rutherford County Reader, passed away on Thursday, Jan. 10, in the VA Medical Center in Nashville, Tenn.

Doughtie was born in Norfolk, Va. on April 8, 1941. He lived and grew up in Suffolk, Va. where he met his wife, Kaye Sadler, in first grade.

They married in 1961 after he enlisted in the Army, in which he served for five years. He began working in the newspaper industry



Doughtie

in 1965 after being discharged from the Army.

Doughtie and his wife moved to California in January of 1970, living in that state for the next 30 years.

He worked as an ad salesman, classified manager and ad director before becoming co-publisher of two newspapers in the high desert of California for 15 years.

After his paper was sold, he moved to Nashville, Tenn., in 1998 to be closer to three of his four sons and, soon after, moved to Murfreesboro, Tenn., where he began the Rutherford County Reader in 2000.

Doughtie was preceded in death by his father, Edward Earl Doughtie; mother, Mary Elizabeth Britt; and grandson, Patrick Tyler Doughtie.

He is survived by his wife of 57 years, Kaye Sadler Doughtie, and four sons: R. Keith Doughtie of Martinez, Cal.; Patrick Lee Doughtie and wife, Kimberly of Murfreesboro; Lee Michael Doughtie and his wife Michele of Murfrees-

See **OBITS** Page 8

Paulson leaves MTSU dean's post to focus on Free Speech Center

BRINLEY HINEMAN
The Daily News Journal, Murfreesboro
July 25, 2019

After steering Middle Tennessee State University's College of Media and Entertainment toward national acclaim, Dean Ken Paulson announced he's stepping down to focus on advocating for the First Amendment, with plans to launch a public policy center on campus.

Although the proposal has to be approved by the university board of trustees, Paulson and other MTSU officials are hopeful the Free Speech Center will get the green light in the coming weeks.

"This has been one of the most intellectually stimulating and rewarding experiences of my life," Paulson said.

Paulson has a rich background as a protector of First Amendment rights. The former editor of USA

TODAY and an attorney, he's called MTSU's campus home, Murfreesboro, since 2013. As dean, he's propelled the creativity of the media college forward, snagging a heightened reputation during his tenure.

"I think Dean Paulson has taken the college to what we call the next level — and that's not a cliché," MTSU President Sidney McPhee said, citing the work Paulson did to revamp the media programs and changing the format of WMOT, an NPR-affiliated radio station housed on the university campus.

Although he had made plans to step down from his current role Aug. 1, Paulson said "there's still



Paulson

work to be done."

On top of planning for the Free Speech Center — a First Amendment advocacy hub that will aim to provoke thoughtful discussion and discourse at college campuses across the nation — Paulson will teach courses at the university.

This is familiar work for the former newspaper editor: He served as president of First Amendment Center of the Freedom Forum Institute on Vanderbilt University's campus for more than a decade and launched "1 for All," a nonpartisan organization that campaigned at universities fighting for the five rights guaranteed in the First Amendment.

"We don't do politics," Paulson said. "We do education. ... The real free speech crisis is very few Americans understand what free speech is about."

Although Paulson will have an office, the center isn't exactly a brick and mortar building. Rather, Oppmann said, "it's a movement, not a building."

The key to educating the country on the importance of free speech? "It should feel more like entertainment than education," Paulson said.

When Paulson arrived at MTSU, the media college was doing well. But in recent years and under his guidance, it has flourished, according to faculty and administrators. His arrival was the impetus for the college to gain national acclaim.

"The college is much more of a national player in terms of experience we can give our students," university Provost Mark Byrnes said. "He's been a great dean, but I'm excited to see his work as a professor and advocate for the First

Amendment and free speech."

During Paulson's tenure, students have gone to the Grammy Awards, Bonnaroo Music and Arts Festival and, for the first time this year, the South By Southwest Film Festival in Austin, Texas. There, they've been able to work alongside media professionals and learn the ropes.

McPhee said the dean's transition is just another opportunity for Paulson — and MTSU — to be pioneers in an area "badly needed in our country."

He's not alone in that sentiment. "Our field is rapidly changing and he's helped the college change our direction," journalism professor Leon Alligood said. "That he is, at heart, a defender of the First Amendment and supported our mission to train future defenders of free speech, has been appreciated."

RJI Fellow helps Missouri teens engage with local newspapers

News outlets need the buy-in and trust of teens as news targets now and in the future, says Nico Gendron, freelancer and creative strategist at The New York Times.

That inspired her to tackle a fellowship project at the Donald W. Reynolds Journalism Institute to help a group of Missouri teens see themselves in news and see the value of news.

“If you see yourself reflected in your local paper or the media overall, you’ll see the media as a resource and news as worth reading,” says Gendron.

She says she believes there’s no better way to see the value of news and see oneself in it than to develop a story from start to finish. During the first part of her fellowship, Gendron is connecting local community newspapers with students from five Missouri high



**RJI
GUEST
COLUMN**

JENNIFER NELSON

Democrat, two of Gendron’s newspaper partners

The final part of her fellowship will include conducting a text-messaging survey with the students to learn more about their news consumption habits, which could be useful to news outlets interested in reaching a geographically diverse Generation Z audience. She says she’s curious to see if the school that does have a student newspaper creates an environment where students are more interested in producing and consuming news.

During an informal survey of the Missouri teens, Gendron says



Photo by Nate Brown, RJI

Nico Gendron (left) meets with students.

she learned that they don’t see themselves in pop culture like teen publications or large legacy outlets. They primarily see themselves painted in a stereotypical light such as “poor, ignorant and uncultured Midwesterners,” she says.

Teens aren’t the only ones who don’t see themselves in large legacy

media outlets, says Gendron. The 2016 presidential election revealed that there are often bubbles when it comes to coverage of the country, and the middle of the country isn’t always covered as well by the larger legacy outlets, she says. Trump’s win shocked some coastal publications like The New York Times that had predicted Clinton would win, she says. But as she’s learned, it’s hard to report on a community when you’re not from there.

The teens in the survey indicated that they see themselves in their local media more, particularly if they are in sports or another school activity that the newspaper might cover.

“I believe coverage of city governments and school districts should be the heart and soul of a

See **NELSON** Page 8

A design guy offers tips for how writers can do better

As many of you know by now, I’ll be retiring at the end of this year . . . perhaps sooner. I’ve been consulting since June 1989. Thirty years is a long time and I’m already shifting my full attention to Julia, family, grandkids and guitar.

Over for the next few months, I’m offering some of my best columns from the past few years.

This one focuses on advice to writers.

I have often stated—both on my blog and during presentations—that I am not a friend of writers.

I am a friend of readers.

Years ago, during a workshop I gave for a client, a reporter blurted out: “But we’re in the business of writing.”

“No, we are not,” I said, slowly and carefully mouthing each word to make my position clear. “We are in the business of bringing meaning to readers’ lives.”

Now, that wasn’t my statement. It’s actually the single most important sentence in “On Writing Well,” by William Zinsser. I recommend Zinsser’s book time and again—and many of those who have taken my advice and read it have thanked me for it.

We are in the business of bring-



**BY
DESIGN**

ED HENNINGER

ing meaning to readers’ lives. But just how do we do that?

Here are some points I’d share with those who write for newspapers:

DO A STORY LINE. Write the gist of your story in one line (or less) across the screen of your computer. That one line will help you stay on topic as you write. If you can’t put it into one sentence, then you’re going to struggle.

BE BRIEF. You might think your story has to be long for it to be complete. Nope. It has to be as brief as possible. Why? Because readers will see that your article goes on . . . and on . . . and on . . . and they will stop reading (if they ever start). They will decide they don’t have time to read your entire piece. If you can’t be brief . . .

BREAK IT UP. Find ways to cut your story into pieces that make it easier to follow, easier to read. If, for example, you have a story

about five people running for office, it’s much better to run a package of five separate stories—one on each of the candidates—than one long piece on all of them.

BE CLEAR: Throw the jargon in the junk bin. Just what is a “feasibility study,” really? And what does “ubiquitous” mean? If it’s something your 12-year-old daughter doesn’t understand, odds are your reader won’t, either.

PUT THE BIG STUFF FIRST. Readers want to know what your story is all about—without having to wade through several paragraphs to read it. So put the important points first. Save the less-important material and the background paragraphs for later in the story.

USE QUOTES. I recall hearing time and again the maxim: “Quotes write the story for you.” That’s true. Also, quotes bring a humanity and credibility to the story.

USE INFOBOXES. A newsroom quip that goes w-a-a-a-y back suggests: “Never let the facts get in the way of a good story.” That’s exactly what an infobox can do for you. Use the infobox to list the cold, hard facts wherever possible, saving the text for narrative, quotes and overview.



Illustration by Ed Henninger

Newspapering is not just about writing.

USE BY-THE-NUMBERS BOXES. Like infoboxes, by-the-numbers boxes can help you clear the story of details that get in the way of the narrative. And they often serve as a great hook to get readers into your story.

WRITE FOR YOUR READER. Remember who your boss is. Your boss is not your editor. Your boss is not your publisher. Your boss is not your source. Your boss is . . . your reader.

I could spend hours talking with reporters and writers. I respect who they are and I respect how hard they work. But I really want to share with them that they need to pay less attention to how they write—and more attention to how readers read.

ED HENNINGER, director of Henninger Consulting. E-mail: edh@henningerconsulting.com. Phone: 803-325-5252.

2019 TPA SUMMER CONVENTION RECEPTION, JULY 18, TENNESSEE AQUARIUM, CHATTANOOGA (CONT. FROM PAGE 1)



All photos by Tony Centonze, for the Tennessee Press Association

Outgoing TPA president Doug Horne (left), Republic Newspapers, Knoxville, initiates the ceremonial passing of the president's gavel to incoming president Chris Vass, Chattanooga Times Free Press. This was during the 2019 TPA Summer Convention Reception held July 18 at the Tennessee Aquarium in Chattanooga.

Jeff DeLoach, Chattanooga Times Free Press, which hosted the two-day TPA Summer Convention, gives opening remarks at the convention reception held July 18 at the Tennessee Aquarium in Chattanooga.

Elenora E. Edwards, Clinton, Tenn.; Deborah Fisher, Tennessee Coalition for Open Government, Nashville; Sarah Fisher; and Amy Weaver, Vision Data; were among the many convention attendees who turned out to enjoy the ceremonies and an abundance of hors d'oeuvres during the 2019 TPA Summer Convention Reception held July 18 at the Tennessee Aquarium in Chattanooga.



Carol Parkins; Calvin Anderson, The New Tri-State Defender, Memphis; and Victor Parkins, The Mirror-Exchange, Milan.



Charles Primm, UT Media and Internal Relations, Knoxville; Catherine Luther, UT School of Journalism & Electronic Media, Knoxville; and Amy Blakely, UT Media and Internal Relations.



Dennis Richardson (leaning on rail in back), Magic Valley Publishing, with a whole bunch of Richardson family members at the 2019 TPA Summer Convention Reception at the Tennessee Aquarium.



Carrie Peppers and Danny Peppers, Stewart County Standard, Dover, were among the dozens who turned out for the July 18 reception.



Marion (Bud) Thomasson, Mandi Thomasson, and Jana Thomasson, The Mountain Press, Sevierville, made the TPA Summer Convention a family affair.



Scott Whaley and Lisa Whaley, Chester County Independent, Henderson, seem to be enjoying the convention reception.



Sylvia and Sen. Todd Gardenhire, Dist. 10, Chattanooga, are joined by Sen. Bo Watson, Dist. 11, Hixson, during the convention reception.

Amendment to Healthy Workplace Act addresses abusive behavior

Currently, a private sector Tennessee Employer may be liable for claims for infliction of mental distress based on its employee's abusive conduct if they believe they are a victim of bullying. On April 23, 2019, Governor Bill Lee signed an Amendment to the Healthy Workplace Act that provides that a private sector Employer can obtain legal immunity if it adopts a statutory model policy or adopts a similar policy that satisfies the goals set forth in the new statute.

The law immunizes a private Employer from suit for negligent or intentional infliction of emotional stress based on its employees' conduct if they adopt either the model policy in the act or a policy that conforms to the act.

The new law does nothing to limit the personal liability of the employee who is the bully. The new law does nothing to immunize the individual employee bully.

The key points to a qualifying policy are:

- A definition of abusive conduct
- Expectations of Supervisors
- All employees must treat each other with dignity and respect
- Anti-retaliation provision
- Training for Supervisors and employees
- An effective complaint procedure

Implementing such a policy in the workplace improves the workplace environment and provides immunity for the Employers should any bullying claims arise in the workplace.



LEGAL UPDATE

L. MICHAEL ZINSER

NLRB recognizes private property rights

Overturing a 38-year-old precedent, the NLRB recently ruled that Employers may lawfully prohibit non-employee union solicitation in public spaces on their property absent evidence of discriminatory enforcement. In the past 4 decades, the NLRB has forced Employers to allow non-employee union organizers to engage in solicitation in areas such as cafeterias and restaurants where the Employer had opened up its private property to the public. The new decision reverses this.

In the particular case, the Employer removed two non-employee union organizers from the cafeteria; the non-employee union organizers were sitting at tables on which they had displayed buttons and pins. There was another non-employee in the cafeteria eating lunch with an employee of the Company. That individual was not removed. The new decision eliminates the so-called "public space" exception. The Board ruled that to allow such exception was irreconcilable with well-established Supreme Court precedent. The Board specifically stated:

"An Employer does not have the duty to allow the use of its facility

by non-employees for promotional or organizational activity. The fact that a cafeteria located on the Employer's private property is open to the public does not mean that an Employer must allow any non-employee access for any purpose."

Bottom line, Employers are no longer required to allow non-employee union solicitation in areas of their property just because these areas are open to the public. Employers are again in control over what activities may take place on their private property.

Facebook video kills employee FMLA claim

An employee was on an approved FMLA leave from his job. While on leave, he decided to go on a fishing trip and a coworker started live streaming the fishing trip on Facebook. Another coworker showed the video to the employee's Supervisor who fired him for dishonesty.

The U.S. District Court in California easily concluded that the employee had dishonestly used his leave by going fishing. Significantly, the Court rejected employee arguments that the fishing trip was not inconsistent with his medical restrictions and he went fishing between the hours of his normal shift. The court ruled that dishonesty was the Employer's motive for discharge. Dishonesty is clearly a lawful basis for termination.

Morbid obesity alone not a disability

The United States Court of Appeals for the 7th Circuit, aligning itself with the 8th, 6th and 2nd Circuits, recently held that extreme obesity is not an actionable disability under the ADA unless caused by a physiological condition. The employee was required to undergo a fitness for duty test before returning to work after a bout of the flu. He was required to pass a special assessment due to his weight of over 400 pounds. He exceeded their weight requirement to operate the bus and was later terminated.

The employee sued under the Americans with Disabilities Act, claiming his extreme obesity was a disability. The Court ruled that an individual's weight is generally a physical characteristic that qualifies as a physical impairment only if it falls outside the normal range and it occurs as the result of a physiological disorder. There was no physiological disorder present in this case.

Union employees denied new holiday

After a profitable quarter, the Employer granted only its non-union employees a one-time paid day off to show its appreciation for its employees. A union filed an unfair labor practice. The represented employees were excluded for two reasons:

1. The Employer was not inclined to encourage the union to bargain over granting this additional benefit because the union had in the past refused to agree to the Company's requested midterm

contract changes.

2. Unilaterally granting the benefit would violate the National Labor Relations Act.

The NLRB Ruled that it "has long recognized that an Employer has the right to treat represented and unrepresented employees differently, so long as the different treatment is not discriminatorily motivated." The Board found the Employer's justifications were lawful. If the unions were "unwilling to entertain proposed midterm modifications and insisted on adhering to the terms of the contracts... the unions were going to have to live with the limitations of their contractual benefits along with their advantages." The Board agreed that unilaterally granting the holiday would constitute a unilateral change and a violation of the Act because the parties' Collective Bargaining Agreement specifically addressed holidays.

In conclusion, the Board decided that the Employer's decision to exclude the union employees was simply a reflection of the "competing forces and counteracting pressures that were a part of the collective bargaining relationship."

L. Michael Zinser is president of The Zinser Law Firm, P.C., in Nashville, Tenn. He can be reached at 615.255.9700 and mzinser@zinserslaw.com.

TRACKS from Page 4

Hensley comes to the Citizen Tribune as newspapers find themselves in a period of transition. But, Hensley said he is not letting that deter him and he plans on bringing some ideas to the table.

He said he felt the Citizen Tribune is well ingrained into the community, which is something newspapers need to do and the Morristown newspaper is already on solid ground.

"I love circulation," he said. "I believe in what we do."

He said he believes in newspapers being a fabric of their communities.

"I still believe a newspaper is vital to our community, to our way of life, to our democracy, to our political system," he said. "That's why I'm so passionate in delivering this product. Because I think it's vital."

NELSON from Page 6

community newspaper's coverage plan," says Castor. "From that, you can build strong feature and expanded coverage of other areas such as business and healthcare."

Survey about news consumption habits

As part of her fellowship project Gendron is interested in learning more about the news and information consumption habits from the students including things like their "go to" websites and social media platforms, the kinds of information

they like to consume, and what they do with that information they consume.

According to 2017 research by Marketing Charts, 49 percent of teens (13-18) indicated that they consumed news on social media the day before the survey, with the highest source being Facebook at 47 percent followed by YouTube at 14 percent and Twitter at 13 percent. Forty-seven percent said they got news from family members the day before the survey and indicated they had more trust in family (65 percent) than news outlets (about 25 percent).

Gendron wants to help pave the

way for more students, especially those from schools without a student newspaper, to publish stories and learn about the value of the news and journalism.

She learned from a survey that her fellowship team conducted of teachers about why they didn't have a student newspaper. Survey participants said one reason they felt the school didn't have a newspaper was because their schools were small and they didn't know if they'd have enough interest to sustain a newspaper. However, she also learned that 78 percent of survey participants believed at least some of the students would be

interested in reporting news.

She's finalizing a proposal to get funding for a program that would connect one or two students with their local newspaper where they would work with a writer or editor mentor. She says this could be a good solution for students who want to produce news, but aren't able to because of a lack of a student newspaper.

Jennifer Nelson is the senior information specialist at the Donald W. Reynolds Journalism Institute (RJI). Previously, she was the news editor of the Osceola (Iowa) Sentinel-Tribune. This story was originally published by RJI January 29, 2019.

Continuity, cooperation, credibility and commitment

PETER W. WAGNER
N'West Iowa Review
July 1, 2019

One of our printing customers includes the following observation just above the signature line on all his emails:

"To say you don't need newspapers because you've got the internet is like saying you don't need farmers because you've got a grocery store."

In almost every community the local paper is the first recorder of news. Little Joe Brown might have hit a home run at last week's Pee Wee game, but only a few are going to know about it until it is reported in the hometown paper.

Yes, there is always going to be a digital element to the news reporting from now on. But unless that digital source meets print's standards of balanced reporting, fact checking and professional editing, it will never have the credibility attached to print.

So why is the printed paper, the long-acknowledged source for information about everything happening in the community, overshadowed by endless digital websites, Facebook pages and

blogs?

In 2018, the entire U.S. news industry – print and broadcast – made an estimated \$5.1 billion from digital advertising. And those dollars were spread out across scores of companies.

It was of little help during an age where all newsrooms were cutting jobs and many small-town papers were closing their doors forever.

Meanwhile, according to a report from the News Media Alliance, Google almost matched the industry's total digital-ad revenue with \$4.7 billion simply providing search engine assistance to finding that locally-produced news.

That number only represents the income from advertising on the Google website. It does not include the value of personal data Google gathers when users click on news articles.

While the local paper collects and clearly presents the news, it is Google and not the hometown newspaper that's getting wealthy off the tedious detail work. As it has often been said, people go to the internet to find out details about a story. But most often they earlier had learned about the

story in their newspaper.

We need, as an industry, to believe in ourselves and TELL OUR STORY.

No other information source has the reach of our publications. Broadcast, digital and social media are targeted and cannot have that reach. The local paper provides much needed CONTINUITY.

Locally written and edited papers are the most reliable link to the past, as well as the most dependable source of informative details regarding what is happening that day or week. The community newspaper provides CONTINUITY across various community interest groups, as well as from generation to generation.

The hometown paper also encourages local COOPERATION. As the media connecting with the greatest number of local families, the paper is in a position to educate, encourage and clearly explain "why" something is happening or needs to happen in the community. Through solid news coverage and editorials, the newspaper provides citizens with the reasons to COOPERATE to help make possible changes. Or,

why they should not.

Today's electronic media is overloaded with as many differing opinion blog sites, ideas and voices - many of them shortsighted and biased - as there are stars in the sky

Local communities need their community newspaper to bring everyone's ideas together.

Newspapers also assure CREDIBILITY. A newspaper's future depends on earning and keeping the respect of local readers, advertisers and community leaders. Newspapers cannot afford to get the facts wrong or to take sides when reporting a story. A newspaper's reputation depends upon its CREDIBILITY.

You will often hear someone saying with a scoff, "It must be true, I saw it on the internet!" But when the same person says, "I read it in the paper," he is sharing the information as a fact.

And finally, the men and women who own, manage and produce a local newspaper live and raise their families in the town where they are doing business. They are COMMITTED to making their town and region the best possible place to live, work

and invest.

The paper's COMMITMENT to building a better community makes the local publication the town's leading cheerleader for all important events and projects. Hometown newspapers support community with their stories, donated advertising space, time and often their own dollars.

Now how can Google match that?

Looking for good local sales training for your paper or group? Contact Peter W. Wagner at (cell) 712-348-3550 or pww@iowainformation.com.

Peter W. Wagner is founder and publisher of the award-winning N'West Iowa REVIEW and 13 additional publications. This free monthly GET REAL newsletter is written exclusively for state and national press associations and distributed by them to their members. To get Wagner's free PAPER DOLLARS email newsletter for publishers, editors and sales managers, email him at pww@iowainformation.com.

OBITS from Page 5

boro; and Jay Alison Doughtie of Murfreesboro; sister, Ann Grandy of Chesapeake, Va., and brother, Bill Doughtie; nine grandchildren; and three great-granddaughters.

*Submitted
July 2019*

John Ronnie (J.R.) Housley

Kind, caring, warm, and always demonstrating a love of God and his family were all words used by a community following the unexpected passing of Ronnie Housley on June 29.

The well-known photographer worked for The Standard Banner for more than 18 years.

"Ronnie may have been the most visible member of the newspaper's staff," Publisher Dale Gentry said. "He did it all – covering school and sports events, parades, ribbon cuttings, and class reunions ... taking thousands of pictures over the years.

"Besides being an award-winning photographer, he loved peo-



Housley

ple, and went the extra mile to get the information that told the story associated with his photos."

Whenever he was needed, Housley took the time to show his dedication to the

community through his photography. School staff appreciated his "going above and beyond" to highlight the students' accomplishments.

Kim Cook, production manager at The Standard Banner, has known Housley since he started working as a photographer. "What stood out most was Ronnie's love for his family and his church," she said. "He would stop by the office and often shared photos and news of his family – especially his grandchildren and his great-grandchildren. He was so proud of all of them."

Housley leaves behind a large family. He is survived by his loving wife, Janice Still Housley; four

children: Tim and Richie Housley, Tony Housley (Tammy), and Christie Early (Mark). In addition he is survived by 17 grandchildren and 12 great-grandchildren; brother Grant Housley, and several nieces and nephews.

Former Standard Banner Sports Editor Darren Reese says, "Fifteen years ago, I was just a kid writing for a local paper. Ronnie and I spent nights on the road together, me as the writer and him as the photographer. He encouraged me to pick up a camera ... taught me how to be a photographer and how to interact with people. Just that one spark he put in me, changed my life forever."

*The Standard Banner,
Jefferson City
June 29, 2019*

Frank Jordan

In 42 years as a newspaper man, Frank Jordan wrote a lot of stories, told a lot of stories and passed a lot of knowledge to a lot of people. That's how co-work-



Jordan

ers and friends remember Mr. Jordan, 91, who died July 3 after battling pneumonia.

Mr. Jordan started on the copy desk at the Knoxville Journal in 1946 and worked there until 1968, minus two years serving in the U.S. Navy. He then moved to the News Sentinel, from which he retired in 1989.

He variously worked as a copy editor, reporter, assistant city editor and entertainment editor, helping to conceive of and design the weekly Showtime tabloid that was the predecessor to today's Go Knoxville entertainment section.

"Frank Jordan and his partner-in-entertainment (copy editor) Gerry Segroves were the backbone of the News-Sentinel entertainment sections back when everything had to be meticulously typed into the system

and verified," said former News Sentinel features editor Sherri Gardner Howell.

As a reporter, Mr. Jordan covered several major stories, including the 1951 mayoral race between Jimmy Elmore and George Dempster (which kept him at the voting precinct until 3:30 a.m.); a 1953 boat explosion that killed Juvenile Court Judge Hu B. Webster and others attending a Republican party on Fort Loudoun Lake; and the "urban renewal" of predominantly black downtown neighbors to make way for the Knoxville Civic Coliseum and then-Hyatt Regency hotel.

*Knoxville News Sentinel
July 4, 2019*

JUDGES NEEDED!

TPA needs Judges for the Texas Press Association's Better Newspaper Contest in mid to late October. Please sign up at: tinyurl.com/JudgesforTX2019 or email rgentile@tnpress.com.

Hamilton County School Board and TN Risk Management Trust miss point on secret settlement

The Hamilton County School Board's attorney in May finally revealed to school board members the settlement payout amount of \$750,000 to a student assaulted with a pool cue during a basketball tournament trip.

Board attorney Scott Bennett had claimed publicly since the fall of 2018 that this amount was confidential because its insurer had entered into a confidentiality agreement with the student and his family.

There is still another student with whom the school board reached a secret settlement payout. Bennett has not released that amount, saying it was agreed to be kept under seal in federal court.

The Tennessee Attorney General and the Office of Open Records Counsel have both weighed in on the matter — and told the school board and its insurer, the Tennessee Risk Management Trust — that the law is clear that settlement agreements between governing bodies and private parties are public records. Further, any non-disclosure agreement or confidentiality agreement would make the settlement agreement void and unenforceable.

In fact, this is not new and unsettled law. It has been recognized by the Court of Appeals at least twice since 1999, and has been the opinion of the Tennessee Attorney General since 1996.

In 1996, the Attorney General



TCOG Blog

DEBORAH FISHER

said “An agreement by a governmental agency to restrict public access to public records that are not exempt under state law violates public policy and is unenforceable.”

In responding to a question from an emergency communications district that had entered into a confidentiality agreement, it said, “By entering into an agreement to restrict access to public records for which no statutory exemption is available, the district would be attempting to create a new exemption from the Public Records Act,” which is not allowable.

In May 1999, the Court of Appeals reached the same conclusion in a case involving a newspaper's request for a settlement agreement between the city of Memphis and the family of a man who died while being restrained by the Memphis Police Department. After the newspaper sued under the Tennessee Public Records Act, the city finally released the settlement document which it had previously said it was prevented from doing because it was under seal in federal court.

On appeal, the Court found in *Contemporary Media Inc. v. City*

of Memphis that the city had willfully violated the Tennessee Public Records Act because it had known government settlements were public records and any confidentiality agreement entered into by the city would be contrary to law. Thus the city had to pay the full amount of the newspaper's reasonable attorneys' fees and costs.

“A governmental entity cannot enter into confidentiality agreements with regard to public records,” the Court said. “The idea



of entering into confidentiality agreements with respect to public records is repugnant to and would thwart the purpose and policy of the Act. Thus, the City could not lawfully enter into the agreement which it entered into with the . . . family to keep the terms of the public record confidential.”

In 2004, the Court in *The Tennessean v. the City of Lebanon* reached this conclusion again in a case in which Lebanon paid a settlement to a widow of a man mistakenly shot by police.

The Court of Appeals said that “the question of whether a settlement agreement in litigation against a city is subject to disclosure under the Public Records Act was decided in *Contemporary Media, Inc. v. City of Memphis*.”

With the law so settled and known in this area, the Court found the city of Lebanon willful in its attempt to prevent disclosure to *The Tennessean* and remanded the case back for a full award of reasonable attorneys' fees and costs to the newspaper.

With such clarity in the record, and fresh letters from the Attorney General and Office of Open Records Counsel to the school board and Tennessee Risk Management Trust urging disclosure of both settlement agreements, it is somewhat remarkable that the continued position appears to reject what is so apparently before them.

The city of Lebanon's insurer was a private company. The school board's insurer, the Tennessee Risk Management Trust, is very likely considered a government entity under the law, also subject to the Public Records Act, according to the Office of Open Records Counsel.

The school board's attorney seems to hang onto the idea that somehow the settlement agreement can continue to be confidential unless the student's family agrees to make it public.

Bennett's explanation for re-

leasing one of the agreements, as reported in the *Times Free Press*: “I understand that Mr. (Charles) Purcell (the attorney for TRMT) was able to use the attorney general's position to persuade the Doe attorney to waive the confidentiality agreement.”

The fact that the school board and the Tennessee Risk Management Trust probably illegally entered into or agreed to secret settlements seems to be lost.

I do not know what will happen next. But the citizens of Chattanooga, and citizens of this state whose schools boards and other government entities pay insurance premiums to the Tennessee Risk Management Trust, might consider why this issue is of such importance.

Contrary to any self-serving and implausible argument otherwise, our history must surely convince us that secrecy that hides the scope of government mistakes from the people will not make government better.

It is only through transparency that citizens have a full accounting of the impact of government decisions and that our chance to maintain self-governance will continue.

Deborah Fisher is the executive director of the Tennessee Coalition for Open Government (TCOG). This blog originally was published May 18, 2019, on the TCOG website.

Hamblen County Commission banishes cameras to back of room at meetings

MATT LAKIN
Knoxville News Sentinel
May 23, 2019

Hamblen County commissioners passed a new rule Thursday night, May 23, that banishes cameras to the back of the room at commission meetings.

Some residents say that change squelches the public's right to know.

“It's pretty much a death knell for me,” said Linda Noe, an attorney and former commissioner who's been videotaping meetings for a decade or more. “I won't be able to hear anything from all the way in the back.”

The commission approved the change by a 10-2 vote. Commissioner Tim Goins, who sponsored the rule change, said no one's being shut out. He says cramped

space in the county's main courtroom, where the commission holds its regular meetings, puts cameras at commissioners' elbows and creates disruptions.

“We don't want them to stop recording,” Goins said. “It's nothing against (Noe). We just want them to move to the back. They're talking amongst themselves, right there next to the table.”

The change took effect June 1. Cameras will still be allowed up front during presentations and proclamations but must be moved to the back during commission and committee business.

‘Reasonable rules’

The rule change doesn't ban cameras or video recording

outright. Any such ban would most likely violate Tennessee's constitution, which guarantees the right to examine government proceedings, and the state's Open Meetings Act.

But courts have generally allowed government bodies to place “reasonable” rules on photo and video coverage of meetings, said Deborah Fisher, director of the Tennessee Coalition for Open Government.

“They need to have a clearly stated reason,” Fisher said. “If there's no reason given, I would question it.”

Hamblen County employs a camera operator who shoots video of regular commission meetings to air on local public access stations. The county doesn't post the videos

online and shoots video only of meetings by the full commission — not meetings of the various committees and subcommittees.

Noe, who lives in Morristown and practices law in Knoxville, said that's why she started shooting videos and posting them to YouTube.

“The committee meetings are where the real decisions get made,” she said. “All they do at the regular meetings is cast votes and push buttons. It's fascinating when you start really watching everything. Otherwise it's like being dropped into the middle of ‘Game of Thrones’ never having seen an episode.”

Noe said no one's ever complained about her talking or otherwise disrupting a meeting. She

said the courtroom, which holds a capacity of about 120 people, has bad acoustics and her camera won't pick up sound clearly from the back.

“If that's the case, she needs to get a better camera,” Goins said.

The county allows its videographer to plug into the sound system at meetings, but “we'd have to talk about” letting anyone else do so, Mayor Bill Brittain said.

“We'd consider it,” he said.

Noe said she's not going away. She plans to press commissioners to start taping and broadcasting committee meetings as well. “But I want to see if we can work out a win-win. Surely they will consider putting concrete action behind all the transparency talk when there's no extra cost.”

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criminal record.

Records provided by ICE showed a clear increase in the detention of pregnant women following policy changes made by the president.

“While (Enforcement and Removal Operations) makes every effort to arrest aliens who threaten public safety, no criminal action or conviction is required for ERO to act on an individual case. There is no category of alien exempt from immigration enforcement,” according to the agency.

Changing policies, secret arrests

A few years ago, Puerto Diaz would have been an unlikely target for immigration officials. In addition to being pregnant, a search of local, state and federal court records did not indicate Puerto Diaz had a criminal history.

Under previous administrations, immigration officials were steered away from arresting people who were in the country illegally but had not committed other infractions. ICE had also been directed not to detain pregnant women except in exceptional circumstances, such as a violent criminal history. In December 2017, Trump directed immigration officials to detain anyone — including pregnant women — in the country illegally.

ICE officials said the agency started tracking pregnancy as a detention statistic — for medical purposes rather than statistical reporting purposes — in 2016. From Feb. 1 to Sept. 30, 2016, 353 pregnant women were booked into ICE custody, according to ICE.

From Oct. 1, 2016, to Sept. 18, 2017, 525 pregnant women were booked into ICE custody (figures for the last two weeks of September 2017 were not available).

From Oct. 1, 2017, to Aug. 31, 2018, 1,655 pregnant women were booked into ICE custody.

Information about the number of pregnant women detained since Sept. 1 was not available, and removals — deportations and voluntary returns — of pregnant women are not tracked by ICE.

Women in their third trimester generally remain exempt because they cannot fly, but other pregnant women are evaluated for release on a case-by-case basis, immigration officials said.

The policy change was made public in March 2018. Philip Miller,

then the deputy executive associate director for ICE’s Enforcement and Removal Operations, argued it brought the treatment of pregnant women in line with the treatment of others within the immigration system.

The American Immigration Lawyers Association called the policy change “an egregious human rights offense.”

ICE, nestled within the United States Department of Homeland Security, was already a secretive agency inside a government department made impermeable by design. Much of what ICE does — including arrests of people in the country illegally — is not public.

However, the same policy directive that prompted officials to arrest more pregnant women also changed the agency’s record-keeping requirements, making it more difficult to monitor the agency’s doings, said Victoria Lopez, senior staff attorney with the ACLU National Prison Project.

“Clearly, this policy in particular and the ICE detention system can have terrible effects on individual people’s lives,” Lopez said. “With this policy, in particular, we see how the agency is stripping away information sharing and information gathering that is important for oversight.”

Lopez said the agency had not responded to Freedom of Information Act requests from the ACLU regarding the number of women in ICE detention and policies and procedures relating to their treatment in detention. She said the agency’s lack of transparency was harmful for people in detention and the public as a whole and raised questions about whether the government agency is being held accountable.

Pregnant and imprisoned

ICE detention facilities have standards of care to adhere to, but depending on the facility, the standards could have been written in 2000, 2008 or 2011, all of which give different guidance on how to address detainee physical and mental health. The agency said in 2014 that it was implementing the 2011 standards across the country, but immigration advocates said that as of 2019, not all facilities were operating under the 2011 guidelines.

“Every facility she passed through could have had different sets of standards that they have to adhere to,” Lopez said of Puerto Diaz.

Inconsistent care and stress during pregnancy can negatively impact the mother and the baby, leading to complications with the pregnancy and birth and impacting fetal development, which can lead to lifelong developmental issues for the child.

Immigration advocates argued in a letter to the Department of Homeland Security that ICE detention adds significant stress to even a routine pregnancy.

“The already considerable stress of taking care of one’s health is severely

detention, she said she did not see a doctor.

Other pregnant women detained by ICE have reported similar experiences, with some claiming they endured serious medical complications with their pregnancy, including miscarriages.

In 2017, the ACLU, American Immigration Council and five other organizations filed a complaint with the Department of Homeland Security over the treatment of 10 women who were detained at centers in Texas, California, Washington and New Mexico.

Two of those women had miscarriages while in ICE custody, according to the advocacy groups.

The other eight women reported issues ranging from stomach pains, nausea and anxiety to vomiting blood, headaches and symptoms of depression. Some, who were detained with their children, reported it was difficult to care for the children because of the physical pain they were in related to their pregnancies. Another woman said her request for vegetarian meals was denied, she was not given sufficient prenatal vitamins and that she was put in a cell on the second floor, requiring her to frequently climb

stairs, which made her feel weak.

Katie Shepherd, national advocacy counsel at the American Immigration Council, said she was not aware of any significant action that had been taken in response to that complaint.

Importance of attorneys

Shepherd said she has seen higher instances of women detained in their second and third trimesters since ICE detention policies were changed and has seen a disturbing increase in pregnant children, 16 or 17 years old, being detained. She said she is also concerned about the impact detention can have on pregnant women after they leave ICE custody.

“After a woman has been released — or deported — it may be impossible to know how the weeks or months of incarceration may have negatively affected the woman or her child,” she said in an email. “How many women miscarried following her release from custody

due to the significant stress caused by detention? How many children are born with developmental issues or other medical problems due to the lack of medical care? There is no way of knowing.”

When Puerto Diaz was released from ICE detention, she was able to schedule a visit with her physician, whom she normally sees every two weeks. For many people in detention, that moment might never come.

There are no public defenders in the immigration system, so individuals must either navigate a complex system — often not in their native language — themselves, or hire a private attorney. While pro-bono immigration lawyers exist, most immigration attorneys cost significant fees to retain.

In 2016, the American Immigration Council examined more than 1.2 million deportation cases between 2007 and 2012 and found 37 percent of all immigrants secure legal representation in deportation cases. That drops to 14 percent if an individual does not secure legal counsel before being detained by ICE. The study found defendants with attorneys were more likely to be released from detention and more likely to apply for and secure deportation relief.

Regardless of legal representation, as more immigrants are detained, more women like Puerto Diaz who likely would not have been arrested by ICE previously could end up in detention, with the decision to release them or keep them in detention ultimately left up to ICE officials on the ground. Immigration advocates and attorneys worry this could result in more people with complex medical needs being placed in detention facilities that are not set up to deal with pregnant individuals and are often far from hospitals.

Puerto Diaz said she never imagined she would be arrested by ICE. After her detention, she was happy to be home, but she remains in limbo as she pursues legal residency. Her attorney said there are several legal avenues to explore, but there was a chance Puerto Diaz could be deported — separated from her husband and pregnant, in a country she left behind more than a decade ago.



Photo by Yalonda M. James, Memphis Commercial Appeal

A crowd of advocates and supporters march during an immigrant candlelight vigil from Martyrs Park to Beale Street, in Memphis, on July 28, 2017.

compounded by the extreme circumstances of being detained where one cannot access necessary medical care and support, often experiencing separation from one’s family, including very young children, and the uncertainty of immigration proceedings,” according to the letter.

Puerto Diaz said her doctor has warned her she is at an elevated risk of preeclampsia due to her high blood pressure and has been advised to avoid stress.

Preeclampsia — characterized by headaches, sudden weight gain, swelling and changes in vision — and other hypertensive pregnancy disorders are leading causes of maternal and infant deaths, causing about 76,000 maternal deaths and 500,000 infant deaths around the world annually.

ICE policies stipulate pregnant detainees will be given “close medical supervision” and “shall have access to pregnancy services including routine or specialized prenatal care.” In Puerto Diaz’s four days in

TPA MEMBER COVERAGE SHOWCASE I: Memphis Commercial Appeal

ICE detains more pregnant women: Immigration advocates claim it puts moms and babies at risk

CORINNE S. KENNEDY
Memphis Commercial Appeal
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Carmen Puerto Diaz felt nervous and dizzy. It had been more than 72 hours since she had taken her high blood pressure medication, and she was worried about her unborn baby and herself.

On her fourth day in an Immigration and Customs Enforcement detention facility, the Memphis resident, five months into a high-risk pregnancy, was able to start taking her medication again. However, Puerto Diaz, 33, said she still had not seen a physician since she was arrested during an interview with immigration authorities, a step toward legal residency in the United States.

Puerto Diaz was one of more than 2,500 pregnant women detained by the agency in the past three years, according to ICE. That number has steadily risen since immigration policy changes were implemented by President Donald Trump in 2017.

While Puerto Diaz did not suffer a medical emergency during her incarceration, other pregnant women detained by the agency have reported serious medical issues, including miscarriages.

The agency was not able to comment on Puerto Diaz's case specifically, but ICE spokeswoman Danielle Bennett said all individuals detained by the agency receive medical, mental health and dental examinations within 12 hours of arriving at an ICE detention facility and have access to around-the-clock emergency care.

Bennett said the agency spends more than \$250 million annually on detainee health care.



Photo courtesy of Johnna Main Bailey, for the Memphis Commercial Appeal

Carmen Puerto Diaz and her husband on their wedding day, April 28, 2011. Puerto Diaz was five months into a high-risk pregnancy when she was arrested and detained by ICE officials in January 2019.

"ICE is committed to ensuring that everyone in our custody receives timely access to medical services and treatment. Comprehensive medical care is provided from the moment detainees arrive and throughout the entirety of their stay," she said in an email.

Puerto Diaz came to Memphis from Honduras 14 years ago. She met her husband, an American citizen, through friends and family and the two were married in April 2011. They are petitioning to get legal status for Puerto Diaz, an often lengthy legal process U.S. citizens and permanent residents can go through to try to secure legal status for immediate family. The couple was at an immigration interview when Puerto Diaz was arrested in January.

As they were about to leave to

the interview, an ICE agent touched her shoulder and told her they were going to arrest her because a deportation order had been issued for her. Puerto Diaz said in a recent interview she did not know about the order.

"I told them, 'You cannot do this to me, I am pregnant and on medication,'" she said in Spanish.

The agent asked if she had her medication with her — she did — and within a minute Puerto Diaz left the interview with the agents and was taken to an ICE office. Her husband immediately retrieved Puerto Diaz's medical records and presented them to ICE officials, but the agency declined to release her, her attorney, Johnna Main Bailey, said.

That afternoon, Jan. 16, ICE agents took her to a detention center in Mason, Tennessee. On Jan. 18, she was transferred to a detention center in Jena, Louisiana.

"During that time I felt dizziness and I was really, really worried. At that point, I didn't know if my blood pressure was high or was it low," she said. "It was hard."

She said she was worried about her baby — her first child — and that during her detention, the only medical care she had access to was occasional blood pressure checks.



Photo by Daniel Connolly, Memphis Commercial Appeal

Several activists were arrested at a protest against immigration detention policies outside of the Walter L. Bailey, Jr. Criminal Justice Center in Memphis.

Social media influence

Puerto Diaz was lucky. ICE agents were under no legal obligation to release her but, with no warning to her attorney or family, she was returned home just before midnight Jan. 19.

Main Bailey and immigration advocates said it was unlikely Puerto Diaz would have been released without the social media firestorm that followed her arrest.

Two days after she was arrested, nationally known immigration attorney Greg Siskind — a partner at the firm where Main Bailey works — started posting about Puerto Diaz on social media. His initial tweet drew 8,200 retweets.

Immigration attorneys and activists started tweeting about Puerto Diaz's situation and posted phone numbers for ICE detention facilities, urging people to call and advocate for her release.

"I absolutely think it was the hundreds and thousands of phone calls that ICE was flooded with at the LaSalle detention center that facilitated her release," Main Bailey said.

While Puerto Diaz's case exemplifies the importance of legal representation in a system where the vast majority of defendants do not have access to it, her situation also

highlights the opacity of ICE and the confusion that surrounds much of the immigration system, despite its current starring role in American public discourse.


Overall arrests of undocumented immigrants have increased since Trump took office. He has issued several immigration-related executive orders freeing up immigration officials to make more arrests and pursue individuals who previously were not targeted, including pregnant women and people with no

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Photo courtesy of Johnna Main Bailey, for the Memphis Commercial Appeal

Carmen Puerto Diaz and her husband on a trip in October 2018.

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