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Tears in the newsroom: 118-year-old community newspaper covers tornado tragedy close to home

ANITA WADHWANI
The Tennessean, Nashville
March 10, 2020

In the hours after deadly storms swept through Putnam County on March 3, local officials set up a phone number to report the missing. The problem? There was only one incoming line.

Anxious callers desperate for news about their family members and friends turned to the Herald-Citizen, flooding the community newspaper's phone lines with pleas for help as the small news staff worked to report on the aftermath of deadly tornadoes.

"I had a call from a lady in Texas saying she could not find her mother," said Kate Cook, city editor. "Folks were calling us saying the number was out of service. That was all day Tuesday."

On a normal day, three editors and three reporters are covering high school sports, car accidents, court cases and fires for the five-day-per-week newspaper that has delivered news to the people of Putnam County since 1903.

On March 3, the Herald-Citizen's three reporters and three editors were working to cover the biggest natural disaster to hit the county in the newspaper's 118-year history.

In total, 18 people, including five children, died in three separate tornadoes that swept through Cookeville and surrounding rural and suburban communities, leveling 100 family homes and damaging or destroying 400 other structures. More than 88 were injured.

"I've never covered anything this bad," said Cook. "Never. I've never
See **TEARS** Page 4



Photo by The Tennessean, Nashville

Footage from a drone above Putnam County, Tennessee shows the devastation caused by a tornado that ripped through the area on Tuesday, March 3, 2020.

Our obligation to report remains firm

We will always do the right thing, and that's why it's hard to make a living.

Talk about kicking us when we're down.

Mother Nature walloped Middle Tennessee in the wee hours of Super Tuesday (does anyone even remember the primary elections?). Ferocious tornadoes claimed the lives of 25 people and left communities grappling with millions of dollars in property damage.

And just as that natural disaster's effects were coming into sharper focus, Tennessee and the nation suffered another blow — this time a biological threat, a microscopic foe whose effects have been growing quickly across the state. The coronavirus is a dual menace: Our public health and our financial security are at risk.



**YOUR
PRESIDING
REPORTER**

CHRIS VASS

These are the moments when newspapers fulfill their unique public service mission: Keeping the public fully informed is a cornerstone of our First Amendment core values.

No one else has the responsibility — the obligation — to record what happens in a community. We do. We choose it every day. We write down and photograph and record what we see, hear, feel and touch. Diligently. Objectively. With no goal but to inform our commu-

nities. These stories must be told; if reporters aren't there to bear witness, they won't be.

Sometimes it is a horrible obligation.

"A lot of people are hurting, but our readers are depending on us," Jack McNeely, publisher of the Herald-Citizen in Cookeville, told me recently.

McNeely's team had put the Cookeville paper to bed after the primary elections, only to awaken hours later to devastation in Putnam County from EF3 and 4 tornadoes. After checking on the safety of his staff, he turned his team loose to do what newspapers do best: blanket coverage of the disaster in print and online.

His small staff has worked overtime to give readers accurate,

See **VASS** Page 9

**2020 TPA
Summer
Convention
rescheduled for
Sept. 24-25**

Because of the uncertain timeline and lingering effects of the COVID-19 crisis, the Tennessee Press Association has postponed the 2020 TPA Summer Convention by three months, rescheduling it for Sept. 24-25. It will still be held at the Music Road Resort in Pigeon Forge, Tenn.

If you made reservations for June, please cancel them by calling (877) 291-8532.

Watch for TPA communication on the new details.

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Fighting a virus with truth and transparency

As the scope and threat of the coronavirus pandemic becomes clear, people all over the world hunger for two things: an effective vaccine and truthful information about the disease. The former may be more than a year away, but the latter is critical to stemming the pandemic in the meantime.

Sunshine Week, in March, marked a time when people like me write columns about some legislature's wrong-headed move to limit access to public records, and then try to make the case for greater access to public information and transparency in government.

We're facing something far more dangerous than any state legislature could conjure up. It's a global crisis worsened by governments whose impulse is to hide, control and censor news and information.

When a Chinese doctor shared a mysterious new virus might be emerging, he was reprimanded and silenced. The doctor, Li Wenliang, died last month of coronavirus. After China mishandled and hid the virus from the public, the epidemic dramatically worsened. The Chinese government "is now leading a sweeping campaign to purge the public sphere of dissent, censoring news reports, harassing citizen journalists and shutting down news sites," says the New York Times.

Similar suppression has appeared in other nations, according to the Committee to Protect Journalists. In Thailand, the prime minister has threatened to arrest journalists who publish "fake news" about the virus, and Iran detained a journalist for posts critical of the government's response, according to the CPJ. But even a democracy is going to be tempted to manage the messaging, as the U.S. did by initially channeling the government's comments through a single spokesman – Vice President Mike Pence. That has since improved significantly.

When the public is desperate for information, government needs to maximize authoritative information from scientists and experts on the public payroll. That appropriately gives Americans what they need to know, and counters irresponsible pundits who have sought to minimize the threat to score political or ratings points.

Most encouraging, though, has been the response of state and local



GUEST
COLUMN

KEN PAULSON

governments, schools and the private sector. Governments at every level resist disclosure and scrutiny, but leaders are now saying: "Here's what we need to do; here's why we're doing it; and here's how you can find out more."

Sports leagues and private businesses have been refreshingly transparent. How many emails have you received that began "Out of an abundance of caution . . ."? There are a lot of institutions making tough decisions these days, but they're largely doing it in partnership with the American people.

More than anything, else, though, this crisis reminds us of how wise the first generation of Americans was in demanding a free press. Despite the inevitable accusations by some that the news media were "hyping" this threat, tradi-

tional media have been measured and thorough in their coverage, making the most of their on-air medical and scientific consultants. Local newspapers and broadcasters have devoted extensive resources to reporting how the virus will affect the communities they serve.

President Trump told the nation in early March that "we are all in this together" and that's exactly what needs to happen: the government sharing what it knows truthfully and without spin or bravado, private and public institutions engaging constructively with America's most pressing challenge and news organizations keeping the public informed in a thorough and even-handed way.

In the end, science will prevail in curbing this virus. Yet the path to that victory can only emerge from true collaboration and collective sacrifice, fueled by a shared understanding of exactly what we're up against. That can only come from the free flow of information.

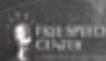
Ken Paulson is the director of the Free Speech Center at Middle Tennessee State University.



Becca Stevens

MY FREEDOM OF FAITH.

Faith is at the core of our Thistle Farms project, bringing hope and help to women in need, just as the other freedoms of the First Amendment empower us to make a difference every day. Each of us is different, and these five freedoms allow you to be the special person you are. Five freedoms of expression. Protect one. Protect them all. Learn more at www.1forall.today.

Be proud of your role during the COVID-19 crisis

I am proud to be representing all of you during this unprecedented time as our state lawmakers are working through the best way to move forward. Your communities are all looking to you and your newspapers for leadership, please let us know if the Tennessee Press Association can help you at all through this time.

Stephen Key, executive director and general counsel of the Indiana-based Hoosier State Press Association, wrote the following piece, and it captures all I have been saying over the past few weeks.

In the worst of times, newspapers rise to the occasion.

While everyone struggles to understand “flattening the curve” and social distancing, who will



FROM THE EXECUTIVE DIRECTOR

CAROL DANIELS

provide them with the information about what is happening in their community?

Who will explain what steps the county health department has instituted to deal with COVID-19?

Who will explain what steps the hospital’s emergency room and doctor’s office have taken to deal with requests for a coronavirus test?

Who will tell residents whether

there are any confirmed cases of COVID-19 in your community?

Who will assure (Tennesseans) that the shelves of stores remain stocked, maybe not with hand sanitizers, but the essentials needed while people try to stay at home as much as possible?

Who will tell them that the pharmacies remain open to fill prescriptions for those who need medicine?

Who will share stories on how first responders are protecting themselves while serving calls from possible coronavirus victims?

Who will explain to parents what students should be doing to stay current in the classroom?

Who will help circulate the latest information released by

county commissioners, school superintendents, mayors and town councils on the local response to an ever-changing situation?

Who will inform families where they can go to replace the school lunches their children were receiving?

Who will ask hard questions of government officials when flaws in the system become evident?

The answer to all of the above questions is the local newspaper.

Be proud of the role you fill in a democracy and make your community proud of the way you fulfilled your role when this crisis passes.

Carol Daniels is executive director of the Tennessee Press Association.

FOR YOUR CALENDAR

Note to readers: Some events scheduled for 2020 have been rescheduled or canceled due to the COVID-19 pandemic. This month’s calendar is updated with information available as of March 26. Updates are shown in bold type. For more information about an event, please contact the sponsoring organization.

APRIL 2020

17-18: Journalism Education Association National Convention, Gaylord Opryland, Nashville. **Convention replaced by one-day (Apr. 17) general membership virtual meeting.**

23-28: 2020 International News Media Association (INMA) World Congress of News Media, Paris, France. **Canceled.**

JUNE 2020

18-19: 2020 Tennessee Press Association 150th Anniversary Summer Convention and Advertising/Circulation Conference, Music Road Resort, Pigeon Forge, Tenn. **Rescheduled for Sept. 24-25.**

18-21: 2020 Investigative Reporters and Editors (IRE) Annual Conference, Gaylord National, National Harbor, Md. **Rescheduled for Aug. 27-30.**

AUGUST 2020

30: Deadline for Tennessee Newspaper Hall of Fame nominations

OCTOBER 2020

1-3: National Newspaper Association’s 134th Annual Convention and Trade Show, Hyatt Regency, Jacksonville, Fla. **No change reported.**

21-25: College Media Association Fall National College Media Convention 2020, in conjunction with Associated Collegiate Press, Atlanta Hyatt Regency, Atlanta, Ga. **No change reported.**

SEPTEMBER 2020

24-25: 2020 **New dates.** Tennessee Press Association 150th Anniversary \Convention and Advertising/Circulation Conference, Music Road Resort, Pigeon Forge, Tenn.

NEWS

Ponder departs The Daily Herald

As the result of a recent restructuring of management, Keith Ponder has left The Daily Herald, Columbia, after serving there as publisher for five years.

Ponder told staff in March of his impending departure.

The newspaper’s parent company, Gannett, reportedly is creating a more centralized organization that resulted in several leadership changes company-wide.

Editor James Bennett, Circulation Director Anthony Dezarn and Advertising Director Craig Duncan remain at The Daily Herald to lead their teams, as does information technology director Fay Hunt. Additionally, Vickie Woody was named by Gannett as site leader to coordinate local operations.

“I’m proud of our team and the work we did here the last five years,” said Ponder, who joined The Daily Herald in 2015 after working as a publisher in Glasgow, Kentucky. “We never lost sight of our mission of serving this community.

“At our core, our role is to connect, protect and celebrate the community,” he added. “I think we did a good job of living up to that standard.”

Ponder, a 30-year veteran of the newspaper industry, served on the board of directors for the Tennessee Press Association. He serves on the Leadership Maury Board



Ponder

of Trustees and is a member of Maury Alliance’s Public Affairs Committee. He is president-elect of the Columbia Breakfast Rotary Club.

“Community newspapers

like The Daily Herald are vital to strengthening communities throughout Tennessee and the nation,” said Ponder, who lives in Columbia with his wife, Sharon. “They’re critical to helping business grow.

“Sharon and I could not be happier to have come to Maury County at such a great time,” Ponder said. “This is home for us, and we don’t want to be anywhere else as we begin another great chapter in our lives together. This is a special place, and I am forever grateful that The Daily Herald led us here.”

The paper won the General Excellence award from TPA in 2017.

“Paraphrasing author A.A. Milne, how lucky am I to have had something here — with this team of wonderfully talented and passionate people — that makes saying goodbye so difficult? I know Vickie and this team will continue to serve Maury County and the region faithfully,” Ponder added in his remarks Tuesday.

The Daily Herald, Columbia
March 15, 2020

Richardson moves on from The Oak Ridger

The Oak Ridger has announced that publisher Darrell Richardson, an Anderson County native, was scheduled to leave the company no later than April 3, 2020. The publisher’s position at Oak Ridge, and as well as others in selected Gannett markets, has been eliminated.

The Oak Ridger’s parent company — GateHouse Media — merged with Gannett in November 2019.

Longtime financial officer and Oak Ridge resident Carolyn

Skyberg is assuming leadership of the 71-year-old Oak Ridge newspaper, where Richardson has served as editor and publisher for the past 16-plus years.

With both of his grandfathers working as electricians on the Manhattan Project, coming to work for The Oak Ridger was a dream come true for Richardson — who had been recruited to come and work for The Oak Ridger prior to his decision to actually take the newspaper up on previous offers.

Richardson and his wife Angela, who works at TCAT-Harriman and has recently joined the board

of directors for the Free Medical Clinic of Oak Ridge, have two children: Emilee Jane Bradshaw, who works at the Enrichment Federal Credit Union in Oak Ridge, and Parker Richardson, who is studying machine tool technology at TCAT-Harriman.

The Oak Ridger
March 15, 2020

Kennedy buys Columbia radio station

A legendary name in media has returned to the Maury County market, bringing his career full

circle. Sam Delk Kennedy Jr., whose family owned The Daily Herald for nearly 80 years until selling the newspaper in 1983, purchased Columbia radio stations WKRM

(1340 AM) and WKOM (101.7 FM) from Middle Tennessee Broadcasting Company in late February for an undisclosed price. The lifelong Columbia resident, who has a background in law, farming and print media, will serve as owner and general manager.

“I started doing photography for the newspaper when I was 7 years



Kennedy

See **NEWS** Page 5

Pitching any kind of product is all about the benefits

Rob is the marketing director for an outdoor apparel company. I remember a conversation with him about his philosophy of promoting their products. “It’s all about benefits,” he said. “Every time a new product is developed – or an existing product is improved – my task starts with learning the features and translating those features into marketable benefits.

“I meet with the research and development team and ask questions like, ‘Where did this idea come from?’ and ‘Why did you decide on these specific changes?’ I want them to walk me through their thought process, so I can understand how the product enhances our customers’ outdoor activities.

“There’s a chain of communication,” he explained. “I share the relevant details with our sales



AD-LIBS®

JOHN FOUST

team, so they can present the new product to stores that sell our products. That includes providing them with information the stores can communicate to their customers. Of course, all of that is coordinated with our international brand marketing.

“At every step along the way, the focus is on features and benefits. For example, we use wicking fabrics in many of our products. A shirt which is made of wicking material draws perspiration away

from the body and to the exterior of the shirt, where it can easily evaporate. A shirt with wicking fabric is cool and comfortable – and that’s important to active people. The word ‘wick’ doesn’t mean anything to a lot of folks, so it needs a good benefits-oriented explanation.”

There’s a reason why advertising veterans have always preached the value of product benefits. People don’t buy features, they buy benefits. If that strategy is good enough for a successful international company, it’s good enough for the businesses we encounter every day.

Here are a couple of takeaways from Rob’s approach:

1. Stick to the facts. “There’s no need to embellish the truth,” he said. “If a product is worth

buying – if it is worth advertising – it should offer honest advantages to consumers. That’s why we encourage all of our marketing folks to avoid superlatives in their descriptions. People are suspicious of words like ‘best,’ ‘tremendous’ and ‘fantastic.’

“Think about it. If you’re in the market for a shirt to wear for hiking or boating, would you be more likely to buy one that is comfortable because it ‘evaporates perspiration quickly’ or one that is described as ‘unbelievable?’ Solid facts win that contest every time.”

2. Keep it simple. Rob has access to a lot of technical product details, but he knows it’s important to narrow it down to simple, easy-to-communicate information. “The most effective marketers make their messages easy to understand,” he said.

“If they make it complicated, they’ll lose people.” The most memorable benefits are communicated with just a few words.”

When you’re working with an advertiser who needs ideas for a new campaign, keep features and benefits in mind. That will answer the question, “Why should people buy what we’re selling?” And it will take a lot of sweat out of the creative process.

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TEARS from Page 1

seen death like this. The fact that a lot were children is very difficult.”

“As you’re going out and collecting stories — and it’s very important for people to talk and for us to chronicle their stories — it’s very difficult to not view that through the lens of, ‘My God, what if they found my daughter in a ditch in front of my house?’” said Cook, who has a 13-year-old daughter.

The Herald-Citizen put out a 16-page edition Wednesday that included four pages of photos. On that first day, Cook said the photo editor toned and processed 500 photos taken by staff.

The newsroom near downtown Cookeville is typically open to customers who want to buy their newspapers in person, though the paper also hand delivers and mails the papers, too.

On Wednesday, 6,000 editions were sold out before the day ended. The publisher authorized a reprint of 1,000 more of the first-day story, headlined “Devastated,” and sold those out Thursday.

Covering the story was tough because everyone at the newspaper had some connection with people who lost homes or loved ones, Cook said. “Our news editor, Dan Ford, he’s a 35-year veteran of the paper,” she said. “I’ve never seen him doing anything different than crack a slightly inappropriate joke.”

On March 3, he “burst into tears.” Ford attends church with Matt and Macy Collins, who lost their 4-year-old daughter on the night of the storm.

Another reporter went to high school with Erin Kimberlin, 29, who died at home with her husband, Joshua, 30, and 2-year-old son, Sawyer. Cook sustained damage to her



Submitted by the Herald-Citizen, Cookeville

Herald-Citizen staff. From left: reporters Paige Stanage and Jim Herrin, managing editor Lindsay McReynolds, news editor Don Foy, city editor Kate Cook, publisher Jack McNeely, sports writer and photographer Ben Craven, reporter Ben Wheeler and sports editor Scott Wilson.

home. On a normal day, Cook said the newspaper would be spotlighting positive news.

“We believe very strongly in good news and celebrating what goes on in the community,” Cook said. “We try not to go with the ‘if it bleeds, it leads’ deal, but we are also very aware we’re recording history. We’re very aware we’re sitting in an office with bound editions from the 1920s.”

The paper in recent years has experienced the same industry financial pressures that have led to closures and cutbacks at other community papers. A year ago, the pa-

per ceased publishing their Monday edition as a cost-cutting measure.

On March 3, Cook said the publisher immediately authorized overtime for employees, who have logged long hours every day since the tornadoes hit.

“News staffs rarely are tested with such a natural disaster that struck Cookeville and Putnam County during the early morning hours of March 3,” publisher Jack McNeely said in a statement.

“We were challenged to reveal the human element of this tragedy, and I could not be prouder of how our team responded,” he said. “Comm-

nity journalism is alive and well at the Herald-Citizen.”

Cook said she and her staff expected to report on its aftermath for months to come.

“Next we cover the funerals,” she said. “And we cover the rebuild. And we make sure that people get the information they need so they can file insurance and FEMA claims.”

“There’s a certain amount of time when you’re just numb,” she said. “It’s important for us to make sure that information is available, so — when they’re not numb anymore — they have the information they need to file a claim.”



Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
February 2020	\$116,051	\$8,926
Year* as of Jan. 31	\$294,659	\$39,543

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

Improving relations with city hall a two-way street

A fire chief was suspended without pay after taking his nephew, and another firefighter off his shift, for a joy ride on the city's fire boat. The city agreed to not voluntarily report the disciplinary action to the newspaper.

Three local firms were vying to become airport manager in what had become a contentious process. A committee, on a 4-3 confidential vote, recommended the existing vendor to the city council, even though the proposal exceeded the low bid by \$100,000 over the five-year contract. City officials defended the secret ballot on the basis it was a sensitive issue.

The two examples reinforce the message of Sunshine Week, which was March 15-21, an annual nationwide observance underscoring access to public information to promote open, effective and accountable government.

"Freedom of information" too often is posed as "us" versus "them." Editors demand access to nearly everything, and government says hands off to lots of information that we argue is best revealed in the interest of the public.

Pursuing stories in the private sector can be even more challenging. Private organizations – for sound reason – are not subject to the same laws as public bodies when it comes to meetings and release of information. At the same time, there are arguments – for example, both in terms of an employer's and a community's best interests – that certain information be shared.

We resolved to get the complete stories in the two cases referenced above during my tenure as editor of the Red Wing Republican



COMMUNITY NEWSROOM SUCCESS

JIM PUMARLO

Eagle. We were unabashed in our aggressive pursuit of local news. We published full details, then editorialized why readers deserved to know the facts. The reports generated far more coverage than if authorities had simply released the information from the start.

My advice is straightforward when coaching individuals and organizations on how to strengthen media relations: Be prepared to share the bad as well as the good news, the sensitive as well as the feel-good stories. A proactive stance can reap long-term dividends.

The advice is equally appropriate for reporters and news sources, and not just during Sunshine Week.

Media and government do not have to be adversaries. Newsrooms should continue to press for the full menu of news. At the same time, editors and reporters should be diligent in developing relationships with newsmakers who can be uncooperative in sharing "all the news."

Here are three tips for reporters and news sources to help break down the barriers.

- **Introduce yourselves:** Reporters will be most successful in securing information – especially if the news is unflattering from the other party's perspective – if they have established relationships with their sources. Likewise, individuals

regularly in the news should get to know the players at the newspaper beyond during only times of confrontation.

- **Initiate coverage early:** Lack of notice is a common reason for editors to turn down requests for news coverage. Newsmakers should familiarize themselves with newspaper operations – their deadlines and resources. At the same time, newsrooms – often fully aware of an event weeks in advance – should not wait to be spoon-fed stories. Both sides will benefit from connecting early to explore substantive and fresh coverage.

- **Do your homework:** Nothing's more frustrating than newsrooms being pitched a story without really understanding its significance. The unfortunate result is that the individual or organization is dissatisfied with the coverage, and the newspaper misfires on an important story. Sources should understand they might have to educate reporters on complex subjects, and reporters should do their research in advance.

These tips serve the dual purpose of improving relationships with newsmakers and providing solid content for readers.

Don't be misled, however. Despite the best efforts on both sides, relationships with newsmakers won't always be rosy. Editors still will have legitimate reason to reject some requests, and reporters still will meet resistance in their pursuit of "bad" news.

In a nutshell, newsmakers must learn to volunteer the bad news and the good news. And newspapers – even in their roles as government watchdogs – must be as receptive to covering the good

news as they are to pushing for the uncomfortable news. Developing relationships is a two-way street. The process is never-ending, and it's best to take baby steps. So here's a starter.

Nothing is more complex, and has a greater impact on taxpayers, than a city budget. The document can take weeks to develop and be the size of a mini book. Yet, most newspapers likely receive the budget a few days in advance of – or even at – the meeting where it is formally presented and adopted.

The result? Reporters, under the crunch of deadline, write a story full of numbers with little interpretation. The report does not meet the city staff's expectations and, worse, means little to readers.

Imagine the reaction if an editor

today invited the city manager to explore ideas for meaningful coverage of a budget that will be adopted months from now. Both individuals might be surprised at where the conversation leads, and – most important – your readers stand to be the ultimate beneficiary.

Jim Pumarlo 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.

New column digs into lesser-known aspects of Tennessee history

SUBMITTED
February 28, 2020

Army nurse Geneva Jenkins spent three years during World War II as a prisoner of war in a Japanese internment camp in the Philippines.

Today, there is nothing of note named for her in Sevier County, where she grew up.

"Shouldn't every child in that corner of Tennessee know about Geneva Jenkins?" says Bill Carey, who recently wrote his weekly history column about her.

Carey, whose website, booklets, books and columns on Tennessee history have been enjoyed by thousands of teachers and students throughout the last two decades, began producing a syndicated column for Tennessee's small-town newspapers in January.

The column focuses on fascinating events in Tennessee history that are not commonly known. Topics of the first few columns included—among other subjects—why and how 18 Tennessee counties have moved their county seats from one town to another and whether President Theodore Roosevelt really said (on a visit to Nashville in 1907) that Maxwell House Coffee was "good to the last drop."

Carey's column for the week of February 27 was about slavery in Tennessee. "Very few people know

this," he says, "but slavery was made illegal in Tennessee not by the Emancipation Proclamation or the Thirteenth Amendment, but by statewide referendum in February 1865."

Carey is the author of 15 Tennessee History for Kids booklets which are used in public and private schools throughout the state. Since 2006, he has also been a monthly history columnist for the Tennessee Electric Cooperative Association's Tennessee Magazine.

Some of his weekly history columns are somber, while others are amusing. A recent column was about why Tennessee's northern border isn't a straight line.

The first three columns were offered free of charge. The fee is \$10 per week for publication rights. If you would like more information about Bill Carey's columns, email him at bill@tnhistoryforkids.org.

In 2004, Carey founded Tennessee History for Kids, a non-profit organization that helps public school teachers cover social studies in general and Tennessee history in particular.

Carey was a reporter throughout much of the 1990s for the Tennesseean, Nashville Scene and Nashville-Post.com (which he co-founded).

Bill Carey and Tennessee History for Kids was an exhibitor at the 2020 TPA Winter Convention.

NEWS from Page 3

old," the 63-year-old Kennedy said. "When the family sold the newspaper in 1983, it was a good business decision, but it was difficult personally. It was very emotional. I had just finished law school and was serving as general manager at the paper.

"Almost my entire life, I have wanted to return to making a difference in my hometown," he added. "I want the station to be involved in all aspects of life in Maury County and southern Tennessee."

Kennedy's father and mother, Sam and Betty, took over leadership and management of the newspaper in 1965. Betty's father John W. Finney and grandfather James I. Finney, were previous owners. They were inducted into the Tennessee Newspaper Hall of Fame after running The Daily Herald for more than four decades and turning it into one of the state's most influential papers.

Sam Kennedy died in 2018; Betty in 2019. After selling The Daily Herald, they stayed in publishing, owning community newspapers in Lawrenceburg, Linden and Waver-

ly. Sam Delk Kennedy Jr. and his sister Elizabeth continue to own and manage the Lawrence County Advocate.

"We sold the paper, and I needed to make a living to send my children to school," said Kennedy, who worked for the local district attorney's office and the U.S. Attorney's office in Nashville. "I was a lawyer, so I went to work as a lawyer for 35 years or so."

Kennedy said the station would feature conservative talk radio and unbiased local news.

*The Daily Herald, Columbia
March 7, 2020*

TPA MEMBER COVERAGE SHOWCASE I: The Ledger, Nashville

Big dreams, small towns: A tradition on the verge

TOM WOOD
The Ledger, Nashville
December 27, 2019

As of December 2019, Major League Baseball (MLB) was planning to eliminate 42 of its 162 minor league teams, even after setting a minor league attendance record of 41.5 million in 2019. And while the AAA Nashville Sounds are safe from the proposed contraction, teams in six communities are not.

Tennessee is the state most affected by the proposal being spearheaded by MLB Commissioner Rob Manfred, which would take effect when the Professional Baseball Agreement of Operations expires following the 2020 season.

Tennessee Class AA Southern League affected are:

- Chattanooga Lookouts, an affiliate of the Cincinnati Reds
- Jackson Generals, an affiliate of the Arizona Diamondbacks
- Advanced rookie Appalachian League teams affected are:
 - Johnson City Cardinals
 - Greeneville Reds
 - Elizabethton Twins
 - Kingsport Mets

Tennessee lawmakers are understandably hot about the National Pastime disappearing from communities. Some are taking a wait-and-see approach, while others have been more vocal.

"I think minor league teams are really important to our communities," Gov. Bill Lee says. "Our towns in this state that have minor league teams, both big and small, it's a part of what makes the uniqueness of those towns, so we are very interested and will follow closely any change in the way minor league baseball's structured. It matters a lot to us."

The MLB contraction proposal has been assailed by a number of Tennessee lawmakers, including U.S. Rep. Phil Roe, one of several state politicians among 106 congressional colleagues who signed a letter opposing the proposal. Roe also met with MLB Deputy Commissioner Dan Halem.

"The 1st District of Tennessee is home to four minor league baseball teams in the Appalachian League – with a fifth right across the border in Bristol, Virginia," Roe says. "There are ongoing



Submitted photo

AT&T Field in Chattanooga has been the home of the Lookouts since 2000. It replaced Engel Stadium, which served the team for nearly 70 years. A replacement for AT&T is being discussed.

discussions between MLB and its minor league affiliates about the future of minor league baseball, and since half of the Appalachian League teams play in our region, I want to be active in ensuring America's pastime is preserved for generations to come.

"For that reason, I met with Deputy Commissioner Halem to discuss the concerns our communities have with the potential loss of the Appalachian League and its impact on Northeast Tennessee. I look forward to continuing on working to preserve baseball in the 1st District of Tennessee."

Small-town USA

Beyond attendance and financial concerns, having a minor league team can boost a city's morale as residents follow the exploits and dreams of athletes hoping to someday reach the highest level.

"A minor league team can be a big deal to a small town, but most of the players on a rookie-level team have little chance of making it to the major leagues," says longtime fan Mike Morrow of Nashville, who writes about baseball at tnprobbaseball.com.

"Yet it is important for Tennessee baseball fans to realize that some big-name players, MVPs like Jose Altuve (Greeneville) and Joe Mauer (Elizabethton), a Cy Young winner like Jacob deGrom (Kingsport) and future Hall of Fame catcher Yadier Molina (Johnson

City) started their professional careers in Tennessee."

The teams in Johnson City, Greeneville and Elizabethton are owned by Knoxville businessman and University of Tennessee interim president Randy Boyd. He also owns the Class AA Tennessee Smokies. That team plays at Smokies Stadium in Kodak, near Sevierville, but there have been preliminary discussions of moving it back to Knoxville.

The four teams drew a combined 432,506 fans in 2019, an average of 8,971 per game. Chris Allen, president and chief operating officer of the Smokies and Boyd Sports LLC., recently attended the 2019 Winter Meetings in San Diego and expressed hope that a solution will be negotiated that is satisfactory to all involved.

"At the end of the day, both parties come into the room and they try to fight for what they want, and hopefully there will be a compromise on both ends and everyone will get a little bit of what they want and maybe lose a little bit of what they might have wanted," Allen says. "That's the way negotiations go, you know."

"It's a long, drawn-out process. . . . I don't know where it's going to end. I certainly hope, considering we have three Appalachian League teams, that contraction is not an option. I don't know where that's going to fall. Certainly, I think it would be a sad day if a large number of teams were



Submitted photo

Fans pack the stands at Joe O'Brien Field in Elizabethton to watch the Minnesota Twins' Appalachian League club. The park is about 9 miles east of Johnson City in the northeast corner of Tennessee.

contracted – or any team, for that matter. We just have to trust the process. We're going to plan for the worst and hope for the best."

Allen and Jeremy Boler, vice president of Boyd Sports, points to the economic impact on the cities if another slice of Americana disappears.

"The local communities would all lose their baseball teams; all the employees, from the full-time staff to the game-day staff; let alone to the players," Boler says. "I think they're projecting 1,200-plus players – and not just players, but coaches and umpires, too. It's a big shock to the system right now."

"Small-town USA deserves baseball just like everyone else," he adds. "Dan Moushon, who is president of the Appalachian League, had all of us work on the 'charitable contributions' report and, I think, well, I know, all 10 teams in the Appalachian League through various donations (and) in-kind gifting impacted their communities in excess of \$2 million."

"That's a considerable amount of money in any part of the country, but certainly in the Appalachian League."

'Huge blow for Tennessee'

The two sides of the contraction debate have been locked in what has been described as intense negotiations, reportedly discuss-

ing everything from upgraded facilities to travel, from housing to low wages and a number of other issues – including a "Dream League" that affected teams could join. Such a league would feature undrafted players and have some financial support from MLB.

They met at the 2019 Winter Meetings in December in San Diego, trading barbs and digging in on their stances.

All the back-and-forth left many of teams frustrated and trying to plan for an uncertain future.

"This is a huge blow for the state of Tennessee. You're talking about almost from one side of the state to the other where this is going to affect," says Rich Mozingo, the president of the Chattanooga Lookouts. He was named Southern League's executive of the year at the 2019 Winter Meetings in San Diego.

"It's not just one little spot here, so it's a crushing blow for the state of Tennessee."

"But we're all sticking to the same thing. It's early in the process, and we're going to have to let this thing play out a little bit."

The contraction proposal comes at the height of minor league baseball popularity. Another attendance record – 41.5 million fans – was set in 2019.

Lookouts co-owner Jason Freier says he remains optimistic that the team will still be playing in Chatta-

BASEBALL from Page 6

nooga beyond the 2020 season.

"I mean, you see your name attached to potential contraction, you obviously need to be concerned," he says. "That being said, looking at it from both a macro and a micro perspective, the concept just doesn't make a lot of sense. So my hope is, you know, sort of reason and right prevail on this."

"To me – whether you're on the major league side of things or the minor league side of things – both of us want to be growing the game of baseball, and how better to grow it than have teams in all these communities, provide opportunities for kids and families to see games as they grow up? Getting rid of teams would be bad for baseball, bad for the communities, for the fans."

Noting Chattanooga's long history of professional baseball, Freier says the Lookouts shouldn't be on the list. "If you told me, 'Hey, teams are definitely going away, it's going to happen regardless of whether it makes sense or not' then it doesn't make any sense for Chattanooga to be among those teams," Freier explains.

"Chattanooga is a great city, a thriving and growing market. It's a place baseball should certainly want to be. Last year we were named the Southern League Organization of the Year. We were in the top half of our league in attendance. Chattanooga has a history – over 130 years – of professional baseball, which is close to unmatched across the country."

Don't forget young fans

Retired Cincinnati Reds broadcaster Marty Brennaman is against contraction, particularly because of the effect it will have on small towns like Greeneville, which is affiliated with the Ohio club.

"The most important problem it has that this is contrary to is finding ways to, one, attract youngsters back to the game – and I'm an old guy, so I remember how it was when I was a kid," says Brennaman, who was to be guest of honor at the Nashville Old Timers Baseball Association banquet Jan. 14.

"In the summertime, you get up in the morning and play baseball all day, might come home for lunch, might not, and at night you listen to games on the radio – and by taking baseball away from towns in the minor league, that's going to eliminate or minimize or reduce the amount of interest that young people are going to have in this game that they're working hard to get right now."

"Baseball does a lot of things that just make me walk away scratching my head, believe me."

Chattanooga businessman David R. Eichenenthal, managing director for PFM Group Consulting, who recently wrote an opinion piece on MLB's contraction proposal for The Hill, says commitments to new or upgraded facilities are the key to smaller cities keeping their teams.

"When I saw the list of the cities and the teams that were the target of Major League Baseball contrac-



Submitted

Looie, the Chattanooga Lookouts' mascot, might soon be looking for other work.

tion, it was a familiar list because a lot of these are cities that I've worked with over the last several years as they seek to overcome economic challenges," Eichenenthal says.

"We know there's a lot of economic literature that suggests that building big new stadiums doesn't necessarily help bigger cities with major league stadia, but there is actually reason to believe that minor league baseball can be a real economic boost for smaller cities."

"If the Major League Baseball plan goes forward and minor league baseball goes away from these places, the economic impact could be quite real. And as I point out in the article that you reference, a lot of these cities have already faced significant economic setbacks over the decades."

"They disproportionately have higher rates of poverty, are more



Submitted photo

Fans wait to enter TVA Credit Union Ballpark in Johnson City.

likely to sustain population loss and high unemployment. So what I've said is that it's great that Congress is stepping up in a bipartisan way to encourage Major League Baseball to stay put when it comes to these minor league cities. But there's so much more that the power of government needs to do to help these places achieve economic turnarounds."

Emotions

Johnson city resident Larry Schmidt says the emotional attachment to smalltown teams translate into big-league support that could go away.

"It would hurt the small towns. It would hurt towns such as Johnson City and all the towns in the Appalachian League," says Schmidt, 70. "The other thing is, and my wife touched on it, the average age of the baseball fan is

57. Well, this is where it starts. You try to get young people involved in it and enjoy this. And we would hate for it to happen. If it happens, we'll just do something else with our time."

Joel Westbrook, 13, who was born with spina bifida, says losing the Lookouts would be a huge letdown.

"I was shocked. I was just real shocked. I was real sad," says Joel, a U.S. Karate Open champion who is also active in the Miracle League baseball program in Chattanooga. He knows all the players, coaches and team staffers.

"It is a shock. Yeah, my son just loves going to the Lookouts games," mother Wendy Westbrook says. "That's what he's put on his Christmas list the last three years is season tickets to the Lookouts. So we go all summer. He's the one that absolutely, really loves going."

20 random things being a journalist has taught me

Random thought: I've been a journalist since 1980. For context, that's the year the Rubik's Cube was invented. And Post-it notes. My gosh, Post-it notes! My journalism career is older than paper and glue.

Let's see, I must have learned something in these 40 years worth passing down to my kids. OK, here's a thought experiment. I'm going to quickly write down 20 things that I've learned by being a journalist. Deep breath. Ready. Set. Go.

1. I was writer/reporter for 12 years before I was allowed to express an opinion in public. That was a good thing.

2. The eraser on a pencil is just



GUEST COLUMN

MARK KENNEDY

as important as the lead.

3. If you keep quiet and nod your head, people will tell you interesting stuff.

4. It's a myth that most Americans don't like to talk about themselves. If you don't believe me, ask them.

5. Writer's block is not a thing in journalism. An empty notebook

is a thing.

6. It's hard to balance a telephone on our shoulder, type and ask questions all at the same time. Somehow, it was easier years ago with a cigarette in my mouth.

7. Some people would rather spot a typographical error in a newspaper story than find a \$100 bill on the sidewalk. Well, me too.

8. Deadlines are not scary. Realizing you don't have a pen or paper at a news scene is scary.

9. A newspaper should cost the same as a really good muffin.

10. I can tell you in 1.5 seconds if a telephone caller is crazy.

11. Strong coffee is to writing as motor oil is to the internal combustion engine.

12. Little-known secret: Most famous people with an entourage are no smarter than you are.

13. There's a difference between objectivity and balance. Objectivity is elusive, but if you don't constantly strive for balance, you'll eventually stagger and fall down.

14. Black Friday is overrated. I worked 30 Black Fridays in a row, yet I still have not managed to acquire a memory foam pillow.

15. The best reporters have crumbs under their desks.

16. Years ago, I'd spent hours in a library looking for the answer to "What happened in 1980?" The internet is a good thing.

17. Most reporters who leave the business at some point wish they

hadn't.

18. The key to surviving in journalism — or any job — is to find out what your boss needs and do more of it.

19. There used to be more reporters and fewer public relations professionals. Some day there will be just one reporter, and everybody else will be in PR. Then, finally, the sides will be even.

20. News used to end at the bottom of the page. Now it just scrolls forever on your phone. This is not right.

Mark Kennedy is a columnist for the Chattanooga Times Free Press. Contact him at mkenney@times-free.press.com.

OBITUARIES

Thomas 'Thom' Gregory

Thomas "Thom" Gregory, 56, unexpectedly passed away from a heart attack on Sunday morning, March 8, 2020, in Knoxville, where he lived with his wife, Lisa.



Gregory

Gregory was a USA TODAY Network regional director and general manager of the Knoxville News Sentinel's printing operation. He worked for Gannett at various Tennessee news operations for nearly 30 years. Just a couple of days earlier, Gregory was hard at work as always, ensuring that whatever was printed was of the highest quality.

"It's hard to put Thom into words," Tony Clifton, his longtime friend, told Knox News. "He was a good, hard-working country boy."

Gregory and Clifton went to school together in Franklin, Ky.,

where most of Gregory's family lives. In high school, Gregory met Clifton and his future wife. Gregory's family owned a farm in the small community, but instead of taking over the family business, Gregory started working at a local print shop.

He went to college at Western Kentucky University and earned a degree in mathematics with a minor in physics. He started working for Gannett in 1990.

"To him, it was all math," his wife, Lisa Gregory, said. "Laying out the paper was about numbers, so it came easy."

Gregory spent about 25 years of his career at The Tennessean in Nashville. In 2017, he moved with his wife to work in Jackson, Tennessee, at The Jackson Sun. He took over operations at the Knoxville News Sentinel in May 2019.

He is survived by his wife of 34 years, Lisa Gregory, and his two daughters, Jennifer and Amanda Gregory.

Knoxville News Sentinel
March 12, 2020

Elton C. Hatley

Funeral services for Elton Capps Hatley, age 87, of Camden, were held March 18, 2020 at 3 p.m., in the chapel of Plunk Funeral Home of Camden with Clint Burnett officiating.



Hatley

Burial followed in the Eastview Cemetery.

Mr. Hatley passed away Monday, March 16, at Camden Healthcare and

Rehabilitation. He was co-owner of The Camden Chronicle and The Carroll County News-Leader from 1983-2000. He served in the U.S. Army and was a retired shift engineer at the New Johnsonville TVA plant. He was a member of the Camden Church of Christ, Camden Lions Club, NRA, Camden Elks Lodge, and a Mason.

He was born at home in Morris Chapel on Sept. 14, 1932 to the late Roscoe Hatley and Willie Mae

Capps Hatley. In addition to his parents, he was preceded in death by his wife of 67 years, Joan Travis Hatley; a daughter, Dana Baker, a grandson, Ryan French, and two sisters, Wynell Hatley and Sara Kay Dowdy. He is survived by two daughters, Rhonda Ashby and Lisa (Dennis) Richardson, both of Camden; a sister, Rebecca Franke, of St. Petersburg, Fla.; and a brother, Kenneth Hatley, of Camden; five grandchildren.

Magic Valley Publishing,
Camden
March 24, 2020

Lee Nell Lurlene Stanfill King

Lee Nell Lurlene Stanfill King, 87, of Henderson passed away Wednesday morning, Feb. 12, 2020, at Henderson Health & Rehabilitation Center.

She was the original writer of the New Friendship Community News in the Chester County Independent and held that position for many years. She also worked

in the newspaper's mailroom.

King loved working with genealogy and was a past member of D.A.R. and a member of the Chester County Historical Society.



King

She was born Oct. 26, 1932 in Chester County, the daughter of the late Hallie Tenry and Myrtle Lavon Puddy Stanfill. She attended schools in Chester County and was a

1950 graduate of Chester County High School.

She married Lloyd Houston King on Aug. 18, 1951 in Corinth, Miss. They were married 67 years when he passed away on Jan. 15, 2019.

She was a retired dietician for the Chester County Junior High School, a member of the Mt. Pleasant Methodist Church and a cancer survivor.

Chester County Independent,
Henderson
Feb. 20, 2020

TRACKS

McCutcheon retires from Post-Intelligencer

Bill McCutcheon has been a constant presence, often with a camera or microphone in his hands, at community events in Henry County for years. Now, that chapter has come to an end. McCutcheon started the new year retired, and end his time at The Post-Intelligencer, Paris and his time as a reporter, in the past.

McCutcheon says he was destined to be in the newspaper business. When he was a child living on East Blythe Street, he was given an old Royal typewriter. "I produced the East Blythe Street News for the neighbors. I made five or six carbon copies of each edition and delivered them," he remembers. Later, while attending Grove High School, he was made editor of The Comet, the school paper. He would stay in that position through his senior year.

When he started school at the University of Tennessee at Knoxville, he worked at WUOT campus radio. "When I was at Knoxville I worked at WROL there. I played



McCutcheon

'good' music," he said, shaking his head. "The owner had a thing that, if it had a guitar in it, it's not good music."

He reflects now that although he studied radio and television broadcasting as a college student, he wishes he concentrated more on newspaper reporting.

"I've had some good memories here," he said, struggling to choose a favorite. "Starting off working for Mr. Bill (Williams) was good."

McCutcheon covered the Paris city government beat, the Henry County Highway Commission, and the city governments in Puryear and Cottage Grove. In addition to his beat, he's served as a photographer for the paper as well as the main photoshop editor. Just this past year, McCutcheon brought home a first-place award for Best News Photograph from the Tennessee Press Association.

The Paris Post-Intelligencer
Dec. 31, 2019

Carney leaves Times-Gazette

Editor's note; the following first-person account by Carney was edited to fit this space.

A few days ago, I did something I haven't needed to do for 34½



Carney

years. I signed up for a subscription to the Shelbyville Times-Gazette.

I've never needed a subscription because I was usually here when the presses rolled, and I could grab one right out of

the press room if I needed to, while the ink was still warm.

Now, though, I'll be reading the T-G, online and in print, as a customer rather than an employee. I've accepted a job with Bedford County government, and Friday, March 6, was my last day in the T-G newsroom.

I was not looking to leave; the

See **TRACKS** Page 10

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Newsrooms win Big Pharma lawsuits

JOEL CHRISTOPHER
Knoxville News Sentinel
December 23, 2019

The USA TODAY Network in Tennessee, led by its Knoxville newsroom, has won three consecutive protective-order suits against Big Pharma over the past two years, the most recent coming in December 2019.

The victories allow the Tennessee newsrooms to shed light on the multibillion-dollar companies that have pumped deadly opioids into Tennessee, fueling an epidemic of drug addiction that has ravaged the state.

“The News Sentinel has shown courage and determination in their support of the people’s right to know,” said Richard Hollow, a lawyer for the USA TODAY Network - Tennessee newsrooms. “These types of steps are not taken every day.

“From what I have seen, I have not (found) a situation where any news organization has gotten three successive stays lifted,” he continued.

In mid-December, a Knox County judge ruled in favor of the Knoxville News Sentinel to release the documents from the state’s

lawsuit against AmerisourceBergen — an opioid distributor with \$167 billion in annual revenue.

Tennessee Attorney General Herbert L. Slatery III contended in a lawsuit filed in Knox County Circuit Court that the company flooded the market with opiates, ignored red flags of abuse, helped pharmacies avoid regulatory scrutiny and deliberately oversupplied pharmacies in opioid “hot spots.”

The company’s attempt to block the public release of the lawsuit failed. Separately, the News Sentinel successfully fought similar efforts for secrecy by Big Pharma in 2018 when Slatery’s office slapped opioid makers Purdue Pharma and Endo Pharmaceuticals with legal action.

“There isn’t a single issue this past decade that has more profoundly impacted Tennessee and Tennesseans — our friends, our neighbors, our communities — than the opioids crisis,” said Michael A. Anastasi, vice president of news for the USA TODAY Network in Tennessee.

“These legal victories represent our steadfast commitment to fight for the people’s right to know, now and into the future.”

The attorney general’s lawsuits

accused the companies of intentionally fueling the opiate epidemic with false claims about its safe uses and addictive properties, offering addicts coupons, pushing doctors to boost opiate prescriptions and conning the FDA with fake science.

Purdue’s owners have since sought bankruptcy protection. The Endo case is pending.

“The News Sentinel is not a shrinking violet,” Hollow said. “(Former editor) Jack McElroy and (current editor) Joel Christopher get out there and aren’t afraid to take a risk. We could’ve gotten our nose bloodied in any of these cases.”

Tennessee Attorney General spokesperson Samantha Fisher said it is well documented that opioid manufacturers, distributors and pharmacies significantly contributed to the state’s opioid crisis.

“Tennesseans should be able to read it for themselves, a right of open access to our courts guaranteed in the Tennessee Constitution,” Fisher said in a statement.

Tennessee logs more opiate prescriptions per capita than any state in the nation except West Virginia. In just two years, Tennessee pharmacies filled 12 million prescriptions for opioids.

to give the best, most up-to-date information about the coronavirus; most papers have taken down paywalls so that more people can access our comprehensive, trusted information.

In times of a national emergency, natural disasters, major events, etc., removing paywalls is mission critical. It is morally, ethically, professionally right to do so. Essential. Vital.

Readers clamoring for information, explanation and for how to help, all seem to be eager to consume and share what we have to offer. And that means they see value in our product.

But if you value something, shouldn’t you pay for it? Hand sanitizer has value right now. So do toilet paper and face masks. People truly need those things. But I don’t see Target or Walmart giving them away for free. One of our greatest strengths as an industry also is our greatest weakness. We will always, always do what’s right even if it isn’t what’s profitable. If the economic models make that untenable, our communities will

be far worse off for it.

In a weak moment, I snapped at a friend who complained about the media hype about COVID-19 and having to “pay” for news. I asked her where she got her information. Her response? Facebook. Any credible sources in her feed? She didn’t know; she doesn’t look at sources. I told her to use the Times Free Press website for accurate, timely information, then urged her to subscribe. She was taken aback that yes, it costs money to do what we do, and that if she values our product (whether it’s free today and not tomorrow), she should show her support with a check.

It is my hope that people, like my friend, will embrace the value of our mission and will come to support the idea that wide and deep support for a healthy newspaper is how all of our communities will thrive.

We are making our case right now.

Chris Vass is president of the Tennessee Press Association. Email her at cvass@timesfreepress.com

These TPA members served as judges for the Georgia Press Association’s News/Ed Contest in March. We thank you for your time and assistance, which supports TPA’s Contests!

Judge

Christy Armstrong
Zachary Birdsong
Liz Buttermore
James Clark
Clint Cooper
Vanessa E. Curry
Brian Cutshall
Frank Daniels III
Krista Etter
Marcus Fitzsimmons
Dave Flessner
Mary Fortune
J. Todd Foster
Don Foy
Carrie Frye
Kaitlin Gebby
Alison Gerber
Nathan Gomillion
John Gullion
Daniel Guy
Autumn Hughes
Mark Kennedy
Ken Leinart
Cary Jane Malone
Brad Martin
Brooke McCain
Chris McCain
Matt McClane
Angie Meadows
David Melson
Pamela Mirabella
Heather Mullinix
Shirley Nanney
Rick Norton
Jason Perry
Jonathan Pillow
Robin Rudd
Tim Siniard
Mike Sisco
Pam Sohn
Gwen Swiger
Chris Vass
Rob Walters
Sam Watson
Tracey Wolfe

Newspaper

Cleveland Daily Banner
The Tullahoma News
Houston County Herald
Southern Standard
Chattanooga Times Free Press
Tennessee Tech University
The Greeneville Sun
FW Publishing
Grainger Today
The Daily Times
Chattanooga Times Free Press
Chattanooga Times Free Press
The Daily Times
Herald-Citizen
Friend of TPA
Cleveland Daily Banner
Chattanooga Times Free Press
Pulaski Citizen
Citizen Tribune
Cleveland Daily Banner
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Crossville Chronicle
Carroll County News Leader
Cleveland Daily Banner
Roane County News
Brownsville Press
Chattanooga Times Free Press
Cleveland Daily Banner
The Daily Times
Chattanooga Times Free Press
Cleveland Daily Banner
Chattanooga Times Free Press
Bristol Herald Courier
Johnson City Press
Grainger Today

VASS from Page 1

timely information as the community began to assess what lies ahead. (For more details about the Herald-Citizen’s coverage of the tornadoes and their aftermath, see The Tennessean story atop page 1.)

“It’s been exhausting. On one weekend, all we did was cover funerals,” he said.

The Herald-Citizen will focus on tornado recovery and the storms’ human and community impact on Putnam County in coming weeks and months, while joining all papers in offering readers what they need to know about the coronavirus and its impact on residents, businesses, schools and government.

It’s our commitment to this level of passion for journalism, to telling our community stories, to holding government accountable that builds trust with our readers. And that has value. Well, it should.

We do this important work even though our economic model looks less and less capable of supporting it.

All of us are working like mad

Laughter headlines to enjoy . . . and avoid at all costs

Editor's note: Ed Henninger recently retired after 30 years as a newspaper design consultant. This column, originally published in the October 2016 edition of The Tennessee Press, is reprinted here with Ed's permission.

This month, we're taking a break from design thinking, design approaches, design instruction, design evaluation, design criticism . . . well, you get the idea. Instead, we're gonna take a look at what I call "laughter headlines." Having written at least a few of these during my time on a copy desk years ago, I can understand how these happen. Some appear to have been written this way on purpose, with someone's tongue placed firmly in cheek. That doesn't make them any less funny. Take a look:

Police begin campaign to run down jaywalkers
Safety experts say school bus



**By
DESIGN**

ED HENNINGER

passengers should be belted

Drunk gets nine months in violin case

Survivor of siamese twins joins parents

Farmer Bill dies in house

Iraqi head seeks arms

Stud tires out

Prostitutes appeal to Pope

Panda mating fails; Veterinarian takes over

Soviet virgin lands short of goal again

Eye drops off shelf

Teacher strikes idle kids
Reagan wins on budget, but more lies ahead

Squad helps dog bite victim
Shot off woman's leg helps Nicklaus to 66

Enraged cow injures farmer with ax

Plane too close to ground, crash probe told

Miners refuse to work after death
Juvenile court to try shooting defendant

Stolen painting found by tree
Two Soviet ships collide, one dies
2 sisters reunited after 18 years in checkout counter

Killer sentenced to die for second time in 10 years

Never withhold herpes infection from loved one

Drunken drivers paid \$1000 in '84

War dims hope for peace

If strike isn't settled quickly, it may last a while

Cold wave linked to temperatures
Enfiels couple slain; Police suspect homicide

March planned for next August
Blind bishop appointed to see Lingerie shipment hijacked--thief gives police the slip

L.A. Voters approve urban renewal by landslide

Patient at death's door--doctors pull him through

Latin course to be canceled--no interest among students, et al.

Diaper market bottoms out
Croupiers on strike--management: "no big deal"

Stadium air conditioning fails--fans protest

Queen Mary having bottom scraped

Something went wrong in jet crash, expert says

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Feel free to share all--or any--of these.

Morning in America time for NLRB management

As I write this, I am in San Juan, Puerto Rico, attending the American Bar Association's Committee Meeting on Practice and Procedure under the National Labor Relations Act. I am a long-standing member of that committee. Listening to the presentations, I am reminded that now is a great time for management with the new composition of the National Labor Relations Board. The NLRB is a political animal. Its five members are appointed by the President of the United States. If the President is from the Democrat Party, three of the five members will be Democrats. If the President is a Republican, three of the five members will be Republican. The current board majority is composed of Republicans of impeccable management backgrounds. It truly is "morning in America" for management at the NLRB.

Some of the key management victories summarized are as follows:

1. Independent Contractor Status – Independent contractors are excluded from the NLRA by the Taft Hartley amendments adopted in 1947. Those amendments were adopted in direct reaction against a U.S. Supreme Court decision that allowed independent contractor newspaper carriers to unionize in



**LEGAL
UPDATE**

L. MICHAEL ZINSER

a case involving the Hearst Corporation. Appalled at that decision, Congress added an express exclusion for independent contractors.

In a new case called Super Shuttle Inc., the NLRB reversed its earlier FedEx decision. Key in this new decision is recognizing the importance of entrepreneurial opportunity. The FedEx case had discounted that. Entrepreneurial opportunity is the opportunity of an independent contractor to contract with multiple companies to do business. It is the opportunity that is important. That is what Super Shuttle Inc. decided. Of specific interest to the newspaper industry is the fact that the new case singled out St. Joseph News-Press, a case holding that home delivery, single copy, and bundle hauler carriers are independent contractors under the NLRA. I was lead counsel in the 2005 St. Joseph News-Press victory, and I am glad

to see the current NLRB giving it renewed vitality.

2. Quickie Election Rule - In my last column for SPPI, I described in detail the modifications to the Quickie Election Rule that will benefit employers. (See page 11 of the February 2020 edition of TTP.)

3. Employer-owned Email Communication System – In Caesar's Entertainment, the NLRB overruled a case called Purple Communications. In the new case, the NLRB held that employees have no right to use employer equipment, including email, for Section 7 purposes. The only exception would be that rare circumstance where an employer's email system furnished the only reasonable means for employees to communicate with one another.

The NLRB looked back to its 2007 Register Guard decision, which held that an employer's communication systems, including its email system, are its property. Therefore, employers have a property right to control the use of those systems. The NLRB noted that decades of NLRB decisions hold that there is no right to use employer-owned televisions, bul-

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county approached me about a job that seemed to fit my abilities, and I agreed it was a good match. Still, it's scary to give up the place I've worked since a year after college.

Someone asked me the other day about the most memorable story I'd covered during my time at the paper. The one that always sticks in my head was the story of the late Ed Clark, from back within a year or two of me starting at the newspaper in 1985.

Ed Clark became one of the greatest photographers for Life magazine in its heyday. Ed photographed Sen. John F. Kennedy peeping at infant Caroline Kennedy over the edge of her bassinet. He photographed Marilyn Monroe and Jane Russell on the set of "Gentlemen Prefer Blondes."

In the early 1960s, however, Ed Clark lost his vision due to cataracts. He had to give up his photography career. By the early 1980s, though, cataract surgery allowed Clark to regain his vision and begin taking photos again.

When I did my original story on him, he was still living in Maryland, but a few years later, he moved home to Tennessee, where he lived in Nashville and had dark-room privileges at Nashville Tech.

He married a woman whom I seem to recall had been his home health nurse.

Thanks to everyone for your support and kind words over the years.

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letin boards, copy machines, telephones, or public address systems. Bottom line, the NLRB held that an employer does not violate the NLRA by restricting the non-business use of its IT resources absent proof that employees would otherwise be deprived of any reasonable means of communication with each other. In this age where virtually every employee will have a free account with Gmail, Twitter, Facebook, and Instagram, it is clear employees will have many alternate means of communication with each other. I was the lead counsel for the newspaper in the 2007 Register Guard victory. I am glad to see its reinstatement as an important case recognizing private property rights of employers.

4. Confidential Workplace Investigations – In December 2019, in a case called Apogee Retail, LLC, the NLRB held that investigative confidentiality rules limited to the duration of an open investigation are lawful. This case overruled an earlier case which had held that such confidentiality rules had to be addressed on a case-by-case basis. The new Board decision recognized the important interest of employers in providing, and of their employees in receiving, assurances that reports of incidents of misconduct or other dangers will be held in the strictest confidence by all concerned, management and workers alike. Such confidentiality rules preserve the integrity of the investigation.

5. Private Property Rights Recognized – In another new case, the NLRB overturned prior Board law and held that an employer lawfully ejected, from its hospital cafeteria, non-employee union organizers engaged in promotional activity, rejecting the argument that permitting another patron who was a mere friend of an employee to remain, demonstrated discrimination. The NLRB noted there was no evidence the employer had permitted any solicitation or promotional activities in the cafeteria, and in fact, the employer had a practice of removing other third parties who engaged in promotional activities, including solicitation and distribution, in or near the hospital cafeteria. The Board considered the organizers conduct-sitting at tables displaying organizational flyers and union pins while discussing the organizing drive with employees-to be inconsistent with the manner that other pa-

trons use the cafeteria, notably the nearby employee's friend who was not removed. This new case gives further vitality to an employer's property right to exclude non-employee union organizers.

6. Management's Right to Make Unilateral Changes – In a new case, MV Transportation, the NLRB changed its standard when determining whether an employer's unilateral action is permitted by a Collective Bargaining Agreement. The Board's new standard is called the Contract Coverage Test. In applying this test, the NLRB will examine the plain language of the agreement, applying ordinary principles of contract law, to determine whether the employer's action falls within the "compass or scope" of the contractual language granting the employer the right to act unilaterally. We now look to see whether the contract covered the disputed unilateral change (or covered it, if the disputed change was made during the term of an agreement that has since expired). This case stresses the importance of the negotiation of good, detailed management rights articles.

In another new case, the NLRB ruled that a union clearly and unmistakably waived its right to bargain over changes to medical plans. The NLRB based its decision on the parties' past practice. For years, the employer had made numerous uncontested unilateral changes to

the plans and the union had at no time tried to bargain about those changes. This long-standing past practice validated the right to make the unilateral changes.

7. Union Dues Checkoff – In a December 2019 case, the NLRB held that the employer lawfully ceased checking off and remitting dues unilaterally following contract expiration. This is a return to the Board's 1962 decision in Bethlehem Steel.

The Board ruled that payroll deduction of union dues (checkoff) is purely a creature of contract. So long as the contract itself does not provide otherwise, the obligation to deduct dues ends with the contract. The Board also characterized the cessation of checkoff as a valid economic weapon to exert pressure in a bargaining dispute and observed that it is not the Board's role to disarm parties of their weapons.

8. New NLRB Joint Employer Rule - On February 25, 2020 the NLRB released a final version of its new Joint Employer Rule. This Rule limits the circumstances in which businesses that use employees hired by third parties can be required to bargain with employees of those third parties and held jointly liable for violations of Federal Labor Law. This new Rule is part of the Trump Administration's effort to limit joint employer liability under Federal Employment law. This Rule rolls back a more

extensive Obama era standard established by the NLRB in 2015.

The new rule takes effect April 27, 2020. Under the new Rule, a business is considered a joint employer of another entity's employee if it has "substantial, direct and immediate control" over the most significant elements of a worker's job, including discipline, hiring or firing. The old standard made it possible for a business to be deemed a joint employer if it exercised indirect control or had the ability to exert control over the worker, regardless of whether control was in fact exercised.

The new Rule reduces the risk of litigation and liability for businesses that rely on franchisees and subcontracted workers and effectively eliminates any responsibility for such businesses to bargain with franchise or subcontracted workers.

The NLRB's new Rule is one more part in an evolving, pro-employer

landscape advanced by the Trump Administration. In January 2020, the U.S. Department of Labor released its own Joint Employer Rule that reduced potential liability for violations of the Fair Labor Standards Act. The EEOC is also expected to release new rules limiting the scope of joint employer liability under federal anti-discrimination law.

This is good news for newspaper publishers with a distribution model that utilizes large distributors. In the event the newspaper carriers of a distributor would be ruled to be employees, the new Rule would make it very difficult for the NLRB to prove that the newspaper carriers were employees of both the distributor and the publishing company.

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

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Harassment bill regarding public records access fails on a 5-4 vote

A bill that would allow a government entity to petition a court for an injunction against someone who was using the public records process to harass government employees failed in a Senate committee in mid-February.

The harassment bill, sponsored by Sen. Ferrell Haile, R-Gallatin, arose last year after reports of a man who city officials in Gallatin and others believe is abusing the process and wasting government time through multiple and voluminous requests with seemingly no purpose.

Haile amended the bill, working with stakeholders including Tennessee Coalition for Open Government, which eventually supported the amended version of the bill.

Haile characterized the bill as an “anti-bullying bill” and told the committee that “this is not intended whatsoever to interfere with honest inquiries concerning our government.”

However, after almost nearly an hour of questions and testimony, the Senate Judiciary Committee voted 5-4 against the bill.

Committee Chairman Mike Bell, R-Riceville, said he appreciated what Haile was trying to do, but he could not vote for the bill. He noted that while the bill created



TCOG BLOG

DEBORAH FISHER

a safe harbor for the media, for commercial and academic purposes, and for people investigating government operations for a public purpose, it could still be used against others.

“I’m concerned about the person who would be the political gadfly. I know one of those back home. And I think you could probably ask people in local government and they would say his activity might constitute harassment under your bill. And I just see someone who literally wants to know how government operates,” Bell said. “Freedom is messy ... but that comes with having open government.”

Kyle warns against slippery slope

Sen Sara Kyle, D-Memphis, also voted against the bill. She said she thought the harassment definition was “too subjective” and “we’re going down a slippery slope.”

“I know those few or three we have talked about in the counties that this would be directed to, but I can imagine other situations where it would catch up innocent citizens,” she said.

Haile says problems will continue if not addressed

Haile told the committee he thought, after working on the bill for two years, that it now protected citizens, even those who were irritating to local government. He also said he trusted the judicial system in preventing the law to be used wrongly against citizens.

“If you’re going to address this, you have to have some compromise and get to some places that you might be uncomfortable with. But one of the places that I’m comfortable with is the judges, the judicial (system).”

“We’re going to continue to have these problems if we don’t address it in some way,” Haile said.

Sen. Janice Bowling, R-Tullahoma, supported the bill, and said harassment as defined in the bill was like obscenity. “You know it when you see it.”

In addition to Bowling, other senators voting for the bill were Sen. Kerry Roberts, R-Springfield, Sen. Dawn White, R-Murfrees-

boro, and Sen. John Stevens, R-Huntingdon. Stevens initially indicated problems with the bill but appeared to change his mind after testimony.

Joining Bell and Kyle voting against the bill were Sen. Jon Lundberg, R-Bristol; Sen. Katrina Robinson, D-Memphis and Sen. Todd Gardenhire, R-Chattanooga.

Lundberg said he “worried about fixing one problem and creating a hundred others.”

The amended bill contained several provisions that Haile added at the suggestion of TCOG, Tennessee Press Association and the Tennessee Association of Broadcasters.

The final version allowed a government entity to seek an injunction to prevent a person found to be harassing government from making requests for up to one year. During that period, the person could petition the judge to make requests.

The proposed legislation required a government entity to inform the person in writing the specific conduct that it believed constituted harassment, and only if that conduct continued could the government entity petition the court for an injunction.

For a judge to find that a person was harassing government with public records requests, the

conduct would have to meet four criteria:

- The request had to be “made in a manner that would cause a reasonable person, including a records custodian or any staff of the public entity in control of the public records, to be seriously abused, intimidated, threatened, or harassed;”

- The conduct had to “in fact” seriously abuse, intimidate, threaten or harass the person;

- The requests had to be determined not to be made “for any legitimate purpose”; and

- The requests had to be “made maliciously.”

Legitimate purpose, which was not defined in the original bill, was defined in the amendment as:

- (1) Publication or broadcast by a person engaged in gathering information for publication or broadcast connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast;

- (2) Using the information for a commercial purpose or for academic research; and

- (3) Investigating or evaluating government operations for a public purpose.

The bill also required the government entity to file a copy of its petition with the Office of Open Records Counsel, as well as any orders from the judge. The Open Records Counsel was charged with including information about the actions in its annual report to the General Assembly, and to the Advisory Committee on Open Government.

Finally, the bill had a repeal date of 2024.

Pope testifies that his office receives complaints about requesters. Open Records Counsel Lee Pope testified that he has received inquiries from county and city attorneys asking how to deal with people who came in daily demanding public records. He said he did not know of any mechanism in the law to give them relief, though he later mentioned in some cases the office suggest getting a restraining order.

Deborah Fisher is the executive director of the Tennessee Coalition for Open Government. This blog was originally posted by TCOG Feb. 23, 2020.

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