

The Tennessee Press

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Shop local: Protecting the free flow of public information

There's admirable support for independent local businesses these days.

Many expected Amazon to put local bookstores out of business, but after a steady decline in the aughts, independent stores have had a resurgence, fueled in large part by a sense of community and the need to support businesses in our own backyards.

We've seen the same thing with independent record stores. Though few saw the revival of vinyl coming, there has long been a concerted effort to support local record



PUBLIC NOTICE WEEK

KEN PAULSON

stores because of their value to the community. Against the odds, many independent record stores are thriving, thanks in part to Record Story Day promotions that bring local customers to their doors.

Of course, there's also the ubiq-

uitous campaigns to "Buy Local." Although local businesses can offer unique merchandise and enhanced customer service, a driving force behind these campaigns is that we should support businesses in our hometowns. Neighbors support neighbors.

The most independent and local business in any community, though, is the local newspaper. Stores come and go, malls open and close, but the local newspaper is often the only institution in town that has been there for decades, serving our parents and grandpar-

ents before us. Local newspapers need our support.

Of course, the most immediate way to help is to subscribe. For some reason, Americans (and many around the globe) have decided that news should be free. It's not a coincidence that we're a nation long on polarizing opinions and short on insight. Every dollar spent on news is an investment in the community, and in turn, a more informed populace.

Just as independent record stores

See **PAULSON** Page 6

Citizens deserve access to police video even when people don't die

If the video footage from the Tyre Nichols beating in Memphis tells us anything, it's that we need to keep protecting the tools that allow public accountability for corruption.

Two bills in the Legislature last year sought to reduce a citizen's ability to view body cam or other law enforcement video footage.

One passed and one didn't.

The intentions were not necessarily bad — trying to protect privacy of individuals or children captured on body cam footage, and trying to help law enforcement manage the overwhelming amount of footage being produced now that body cams are affixed to the chest or shoulder of many officers.

But we shouldn't block citizen access to law enforcement video of a police officer's excessive use of force simply because the video shows the inside of a daycare center or a health care facility or a juvenile in a school, as the bill that passed allows.

We also don't need to destroy video on a 30-day schedule when police decide there was no crime and before anyone else realizes there was potential misconduct or a crime, which the other bill proposed. That bill, thankfully, failed.

Without the Tyre Nichols video



TN COALITION FOR OPEN GOVERNMENT

DEBORAH FISHER

— and particularly the video from the street camera affixed on a nearby pole — the public and even the good cops might be lulled into believing a concocted story about a traffic stop that does not truly reflect what happened.

Footage from body cameras is not perfect. It can be shaky and obstructed. Sometimes it has gaps because it wasn't turned on the whole time. It doesn't always answer the relevant questions.

But it should not be covered up. And we should be fixing our laws that allow loopholes to accountability, not expanding them.

The video of Nichols helps us see why.

The New York Times analyzed and synchronized the four segments of video footage released by the City of Memphis and counted 71 commands in a 13-minute period. The Times noted that the

commands were sometimes contradictory and issued while police were simultaneously "constraining, controlling and beating Mr. Nichols in ways that render it physically impossible for him to follow those commands."

For example, the New York Times reported that the video showed officers repeatedly yelling at Mr. Nichols to give them his hands, even as others were holding his hands. When he did not comply, Nichols is struck with a baton and the shouting continues. "Give me your (expletive) hands!" But there was no way Nichols, with one officer pinning his arms behind his back and another gripping his handcuffed wrist and a third punching his face, could comply, the Times observed.

Other shocking footage shows Memphis Fire Department medical personnel showing up at the scene and for several minutes not performing even most basic initial medical checks on Nichols as he lay propped up against a car, sometimes falling over, only to be propped up again.

One nagging question we must ask: If the police officers knew their body cameras were recording, why would they engage in such

conduct?

It's possible those officers and others involved didn't know the pole camera above them was recording from a better angle. It's possible they knew the limits of their own body cameras to capture conclusive views. It's possible they intentionally yelled commands that they knew would be recorded clearly even if their actions were not. Or it's possible they just didn't care.

In June 2021, longtime Memphis journalist Marc Perrusquia reported how difficult it is to get body camera footage from the Memphis Police Department in cases

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Contests deadlines approach

TPA members should plan now to submit contests entries by the deadlines.

The deadline for the Tennessee State Press Contests (newsroom) is Monday, March 6.

The Advertising/Circulation Ideas Contest entry deadline is Monday, March 13.

Visit tnpress.com for details.

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TPAers with suggestions, questions or comments about items in The Tennessee Press are welcome to contact the managing editor. Call Mike Towle, (615) 293-5771; or email editor@tnpress.com. The deadline for the April 2023 issue is March 7, 2023.

News outlets should not be shy about seeking access to sealed court records

The public doesn't have an absolute right to access judicial records. But it does have a qualified right to them, which is regularly ignored by litigants, and, sometimes, judges. If you see that documents filed with courts are sealed, there might be a way to get access to them after all.

Litigants who ask a court to seal, or close, judicial records should be held to a high standard. Established precedent requires that judicial records only be sealed if the party seeking closure overcomes a presumption of openness by showing that sealing is "essential to preserve higher values and is narrowly tailored to serve that interest." In other words, the bar for secrecy is quite high.

But in *Hodges v. Helton*, the Tennessee Department of Correction didn't clear it. That's the argument I recently made on behalf of the Associated Press in an effort to bring transparency to the high-profile civil rights case in which a mentally ill death-row inmate accuses two senior prison officials of subjecting him to cruel and unusual punishment.

Last December, the prison officials sought two protective orders from the Davidson County Chancery Court. One would prevent the inmate from publicly sharing a wide range of records he obtained in discovery from the state, including recordings of prison staff using security restraints. The other would require those same records to be filed with the court under seal.

We're still waiting for the court to determine whether to grant those



ON THE DOCKET

PAUL McADOO

sealing requests. In the meantime, however, attorneys for both parties have been filing records under seal, shielding critical information about the case from the press and the public without the court's permission to do so.

The state has only offered broad, vague assertions for keeping these records secret, claiming that disclosing records that show the use of security restraints, among other things, would "pose a severe security risk." But the state's reasoning is nowhere close to being as strong or specific as it needs to be to overcome its heavy burden to justify secrecy, especially in a case that has attracted significant public interest.

The fight for access to court records is one that my colleagues and I at the Reporters Committee for Freedom of the Press routinely wage on behalf of journalists and news organizations across the country. The public has a First Amendment right to know what's happening in their courts. Access to court records helps establish trust between the judicial system and the communities it serves.

Judicial records are often the only thing courts rely on to make their rulings. That's especially true in civil cases, where there

are sometimes few, if any, court proceedings leading up to a trial. If journalists can't access court records, they can't effectively shed light on the actions of judges and parties, and they can't help the public make sense of cases that affect their communities.

Journalists and news organizations shouldn't be shy about pushing back against efforts to block access to court records. As my colleagues and I at the Reporters Committee know from experience, the fight is often worth it. Last year, for example, a federal judge rejected an effort by law enforcement agents to shield a video capturing a 2018 workplace immigration raid in eastern Tennessee. The judge's order came after I opposed the sealing of the recording on behalf of the publisher of the Tennessee Lookout.

It's important to be skeptical of attempts to seal court records. When you see a request for a sealing order, ask yourself why the party is trying to hide records from the public and scrutinize their arguments — if they even present any — for doing so. And when a judge grants a sealing order request, you should closely examine the judge's rationale for permitting this extreme remedy. If their case for shielding potentially newsworthy records is weak, it's probably a good idea to challenge them.

Paul McAdoo is the Tennessee Local Legal Initiative attorney for the Reporters Committee for Freedom of the Press. He is based in Nashville.

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involving questions of excessive use of force.

His report, "Inaccessible: Police body camera footage is often expensive, heavily edited and takes months to get" documented how journalists had to wait up to eight months for access to footage and were asked to pay exorbitant amounts to get copies — \$3,100 for video from a single case, for example. Even then, redactions often obscured the actions of officers and sometimes were unexplained.

Perrusquia gave examples, including one heavily redacted video that showed a Memphis police

officer appearing to slide his arm around the neck of a juvenile he was trying to arrest. The images were blurry, supposedly to protect the juvenile's identity, but did it also protect the clarity of what the officer did to that juvenile? Was it a chokehold?

Here, Memphis released video showing a beating by officers that led to Tyre Nichols' death.

But it's time to address when citizens are blocked from seeing video footage even when police actions don't lead to death. Because isn't that the way we know we've got a problem before someone dies?

When the exemption for certain body camera footage was being

expanded last year, TCOG called on updating it. The flaw, we said at the time, is the exemption is based on where the video is taken rather than what the body camera footage depicts, particularly the actions of law enforcement. No pathway exists for citizens to get around that confidentiality.

As we head into another legislative session, we need to slow down on the efforts to add more roadblocks to law enforcement records and instead focus on ways to restore some of what we've already lost.

Deborah Fisher is executive director of Tennessee Coalition for Open Government.

A new mission: Answering how rural communities can sustain journalism that serves local democracy

Editor's note: This column, originally published Jan. 1, 2023, by the author, includes many on-line links designed for reference in and access from an online digital document, but are repeated here in print because most are relatively short and are found on the same website, making them easily copied and sourced.

The Institute for Rural Journalism and Community Issues has a new mission: to answer the question we posed at our second National Summit on Journalism in Rural America last June: How do rural communities sustain journalism that serves local democracy?

So, this column, which we started almost 12 years ago as a guide to covering rural issues, using examples from The Rural Blog, has a new name: Sustaining Rural Journalism. It will continue to draw from issue stories on the blog, which increasingly focuses on the practice of rural journalism and how it can adapt to the new media landscape.

One encouraging trend in rural journalism is the purchase of quality newspapers by relatively small chains or individuals that appear committed to editorial quality. Recent examples include Steve and Cynthia Haynes' sale of their northwest Kansas papers to the Mullen brothers of Deer Lodge, Mont.; Cherry Road Media's purchases of several Gannett Co. papers; and Cherry



SUSTAINING RURAL JOURNALISM

AL CROSS

Road's sale of the Cassville (Mo.) Democrat to Editor Kyle Troutman. The Rural Blog spotlighted them in one of our news-media roundups at <https://tinyurl.com/2zvmc2ye>. Earlier, at <https://tinyurl.com/3y3vy2yt>, we noted the Wagner family's purchase of the Carroll Times Herald and the Jefferson Herald in Iowa.

Another trend in rural newspapers is nonprofit status or purchase by a public benefit corporation, the route taken by the local buyers of two weeklies in northern California. A PBC allows the owners to make a profit while being obliged to operate in the public interest and in a responsible and sustainable manner. We took note of it at <https://tinyurl.com/mtcevpaz>.

Diversification of your business is another way to sustain your journalism. One of America's best weeklies, The Pilot of Southern Pines, N.C., has community service as its core mission, Editor John Nagy wrote recently. Publisher David Woronoff has diversified into "a family of five magazines across the state, a full-service marketing agency, a

telephone directory, a bookstore and a series of digital entities," such as newsletters. Read our Rural Blog item at <https://tinyurl.com/4mx7dbas>.

Report for America is trying to help rural newsrooms; its boss, Steven Waldman, has a good understanding of community news media. At the recent Society of Professional Journalists convention, he said local papers are important not just for accountability reporting, but for "the nature of community itself," creating community identity and helping community members know each other. You and I know that, but it's nice to hear it from a Columbia University graduate who did most of his journalism in Washington.

Waldman, who also heads the Rebuild Local News Coalition, said the future of local news rests on a three-legged stool: changes in public policy, increases in philanthropic support and improvement of the local news product. He told the audience of student and professional journalists that there has "long been a sense that community journalism is where you cut your teeth" and qualify to move up, but "I've kind of flipped on that. ... Community journalism, given what's going on in our country right now, is almost as important as accountability journalism."

At the same SPJ session, Cox Newspapers retiree Andy Alexander, who heads a foundation that

supports reporting projects in the Rappahannock News of Washington, Virginia, said many people don't realize what narrow margins rural papers have: "You're being published, so you must be all right; it's very close to the line." Alexander said the locally owned weekly and the foundation have more stories than people to do them, so they are training citizens to be reporters.

"There are a lot of people out there who can cover news on the margins," he said.

Our summary of the SPJ session is at <https://tinyurl.com/dx7ryhca>.

Newspapers need contributing writers of all kinds, for facts and opinion. I'd like to see more rural papers run pieces by natives who have overcome obstacles and set examples to follow, like this one from an Appalachian scholar who went "from a trailer park in a small town to a two-story house in a subdivision." The Rural Blog has the whole thing at <https://tinyurl.com/324562cy>.

Here are some quick takes on issues and topics featured recently on The Rural Blog:

The Federal Communications Commission has new broadband maps that will help determine who will share in the big raft of federal money to expand high-speed internet, but the maps still depend on questionable infor-

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FOR YOUR CALENDAR

February 2023

22-23: 2023 TPA Winter Convention, Holiday Inn and Suites, 415 4th Avenue S., Nashville.

March 2023

- 2-5: Investigative Reporters and Editors (IRE) NICAR2023 (National Institute for Computer-Assisted Reporting), Renaissance Nashville Hotel, Nashville, Tenn.
- 6: Entry deadline for submissions to the 2023 Tennessee State Press Contests for the Newsroom
- 13: Entry deadline for submissions to the 2023 TPA Ideas Contest for Advertising & Circulation.
- 15: Deadline to apply for TN Bar Association Reporters Workshop, www.tba.org
- 21-23: Mather Revenue Symposium 2023, The Intercontinental (Buckhead), Atlanta, Ga.

April 2023

- 2-4: 2023 News Industry Mega-Conference presented by America's Newspapers, Hilton Anatole, Dallas, Tex.
- 14: Deadline: Tennessee Press Association Foundation Grant Requests
- 26-28: Niche Media Conference, "100% focused on niche media publishing and revenue growth," Sheraton New Orleans Hotel, New Orleans, La.
- 28-29: TN Bar Association Reporters Workshop, Nashville

May 2023

- 22-26: 93rd Annual International News Media Association (INMA) World Congress of News Media, New York, NY. (Notice new dates.)

June 2023

- 21-25: 2023 Conference for The International Society of Weekly Newspaper Editors (ISWNE), University of Nevada, Reno, Nev.
- 22-24: 2023 NFPW (National Federation of Press Women) Communications Conference, Cincinnati, Ohio.

Registration Now Open for TBA Reporters Workshop

application deadline March 15

Sponsored by the Tennessee Press Association Foundation, Tennessee Association of Broadcasters and Tennessee Bar Association

Applications are now being accepted for the 2023 Reporters Workshop. The program will be held in person April 28-29 in Nashville.

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

Journalists interested in attending should apply through the link on www.tba.org before 5 p.m. on March 15. Student journalists are also encouraged to apply. In selecting the 15-member class, organizers will seek to include a balance of voices.

If you have questions, please do not hesitate to contact Brooke Leeton at bleeton@tnbar.org.



State Press Contests

(for the Newsroom)

**Deadline:
Monday,
March 6**

Resolve to be accessible, even by phone; stay relevant

Surviving in today's fractured media landscape depends on your ability to identify, collect and deliver the relevant community news. That job becomes more challenging if readers become frustrated in their attempts to connect with reporters.

The normal channels of communication took a serious hit during COVID-19 as isolation was the norm for reporters and news sources alike. Though the worst of the pandemic is behind us, communication remains splintered in many circles.

I encourage newspapers to put at the top of their New Year's resolutions—and it's never too late to get started even though we are now into February: Make it easy for readers to connect with you.

I'm passionate in my belief that community newspapers can still compete in today's communications dynamics – if they stick to and excel in the basics. That means owning the franchise for aggressive reporting of local news. That will occur only if readers have a direct pipeline to editors and reporters.



COMMUNITY NEWSROOM SUCCESS

JIM PUMARLO

Yes, I understand the important and necessary role of social media both in collecting and reporting the news – in connecting with readers. Social media was integral when I led communications and media relations for a statewide business advocacy organization. But nothing replaces direct, one-on-one conversation. It's truly amazing the barriers that many newspapers place between themselves and their readers – their news sources.

I routinely surf a variety of websites, often looking for contact information. If I can't track it down within five minutes, I likely give up. If I am successful, the frustration often continues with no phone

numbers. Some companies may list a general number, and we've all been there. We punch numerous extensions, hoping to get a live voice with someone who can assist.

Why can't we make it simpler? Here are a handful of tips from someone who has sat on both sides of the editor's desk:

- Post your contact information or a link to the listing – prominently – on the home page of your website. Include phone numbers as well as email addresses.

- Provide the direct phone numbers and individual email addresses for staff, if available. Readers have no assurance that a general voice mail or email boxes are regularly monitored and messages forwarded to appropriate staff. List cell phone numbers.

- Keep contact information current. If you have voice mail, change recordings daily so readers know whether you are on the job and whether you are monitoring messages. Ditto for email; use your "out of office" message when applicable.

- If you must use automated phone answering services during regular business hours, callers still should have an opportunity to connect to a "live voice."

- Be responsive to customers. Be prompt in returning phone or email inquiries whether the message is sent directly to an individual or submitted through an online form.

Phone calls translate into a conversation, an instant exchange of ideas. You may well miss a chance for a great story if the telephone is your communication of last resort.

Listing cell phone numbers is essential as many companies have eliminated physical offices or greatly reduced hours. Remote offices have become the norm in today's work environment.

I can hear the naysayers who resist being available 24/7. I recall the days before cell phones and social media when some editors and publishers had unlisted home phones. They didn't want to be bothered "after hours," especially by an upset customer.

I welcomed all calls – no matter the hour and no matter the reason. I welcomed the fact that our newspaper was on someone's mind at all hours of the day.

Remember, while some may view the calls as an interruption in their personal schedules, I viewed them as an opportunity – to resolve a delivery issue, to accept an ad, to explore a potential news story. Those are the connections that keep you relevant to your communities.

Jim Pumarlo is former editor of the Red Wing (Minn.) Republican Eagle. He writes, speaks and provides training on community newsroom success strategies. He is author of "Journalism Primer: A Guide to Community News Coverage." He can be reached at jim@pumarlo.com.

TPA Members can access Jim Pumarlo's webinar for www.onlinemediacampus.com—Business News as an Everyday Beat on March 9. Contact rgentile@tnpress.com for the TPA free access code.

NEWS & MOVES

TPA Winter Convention reminder

The 2023 TPA Winter Convention is set for Feb. 22-23 in Nashville at the Holiday Inn and Suites in Downtown Nashville at 415 4th Avenue South.

TPA will hold a reception on Wednesday to which all members of the General Assembly will be invited.

Contact Robyn Gentile, TPA member services manager, with questions at rgentile@tnpress.com.

*Staff reports
Jan. 27*

Ponder promoted to SVP at Lakeway

Keith W. Ponder has been named as Senior Vice President for Newspaper Operations for Lakeway Publishers Inc. Lakeway President R. Michael Fishman made the announcement in late January.

Ponder, who has served as Lakeway Publishers, Inc.'s Middle Tennessee vice president, will have responsibility for Lakeway's newspapers and digital products in Missouri, Tennessee, and Virginia as well as production and packaging facilities serving those operations.

He will continue in his role in



Ponder

Middle Tennessee and as Publisher of the Tullahoma News.

"Keith has a wealth of newspaper experience, and I look forward to working with him as we continue to serve our communities," Fishman said. "He has a passion for industry and believes in our mission as a local newspaper serving our communities."

Since April 2021 Ponder has led the Middle Tennessee Group

for Lakeway, joining the company after serving as publisher of The Daily Herald in Columbia, Tenn. for GateHouse Media. Prior to that, he served as senior vice president of CNHI and as publisher of the Glasgow, Ky. Daily Times.

"I'm excited to begin my new role with the company and work with some very talented professionals throughout our organization. Since joining, Lakeway I have come to appreciate the universal commitment to serving our communities and the passion our team has for community journalism," Ponder said.

"In his time with Lakeway, Keith has been a tremendous leader on

our team, and I look forward to collaborating with him moving forward," Fishman said.

*Lakeway Publishers
Jan. 27*

Thomason joins Paxton as regional publisher

Four North Carolina newspapers have a new publisher, and the person who had been publisher has taken on elevated responsibilities.

Rick Thomason became a regional publisher for Paxton Media Group on January 9. He oversees the High

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mation from telecommunications companies. The deadline for challenging those maps was Jan. 13. See <https://tinyurl.com/ae86jvc>

See lots of unfamiliar names in that list of new teachers at a school board meeting? Might be a good idea to see how well their backgrounds were checked; many misbehaving teachers move from district to district and state to state

undiscovered.

See <https://tinyurl.com/ywreky3r> Is there an effort to ban books in your local libraries? It might have support from outside your community. See <https://tinyurl.com/mvu2ct4h>

Your rural hospital might choose to avoid closure by becoming a glorified first-aid station. See <https://tinyurl.com/3udcayw7>

Does your community have a federally qualified health center

(generally called "community health center")? Check to see if federal taxpayers paid settlements or judgments in malpractice lawsuits on its behalf, to whom and how much:

<https://tinyurl.com/4p6d23w2>

Your local governments will be getting money from a national opioid settlement, but it might not come close to making up for the damage done by the drugs.

<https://tinyurl.com/3z7rbv57>

Will any of your local farmers benefit from the 141 "climate smart" grants that the Department of Agriculture has issued? See <https://tinyurl.com/2p8w2j7b>

Worried that your local electric substations could become targets of attacks? Here's background information:

<https://tinyurl.com/yck9kne8>

Every weekday, The Rural Blog is updated with four to six stories on rural issues and rural journalism.

Read it at <http://irjci.blogspot.com>.

Al Cross edited and managed rural newspapers before covering politics for the Louisville Courier Journal and serving as president of the Society of Professional Journalists. He directs the University of Kentucky's Institute for Rural Journalism and Community Issues, which is seeking a new director as he heads into retirement. For more information, contact him at al.cross@uky.edu.

An Advertising Bill of Rights to help you create a successful campaign

In the advertising business, there are things that must be done in order to create an effective campaign. Think of it as Advertising's Bill of Rights: Send the right message...to the right audience...in the right medium...at the right time...about the right product (or service)...which sells for the right price...in the right environment.

Although some other rights might be added to the list, this covers the basics. Here's a closer look:

1. Send the right message: In other words, watch your language. Instead of using empty claims and exaggerations like "fantastic," "incredible" and "best ever," stick to legitimate features and benefits. If you're putting together a response ad (as opposed to an image, or institutional, ad), make a compelling



Ad-LIBS®

JOHN FOUST

offer – discounts, time-sensitive offers, two-for-price of one, etc.

2. To the right audience:

There's no such thing as selling to "everyone." On any given day, only a small slice of the total audience is in the market for a new car or a refrigerator or a pair of jeans. Aim your message at the people who want/need/qualify to buy what your advertiser is selling.

3. In the right medium: It's rare when a particular product is

limited to only one possible media outlet. As a result, most of your advertisers are deciding between two or more choices. The first order of business is to learn as much as possible about the media product(s) you sell. Then learn all you can about the other choices in your market. That will put you in position to make fair – and convincing – comparisons between Choices A, B and C. Along the way, you will confirm ways to present your paper's print and online products as the right picks.

4. At the right time: While some products and services are viable all year long, others are seasonal. Unless your publication is in a year-round cold climate, don't try to sell snow shovels in July.

5. About the right product (or

service): Likewise, it's not smart to advertise lawn furniture or residential termite services in a congested area with high-rise apartment buildings.

6. Which sells for the right price: A car dealer told me about a salesperson who approached a man in the used-car lot. When the man asked, "How much is this truck?" the salesperson replied, "\$19,900." The man said, "But the tag says \$15,000. Do you think I'm some kind of fool?" The salesman said, "No sir, I was just checking to make sure."

Encourage your advertisers to price their products fairly. If the price is wrong, no one will buy.

7. In the right environment: Measurements of success shouldn't stop when an ad runs.

Sure, advertising can generate traffic, but if consumers encounter rude employees in the advertiser's place of business, they will leave. And you can say the same for poor parking, inconvenient hours, dirty floors, and complicated return policies.

True advertising success calls for the entire Bill of Rights, not just one or two.

Copyright 2023 by John Foust. All rights reserved. John Foust has conducted training programs for thousands of newspaper advertising professionals. Many ad departments are using his training videos to save time and get quick results from in-house training. E-mail for information: john@johnfoust.com

'Who's going to run it?' The pause before buying a rural newspaper — can you attract an editor to a small town?

AUSTIN FITZGERALD
Reynolds Journalism Institute
September 21, 2022

Poynter recently published a deep dive into the emerging trend of small companies buying rural newspapers shed by the national chains. It's in large part an uplifting story about local entrepreneurs reclaiming the local news sources that have, in recent years, sometimes strayed from a community focus with headlines increasingly pulled from national dailies.

That positivity is warranted; especially in Missouri, one of a handful of states that can boast a newspaper in every county (this map, from Northwestern University's State of Local News 2022 Report, shows just how many counties across the country have no newspaper). But despite the resurgence of community-centered news with local ownership, challenges remain that are not so easy to dispel: namely, finding qualified writers and editors to staff the papers.

From 2010-2020, rural America experienced a decade-long population loss for the first time in recorded history. The reasons for this decline are numerous and complex, but it coincides with the "brain drain" phenomenon that has seen highly-educated young people

flock toward metropolitan centers and away from rural communities.

For people like Tim Schmidt, whose Westplex Media Group owns four rural Missouri newspapers, this "brain drain" has significant consequences.

"The biggest issue I've run across is just getting applications," Schmidt said. "I will say it's made me hesitant about getting bigger. If I buy another paper, who would I have running it?"

Schmidt's first acquisition, the Montgomery Standard — which he bought in 2018 after 20 years in the newspaper industry — typifies the challenges faced by entrepreneurs looking to revive local news. The Standard was owned by a husband and wife team who did much of the work of running the paper, leaving a void for Schmidt to fill. At the Standard and his other papers in east-central Missouri, he's managed to fill those voids by raising salaries and even offering to pay moving expenses. He's doing his best to sell potential employees on life at a small-town newspaper, but the challenge isn't letting up.

"The newspaper industry can support a successful, rewarding career, but people have to be sold on coming to a small town, and since our staffs are pretty small, you have to find someone who

is really versatile," Schmidt said. "That wasn't a problem when papers were inundated with applications, but it's difficult now."

At Schmidt's papers and at rural papers throughout the country, this has meant that newsrooms are generally staffed with people born and raised in the towns their papers serve. It's a double-edged sword: local faces help the papers connect with their communities as they increasingly refocus on local news, but a local pool of candidates sometimes means settling for those who might have less experience and require more training.

Paying students to go rural

Mark Maassen, executive director of the Missouri Press Association, has heard staffing concerns from local papers all over the state, and he said buyers aren't always prepared for that issue when taking over a paper — whether they've acquired it from a national chain or intervened to save it from impromptu closure by cash-strapped ownership.

Maassen has one potential solution: a scholarship program that pays students at the Missouri School of Journalism in Columbia, Mo., \$10,000 per year for four

years, in exchange for a commitment to work at a local newspaper for at least two years after they graduate (recipients will also likely take an internship at a local paper during their education). The Rural Missouri Newspaper Scholarship's first two recipients were announced in March.

It's a program that takes cues from similar efforts in other industries, such as medicine, to increase the flow of qualified professionals to rural areas. Maassen hopes it will hasten a return to a view of rural newspapers as — at the very least — legitimate stepping stones in the careers of young journalists, even those ultimately seeking larger markets.

"We feel there is an opportunity here to establish a pipeline of Missouri J-School graduates who can gain unbelievable experience as editors, for example, at local newspapers," Maassen said. "If a paper is struggling to find a qualified editor, here is one answer."

It's not the only initiative of its kind; a similar program, launched in 2019, is offered through the University of New Mexico (UNM) in partnership with the nonprofit New Mexico Local News Fund. Like the Missouri program, students from underrepresented backgrounds are encouraged to

apply, and an internship for undergraduates is also offered.

Instead of providing a scholarship in exchange for a commitment after graduation, New Mexico's Local News Fellowship Program directly pays newsrooms — not only newspapers, but broadcast stations as well, and not exclusively in small or rural markets — to hire their graduates for nine months, to the tune of \$24,000 in a state usually considered one of the poorest in the country. Gwyneth Doland, term faculty at UNM's department of communication and journalism, said the salary has turned out to be more than many rural journalists make, revealing an unexpected benefit for the fellows (five this year, up from four the year before).

"We are nudging in the direction of getting these young people paid more, and we're happy about that," Doland said.

The approach seems to be working: Doland added that rural newsrooms will often offer the fellows full-time jobs at the same salary, even if budgetary concerns had previously discouraged them from adding new hires. Though only a fraction of the program's fellows are sent to rural newsrooms, and fewer still end up accepting

See **RURAL PAPERS** Page 9

TPA MEMBER COVERAGE SHOWCASE I: The Murfreesboro Post

Sewanee ‘Plant Doctor’ Hutchens nurtures 250 species from around the globe

KEN BECK
The Murfreesboro Post
September 2, 2022

Some folks have a green thumb. Seems like 21-year-old Oliver Hutchens has two of them and maybe eight green fingers to boot.

Entering his senior year at The University of the South, the biology major, who is concentrating in ecology, serves as manager of the Sewanee greenhouse, a place he refers to as his “home away from home.”

More jungle than home sweet domicile, this 30-foot-by-18-foot greenhouse flourishes with flora from around the world, 270 specimens in all, most of them a marvelous gift from Vanderbilt University in late 2019. Previously, this glass building tacked on the side the Woods Center held but three plants: two aloe vera and a blue cereus, one of the few blue cacti.

Hutchens, who grew up in Smyrna and graduated from the Webb School in Bell Buckle in 2019, described the hothouse, saying, “It’s a world tour of plant diversity: a sea of green, big and small leaves. These are all plants from the other side of the globe. Basically, every single plant in the greenhouse is from outside the country.”

Regarding the 13,000-acre Sewanee Domain, which is considered the most plant-diverse campus in the world, he says, “It’s like a mini-national park, a fantastic place to study ecology and biology.”

Hutchens, the son of Robbie and David Hutchens and grandson of longtime Lebanon educators Annabelle and Jim Robinson, began

fawning over flora while working on a project his junior year in high school that had him growing tomatoes.

“They did amazingly well. They piled up. I had so many I didn’t know what to do with them,” he recalled. “When I started paying attention to plants and how they grow and how they’re doing, I grew interested in plants. When I came to Sewanee in the middle of COVID, I found this beautiful greenhouse waiting for me. I asked Dr. Jon Evans, who runs it, if I could get a tour of the place. He showed me everything, and I never left after that. Now two years later, I’m the student greenhouse manager.

“This collection came to us two years ago from the Vanderbilt University botany program. It shut down, and the professor there thought, ‘I have hundreds upon hundreds of plants from around the world about to be trashed.’ And he remembered the Sewanee greenhouse and contacted my professor.

“We’re still trying to figure out what to do with the whole collection, and that’s where I fit in.

“When I first came in, I did not know what to do. I decided to give greenhouse tours and build events around it. On Friday afternoons I would be there and talk about carnivorous plants or flowers. The best thing I did was ‘Plant Doctor Fridays.’ I’d tell people to bring in their house plants or plants from their dorm window if you’re having trouble with them. I started getting the nickname ‘the Plant Doctor’ on campus.”

About his eager-beaver flora fan-



Photos by Ken Beck, The Murfreesboro Post

Among University of the South senior Oliver Hutchens’ favorite specimens are three species of air plants, native to Central and South America, which are the same genus as Spanish moss.

cier, Sewanee Herbarium director Evans said, “I chose Oliver to be a Block Botany Fellow at Sewanee because of his passion for plants. It quickly became apparent to me that he has a special understanding of plants and their care. Based on this I made him the

student manager of our fabulous tropical plant collection in the biology department greenhouse. It has been wonderful to see him pour his heart and soul into this responsibility.

“Oliver initiated a program in

association with our greenhouse called ‘Plant Fridays.’ Students bring their plants to the greenhouse to get advice about their care. Word has gotten out about this opportunity and students seem to really enjoy connecting with Oliver about their plants.”

Hutchens said reaction has been mixed with some days a dozen or more coming for the tour and other days a trickle, but on Plant Doctor days he has lots of other plant lovers coming in to have their sickly plants diagnosed.

As for what ails many of the plants he checks out, quite often it is due to a bad soil mix, too much or too little water or just a matter of repotting the plant in a bigger vase.

Admiring the plant life

Of the scores of exotic plants that surround him here, numerous species draw his attention. Currently, his favorite specimens are three species of air plants called tillandsia from Central/South America that are the same genus as Spanish moss. One of them has three pop-out flowers on a tiny little stalk, which he described as “incredibly cute.”

Then there is Euphorbia greenwayi from Tanzania, which he says is “the most alien-looking plant you’ve ever seen. It has no leaves. It doesn’t need them. It’s an unusual combination of shapes and colors.”

Four carnivorous plants thrive here including a Venus fly trap, sundews, a purple pitcher plant and a hybrid tropical pitcher

See **PLANTS** Page 7

PAULSON from Page 1

and bookstores have niches that set them apart, so too do local newspapers. One of those is the publication of local legal notices. These concern budgets, public meetings, election dates, foreclosures, property auctions, and other important public matters, and their publication is often mandated by law.

It’s a natural fit for newspapers, the local business committed to keeping an eye on government and looking out for the community’s interests. The revenue from those ads also helps underwrite this critical

watchdog work.

Inevitably, though, government officials try to tamper with this ideal arrangement. During my tenure as dean of the College of Media and Entertainment at Middle Tennessee State University, I received a call from a local legislator who knew of my past work as editor of USA Today and an advocate for transparency. He explained that he thought it would be a great idea to have those public notices published and posted online, saving the costs associated with publishing the notices in a local newspaper. He asked whether I thought would be a good step, and

my reply boiled down to “Only if you don’t care about democracy.” I still don’t know why he thought I would be an ally.

This was not an isolated effort. There are ongoing efforts by those required to pay for the public notices to cut newspapers out of the mix, creating a government outlet to publish the information.

Think about that. Public legal notices are designed to keep the public informed about what government is up to. Do we turn that responsibility over to government officials, while also taking revenue away from the one local business

dedicated to keeping government honest?

The Tennessee Newspaper Association already offers a one-stop online location for legal notices throughout the state, culled from local newspapers, and offered at no cost to the public. The system works, and maintains a steady revenue source for the local newspapers that keep us informed.

The week of Feb. 6 included National Yogurt Day and Send to Card to a Friend Day and yes, a celebration of the value of public notices in the state of Tennessee (through Public Notice Week, which was

Feb. 5-11). With all due respect to fermented milk and friendships, the latter is a very big deal.

Consider stopping at your local bookstore and picking up the work of a local author. You may want to dust off that turntable and refresh your record collection at a local shop. And in any way you can, offer your support for local newspapers, and democracy to boot.

Ken Paulson is the director of the Free Speech Center and Dean Emeritus at Middle Tennessee State University. See additional column about Public Notices on page 10.

TPA MEMBER COVERAGE SHOWCASE II: The Greeneville Sun

Former limo driver turned to llamas for her next adventure

MARIO MICALLEF
The Greeneville Sun
September 6, 2022

Sandy Sgrillo of The Wandering Llamas, at 1516 Foxford Road, has been in the llama business for nearly 22 years.

"I'm trying to get them over to the hose," said Sgrillo, who then called out to some nearby llamas as she walked over to her house and grabbed a garden hose, "They love getting hosed."

Sgrillo started her llama venture back in 1999. Before she turned to llamas as a fulltime job, Sgrillo drove a limousine in Miami, Fla. She said the job got too stressful and hectic after 10 years.

"I used to come up here to Tennessee for vacation, just to veg out and get a cabin in the woods to go hiking," Sgrillo said, "I was so stressed from the job that I would come here. Then after about six trips, I just said, 'I belong here.'"

When Sgrillo first moved to Tennessee she was unsuccessful in trying to find a position in graphics or marketing. Then she went out on her first llama trek.

"I was hooked. I fell in love with the llamas," Sgrillo said, "I decided I was going to open my own llama trekking."

Her first llama trek was at the Smoky Mountain Park. She stayed in Sevier County for nearly 20 years. She chose to relocate because the area was getting too crowded with tourism.

"Even though I did good business, there was so much other competition," Sgrillo said.

Sgrillo decided on Greene County because she had some friends in the area and was familiar with the location. The Wandering Llamas farm and trekking was moved to Greeneville and opened in 2019.

Prior to her two decades worth of llama handling experience, Sgrillo said she knew nothing about llamas. She did not know where to buy them, but knew this business was what she wanted to do.

"I just asked a lot of questions and just figured everything out on my own," Sgrillo said.

When Sgrillo first started, she



Photos by Mario Micallef, The Greeneville Sun

TOP PHOTO: Sandy Sgrillo started her llama venture in 1999. Before she turned to llamas fulltime, she drove a limousine in Miami, Fla., she said, but the job got too stressful and hectic after 10 years. **BOTTOM PHOTO:** The Wandering Llamas farm and trekking was moved to Greeneville and opened in 2019.

did the llama trekking on the side and on the weekends. It developed into a larger operation when she got more llamas and llamas got more popular. This was when she realized she could work with llamas full time.

She now has 19 llamas with three set to be born in October. Cousin-It, a large steer llama with long curly blond hair, walked up to the gazebo where Sgrillo was standing and whined for her.

"He's my favorite. He's the daddy to the three babies," Sgrillo

said, and she pet Cousin-It on the head, "Cousin-it, do you want to come up here? He's so sweet."

The gazebo is available for rent. According to the website, it is \$100 per hour, and the entire farm will be rented out for a party. Many rent the gazebo for birthdays, weddings, parties, or reunions.

Another feature on the property is the "Fox Den" treehouse. Sgrillo hand-built the cabin herself. There is a deck attached and a set

See **LLAMAS** Page 12

PLANTS from Page 6

plant. The pitchers on the pitcher plant collect rainwater and the plant pumps digestive chemicals into the pitcher. When ants and rainforest insects fall into the toxic brew, the plant feasts on them.

Also fascinating is the ant plant about which Hutchens says, "The plant isn't carnivorous, but it's a mutualistic relationship between the plant and ants. Ants get housing and the plant gets fertilized by their waste."

Near the center of the greenhouse, Hutchens shows off a Dutchman's pipe vine that runs 20 feet up toward the glass ceiling. This morning he had to trim it back as the vine had crept into the ceiling fan overhead.

Another favorite sits against a glass wall with other sun lovers, a 5-foot-tall blue cactus with three-inch long needles. Don't get too close. On this day in mid-August, a foxtail orchid blooms and puts out a sweet lemon smell that Hutchens describes as "absolutely divine."

The greenhouse manager is on an Herbarium Fellowship with four other students who help tend to the plants. They receive a small stipend for their tasks. With a few volunteers they take turns watering the plants daily, which may take from 20 minutes to an hour.

"If just me, it can take an hour: half an hour of watering and half an hour of admiring," said Hutchens, who also works 12 hours a week at Stirling's Coffee House on campus.

Back in his dorm room, "the Plant Doctor" tends to about 50 more plants.

"I have a whole pop-up table with light dedicated solely to plants, and I have some sitting outside on my little patio," he said.

This past summer, Hutchens

spent several weeks in Africa studying plant ecology and biodiversity, mainly in the savannah of South Africa's Kruger National Park.

About that experience he said, "It touched a little bit on everything, things like how fire affects the



Another plant that Hutchens finds fascinating is this Euphorbia greenwayi that came from Tanzania. "It's the most alien-looking plant you've ever seen."

landscape, how the elephants are destroying trees and other plants. What I love about ecology is you have to learn about everything. You can't specialize too much."

Anyone wishing to tour in what is practically his private little jungle will find it a tight place crammed with green vines and leaves that will brush against your body and head at almost every step.

"If I showed you everything I wanted, we would be here for hours," confessed Hutchens. "We have nothing but interesting plants. My goal is to graduate with a mini clone of the collection."



**EXPLORE
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Ideas Contest

Tennessee Press Association Contest
for Advertising & Circulation Ideas

Deadline: 3/13/23

Five historic dissenting opinions that shaped our First Amendment rights

Former U.S. Supreme Court Justice Benjamin Cardozo once said, “The meaning of today is not the meaning of tomorrow.” Dissenting opinions play a vital role in our constitutional democracy, offering different viewpoints from the majority. The right to dissent is also key to the First Amendment, as it protects unpopular opinions and perspectives.

dis-sent | to differ in opinion from the decision of the majority

Some dissenting opinions have changed the course of history. Consider that the U.S. Supreme Court once sanctioned legalized segregation by race in *Plessy v. Ferguson* (1896). In a solitary dissent in *Plessy*, Justice John Marshall Harlan I wrote that “in respect of civil rights, all citizens are equal before the law.”

It was Harlan’s vision in his lone dissent that won out in the celebrated *Brown v. Board of Education* (1954) decision 58 years later.

These five dissenting opinions in First Amendment cases had significant influence on the law and society.

(1) Political dissent should be protected speech — Justice Oliver Wendell Holmes in *Abrams v. United States* (1919)

Several Russian immigrants were charged with violating the Sedition Act of 1918 — a federal



FREEDOM FORUM

DAVID L. HUDSON, JR.

law designed to suppress political dissent — by distributing pamphlets that urged workers to strike and revolt if the United States militarily intervened in Russia’s revolution.

The court’s majority upheld the immigrants’ 20-year prison terms, reasoning that the clear plan of the pamphleteers was to foment distrust in the government and create a paralysis through striking. Justice Oliver Wendell Holmes — joined by Louis Brandeis — disagreed in what many have called “the Great Dissent.”

“It is only the present danger of immediate evil or an intent to bring it about that warrants Congress in setting a limit to the expression of opinion where private rights are not concerned,” Holmes wrote. He also said that even negative or unpopular ideas should be entered into the marketplace of ideas because “the best test of truth is the power of the thought to get itself accepted in the competition of the market.”

In his book “The Great Dissent,” author Thomas Healy says this dissenting opinion “changed the history of free speech in America.” It established that even political dissenters on the fringe have a right to freedom of speech.

(2) Students shouldn’t be forced to say the pledge — Justice Harlan Fiske Stone in *Minersville School District v. Gobitis* (1940)

The U.S. Supreme Court upheld a Pennsylvania law that required public school students to stand, salute the flag and recite the Pledge of Allegiance. Students who disobeyed were expelled. The Gobitis children, Lillian and Billy, refused to comply as they were Jehovah’s Witnesses who believed saluting the flag was akin to worshipping a graven image.

The court’s majority ruled for the school district, reasoning that religious liberty must give way to political authority. But, a lone voice of dissent, Justice Harlan Fiske Stone warned that “the state seeks to coerce these children to express a sentiment which, as they interpret it, they do not entertain, and which violates their deepest religious convictions.”

The decision in *Gobitis* had the effect of labeling Jehovah’s Witnesses as traitors, and a wave of violence sadly unfolded against them. The U.S. Supreme Court overruled *Gobitis* only three years later in *West Virginia Board of Education v. Barnette* (1943), invalidating a similar flag salute law.

The court ruled in *Barnette* that public school officials could not compel student speech by forcing them to salute the flag. It was a

stirring tribute to the idea that the court can fix its own wrongs.

(3) People speaking publicly generally should be protected, not punished — Justice Hugo Black in *Feiner v. New York* (1951)

Syracuse University student Irving Feiner stood on a street corner in New York, urging African Americans to stand up for their rights. Many in the crowd did not support Feiner, believing he was a rabble-rouser who was advocating dangerous ideas.

Instead of protecting Feiner, the police arrested him and charged him with disorderly conduct. The majority of the Supreme Court upheld his conviction, saying that police officers could reasonably think his speech was stirring up the audience and could lead to possible harm. But Justice Hugo Black wrote a fiery dissenting opinion. “In my judgment, today’s holding means that as a practical matter, minority speakers can be silenced in any city,” he warned.

As a result of the conviction, Irving Feiner was expelled from the university, and it would take decades before the school would repent for that action. But today — partly as a legacy of Black’s dissent — minority voices can speak out without fear of government retribution.

(4) Political dissent should be protected in wartime, too — Justice William O. Douglas in *Dennis v. United States* (1951)

In this decision, the Supreme Court upheld the convictions of Eugene Dennis and 10 other members of the American Communist Party for violating the Smith Act, a law that criminalized advocating or teaching the propriety of the violent overthrow of the United States’ government.

The majority emphasized the threat of communism to the established order in the reasoning behind its ruling.

Justice William O. Douglas’ dissent criticized the majority for upholding people’s convictions for their noxious beliefs rather than

for any concrete actions they had committed against the country.

“Unless and until extreme and necessitous circumstances are shown, our aim should be to keep speech unfettered and to allow the processes of law to be invoked only when the provocateurs among us move from speech to action,” he concluded.

In hindsight, the *Dennis* decision serves as another example of the government’s overzealous punishment of dissident speech in times of war or national emergency. But Douglas, an ardent free-speech defender, offered a more protective view of free speech.

(5) Government employees should have free speech, too — Justice David Souter in *Garcetti v. Ceballos* (2006)

For many years, courts balanced public employees’ right to speak out on matters of public importance against their government employer’s own interests. In 2006, the court created a new categorical rule that if the public employee spoke in accordance with their official duties, then they had no First Amendment protection. In *Garcetti v. Ceballos*, the court held that the First Amendment wouldn’t protect Los Angeles assistant district attorney Richard Ceballos from punishment for speech he made in a memo. Ceballos’ assignment was to write the memo, so he had no free-speech claim.

Justice David Souter was one of four who dissented. He explained in his dissent that “[t]here is no question that public employees speaking on matters they are obliged to address would generally place a high value on a right to speak, as any responsible citizen would.”

Garcetti is still the law today. It has devastated the free-speech rights of many public employees who have been “*Garcettized*.” Hopefully, one day Souter’s dissent will become law, just like Justice John Marshall Harlan I’s epic dissent in *Plessy*.

David L. Hudson Jr. is First Amendment fellow of the Freedom Forum and law professor at Belmont University. This column was originally published July 6, 2022, at freedomforum.org

Notice of pending applications for membership

One newspaper and one online publication have applied for membership and are recommended for membership by the Membership Committee.

The applicants will be considered by the TPA Board of Directors during the Feb. 22, 2023 Concurrent TPA Board of Directors Meeting and TPA Business Session, scheduled as part of the Winter Convention.

The applicants are: Main Street Maury, Columbia and Tennessee Lookout, www.tennesseelookout.com.

Employment Opportunity

Newspaper/Magazine Page Designer

The Chattanooga Times Free Press is seeking a full-time Page Designer to work on multiple sections of the daily newspaper and contribute to the design of three magazines. The right candidate must be able to build attractive, well-organized pages in a fast-paced newsroom, and also be a capable copy editor.

When you apply, include a resume with samples of designs. Apply to Robert Holder, rholder@timesfreepress.com, and place the words “Page Designer” as a subject line on your email.

The complete job listing is posted at www.tnpress.com.

Post your newspaper’s job openings at www.tnpress.com.

Contact Robyn Gentile for more information at rgentile@tnpress.com

Big transparency move: Citizens get new public dashboard for House bills

DEBORAH FISHER
TN Coalition for Open Government
January 11, 2023

House Speaker Cameron Sexton, R-Crossville, announced a new public dashboard for House bills on Jan. 11, giving citizens the same electronic access to bills, proposed amendments and red-lined versions of legislation that lawmakers have during the session.

The new dashboard is a continuation of Sexton's efforts to provide better and more timely access to proposed amendments, which on the main General Assembly

tracker do not appear with bills until they've been adopted by the committees. Lawmakers, however, have long had access to additional information in real-time — as soon as amendments are filed with a committee.

"Tennesseans want transparency in our processes, and they deserve to know more about the legislation that we are proposing and attempting to pass in the House," Sexton said in a press release after announcing the change on the House floor on the second day of the 113th General Assembly. "This new Dashboard application will give Tennesseans the same access

as their representative in real-time and make the legislative process the most transparent in Tennessee that it has ever been."

Members of the public, lobbyists and journalists have complained that proposed amendments are not added to the bill pages of the legislature's website until after they are adopted in committee, sometimes causing confusion for those who don't have an inside track to what is happening with each bill.

A few years ago, Sexton started requiring House committees to list all proposed amendments on bills before the committee met, but even though this was an improvement,

they were sometimes hard to find because they were on a long PDF list that got even longer and more complex as the session moved into its busiest days.

The announcement by Sexton of the new House dashboard met with applause from the House floor.

You can find a link to the dashboard on the main House page, listed in the right column as House Dashboard. To access the dashboard, you must enter your name and your email address and create a password.

So far, as of Jan. 11, the dashboard was sparsely populated,

showing only the consent calendar from the second day in session. But as committees were to get underway, bills were to show up along with amendments, fiscal notes, a legal summary and supplemental documents.

The dashboard is expected to also have access to red-lined versions of bills, showing the changes the proposed bills would have on existing statutes.

No changes have been announced for the Senate's bills.

Deborah Fisher is the executive director of Tennessee Coalition for Open Government.

NEWS & MOVES from Page 4

Point Enterprise, Burlington Times-News, Lexington Dispatch and the Asheboro Courier-Tribune. He



Thomason

succeeds Nancy Baker, who has been promoted to vice president of finance for the Southeast region of Paxton Media Group

Thomason, 65, most recently was the publisher of the Kingsport Times-News, Johnson City Press and Bristol Now, as well as president of Six Rivers Media in Northeast Tennessee for six years.

Although he could have retired, "I'm just not ready. I like working," he said. "I like being around people."

High Point (N.C.) Enterprise
Jan. 10

TPA State Press Contests call for entries

Entries can now be submitted for the 2023 University of Tennessee -Tennessee Press Association Tennessee State Press Contests. The deadline is Monday, March 6, 2023.

The Board of Directors adopted changes at its Fall meeting and subsequently a few more by a ballot vote in December.

The changes are: The divisions

in which entrants compete are frozen to the 2022 divisions, which were based on 2021 circulation. The Contests Committee is examining ways that divisions could be determined in the future.

The Board of Directors approved a temporary measure to allow online members to compete in Group Four, with the option of choosing to compete up in Group Five.

Changes to categories include the elimination of the Covid News and Covid Features categories.

Changes to the way content will be entered was made. All entries will be digital as PDFs or links to material on websites, depending upon the entry requirements of the category. Sunday Editions, Best Special Issue or Section and

Make-Up and Appearance will no longer be physical tear sheet entries and will instead be submitted as PDFs.

Links to stories on websites will be allowed in many of the categories. If there is a question of eligibility, the date the item first appears whether online or in print, is the day of publication.

Entry information is posted at www.tnpress.com.

Staff reports
Jan. 27

Call for entries in the Ad/Circ Ideas Contest

TPA is calling for entries in the 2023 Ideas Contest for advertising and circulation departments. The

contest added 11 mostly digital categories last year.

The Ideas Contest deadline is Monday, March 13. The contest details are posted at www.tnpress.com.

Staff reports
Jan. 27

April 14 is TPAF grant request deadline

The Tennessee Press Association Foundation is accepting grant applications for consideration at its summer meeting. This is the deadline for requests to be considered for fiscal year 2024. Contact cdaniels@tnpress.com for the application.

Staff reports
Jan. 27

RURAL PAPERS from Page 5

full-time jobs in one of the small towns that dot the state's massive — but often sparsely populated — landscape, Doland and her partners at the Local News Fund believe the program is creating a pipeline of graduates committed to staying in New Mexico. That's no small matter, considering 49% of college graduates leave the state.

"Every single fellow is still here in New Mexico, with the exception of one just over the border in El Paso," said Rashad Mahmood, executive director of the Local News Fund. "We're looking for people who want to commit to supporting journalism in New Mexico."

And while the program does not focus exclusively on rural news organizations, Mahmood said evening the playing field for

smaller newsrooms was a significant factor in determining how to structure the fellowship.

"If you look at which newsrooms are participating in Report for America, it's inevitably the larger, more successful, more established news organizations," he said. "Seeing that gap was partly what inspired us to fully fund the fellowship for the newsrooms."

'We're all competing for the same people'

If Missouri's scholarship program is able to build its own pipeline of freshly-graduated journalists, that will be good news for people like Trevor Vernon, who owns several local papers in central Missouri and the Lake of the Ozarks area. Vernon knows the value of a local face — he serves as mayor in Eldon, Mo., where he

owns the Eldon Advertiser — but sees the scholarship as offering a leg up in a competitive job market.

"It's become harder not only to find editors, but also reporters," he said. "We're all competing for the same people right now. Small newspapers are not real glamorous, but when we can get people here and they see how great these small towns are, it's huge. You have to get people in the door, and I think this scholarship is a good start."

At a time of increased attention on the importance of local news, Vernon said encouraging recent graduates to try their hand at a local paper could be an important eye-opening opportunity for the next generation of journalists.

"Journalists are kind of getting a bad rap from all over the place right now, but in a small town they're like family," he said. "You eat ice cream with the locals and

talk things over. I know someone who was invited to a family's Thanksgiving dinner because they didn't want him to be alone on the holiday. It's a different experience."

Still, programs like the scholarship and New Mexico's fellowship are only a start in a country increasingly dotted with rural news deserts. And after adding half a

dozen papers in Camdenton, Mo. to his portfolio this time last year, Vernon shares Schmidt's reticence to expand in the short term.

"I don't want to buy another newspaper for a while," he said.

Austin Fitzgerald is Senior Strategic Communication Consultant for Reynolds Journalism Institute.



Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
December 2022	\$92,817	\$7,244
Year* as of Dec. 31	\$92,817	\$7,244

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

NLRB revolutionizes unfair labor practice remedies

For decades, when the National Labor Relations Board found that an Employer had unlawfully discharged an employee, it ordered the Employer to cease and desist from the unlawful action and to make the employee whole for losses suffered as a *direct* result of its actions. This traditional make whole approach usually included reinstatement to the employee's prior position, removal of discipline from the personnel file, and backpay for lost wages. These traditional remedies had a clear causal link to the Employer's unfair labor practices. The remedies were not intended to be punitive or speculative.

On December 13, 2022, the NLRB dramatically changed course in *Thryv, Inc.* The union involved was IBEW Local 1269. The union, in this case, did not ask for any new remedies. Rather, the NLRB took it upon itself to seize upon this case to change course. On November 10, 2021, the NLRB invited interested parties to file briefs regarding whether the Board should modify these



LEGAL UPDATE

L. MICHAEL ZINSER

traditional make whole remedies to include a relief for *consequential damages*, where those damages are a direct and foreseeable result of an unfair labor practice.

In the new Decision, the Board backed away from *consequential damages* realizing that consequential damages are a specific type of legal damages available in the tort context which would require a trial by jury. Rather the board stated:

"Accordingly, we stress today that the Board is not instituting a policy or practice of awarding consequential damages, a legal term of art more suited for the common law of torts and contracts. Instead, we ground our decision in the make whole principles of Section 10(c) of the Act, These

considerations persuade us that clarifying that our traditional make whole remedies should also include compensation for direct or foreseeable pecuniary harms in all cases will better effectuate the purpose of the act."

The Decision goes on to define direct harms as those in which an employee's loss was the direct result of the Employer's illegal conduct. In contrast, foreseeable harms are those which the Employer knew or should have known would be likely to result from its violation of the Act, regardless of its intentions. The Board specifically stated that it would not attempt to enumerate all the pecuniary harms that may be considered direct or foreseeable; that would be handled on a case-by-case basis. Under this new standard, the Board gave as examples the following that could be remedied:

- Credit card debt
- Search for work and interim employment expenses
- Interest and late fees on credit card debt

• Penalties incurred from making an early withdrawal from a retirement account to defer living expenses

• Loss of a car or home if the employee is unable to make loan, rent, or mortgage payments

• Increased transportation or childcare costs

The NLRB has not previously included compensation for such losses in its traditional make whole remedies. Masquerading as make whole relief, the NLRB clearly has legislated and seeks to impose consequential damages on Employers. This new case is a 3-2 decision. Members Kaplan and Ring (Trump appointees with a management background) strongly dissented. The Dissent made the following points:

• The standard would permit recovery for any losses indirectly caused by an unfair labor practice, regardless of how long the change of causation may stretch from unfair labor practice to loss.

• The new standard opens the door to awards of speculative dam-

ages that go beyond the Board's remedial authority.

• The new standard faces potential Seventh Amendment issues if it strays into areas more akin to tort remedies. The Seventh Amendment precludes the Board from adjudicating claims that must instead be decided by a Court because the parties have a right to have those claims decided by a jury.

• The Supreme Court has made clear that the NLRB's power to command affirmative action is remedial, not *punitive*.

• Foreseeability is a central element of tort law.

• In 1991 Congress amended Title VII to specifically provide for compensatory damages; the NLRB majority goes well beyond the remedies allowed by these amendments.

• The EEOC excludes from compensatory awards day-to-day living expenses that would have been incurred even absent the discrimination; mortgage payments were not compensable.

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Let's not put the foxes in charge of the henhouse

Politicians don't like to be forced to share information. Some are more forthcoming than others, but every last one of them — regardless of party — prefer to shape their own narrative without outside interference.

That's why public notice laws requiring government officials to publish factual information about their plans and actions — meetings, budget and zoning proposals, school district reports, etc. — are under perpetual assault in state legislatures. Unfortunately, legislation introduced recently in Nashville would give lawmakers the control they seek. Senate Bill 525 (the House version is HB 300) would authorize local officials to hide such notices on county websites instead of publishing them in local newspapers and on newspaper websites where citizens are more likely to see them.

It's a dangerous proposal.

Public notice laws represent the best of self-government. Along with open-meeting and freedom of information laws, they're an important part of the three-legged



ABOUT PUBLIC NOTICES

RICHARD KARPEL

stool of government transparency. They ensure that citizens have access to information they need to participate in the governance of their communities. They're an essential element of our fragile democracy.

Those in favor of changing such laws claim they should be published on the internet instead of newspapers. That's a specious argument because the law in Tennessee already requires them to be published on the internet — on newspaper websites. And newspaper websites almost always get far more traffic than county websites.

The measure being considered in Nashville also would completely eliminate the print component of public notice even though print provides notice far more effectively

than the web. When we read a newspaper, the tactile, contemplative experience and the size of its pages encourage us to find information we didn't expect to see. That serendipitous process guarantees that notices in local newspapers will be seen by many people in the community who didn't pick up the paper seeking them.

We're more goal-oriented on the internet, visiting websites for a particular reason. Digital interfaces tend to be unidirectional and are often focused on the sensational. Public notices don't stand a chance in that environment; they get lost and are easily hidden. Moreover, the massive migration from desktop computers to small-screen mobile devices has exacerbated the problem. Who's going to be able to find an important government notice on a smartphone app or browser?

The internet has other vulnerabilities that make it a poor choice as an exclusive venue for notice. Newspaper notices can't be altered once they're published. By contrast, notices that are digitally

published are fraught with the potential for modification. Websites can be hacked and altered; government sites are especially vulnerable. They can be taken off-line through normal service disruptions, extended power outages, denial-of-service attacks or ransomware demands. Public notices on websites can even be fabricated to cover up the fact they were never published. That's why courts make it more difficult to introduce digital evidence.

The mutability of digital information raises another vital issue exposing the folly of SB 525. Do we really want to put the government fox in charge of the informational henhouse?

As Ronald Reagan was fond of saying: "Trust, but verify."

Requiring independent, third-party newspapers with a financial and civic interest in ensuring public notices run in accordance with the law was our legislative ancestors' way of providing verification. Giving government officials the means to hide public notice information that may

be embarrassing or simply doesn't suit their interests, is a surefire way to guarantee they're going to do it. It doesn't mean they're bad people; it's simply human nature to seek to avoid embarrassment or criticism. Foxes aren't inherently evil animals; we just know they like to eat hens, so we plan accordingly.

The inescapable truth is there are too many ways for public officials to hide information on websites under their exclusive control. And removing newspapers from the public notice process would eliminate an important check on that tendency and exponentially increase the risk that vital civic matters will be hidden from the public.

Swapping the current system of notice via newspaper and newspaper website for government website notice is a bad trade that will leave more people less informed. That's why SB 525 is a bad trade for Tennesseans.

Richard Karpel is president and executive director of the Public Notice Resource Center.

Why local news and newsrooms should be utilizing AI

With newsroom staffing on the decline, the growing news desert, and fatigue in the industry due to distrust of the press and rampant misinformation, asking local news to add AI to their toolkits can be a big ask. So the fact that the 2022 report by the Associated Press found that small news organizations are not widely using AI and other automation technologies yet is probably pretty unsurprising.

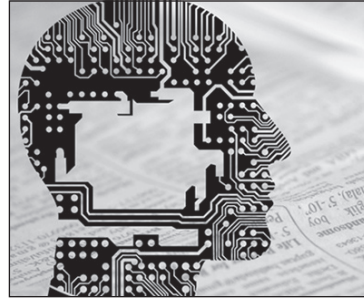
Technology has been both a blessing and a curse for local news. In some ways, it has made it easier to publish stories to a wider audience and in other ways it has made it harder for local news to remain sustainable. When I was in fifth grade, we were required to do a current events report every week. We would bring an article from home and discuss its relevance. While most of my classmates would come with stories clipped from the local news, my stepdad worked in tech: I would come with my story printed from a website.



NEWS & TECHNOLOGY

NIA SPRINGER-NORRIS

I am probably aging myself by telling this story, but my generation was at this cusp where we had ready access to technology, but we were still using analog solutions for a lot of things. So paper newspapers were not unusual in my classmates' houses, but now the majority of Americans get at least some of their news online and small newsrooms are struggling to remain profitable using the traditional ad-revenue and subscription model. Many small newsrooms simply do not have the budget to leverage technology the same way that larger newsrooms can, which has resulted in fewer newsrooms and a decline in newsroom staffing overall.



Submitted image created in Canva
Could local newsrooms become more sustainable if they add more AI tools to their practice?

For larger newsrooms, it is not unusual for the parts of the news production process to be automated — and they have been for quite some time. For example, the AP has been using AI to write corporate earnings reports since 2014. The International Consortium of Investigative Journalists (ICIJ) uses AI to uncover stories — like when they had to sort through millions of records for the Paradise Papers.

These processes make it easier to generate a large amount of content. AI writer LedeAI costs between \$600 and \$2,000 per month depending on the market size, transcription from Otter.ai is \$30 per month for small teams (larger organizations need to get a custom quote), and it can cost \$6,000-\$300,000 to commission a custom AI solution. But while it may not be cost effective to automate all of the processes you can, you can always mix and match with various AI services that are built for commonly used tasks.

Demystifying artificial intelligence

Implementing AI or automation in the newsroom sounds like a big endeavor. After all, we're journalists, not computer scientists. To put it simply, the Encyclopedia Britannica defines artificial intelligence as "the ability of a digital computer or computer-controlled robot to

perform tasks commonly associated with human beings." Machine learning is the field of computer science that teaches computers to learn without being explicitly programmed. Although there is a difference between AI and machine learning, the two terms are generally used interchangeably by journalists and some scholars.

In the context of journalism, AI currently functions in a few different ways:

- **Natural Language Processing (NLP)** is the marriage of computer science, linguistics, and artificial intelligence that contributes to the computer's ability to understand written and spoken language. For journalists, natural language processing is helpful for several functions including transcription, translation, or text summarization.

- **Natural Language Generation (NLG)** is a subset of NLP that enables computers to write. Put simply, it responds to a data input

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- The EEOC limits compensatory damages to "proximate consequences which can be established with requisite certainty."

While the Board majority claims that it "will not issue remedial orders for harms which are unquantifiable, speculative, or non-specific," this assurance cannot be reconciled with their insistence that all foreseeable harms are compensable, which can easily be interpreted to authorize compensation for all foreseeable harms regardless of how remote they may be from an unfair labor practice in the chain of causation.

The dissenting Members would define direct losses as those that are the first link in a chain of events beginning with the unfair labor practice. The two (2) dissenting Members stated, "We do not however agree with our colleagues that all losses indirectly caused by an unfair labor practice are compensable in a Board proceeding regardless of how many steps removed the losses are from the unfair labor practice in the chain of causation, so long as the losses are deemed *foreseeable*."

The National Labor Relations Act was passed in 1935. Since that

time, the NLRB has never believed it had such broad authority to order foreseeable damages as part of a make whole remedy. In this case the NLRB has, in effect, usurped the role of Congress and has legislated new remedies. This writer certainly expects the *Thryv* decision to be appealed.

NLRB Returns to Micro-Units

On December 14, 2022, in a return to Obama era precedent, the NLRB in *American Steel Construction, Inc.* toughened the standard that an employer must meet to contest a union attempting to organize a small group of employees within a larger work force.

In this new case, a union petitioned for an election with a small group of the Company's employees. The Company argued that the petition for unit was inappropriate and that the smallest appropriate unit should include additional facility employees. The NLRB regional office sided with the Company applying a 2017 Trump Board precedent. The Regional Director found that there was insufficient evidence to show the proposed unit of the union had interests sufficiently distinct from

the rest of the facility's employees. The new pro-union majority reversed that decision and reinstated a 2011 Obama era board micro-unit precedent. The new case places the burden on the Employer seeking to challenge a bargaining unit to show that workers outside of the proposed unit have an *overwhelming* community of interest with workers that "must almost completely overlap" with those workers inside the proposed unit to justify expanding the unit.

This new decision will make it easier for unions to organize and represent small bargaining units within an Employer's larger work force.

Electronic Monitoring and Management of Employees

On October 31, 2022, NLRB General Counsel Jennifer Abruzzo issued a Memorandum indicating her intention to place Employer electronic monitoring under the microscope. General Counsel Abruzzo stated, "An issue of particular concern to me is the potential for omnipresent surveillance and other algorithmic management tools to inter-

fere with the exercise of Section 7 rights by significantly impairing or negating employees' ability to engage in protected activity and keep that activity confidential from their Employer if they so choose."

Among others, General Counsel Abruzzo made the following points in the Memorandum:

- Close constant surveillance by management through electronic means threaten employees' basic ability to exercise their rights.

- In the workplace electronic surveillance and the breakneck pace of work set by automated systems basically limit or completely prevent employees from engaging in protected conversations about unionization or terms and conditions of employment that are a necessary precursor to group action.

- If the surveillance extends to break times in non-work areas, or if excessive workloads prevent workers from taking their breaks together or at all, they may be unable to engage in solicitation or distribution of union literature during non-working time.

- Surveillance reaching beyond the workplace may prevent employees from exercising their Section 7 rights anywhere.

- She will urge the Board to find that an Employer has violated the law where the surveillance and management practices, viewed as a whole, would tend to interfere with or prevent a reasonable employee from engaging in activity protected by the Act.

- If the Employer establishes that the practices at issue are narrowly tailored to address a legitimate business need, and that its need cannot be met through means less damaging to Employer rights, she will urge the Board to balance the respective interest of the Employer and employees to determine whether the Act permits the Employer's practices.

- If the Employer's business needs outweigh employees' Section 7 rights, she will urge the Board to require the Employer to disclose to employees the technologies being used to monitor and manage them, its reasons for doing so, and how it is using the information it obtains.

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Local news empowers us to know and exercise our freedoms

SUBMITTED
The Freedom Forum
October 15, 2022

The big decisions about our First Amendment freedoms that get big coverage tend to be made by the Supreme Court. What about the First Amendment issues that affect Americans each day in cities and towns across the country? Our rights are tried, tested, and threatened right where we live, work and exercise our first five freedoms. Now, stories about First Amendment issues like book access and campus speech are getting more local coverage, at least in one state: The Tennessean, Nash-

ville, has created a First Amendment-specific reporter role. The position is being funded through a collaboration between the Freedom Forum and Journalism Funding Partners. “Our surveys show Americans overwhelmingly treasure the First Amendment but are conflicted about how it applies today,” says Jan Neuharth, chair and CEO of the Freedom Forum. “Having a reporter devoted to exploring the freedoms of religion, speech, press, assembly and petition is an exciting way to help bridge the gaps in understanding our essential freedoms.” By many measures, local news is struggling right now. Despite the challenges, editors in newsrooms

across the country empower civic engagement by providing information about civil dialogue, elections and our rights. Strong local journalism like this has consistently been shown to be critical for democracy. **Tennessean takes initiative in First Amendment reporting** “It makes sense, and it’s the right time for The Tennessean to devote sophisticated journalism firepower to this critical and most American topic,” says Michael A. Anastasi, editor and vice president of The Tennessean and regional editor for the USA TODAY Network.

“Tennessee has long been at the forefront of debate and decision over how these fundamental freedoms have and should manifest in a pluralistic society. It’s been nearly a hundred years since the Scopes Monkey Trial took place in this state, and in many ways, Tennesseans are engaging in the same legal, theological and humanistic debates they did then — arguments mirrored elsewhere in the country today.” Angele Latham, a Tennessee native and Middle Tennessee State University graduate, took on the beat for The Tennessean (in 2022). She has previously been a government and business reporter at The Jackson (Tenn.) Sun and editor of

the Independent Appeal, two other local Tennessee newspapers. The Freedom Forum is providing training and access to First Amendment experts for the staff of The Tennessean and other journalists at Gannett newspapers throughout Tennessee. “I believe that reminding the public of the importance of the First Amendment and how it relates to our democracy is critical at this time in our history,” says Orage Quarles III, board chair of Journalism Funding Partners. *This column originally appeared on freedomforum.org and is republished here with permission from the Freedom Forum.*

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with a human language response. • **GPT-3** is a neural network (we’ll talk about that next) that was designed by San Francisco based Open AI. GPT-3 uses NLP and NLG to create human-like text. GPT-3 is used by many companies that offer AI tools for content generation. • **Neural networks** are a set of statistical computations that are designed to interpret data and produce a specific output. Like the name suggests, they are inspired by human neurobiology. So when we think about artificial intelligence for journalism,

AI-based applications use large amounts of data to be able to both understand and generate human-language very efficiently. Now that we’ve gone over some basic definitions, let’s go over artificial intelligence as a tool for local news. **Why should local news utilize AI??** While it is convenient to automate certain tasks, most people wonder what will happen to the people who used to do these tasks. The jobs that AI would replace have mostly already been eliminated now that newsrooms have fewer

staff — the onus is now on editors and reporters to complete the tasks that were traditionally done by news clerks and other staff. Instead, we should envision AI as a co-worker or support staff. We can turn over the cumbersome and tedious tasks such as transcription, template reporting on high school sports and real estate, and even self-critique to find gender and racial bias in stories. The goal of news automation is to take these tasks out of the hands of humans so that humans can do more in-depth reporting and better center community in their daily work.

How you’re already using AI There’s a good chance that you’re already using AI for some functions. I’ve been using AI transcription for about two years, and I’m hard pressed to meet a colleague who doesn’t. In some cases, you might not even realize that AI is integrated into programs like Otter.ai and Tapeacall that conveniently transcribe your audio. Social media algorithms recommend posts to you that may become a part of your news gathering process. And tools like Grammarly also use AI when they

proofread your copy for you. In the coming months, I will explain various AI functions for the newsroom — and how local news can potentially close reporting gaps by automating tasks. Each column will discuss a different use of AI in local news and the benefits of its application. *This column appeared on rjionline.org on October 13, 2022. Nia Springer-Norris is a journalist in Chicago who writes about culture and technology. Check out the website for her future AI columns referenced at the end of her column above.*

LLAMAS from Page 7

of stairs. The house sleeps two people at \$158 per night. There is a private camp-style toilet next to it. The treehouse has electricity and a full-size bed. Of course, the llama trekking is a key component of the business. At \$75 per person, the hike starts at noon and incorporates trails that pass through creeks with views of mountains and forest. All the while, llamas accompany the hiking group by carrying packs of supplies. The newest feature of The Wandering Llamas is the farm visit. This feature is \$18 per person and includes access to the whole farm. “You can feed them, pet them, you can hose them with the hose. You can take pictures, you can do anything you want and stay as long as you want,” Sgrillo said.

Sgrillo got the idea for the farm visit because she said some people might not want to go out on the hike but still want to experience the llamas. “They might be too old, too young, or unable physically to hike,” Sgrillo said, “So this gives them an option to spend time with the llamas without having to hike.” So far the response to the new farm visit feature has been positive, according to Sgrillo. She started offering the farm visit just recently and has already had people come by. The busy seasons for hikes and llama experiences are in the spring and fall. With fall approaching, the two-hour hike incorporates views to witness the foliage change. Sgrillo used to have longer, full-day and overnight hikes but has since

pulled back on those efforts to focus on shorter, more affordable and easier hikes. Affordability was another key reason she created the farm visit. “There is something for everybody,” Sgrillo said. Her message to those who have never experienced or been around a llama before is that llamas are nicer than people think. She said the llamas that most people have seen, the ones that spit, have not been raised properly. Sgrillo described how some llamas develop the spitting habit from over-handling and bottle feeding. There is a misconception that handling the llamas closely from a young age will make them friendlier to humans. Llamas spit at each other naturally to communicate. So, if they are over-handled by humans from birth, the llama

confuses a human with another llama, thus the spitting. Her llamas do not spit. Sgrillo got right up close to many of the llamas, but not a single one spat. “How could you not love them?” Sgrillo said and kissed one of her pregnant female llamas. The website suggests contacting

first to confirm availability before purchasing tickets. To make a reservation, call 423-426-7626 or email llamahiking@aol.com For more information, visit thewanderingllamas.com or find the business on Facebook at “The Wandering Llamas.”

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