

Winter 2023, Vol. 85, No. 2

AGENDA



Quarterly Newsletter of the
National Federation of Press Women



The First Amendment

45 words
5 freedoms

Congress shall make no law
respecting an establishment
of **religion**, or prohibiting
the free exercise thereof;
or abridging the freedom of
speech, or of the **press**;
or the right of the people
peaceably to **assemble**, and
to **petition** the Government
for a redress of grievances.



President's Message: Print medium barely holding on

By Karen Rowley
NFPW President

For many years when I traveled, I always made a point of picking up the local newspaper — whether at the hotel where I was staying or in the airport I was passing through. I was fascinated not only by the differences in the newspapers' names and designs and the local issues of the day, but also by the similarities in what they chose to cover. I could easily kill a three-hour layover in an airport by reading two or three newspapers.

You get the idea.

Unfortunately, such a fascination is pretty much an exercise in frustration these days considering the state of print newspapers. To put it succinctly, print as a news medium is barely holding on.

I was reminded of this recently by a couple of stories in the news.

In November, Alabama Media Group, which owns the Birmingham News, the Huntsville Times, the Mobile Press-Register and the Mississippi Press, announced it would stop all printing operations after Feb. 26 of this year. That is, all four newspapers will cease to exist after that date.

Instead, the company will focus on its digital operations, including AL.com and The Lede, which is its seven-day-a-week e-newspaper and which the company says will provide localized editions for each city.

In December, the American Press in Lake Charles, Louisiana, which is owned by Boone Newsmedia Inc., announced it no longer would print a Sunday or Monday newspaper. The reasons for the shift included an inability to find newspaper delivery people for areas outside of Lake Charles proper and the fact that the U.S. Post Office doesn't deliver mail on Sundays. That last point was an issue because American Press subscribers who live in the surrounding areas now receive their copy of the paper by mail.

From a practical standpoint, I understand the decisions. It's about survival, really. But at the same time, I

wonder whether the changes will do any good in the long run.

I say that because it seems to me the bigger problem media companies face is the failure to consistently produce engaging, relevant content. When I taught reporting and writing at Louisiana State University's Manship School of Mass Communication, one of the things I tried to emphasize to my students was that it doesn't necessarily matter how the news is conveyed. What matters is the quality of the content.

These days, part of my job is to follow news media outlets around the state to see whether they're writing about the reports my office releases. I spend a fair amount of time looking through television, radio and newspaper websites, and, frankly, it's discouraging.

In too many instances, the news stories are either a regurgitation of a press release or they're one-sided or they lack quotes or they're so poorly written that they're hard to understand. It isn't that the reporters aren't trying or don't know their jobs; it's more that they're not getting the support or resources or time they need.

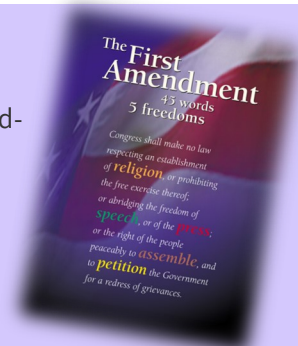
There are exceptions, of course, particularly among the news outlets that started out as online operations. The biggest newspaper in Louisiana also has made a concerted effort to expand its staff, partner with other media organizations and give its reporters time to do in-depth work.

Done properly, newsgathering is time-consuming, labor-intensive work. Yet, between 2006 and 2021, the number of newspaper newsroom staff across the country dropped from about 75,000 to 31,400. That isn't exactly conducive to the production of robust, informative, balanced coverage of issues that are critical to communities.

If the future of the news business truly is online, then media companies need to commit fully to that and stop trying to do things as cheaply as possible. Instead of slashing the number of employees, they should be hiring more reporters, editors and web designers, looking for opportunities to work with other media outlets to combine resources, and investing the necessary time to put together the important stories. Produce excellent cover-

On the Cover:

Protection of the First Amendment to the Constitution of the United States is one of the primary missions of the National Federation of Press Women, an organization of professional communicators established 85 years ago. This issue of the NFPW quarterly newsletter is dedicated to the federation's First Amendment Network (FAN).



This AGENDA focuses on FAN

Since 1975, when the National Federation of Press Women adopted its Code of Ethics, the organization has worked to uphold and defend the principles set forth in the First Amendment to the U.S. Constitution, focusing on freedom of speech and a free press.

As part of its mission, NFPW formed the First Amendment Network (FAN) to track and report on issues that impact free speech and a free press. FAN co-directors are Marsha Shuler of Louisiana and Angela Smith of Texas. Their contact information is listed in the leadership directory on the back page of every issue of AGENDA.

The first issue of AGENDA each year focuses

on First Amendment issues. Email blasts are used throughout the year to keep NFPW members apprised of what is happening across the nation and to provide advice and encouragement for engaging in the fight. Members are asked to notify Shuler and Smith when an issue or problem arises and to share their experiences.

The last sentence of the Code of Ethics stresses our commitment to the cause:

"I pledge to use this freedom wisely and to uphold the right of communicators to express unpopular opinions as well as the right to agree with the majority."

NFPW Code of Ethics

As a professional communicator, I recognize my responsibility to the public which has placed its trust and confidence in my work, and will endeavor to do nothing to abuse this obligation.

With truth as my ultimate goal, I will adhere to the highest standards of professional communication, never consciously misleading reader, viewer or listener; and will avoid any compromise of my objectivity or fairness.

Because I believe that professional communicators must be obligated only to the people's right to know, I affirm that freedom of the press is to be guarded as an inalienable right of the citizens of a free society.

I pledge to use this freedom wisely and to uphold the right of communicators to express unpopular opinions as well as the right to agree with the majority.

*— Adopted in 1975 at the NFPW Conference
in Sun Valley, Idaho*

DOJ, media come to agreement on journalists' notes

By Marsha Shuler
NFPW Co-FAN Director
Louisiana Press Women

"A major milestone in the fight for press freedom."

That was the headline on an article by Bruce D. Brown, executive director of the Reporters Committee for Freedom of the Press, and Gabe Rottman, who directs the committee's technology and press freedom project.

The milestone? A revision of U.S. Department of Justice regulations regarding obtaining information from, or records of, members of the news media.

U.S. Attorney General Merrick Garland made it clear that the Justice Department would officially ban the use of subpoenas, search warrants or court orders to seize journalists' communications or notes as part of leak investigations.

"These regulations recognize the crucial role that a free and independent press plays in our democracy," Garland said. "Because freedom of the press requires that members of the news media have the freedom to investigate and report the news, the new regulations are intended to provide enhanced protection to members of the news media from certain law enforcement tools and actions that might unreasonably impair newsgathering."

Garland had instituted a temporary policy in 2021 after it was revealed that former Attorney General William Barr sought access to certain journalists' emails.

The new regulations come after a year-long review process that involved federal prosecutors and media representatives, among others.

The Reporters Committee helped coordinate discussions between members of the news media and senior

Justice Department officials.

"After a decade of intrusive leak probes, including three at the end of the Trump administration that swept in Barbara Starr's records at CNN as well as those of journalists at The New York Times and The Washington Post, Attorney General Merrick Garland issued a new rule prohibiting subpoena and other types of legal processes against the press in all but narrow circumstances," Brown and Rottman wrote.

The legal processes no longer can be used against

journalists who possess or publish classified information obtained in newsgathering. The only narrow exceptions are when not doing so presents an imminent threat to life or limb or other emergencies with sign-off by an attorney general and when journalists are asked to verify publicly reported information.

Journalists are not protected if they violate the law to get a story or solicit someone to perform an unlawful act.

Previously, under a 50-year-old policy, federal prosecutors could ask the attorney general for permission to obtain records from a journalist if they asserted that the investigative need was strong enough.

In their opinion piece, the Reporters Committee leaders conclude with something to think about.

"If you are wondering how this policy affects you, we are writing during a European war, with Washington on fragile footing, when the strain on press freedom—and the temptation to drop a leak challenging administration orthodoxy—are almost always at their greatest. Today, reporters following those leads should not fear subpoenas. The new Garland rule reflects the best version of the U.S. as a democracy, comfortable enough with freedom to keep the press free."



NFPW 2023 Conference
Cincinnati, Ohio — June 22-24, 2023

No joke

Supreme Court case could take big bite out of First Amendment

(Editor's Note: This article was submitted to AGENDA by Angela Smith, co-FAN director from Texas.)

By Jonathan Turley

Opinion Contributor

George Washington University

The court system often is where humor goes to die. For those seeking to use satire or parody of corporations, jokes often run into trademark or other lawsuits and result in a little more than “ha, ha, thump.”

The same bad audience could await the defendant in Jack Daniel’s Properties Inc. v. VIP Products LLC. The Supreme Court just accepted a case involving a tongue-in-cheek dog chew toy made to resemble a Jack Daniel’s whiskey bottle. VIP prevailed in defending the toy as protected speech, but the distiller wants the Supreme Court to declare such parodies to be trademark violations.

The docket this term is really a hoot of parody cases.

Another pending case is *Novak v. City of Parma*, in which Anthony Novak was prosecuted for posting a parody of the website of his local police department. He was charged with (and later acquitted of) a felony under an Ohio law prohibiting the use of a computer to “disrupt” or “interrupt” police functions.

The satirical site, *The Onion*, has filed a brilliant parody brief to support the right to parody. The Onion regularly publishes funny fake news stories and, true to form, filed a brief as the self-described “world’s leading news publication” offering “universally revered coverage,” and noting it is the “single most powerful and influential organization in human history.” It told the court that its “more than 350,000 full- and part-time” staff members

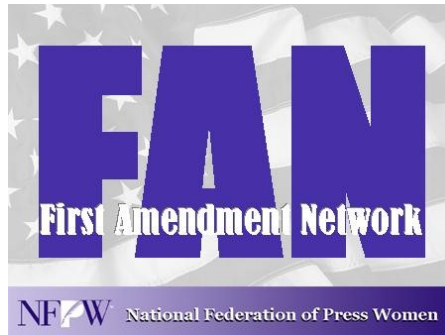
are renowned for “maintaining a towering standard of excellence” in journalism. (It added that it “owns and operates the majority of the world’s transoceanic shipping lanes, stands on the nation’s leading edge on matters of deforestation and strip mining, and proudly conducts tests on millions of animals daily.”) It was a tour-de-force on the value of satire to make profound legal and political points.

The court has yet to decide whether to take the *Novak* case, but it has accepted the Jack Daniel’s case. The

distiller sued VIP over its introduction of the Silly Squeakers “Bad Spaniels” rubber squeaky toy. The toy is shaped like a whiskey bottle with a cartoon spaniel on the front and the caption: “Bad Spaniels, the Old No. 2, on your Tennessee Carpet.” On the back is a small disclaimer reading: “This product is not affiliated with Jack Daniel’s Distillery.”

That clearly was not enough for the distillery, which argued that people would be confused by the parody. While the district court originally ruled with Jack Daniel’s, it was reversed by the U.S. Court of Appeals for the Ninth Circuit. The chew toy was ruled (correctly, in my mind) to involve “new expressive content” and to be protected under the First Amendment.

The Supreme Court has recognized that satire and parody have long played a key role in political discourse stretching back to ancient Greece. In 1988, the court handed down the important free-speech decision in *Hustler Magazine v. Falwell*, holding that an offensive cartoon of Rev. Jerry Falwell was protected under the First Amendment from civil liability.



(Continued on page 6)

Supreme Court case . . .

(Continued from page 5)

A chew toy is obviously not the type of “slashing and one-sided” political commentary which the court found in the *Hustler* case. However, the distiller is advancing a claim that would chill the use of any common image in a parody or satire, even though no reasonable person would confuse the products.

At issue is the Ninth Circuit’s highly protective free-speech test for trademark claims where a company argues that a product “tarnishes” its image. The Ninth Circuit has held that the “referential and cultural icon requirements” just have to be “above zero” to be protected under the First Amendment.

The district court originally objected that, once a court finds that a parody is protected speech, companies have little ability to overcome free-speech objections. It found that the Bad Spaniels toy was not an artistic or expressive work and was not entitled to protection under the First Amendment. But the Ninth Circuit reversed and remanded, finding it to be expressive speech protected by the First Amendment.

On remand, the district court found that standard was made because, as it said, “A parody functions just like a mash-up. It modifies and plays with the elements of an original work to express something new and different.” Three other circuits have rejected this approach. Yet, in the absence of congressional action (which is unlikely, given the power of corporate lobbies), the Ninth

Circuit offers greater clarity and space for free expression.

Parody and satire also face threats from other legal actions, particularly tort actions over the appropriation of names or likenesses (called the right to publicity). The courts, including the Ninth Circuit, have made a distinctly unfunny mess of such cases. Past tort cases generally have favored celebrities and resulted in rulings like *White v. Samsung*, a perfectly ludicrous ruling in which Vanna White successfully sued over the use of a robot with a blonde wig turning cards as the appropriation of her name or likeness. It appears no blonde being — robotic or human — may turn cards on a fake game show.

The court’s term could prove to be the most important docket on parody and satire in decades. It may prove less protective on trademark actions (like Jack Daniel’s) than criminal matters (like Novak). However, this involves more than a canine chew toy — it will impact a wide range of creative expression using common cultural images or references.

This dog toy was an obvious parody and expressly included a disclaimer of any connection to the distillery; it neither confuses consumers nor tarnishes the Jack Daniel’s trademark.

A lack of sense of humor, not a lack of sufficient clarity, drove this litigation — but make no mistake: If this little chew toy is found to be a trademark violation, the court may take a big bite out of the First Amendment.

AGENDA DEADLINES

Submit stories and/or photos for the next issue of AGENDA by:

April 10, 2023

(For publication May 2023)

Send submissions to

cathykoon1952@gmail.com

News literacy skills necessary for credible communication

By Jane Newton Falany

Alabama Media Professionals

As I turned on my computer in early December, a message from the News Literacy Project popped up on my screen.

It reminded me that, "On Dec. 14 it will be 10 years since a gunman walked into Sandy Hook Elementary School in Newtown, Connecticut, and killed 20 sixth-graders and six adults. Soon after, conspiracy theories calling the massacre a hoax emerged. And they have persisted for a decade, thanks to amplification and profiteering by 'alt-right' media figure Alex Jones."

The message concerned a new two-part podcast by the News Literacy Project "about the aftermath of that shooting and how what seemed like an aberration of untruths would instead develop into a bellwether for a shift in public discourse, with conspiracy theories becoming a common element in tragic events."

The [podcast](#), available on the News Literacy Project website, is titled "Sandy Hook at 10: Tragedy, Conspiracy Theories and Justice."

The News Literacy Project defines news literacy as the ability to determine the credibility of news and other information, and to recognize the standards of fact-based journalism to know what to trust, share and act on.

The five principles of news literacy, as outlined by the Society of Professional Journalists, are:

- fact checking
- not intentionally distorting information
- identifying sources
- avoiding stereotypes
- supporting the open exchange of ideas.

Before news literacy became a well-known concept in journalistic circles, NFPW's Code of Ethics, adopted in 1975 at its conference in Sun Valley, Idaho, focused on

the freedom of the press, which protects individuals from government censorship. Members adhere to this code as they work and recite it at each annual NFPW conference.

The code states, in part, "I affirm that the freedom of the press is to be guarded as an inalienable right of the citizens of a free society. I pledge to use this freedom wisely and to uphold the right of communicators to express unpopular opinions as well as the right to agree with the majority."

According to the News Literacy Project, today's complex news-media landscape has continued to change and, perhaps, reached its lowest point so far with the 2016 presidential election, when educators feared they lacked the resources to teach in a world in which junk news was becoming the norm. Now, it is more difficult than ever to sort fact from fiction in

news.

According to NewseumED, only by combining news-literary skills with an understanding of the First Amendment can journalists and others "understand why these skills are so important and necessary in the first place."



"We have to guard freedom of the press because it's a keystone of democracy."

-Charlotte Schexnayder,
1923-2020, president of
Arkansas Press Women in 1955
and president of NFPW from
1977 to 1979



First Amendment case argued in Supreme Court

By Angela Smith
NFPW co-FAN Director
Texas Press Women

In a high profile First Amendment case, the conservative majority of the Supreme Court appears likely to support a decision to allow business owners to opt out of providing services to certain groups based on religious beliefs.

Justices heard more than two and half hours of arguments Dec. 5 regarding a free speech case by a website designer who opposes same sex marriage. The Colorado woman, Lorie Smith, brought the case, 303 Creative v. Elenis, to the high court.

Smith wants to expand her business to create custom wedding websites, but she opposes same sex marriage on religious grounds and wants her own website to make note of that fact. However, this would be a violation of a Colorado law that bars businesses, open to the public, from discriminating against LGBTQ people or announcing an intent to do so.

The Supreme Court will decide whether a state public accommodation law, which requires businesses to offer the same services to same-sex couples, violates the First Amendment. How the court will constrain its ruling to avoid broader implications is unclear.

Smith's lawyer argued before the court that commercial services are protected by free speech, and they should not be compelled to create speech they disagree with.

A lawyer for the state argued that Colorado's law

rightly protects various classes of people against discrimination, including same-sex couples.

In 2008, Colorado amended its Anti-Discrimination Act to extend protections to members of the LGBTQ community. In 2016, 303 Creative and its owner filed a pre-enforcement challenge to the law in federal court. The district court found that applying the Colorado law to 303 Creative was constitutional, and the Court of Appeals for the Tenth Circuit affirmed. 303 Creative then asked the Supreme Court to hear the case, and it agreed to do so.

On August 19, 2022, the Constitutional Accountability Center (CAC) filed a brief on behalf of First Amendment Scholars in support of the respondents. The brief argues that the First Amendment does not give commercial businesses the right to violate generally applicable public accommodations laws that prohibit discrimination.

The brief explains that the Supreme Court has upheld public accommodations laws repeatedly against First Amendment challenges. Such laws have existed for centuries, and the court has been consistent in holding that such laws pose no threat to the First Amendment.

While Smith's case stemmed from her refusal to produce wedding websites for LGBTQ couples, much of the discussion centered on race – that is whether the high court would explicitly endorse a double-standard that tolerated discrimination against LGBTQ people while enforcing banning discrimination based on race.

A ruling on the case is expected by the end of June.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— *The First Amendment to the U.S. Constitution*

Giant steps boost education efforts in Alabama

By Jane Falany and Ann Halpern

Alabama Media Professionals

Are we living up to expectations? A look at our by-laws reminded Alabama Media Professionals (AMP) that BOTH our affiliate and the National Federation of Press Women “strive to keep our professional skills ahead of the curve, reward students with scholarships, recognize excellence with awards, protect First Amendment freedoms and mentor young people seeking communications careers.”

We also want to help Alabama citizens better understand what they are receiving daily from all forms of media.

Yes, we could do a better job. But it takes MONEY to do everything we want to do. Even successful fundraising projects rarely generate enough income to fund the meaningful scholarships we’d like to offer. Now we are looking at media and news literacy, too.

Last summer the AMP Sponsorship Committee took a bold idea to its board of directors for consideration. Could we echo what NFPW had done and create an education fund? Could this be a way to meet AMP’s education goals with individual, corporate and community support?

The committee had heard from one corporate sponsor that it preferred making tax-deductible donations to groups with 501(c)3 IRS status. A women’s service group wanted to give AMP \$1,000 for a scholarship, but its policy required that same IRS status.

In August 2021, the AMP board unanimously voted to approve the Sponsorship Committee’s recommendation for creating the Alabama Media Professionals Education Fund and to proceed with nonprofit incorporation of that fund.

This approval led to the first giant step toward incorporation. We retained an attorney to advise us through the incorporation process for a minimal fee. The application and new bylaws were submitted to the Alabama Secretary of State with appropriate fees and quickly approved. The checking account for the Alabama Media Professionals Education Fund Inc. was opened with the remaining profits from hosting the 2017 NFPW Confer-

ence in Birmingham. The money is placed in a separate checking account reserved for educational purposes. The attorney led us through the paperwork and fees needed for applying to the IRS for 501(c)3 tax-exempt status. That was at the end of November 2021. We knew the process could take as long as six months. We received notification of approval in March 2022.

The incorporation team kept busy with its second giant step while waiting for IRS approval. We joined the Alabama Association of Nonprofits to take advantage of its operations guidance and to have a link to foundations and other organizations interested in funding education programs. We also discussed our fund with people able to suggest choosing board members and running our fund successfully.

The third giant step — creating the first board of directors — is nearing completion. We began by building a list of more than 30 possible board members to fill five to seven board positions. We sought people from all parts of the state to be sure we would reach potential donors, scholarship applicants and members in all 67 counties. We focused on media-friendly individuals who knew how to raise money.

AMP created an information sheet to use in recruiting our initial board to be sure we said the same thing to every candidate and each understood what we expected them to do. Essentially, the script was designed to answer the most likely questions from time involvement to specific duties.

While the board was being assembled, the incorporating officers handled operations. Sponsorship Committee Chair and AMP Past President Donna Francavilla chaired that team. Current President Olivia McMurrey and past presidents Jane Falany and Ann Halpern also served as incorporating officers.

The incorporating officers approved giving a \$1,000 scholarship to the 2022 winner of the annual Alabama high school journalism contest sponsored by the fund. Entry fees in future years are expected to cover state



Alabama Poet Laureate Ashley Jones speaks at the AMP awards lunch.

(Continued on page 10)

AMP keeps news literacy in public eye

By Olivia McMurray

Alabama Media Professionals

Clay Carey and Olivia McMurray of Alabama Media Professionals have given news literacy presentations in Birmingham to four classes of Samford University's Foundations course, which helps freshmen learn skills for success in college and life.

Each class was about an hour long, including a PowerPoint presentation and question-and-answer sessions. About 20 students were in each class.

AMP plans to hold a joint meeting with Homewood Rotary Club in January 2023 that will include a panel discussion with local journalists (including Birmingham Watch and WBHM, Birmingham's NPR affiliate). Misinformation and news literacy will be discussed, in addition to a brief presentation on the News Literacy Project's resources for learning news literacy skills.

The NFPW affiliate is working to reach teachers and students in K-12 schools with journalist panel discussions and news literacy lessons. The

affiliate has been invited to participate in April or May in a Super Saturday event hosted by the nonprofit Breakthrough Birmingham, which works with kids in grades 6-12 in Birmingham city schools.

During National News Literacy Week in January, AMP will run a campaign to encourage its members to write letters to editors and editorials about news literacy. The affiliate plans to start a letter campaign asking state legislators to add news-literacy standards to Alabama public school curriculum.

**Share your experiences with
First Amendment issues.**

**Contact our First Amendment
Network directors:**

FAN Co-Director

Marsha Shuler, Louisiana

marshashuler@yahoo.com

FAN Co-Director

Angela Smith, Texas

ASmith1411@aol.com

Giant steps . . .

awards, the scholarship, forwarding entries to the national competition and other expenses. Several Alabama students brought home national awards in 2022. Even more participation is expected in 2023 as we begin coordinating with the Alabama Scholastic Press Association.

"The creation of the Alabama Media Professionals Education Fund Inc. is proof of what can be accomplished by prioritizing goals. We also believe the fund will increase awareness of our organization and ultimately build membership.

When the AMP board voted to create an Education Fund, it meant launching the biggest fundraising project since hosting the 2017 NFPW Conference. Actually, the biggest thing ever in this affiliate's history because it is not a one-time thing. It is for our future.

FOI coalition helps Colorado reporter

Julia Cardi

Colorado Press Women

The Colorado Freedom of Information Coalition on Dec. 9 fielded the 5,000th inquiry to its hotline.

There's no budget for a prize, but I hope it reinforces the important work of organizations that fight for open government.



Julia Cardi

The CFOIC publishes a yearly guide to Colorado's records and open meetings laws, pushes for legislation that increases government transparency, fields questions from reporters and the public, and publishes blog posts on legislation, court decisions and actions by public officials having implications for open government.

State legislation currently at the top of my wish list to improve government transparency would include limiting the discretion of law enforcement agencies to keep arrest affidavits sealed, which we have seen recently in some high-profile cases, including that of the person accused of killing five people in a Colorado Springs LGBTQ club a few days before Thanksgiving.

It's a concerning practice because an arrest affidavit is a key document explaining the rationale for depriving a person of their freedom,

and Colorado's law governing criminal justice records allow agencies broad discretion to deny requests.

The CFOIC's resources have helped me do my job more times than I can count, from when I was a newbie reporter figuring out the difference between Colorado's Open Records Act and Criminal Justice Records Act to navigating records requests. (A mentor once told me to never go a week without filing an open records request.)

When I talk to the organization's director, Jeff Roberts, there's never any such thing as a stupid question. And his ears are always open for commiserating about ridiculous hoops an agency has put up or an absurd denial of a request.

But the support has frequently gone beyond that. This fall, media law lawyer and CFOIC president Steve Zansberg went to court for a coalition of news organizations and won the release of an unredacted autopsy report for Elijah McClain, a 23-year-old Black man who died in police custody in 2019. The unredacted report amended his cause of death two months before a grand jury returned criminal indictments for five officers and paramedics present at the scene. The coroner had declined to release the amended report when a public radio station requested it, citing a previous court order sealing grand

jury evidence from the criminal investigations.

And this past spring, Zansberg defeated an order by a judge to block my newspaper, the Denver Gazette, from publishing a story I wrote based on suppressed court records I received in the criminal cases against the officers and paramedics charged. The records included a filing with extensive quotes from grand jury testimony by experts who didn't believe the police officers' actions led to McClain's death.

Zansberg's effort was also supported by an amicus brief from the Reporters Committee for Freedom of the Press, authored by Rachael Johnson, another CFOIC board member.

So when I had the chance last year to join the CFOIC's board as a representative of Colorado Press Women, I happily took it. As people navigate government transparency laws and fights for records, I encourage everyone to know about what resources their state's open government coalitions provide, take advantage of them and get involved when you can.

Julia Cardi covers public safety and courts for the Denver Gazette with a focus on investigative projects. She has exposed systemic fractures in the state's network of parental custody evaluations and led award-winning coverage of the King Soopers mass shooting in Boulder. She had worked at Law Week Colorado and the Grand Forks Herald in North Dakota.



National Federation of Press Women

Media Literacy: *Critical to health of First Amendment*

**By Marilyn Saltzman
Colorado Press Women**

"Before Elon Musk bought Twitter, slurs against Black Americans showed up on the social media service an average of 1,282 times a day. After the billionaire became Twitter's owner, they jumped to 3,876 times a day. Slurs against gay men appeared on Twitter 2,506 times a day on average before Mr. Musk took over. Afterward, their use rose to 3,964 times a day. And antisemitic posts referring to Jews or Judaism soared more than 61 percent in the two weeks after Mr. Musk acquired the site," according to a December story in The New York Times.

As members of NFPW, we place a high value on free speech. We recite in our Code of Ethics, "I affirm that freedom of the press is to be guarded as an inalienable right of the citizens of a free society." And our code includes responsibilities, "With truth as my ultimate goal, I will adhere to the highest standards of professional communication, never consciously misleading reader, viewer, or listener."

Today, with access to a seemingly infinite amount of information and the ability to share that information on a wider array of platforms than ever, the challenges to First Amendment responsibilities have never been greater.

As NewseumEd notes, "In the past, the press was a distinct entity that could be held accountable for any failures to live up to its potential. Now, we are all gatekeepers, charged with deciding what we should or should not share...With no formal training, we are all expected to make daily judgments about the value of different perspectives and the purpose of various social media and self-publishing platforms."

Bad actors from within and outside our nation take advantage of the First Amendment to spread misinformation, disinformation and deep fakes that threaten the very fabric of our democracy.

Even media savvy readers can be fooled into sharing inaccurate social media posts because of factors such as confirmation bias – accepting an article aligned with our beliefs – or cognitive dissonance – rejecting a story conflicting with our beliefs. The solution: media literacy education not only for our students, but also for all citizens in our democratic society.

NewseumEd defines the goal of First Amendment Media Literacy: "to create citizens who think critically, express themselves effectively, engage openly with diverse viewpoints and effectively balance their rights and responsibilities."

To be media literate, the National Association for Media Literacy Education suggests applying the five W's to media that we consume. Some examples:

WHO: Wrote this? Who paid for it? Who might benefit? Who might be harmed?

WHAT are the sources? What points of view are overt/implied?

WHY, WHERE and WHEN was this article written?

HOW credible is the source? How does it make me feel?

Other ways to apply media literacy are reverse image searching, fact-checking sites and lateral reading – looking at what other sources say about the website and the topic.

As First Amendment advocates, it's critical that we are also media literacy supporters, sharing the message that in today's environment, we are all consumers and producers of news. And along with our inalienable rights come corresponding responsibilities.

AGENDA Publication Schedule

The first week of

- January
- April
- July
- October

The deadline for submitting content
is the 10th of the month
prior to publication.

Idaho needs anti-SLAPP law to ensure free speech doesn't depend on wealth

By Bryan Clark
Idaho Statesman

Shortly after it was thrown out of court, a defamation lawsuit filed by Clearwater Analytics co-founder Michael Boren has been revived, further drawing out court proceedings, as (Idaho Statesman writer) Nicole Blanchard reported.

The wealthy Boren is suing several individuals who spoke out against granting a conditional use permit on his property, raising concerns about his use of aircraft on his ranch in the Sawtooth National Recreation Area. Boren's suit had recently been dismissed by Judge Stevan Thompson, who earlier found that the lawsuit didn't have enough merit to proceed and could have a chilling effect on free speech.

"In this case, there is the potential for a great chilling effect on constitutional rights not just for these named defendants, but for all the members of the public who spoke on this issue which was undoubtedly a matter of public concern in which they were entitled to involvement," Thompson wrote in his dismissal.

I won't weigh in on the merits of Boren's suit in particular here. Whether you believe Boren is pursuing a legitimate claim or seeking to abuse the legal system to silence his critics, it is absolutely clear that the system can be abused.

The way to stop such abuses is also clear: anti-SLAPP legislation. SLAPP stands for "Strategic Lawsuit Against Public Participation." It refers to a class of frivolous defamation suits used to harass and intimidate critics. When he dismissed the case, Thompson raised the possibility that Boren's suit fit the criteria of such a suit. But Idaho is one of the only 18 states that do not have an anti-SLAPP law.

The absence of a anti-SLAPP law serves only one purpose: to allow people with lots of money to silence speech they don't like.

The legitimate purpose of defamation laws is simple. If someone tells a falsehood about another that is sufficiently damaging and there is reason to believe the per-

son did it knowing it was a lie, defamation suits are a way to gain recompense. But more and more often, defamation laws are used for a secondary illegitimate purpose: to silence legitimate, free speech about major public figures and areas of public concern. In many of these cases, the purpose is not to gain damages but to draw out the proceedings for as long as possible and to impose so many court costs on the speakers you don't like that they are forced to shut up.

And it can work, especially if the suit is launched by a wealthy individual against a speaker who has much less money. Spending \$10,000 on lawyers is a much different proposition if you are living paycheck to paycheck than if you make that much in a week. So the weight of the legal procedure itself is sufficient to bury someone without means.

Many cases like these are settled despite the fact that no legitimate claim exists in the first place. A strong anti-SLAPP law can do a great deal to stop frivolous lawsuits in their tracks. It allows a judge to evaluate early on whether a plaintiff is pursuing a legitimate claim or is attempting to use the court system to illegitimately punish free speech.

If a defendant wins a SLAPP claim, it not only saves the defendant from the expenses of a long court fight, it imposes a strong penalty on the person who sued — usually triple the court costs and attorney fees of the defendant.

Idaho needs a law like this. The most fundamental right that Americans have is the right to free speech. It is what allows you to argue against the government, to argue against political opponents about what the government should look like and to fulfill the innate human right to freedom of conscience.

Idaho lawmakers should work next session to protect that most basic right.

Bryan Clark is an opinion writer with the Idaho Statesman based in eastern Idaho. Read more on the [Idaho Statesman](#) website.

Boycott is clearly kosher

By Iris Keltz

New Mexico Press Women

There is a humble snack bar in Boynton Beach, Florida, where, to get a license to sell hot dogs and ice cream, the vendor has to sign a contract promising not to boycott Israel. They might not have understood they had just signed away a right protected by the First Amendment.

When Palestinian civil society chose boycott as the primary strategy to resist a brutal military occupation, I mistakenly believed the Jewish community would breathe a collective sigh of relief. Israelis had been living under the threat of bombs exploding on buses, in malls and in other public places. Boycotts offer people a non-violent way to protest. But Jewish community leaders declared that Boycott Divestment and Sanctions threatened to “delegitimize Israel.”

Boycotts have a long history in the Jewish community. In 1902, a group of Jewish women on New York’s Lower East Side protested the rising price of kosher meat. Inspired by the labor and suffragette movement, the women convinced their neighbors not to buy kosher meat and forcefully took meat away from those who betrayed the boycott.

Although many were not yet citizens, they understood the power of organizing to resist oppression. The boycott spread, and in a few months, these so-called trusts lowered the price of kosher meat.

Other historical examples include the Boston Tea Party, the Montgomery bus boycott against segregation, the Jewish boycott in the 1920s against Henry Ford, and the anti-Nazi boycott of German goods in the U.S., Britain, Poland and Mandatory Palestine in 1933. In the 1790s, abolitionists refused to purchase slave-produced sugar.

In 2022, the American Legislative Exchange Council unveiled a bill barring states from contracting with any company that engages in economic boycotts, including “the exploration, production, utilization, transportation, distribution, sale or manufacturing of fossil fuel-based energy, timber, mining or agriculture.”

More than 30 states now have anti-boycott laws which are being challenged by the American Civil Liberties Union as a free speech issue.

Judaism is based on welcoming the stranger into our midst. The only way to unshackle ourselves from the chains of fear and racism is to share pita, chapatis, tortillas, naan, fry bread, baguettes, focaccia, gluten-free, matzoh, or any staff of life you choose.

Boycott is clearly kosher.

Keltz is a writer and freelance journalist. She is the author of two award-winning books—“Unexpected Bride in the Promised Land: Journeys in Palestine and Israel” and “Scrapbook of a Taos Hippie: Tribal Tales from the Heart of the Counter Culture.” She and her husband divide their time between New Mexico and Florida.

You can donate to NFPW when you shop at AmazonSmile at no additional cost to you

AmazonSmile will donate 0.5% of your eligible purchases to the charity of your choice. Just designate the **NFPW Education Fund** as your preferred charity and help the **NFPW Education Fund** continue its good works — funding the annual high school contest, providing first-timers awards, and awarding research and education grants to NFPW members.



NFPW nominations due Feb. 1, election at conference

NFPW is looking for dedicated, enthusiastic members willing to continue in the tradition of leading a re-energized organization into the future.

During the June 2023 conference in Cincinnati, Ohio, new officers will be elected at the business meeting and charged with guiding NFPW for the next two years. The officer positions are president, vice president, secretary and treasurer.

To be eligible to run for office, candidates must be NFPW members, have the endorsement of their state affiliate and be able to fulfill the responsibilities of the office sought.

Deadline to submit nominations is Feb. 1, 2023.

The submission process has been streamlined and can now be completed electronically. There is also information available to submit forms via mail, if needed. Use these links to access the process you prefer:

- [2023 Nomination Form](#)
- [2023 Affiliate Support Form](#)
- [NFPW Webpage](#)

For more information about the responsibilities of each office, go to the Members-Only section of the [NFPW website](#), click the About button, then select By-laws. The responsibilities are in Articles V and VI.

If you have any questions, you can contact members of the Elections Committee:

- Meg Hunt (SC) at mhunt21@msn.com
- Marsha Hoffman (IA) at marshatres@gmail.com
- Amy Geiszler-Jones (KS) at algj64@sbcglobal.net
- Karen Stensrud (ND) at kstensrud@bell.bank
- Ann Lockhart (CO) at ajldenver@aol.com

Please consider sharing your talents and ideas with NFPW by agreeing to run for office.

Deadlines near for 2023 NFPW communications contest

Deadlines, deadlines, deadlines.

Yes, it is that time of year again when the deadlines are approaching for the National Federation of Press Women's 2023 professional communications contest.

If you want to beat the rush and avoid a one-time \$25 contest fee, submit your contest entries by Wednesday, January 18, by noon in your time zone.

The Book final entry deadline is February 1, 2023, by noon in your time zone. Due to the extended time it takes to judge book categories, all book entries must be entered by this date.

The final contest deadline is February 8, 2023, noon in your time zone. All remaining entries must be entered by this date to be eligible for the NFPW contest.

The contest information and link can be found at: <https://www.nfpw.org/professional-contest>

The first tier of the contest is run at the state level. Entrants in states without an affiliate-level contest and international entries are welcome to enter the at-large section of the contest. When entries warrant, the at-large section of the contest may be split into regions to create a more level playing field.

First-place winners from the state and at-large contests are then moved to the national judging. To compete at the national level, the entrant must be a member in good standing with the National Federation of Press Women. Entrants can join NFPW once they learn of their winning status if their affiliate does not require membership to enter the state-level contest.

All work must have been published or broadcast between January 1, 2022, and December 31, 2022, to be eligible for entry.

NFPW offers a wide range of categories:

Writing (Categories 1-17)

Editing (Categories 18-20)

Photography (Categories 21-23)

Graphics and Design (Categories 24-26)

Radio and Television (Categories 27-32)

Web and Social Media (Categories 33-41)

Advertising (Categories 42-45)

Communications Programs and Campaigns
(Categories 46-50)

Public Relations Materials (Categories 51-53)

(Continued on page 16)

Deadlines . . .

(Continued from page 15)

Information for the Media (Categories 54-56)

Speeches (Category 57)

Collegiate/Education (Categories 58-63)

For a complete list of categories and entry guidelines visit the Categories and Requirements page on our [con-](#)

[test site](#). Each category and subcategory has specific guidelines and requirements.

For questions about contest categories and requirements, contact Teri Ehresman, NFPW contest director, islandpark723@gmail.com or Helen Plotkin, NFPW assistant contest director, haplotkin@outlook.com

For technical questions about entering the contest, please contact the NFPW office at 571-295-5900 or email Contest@NFPW.org.

Happy 110th Birthday to Gordon Parks Wednesday, November 30, 2022

Please join David Parks, son of Gordon Parks, as we celebrate his father's 110th birthday. Light a candle in honor of Gordon Parks as we keep his vision and legacy alive. Share your images honoring Gordon Parks on Facebook and other social media outlets. Be sure to email them to David's publicist, Wilma Moore-Black at Wilma.black@wichita.edu



Here's a start-up list of individuals and organizations lighting a candle or cupcake in honor of Gordon Parks' 110th birthday:

Wichita, Kansas

- Gordon Parks Academy, Wichita – LaTonia Kennedy, Principal
- Tallgrass Film Festival Association, Wichita – Melanie Addington, Executive Director
- Wichita State University, Office of Vice President for Community Engagement and Military Affairs – Dr. Marche' Fleming-Randle (who celebrates her birthday Nov. 30th also).
- School of Digital Arts and Shocker Studios, Wichita - Justin Rorabaugh, Director

Fort Scott, Kansas: Home of Gordon Parks

- Gordon Parks Museum, Fort Scott Community College, Kirk Sharp, Executive Director
 - Go to the museum's website for Nov. 30 details: <https://www.gordonparkscenter.org/events>

Worldwide Impact

Educators, teachers, philanthropists, spiritual leaders, friends and colleagues in Fort Worth, Texas, Dallas, Plano, Texas, Hinesville, Georgia, the Virgin Islands, Atlanta, Oklahoma City, Denver, St. Paul, Minnesota, New Jersey, Canada, of Wichita native Wilma Moore-Black, an advocate and supporter of Gordon Parks' legacy. The public is encouraged to join us with your own celebration, posts your photos on your social media platform and email them to Wilma at Wilma.black@wichita.edu

Karen Biesboer

Former NFPW member Karen Biesboer, 74 of Munster, Indiana, formerly of Chicago Heights, Illinois, died Saturday, Aug. 20, 2022. Karen was active in her community, volunteering with many local organizations. She was successful in large fundraising events, serving as a marketing and public relations director for a multi-office savings and loan company. Karen had recently retired from Southland Health Care Forum. Karen was a classy lady who loved to travel and loved the color red.



Kansas Professional Communicators

Debbi Elmore, 70, died Sept. 15, 2022. After earning a public relations and journalism degree from Wichita State University, Debbi spent her entire career telling other people's stories.



She met Jim, her husband of 44 years, at a small newspaper in Independence, Kansas, where she was a reporter and he was a photographer.

Over the course of her career, she won several awards, including an honorable mention from NFPW in the feature story-print-based newspaper story category in 2022 for her a story about the expanding curbside food donation boxes effort started by a young Wichita boy.

Elmore also worked in health care and senior services.

Women's Press Club of Indiana

Marion Garmel, 86, died Oct. 22, 2022. Born and raised in El Paso, Texas, Marion started her career as a journalist and editor with her high school newspaper, The Tatler. She graduated with honors from the University of Texas in 1958 and began a career as the public relations liaison for the National Student Association.

After a brief stint living in Paris, she returned to the U.S. to work for the Wall Street Journal. In 1961, she became an arts reporter and theater critic — and the first female staff writer — for The National Observer, a Dow-Jones newspaper, in the Washington, D.C., area.

She moved to Indianapolis in 1970, when her husband, Raymond, took an urban planning job there. She continued her work as an award-winning newspaper reporter, critic and community volunteer.



Joline Nelson Moore Ohmart, 94, of Indianapolis, died Oct. 30, 2022. following complications from a fall.

After graduating with a journalism degree from Kansas State University, Joline spent five years in radio, first in a station in her hometown of Hutchinson, Kansas, and then in Dallas.

She got involved in various business ventures and moved to Indian-



apolis in 1967, where she became a bank executive. She eventually got involved in real estate.

Joline held several patents and was an aspiring author, with two books close to being published. One was on parenting and the other was based on her life and experiences of the glass ceiling in business.

Please remember to notify NFPW historian [Amy Geiszler-Jones](#) of the deaths of affiliate/NFPW members so that NFPW may recognize those individuals in AGENDA, E-Letter and the annual memorial service during conference. Death notices will be published in the E-Letter and an obituary in AGENDA.

E-Letter, AGENDA seek affiliate, membership news

We can't communicate what we don't know!

Please send news about your affiliates and members for inclusion in the monthly E-Letters and in AGENDA, which is the official newsletter of NFPW and is published quarterly.

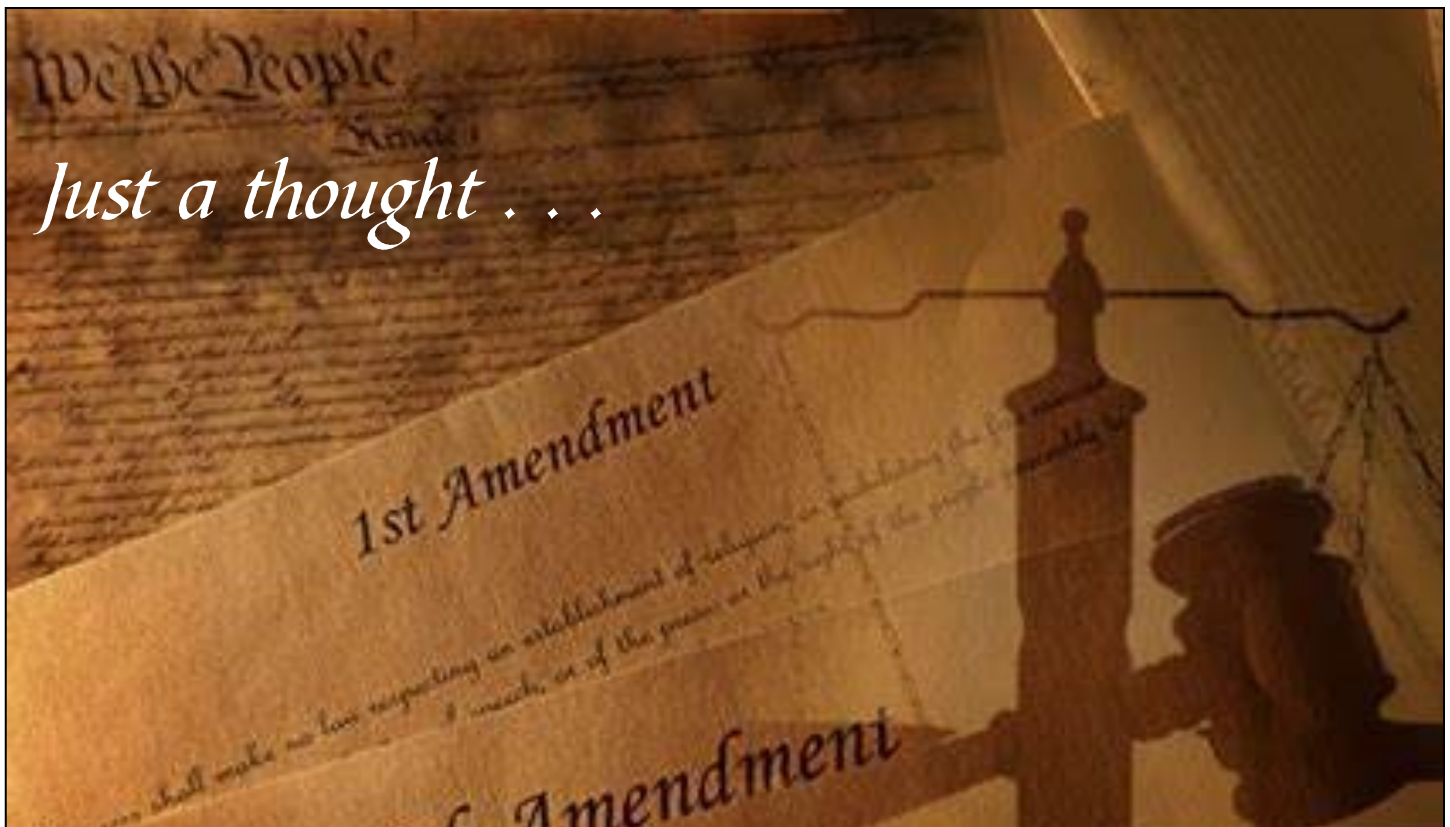
Send items for the E-Letter to president@nfpw.org. The deadline for the monthly E-Letter is the 15th of the month preceding publication.

Send items for AGENDA to cathykoon1952@gmail.com.



The 2023 NFPW Conference will be held June 22-24, 2023 in Cincinnati, Ohio!

- Location:
Graduate Cincinnati
Reserve your room
- Tours:
Day Tours will be scheduled
on Tuesday and Wednesday
before the conference
and Sunday after the conference.
Details will be available in January.
- Program:
The Conference Committee
is finalizing details



By Cathy Koon

Media Network Idaho, AGENDA Editor

I have an apology to make before I get into my FAN comments. A number of years ago, I tried to change to look of AGENDA by changing the flag on the front page to a new (supposedly more updated) font. I also switched from the all-caps format of AGENDA.

I didn't ask anyone about it, and when nobody said anything, I figured it was OK. But it wasn't. And I have struggled with every issue, knowing the flag didn't look quite right. I didn't figure it out until this issue. The new, supposedly updated font was all wrong.

As soon as I reworked it and put it back in all caps, I knew I finally got it right. It feels like an old friend has returned. So my apologies to NFPW for trying to mess with a classic. AGENDA is back.

* * * *

We the people . . . government of the people, by the people and for the people . . . freedom of the press . . .

Voltaire said it all (and I am sort of paraphrasing): I may not agree with what you say, but I will defend to the death your right to say it.

Millions have died doing just that — defending the people's right to freedom. But today we need warriors to fight the fight with pen and paper, and voices raised to

spread the message. We can't have a free society without a free press; we can't have a free press if we don't stand up for the right.

When I attended my first county commission meeting in my hometown as a reporter for eastern Idaho's biggest daily, I identified myself and sat down to take notes. Before the meeting went very far, the commissioners decided they needed to hold a closed-door session without specifying the reason for closing the procedure to the public.

I took a breath, said a silent prayer and stood up. I cited Idaho's opening meeting law and asked for the reason for the closed session and for the exact section of the law to invoke such a session. What I got were blank stares from the commissioners, the clerk and everyone else in the room. I read from the card I had been given by my editor, Teri Ehresman, and asked again for the reason.

It seems they wanted to elect a new chairman. In secret. An action not covered by Idaho law. The public had a right to the process of naming a new chairman.

This wasn't the last time I questioned the actions of public officials. But each time, I knew I was defending the public's right to know as guaranteed by the First Amendment. It's a pretty heady feeling.

NFPW Leadership Directory

2021 ELECTED OFFICERS

President:

Karen Rowley, Louisiana

Vice President:

Julie Campbell, Virginia

Secretary:

Meredith Cummings, Pennsylvania

Treasurer:

Debbie Miller, Arkansas

Immediate Past President:

Gwen Larson, Kansas

APPOINTED BOARD

Archivist:

Paula Casey, At-Large

Communicator of Achievement Director:

Karen Stensrud, North Dakota

FAN Co-Directors:

Marsha Shuler, Louisiana

Angela Smith, Texas

Historian:

Amy Geiszler-Jones, Kansas

Assistant Historian:

Mary Pat Finn-Hoag, Nebraska

Hospitality and Protocol:

Catherine Petrini, Virginia & D.C.

Parliamentarian:

Allison Stein, Missouri

POPPS President:

Mark Fowser, Delaware

Presidential Adviser — Conference Liaison:

Meg Hunt, South Carolina

Presidential Adviser — Membership:

Cynthia Price, Virginia

Presidential Adviser — Contest Director:

Teri Ehresman, Idaho

Publications Director:

Cathy Koon, Idaho

Publications Assistant:

Jane Newton Falany, Alabama

Web Director:

Cate Langley, NFPW Executive Director

2023 Conference Committee:

Meg Hunt

Richard Plotkin

Karen Rowley

Marsha Hoffman

Mary Jane Skala

Jo-Ann Huff Albers.

Ad Rates for AGENDA

- Full / Page $8.250 \times 10.625 = \$50$
- Half / Page $8.250 \times 5.175 = \$30$
- Half / Page $4.063 \times 10.637 = \$30$
- Quarter / Page $8.250 \times 2.476 = \$15$
- Quarter / Page $4.064 \times 5.2 = \$15$
- $1/8$ / Page $1.875 \times 10.563 = \$10$
- $1/8$ / Page $4.075 \times 2.476 = \$10$

Discounts are available for multiple runs of the same ad.

Ad Specifications

- Ads must be submitted in JPEG format, camera-ready.
- Design and content of ads are the responsibility of the advertiser. The AGENDA editorial staff has the final say on whether ad content is appropriate.
- Payment must be made at time of submission.
- Payment by check should be sent to NFPW Headquarters, 140B Purcellville Gateway Drive, Suite 120, Purcellville, VA 20132.
- Payment can be made by credit card over the phone (571) 295-5900.

NFPW Headquarters

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