

# How 'Tweet' it is

## Newspapers are taking advantage of social media such as Facebook and Twitter to expand their reach beyond their Web sites. We asked NCPA members to share what they are doing.



### Bill Horner, Sanford Herald

Most of our staff members have Facebook pages, so it just made sense for us to create a page for The Herald. We're closing in on 400

"fans" now with almost no promotion, many of whom used to live in our area and don't subscribe to the newspaper. Obviously we still post breaking news and promote Herald events and events held by our community partners, but we've begun to use it to tease to stories we're publishing in the newspaper in an effort to draw more traffic to our website and more readers to the physical product.

In addition to sending out Tweets about breaking news, our sports department does Twitter updates during prep football games. We use it in a lot of ways. For example, we hosted a forum for our city council candidates this week and our editor, Billy Liggett, sent out more than 20 Tweets during the event. Several of our Twitter "followers" were in the crowd and they were Tweeting as well about what the candidates were saying. Most of our news staff now have Twitter accounts and will even Tweet from meetings and news events they're covering.



### Alex Kreitman, Times-News, Burlington

We try not to flood our social networking sites with stories. We want the stories we post to be ones that people will click on and read. Some of the things that have worked best for us have been posting odd news, crime and sports stories to our personal Facebook accounts in addition to our newspaper's page. By doing this it brings our own friends and family members to our Web site and gives us a new audience, one that most likely consists of out of town folks and is not a traditional Times-News reader.

I frequently post stories about the local college, Elon University, and its football team. I'm an Elon alum and have a lot of Facebook friends who are also alumni of the university. They are interested in reading up on how the team is doing, so by posting the stories on Facebook, it delivers that content right to the user, making it more likely that they will click the story and visit our Web site.



### Jon Jimison, The Star, Shelby

We're experimenting with using Twitter as a blogging-type device for sporting events and community meetings. Our blogging of sporting events has been popular, so we want to see if Tweets can do the trick as well, particularly since you can do them on a cell phone. The jury is out.



### Barry Smith, Raleigh Bureau for Freedom newspapers

Some of my colleagues take more aggressive approaches in their use of social networking

media. In addition to driving their readers to their Web pages the way I do, they'll tweet interesting soundbites from floor or committee debate or the vote totals on significant amendments or bills.

I use Twitter and Facebook primarily to drive my social networking friends to our website to read something I've written, either a blog post, a column or an article. Occasionally, I'll let people know that I'm in a certain committee meeting covering a particular bill or issue, so that my followers will know what stories I'm working on. The response my colleagues and I have received are generally favorable. Our social networking friends say that they appreciate us keeping them informed.



### Ed Harper, The State Port Pilot, Southport

We now have 1,525 Facebook fans in the first ten weeks. We do a combination of "refers" to major coverage in the regular newspaper/e-Pilot edition; community or school event reminders - enhanced by a couple old Southport photos a week, some fish pictures, and snapshots from our riverside webcam. Clearly, it has enhanced the Pilots position as a dependable gathering place for those wanting to know what's going on here.

### Social media's legal issues

So you're Tweeting now.

Amanda Martin gives you some tips on doing it correctly.

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### ALSO INSIDE

New court ruling makes it more difficult to break those seals on some **search warrants**, John Bussian reports / Page 3

A tribute to one of the **true legends** of North Carolina newspaper history / Page 6



From the president

david@thepilot.com

# Finding our hidden assets to make money

David Woronoff

**W**ho's able to pound out a thundering editorial faster than a speeding deadline? More powerful than a printing press? Able to soothe an angry reader with a single word?

It's a doubletruck. It's a budget-beater month. No, it's Super Publisher!

Think I'm kidding? One prominent industry insider isn't joking when he compares newspapers to the comic books and insists that following their lead will be the key to our return to the top of the media mountain.

I think he's onto something. And, it's not just because we are a lot like the Man of Steel in that we fight for "truth, justice and the American Way."

Earl Wilkinson, the executive director of the International Newsmedia and Marketing Association, likes to remind folks that not too long ago, the comic book industry found itself in similar straits as us. Their target market stopped buying their products in the same numbers as they did for so many years before. Every trick they tried – from discounting to bundling – failed to stem the decline in their business.

So, all of the comic book makers got together and went through an exercise of putting all their assets on the table. Production, artistry,

creativity quickly topped the list of unique attributes to their industry. Almost as an afterthought, someone made a brilliant suggestion: the greatest asset comic books had were the dynamic *characters* they had created and nurtured for decades.

As fate would have it, that seemingly throwaway idea keyed their resurgence. They decided to license those characters – Batman, Superman, Ironman and Spiderman – to Hollywood movie studios. They made blockbuster movies and, in the process, transformed comic book companies. Shortly after the first movie hit the screens, the fast food restaurants wanted to put those characters on their products. Then, the video gamers came calling.

Now, they have reinvented themselves, stepping into phone booths to re-emerge as global multimedia marketing companies –with very small comic book divisions.

That could be our industry's future as well. That's why your board of directors decided to form a New Revenue Committee. It's ably chaired by Rocky Mount Telegram Publisher and former NCPA President Rip Woodin.

Rip and his crew have a two-pronged mission: look for ways to grow NCPA's revenues, which have

suffered from the loss of our biggest customer Embarq (now CenturyLink) as well as come up with revenue-generating ideas for our membership. We think now is the time to demonstrate the value that our membership brings and we plan on doing just that.

So, what is our hidden asset just waiting to be discovered? Is it our information-rich archives? Our valuable circulation database? Our standing in the community? Our unmatched newsgathering prowess? Our underutilized promotional firepower? Our trained local sales force? Or maybe it's some other unknown asset right under our noses.

That's what this committee will endeavor to find, and hopefully gin up several money-making ideas for all of us along the way.

At their first committee meeting, they talked about everything from creating a statewide public affairs talk show, which would be distributed on a cable channel as well as our members' Web sites, to selling sponsorships on our crossword puzzles, to creating a statewide Craig's List. We'll be making the minutes from that session available on our Web site with the hope that it might spark an idea or two from you.

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## THE NORTH CAROLINA PRESS

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Holly Johnson .....Editor  
John Pea .....Managing Editor

The North Carolina Press is published by the North Carolina Press Association, 5171 Glenwood Avenue, Suite 364, Raleigh, NC 27612; (919) 787-7443.

**Want to contribute?** NCPA encourages members to submit items or stories of interest for publication. The easiest way is to e-mail to john@ncpress.com. Deadline for contributions is the 15th day of the month preceding the publication month.

The **basic subscription rate** of \$24 a year is included in members' dues.

For **address changes**, contact the NCPA office.



### North Carolina Press Association Mission Statement

- To protect First Amendment freedoms; to keep public meetings and public records open; to keep the entire state government process accessible to the public.
- To promote thorough communications among members and to encourage membership growth and activity.
- To maintain high industry standards.
- To represent the business interests of North Carolina newspapers.
- To promote literacy throughout the state.



### North Carolina Press Services Mission Statement

- To maintain an innovative, profitable sales and marketing program that promotes and enhances the total newspaper industry.

Lindsay Webster .....NCPA Marketing Director  
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John Bussian

# Opening sealed search warrants a hard task

**I**t's still a steep climb in North Carolina to open sealed search warrants.

The North Carolina Court of Appeals ruled Oct. 6 that a Wake County court's decision to seal a pre-arrest search warrant for 30 days should stand. Appeals Judges Beasley, McGee and Hunter unanimously ruled that although the Wake County Superior Court incorrectly applied a section of the state Public Records Law, its 30-day seal was justified under a separate Public Records Law provision.

The upshot: absent the N.C. Supreme Court overturning the Appeals Court's decision, search warrants may be sealed to protect an ongoing criminal investigation or the litigant's right to a fair trial. Those were the reasons the Superior Court cited when the warrants were sealed.

The case arose when *The News & Observer* and WRAL-TV challenged an order sealing search warrants in the wake of the 2008 suspected murder of Nancy Cooper. Cary Police had applied to the Superior Court for three warrants to search people, premises and vehicles and supported the applications with the usual "probable cause" affidavits.

The Superior Court responded by issuing an order, on its own and without conducting a hearing to allow those opposing the proposed sealing order to be heard, based upon G. S. Section 132-1.4(k).

That Section of the N.C. Public Records Law says that search warrants that have been served by law enforcement agencies are public record and may be withheld only when sealed by court order.

The N.C. Supreme Court previously held in the fabled Virmani case that state courts have the discretion to seal otherwise public records before them when "openness normally required of our government will be

more harmful than hurtful." N.C. statutes therefore properly allow search warrant sealing, according to the Oct 6 decision.

So the arguments state press interests made in trying to lift the sealing orders in the Cooper case came down to the reasons offered by the Wake County Superior Court to justify sealing the warrants at the outset.

The Superior Court went off course, the Court of Appeals said, when it invoked Section 132-1.4(e)'s list of permitted reasons for sealing: 1) a threat to fair trial rights, or 2) a threat to an ongoing criminal investigation posed by opening the search warrant materials to public inspection.

The Appeals Court found that this Public Records Law section only applies to police records normally open to immediate public inspection, like arrest reports, identity of persons charged, circumstances of an arrest, 911 recordings and police scanner transmissions. Section 132-1.4(e) is not designed to allow sealing of search warrants as part of the section's reach.

Still, the Appeals Court found another way to uphold the Superior Court sealing orders.

The Appeals Court ruled that the original provision of the Public Records Law (above) that generally provides for sealing of search warrants that have been served allowed the trial court judge to seal the Nancy Cooper warrants for the same reasons the trial court offered, even if the wrong section of the Public Records Act was used to support the sealing orders.

At the end of the day, any party claiming a threat to fair trial rights or to an ongoing criminal investigation can apply for and, if a proper evidentiary showing is made, can secure at least a temporary sealing order. It is a fair bet that more state court litigants will seek more such

orders in the wake of the Appeals Court's decision. (Requirements for sealing search warrant materials in federal courts make the exercise more difficult.)

The Appeals Court opinion is a hard read in some respects. But at least one positive comes through loudly and clearly: sealing orders, though potentially constitutional and in line with North Carolina Public Records Law, cannot be open-ended.

Federal courts and the N.C. Supreme Court have said repeatedly that any court faced with a request to seal court records, including search warrant materials in cases that have yet to be filed, must consider less restrictive alternatives to sealing the records indefinitely.

Keeping with the state media's experience in other cases predating the Nancy Cooper investigation, convincing the trial judge to put a fuse on an initial sealing order or maintaining a previous sealing order may be the best way to ensure eventual public access to sealed court records. And so it was that the Appeals Court emphasized that sealing for 30 days, but no more, was within constitutional and statutory bounds.

NCPA members fare remarkably well in smoking out sealing orders in criminal investigations before and after arrests are made. But without federal or N.C. Supreme pronouncement of a First Amendment or state constitutional right to see search warrant materials prior to an arrest in a criminal investigation, it will continue to be difficult to lift orders sealing search warrants materials once they orders are in place.

The latest decision shows just how tough a path the press has to follow to opening search warrants and preserving a fundamental right to monitor the government's use of warrants.



Amanda Martin

From the NCPA/NCPS General Counsel

amartin@eghs.com

# Being 'social' online? Better follow these rules

I am not on Facebook. I waste a lot of time as it is, and the last thing I need is another way to avoid doing things I really need to do.

Though I keep putting off the inevitable, I know I will cave in eventually and join the millions using Facebook, if for no reason other than the fact that legal issues related to Facebook keep popping up.

Because we increasingly are getting calls on the Hotline about Facebook, I thought I would use this space to address some of the issues you might face as reporting and publishing intersects with social networking sites.

With any new technology, there always is a lag on emerging legal issues making their way into courts, and Facebook is no exception.

Though Facebook reports 300 million users worldwide, there are only 15 reported appellate cases in which Facebook is a party. There are only 74 such cases in which Facebook is even mentioned. So there are many issues that have not been decided or even addressed, but there are a handful of emerging principles.

Here are some things for you to consider:

Facebook's terms of use require members to limit their use of the service "solely for your personal, non-commercial use," so use in connection with investigating and reporting the news theoretically is a violation of a strict interpretation of the terms of use.

Clearly, though, that term is not being enforced as a myriad of companies become Facebook members and use Facebook sites to promote their businesses.

Nonetheless, you should make the decision to use Facebook knowingly and realize that if you get into a dispute with Facebook, your position is

compromised if you are not abiding by the terms of use. The odds of facing off with Facebook may be slim, while the odds of a dispute with third parties, including other Facebook users, probably are greater.

Suppose you are covering a story about a scandal involving a school teacher. Your reporter finds compromising postings and photographs on the teacher's Facebook page. Can you reprint the photo? Can you report the information you find?

Owing to a 1976 change in the copyright law, virtually everything created – a photograph, a blog posting, or a letter to your mother – is protected by copyright laws. No one can sue without registering, but parties can register post facto, meaning you must get permission before you use a picture you find online.

As for the text that is posted, though the form of expression may be copyrighted, facts cannot. So you are free to use information you learn from almost any source, provided you are not essentially copying it verbatim. (You may have noticed information that appears in your morning newspaper popping up in morning drive-time radio programming. That's why.)

So if our teacher has posted comments about the attractive students in his second period Latin class, you can report that. If the teacher has posted a picture from his summer vacation, you may not be able to use that.

No doubt you have heard the term "fair use." That is the principle by which you may publish even copyrighted materials without running afoul of the law.

The fair use exception to the copyright restrictions establishes four relevant factors: the nature of the use (i.e. is it a commercial use?); the nature of the copyrighted work (i.e. is a published novel from which the author is deriving significant in-

come, or is it a blog posting with little commercial value?); the amount of the work that is used (quoting a few passages from a novel is less likely to cause legal trouble than republishing a poem in its entirety); and the effect of your use on the market for the copyrighted work.

The fair use doctrine is likely to offer the best protection for most investigative and news reporting uses of copyrighted information. Though I hope your newspaper is making money (a difficult proposition in these times), the publication of a newspaper is not a "commercial use," even if you are showing a profit.

It is a First Amendment-protected activity, so your use will be protected in that regard. Moreover, you will not be republishing John Grisham's latest novel. You will be selecting for publication the most salient information from sources that most likely are not commercial and have no income value at all.

For these reasons, most uses of information by a newspaper will qualify as fair use.

Similar questions arise with regard to publishing the comments posted by third parties on a Facebook member's site or on your own paper's Facebook site. Again, at a threshold level, those comments are protected by the copyright laws, but you probably have protection under fair use principles to reprint those comments in the context of your coverage of a news story.

Beware, however; fair use may apply differently to photographs you find online, whether on Facebook or elsewhere.

First, almost by definition, you will be using the copyrighted work in its entirety. Also, there may be some commercial value in photographs even when there is no com-

## Martin

Continued from Page 4

mercial value in the text that accompanies the photo. So your starting proposition should be that photos you find online are off limits unless you first get permission.

There may be occasions, though, that even photographs are fair game under the fair use doctrine. If the photograph itself becomes central to a story, you may be able to use it.

For example, suppose Balloon Boy father Richard Heene had posted on his Facebook page a photograph that in some way demonstrated how he planned to create an illusion that his son was aboard his “flying saucer.”

That photograph itself would be newsworthy and at the heart of the current investigation of the possibility of a balloon boy hoax, so you would have strong arguments that your use of the photo was fair use.

By contrast, if a freelance photographer posted online a picture he shot showing Richard Heene giving his son Falcon a boost up into the garage attic for his two-hour stay, that picture by a professional photographer would have great commercial value, and you should not republish it without a license.

Separate from copyright issues, you will be wise to look with a critical eye before publishing information you learn through Facebook.

There have been at least two suits arising from fake Facebook profiles. One suit is against Facebook; the other is against the fake poster. In any event, a reporter might end up with egg on his face (or worse, the defen-

## Woronoff

Continued from Page 2

Please give Rip or me a call with any thoughts you have to grow our revenues or if you are interested in joining the committee.

It's during tough times like these that I look for clarity in the wisdom of the 20th Century philosopher, Yogi Berra, who once opined “The future ain't what it used to be.”

Things aren't that bad. After all, we're not losing ads to any other medium. The ads are just disappearing. My feeling is that most – but not all – of that revenue will return to newspapers once the economy eases.

In fact, noted newspaper consultant Gordon Borrell, who claims to have predicted the Great Recession that we're all suffering through, projects newspaper revenues will rise ever so slightly over the next five years – allowing the industry to gain back a bit of market share.

Borrell predicts that the worst is behind us and that radio, direct mail and directory business have a world of hurt heading their way over the next five years. It's worth noting that Borrell was only talking about our print revenue. Any gains in our online operations will be added to our growth.

Because of this, I remain more optimistic about the future. In fact, I would sum up my attitude by quoting another great thinker – the men of that 1980s guilty pleasure Timbuk 3 – and their one-hit wonder, “The future's so bright I gotta wear shades.”

dant in a lawsuit) if she relies on a fake Facebook page.

If our hypothetical accused teacher proves that his supposed Facebook page — compromising pictures, text and all – were created and published by his ex-wife in an effort to gain an advantage in a child custody battle, a newspaper would have no protection against a libel suit for articles based on the false Facebook page.

So you must use all the same investigative practices to verify Facebook information as you would use to verify information provided by other sources or anonymously slipped over the transom.

Finally, if your newspaper is on Facebook, you are right to have concerns about controlling your content. The terms of use grant Facebook “an irrevocable, perpetual, non-exclusive, transferable, fully paid, worldwide license” to use your content in whatever way Facebook chooses.

That does not mean that third parties can “steal” your work any more than you can steal others', but it means that if Facebook chooses to, Facebook can do virtually anything it wants with the content you post. So think carefully about what you want to put on your paper's Facebook page.

As technology evolves, legal issues will evolve, so no article can anticipate every question that will arise. I'm sure I will be available to you via Facebook eventually, but in the meanwhile, you can reach me with all your publishing questions by old-fashioned mail, email (amartin@eghs.com) or phone (919-833-3833).

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# A lion of N.C. newspapers dies

W. Horace Carter, a legend in North Carolina newspaper history, died Sept. 16 at the age of 88. He launched *The Tabor City Tribune* in 1946 (later renamed the *Tabor-Loris Tribune*). Best known as one of the editors who stood up to the Ku Klux Klan, his paper earned a Pulitzer Prize. Despite all the national honors, Carter was committed to his small community.

In his self-written obituary he told readers: "Everyone likes to leave something in this world that survives after he has gone. My hope is that this weekly newspaper will live forever and have as its goal service to mankind without fear or favor."

Below is a sampling of what others had to say about Horace Carter:

One of my colleagues – indeed, one of my heroes – died on Sept. 16. I never met Horace Carter, longtime publisher of *The Tabor City Tribune*, but his influence has been felt well beyond his circulation area. Carter ... died a week after suffering a heart attack, but the heart he had for doing the right thing – regardless of potential consequences – will live on.

– **David Brown, publisher of the Cherokee Scout**

A few days ago, one of the lions of North Carolina newspaper culture died: Horace Carter. As a young (UNC) university graduate, he moved to Tabor City near the South Carolina line and started a small community newspaper. Before long, he had built a solid business ... and won the Pulitzer Prize for risking it all by standing up to the Ku Klux Klan. – **D.G. Martin, columnist**

It takes a courageous person with a strong moral compass to risk personal safety and community scorn

for doing the right thing. Horace Carter was such a man. He was a credit to the profession of journalism. As publisher of the *Tabor City Tribune*, he took on the Ku Klux Klan when it was a formidable force in some communities. – **Star-News of Wilmington editorial**



I am so sorry for the loss of Horace Carter. Sorry for his family. Sorry for the Tabor-Loris community. Most sorry that his passing will blow out the candle of the light he shed on the world with his writings and editorials. – **Dr. Frederick Hamilton, Tribune columnist for 12 years.**

It must be said that Carter held all

his life the idealism of his youth, as many of his generation in journalism did, and his crusades for right did not begin and end with the Klan. Always in his newspaper he stood up for the "little guy" and did not hesitate to question the powers-that-be. – **News & Observer editorial**

## Margaret Taylor Harper

Margaret Taylor Harper, 92, of Southport died Oct. 11 at Duke University

Medical Center of complications following a stroke.

She was married to James M. Harper



Jr., publisher of *The State Port Pilot* newspaper, who preceded her in death in 1994. She edited the Southport newspaper during a period of World War II when her husband was in service, and served as executive secretary of the North Carolina Press Association from 1969 to 1978. She is a member of the North Carolina Journalism Hall of Fame.

She was also known in North Carolina for her active role in politics.

The courage of a small-town publisher in taking on the Klan must not be underestimated. It's one thing for a news organization with corporate support and a reputation for investigative journalism to mount such a campaign. It's quite another thing for the editor of a small paper to take on some of his mean-spirited neighbors to rid the community of a divisive and lawless force. Everything goes on the line. – **Charlotte Observer columnist Jack Betts**

I never heard him boast of his accomplishments, but I knew of his many successes. When he offered compliments on news reporting or editorial positions, I considered his kind words to be the highest form of praise. – **Deuce Niven, associate publisher/editor, Tabor-Loris Tribune**

# News of North Carolina newspaper people



Bell

**Ronnie E. Bell** has been named publisher at the *Harrison (Ark.) Daily Times*. He's been the publisher of the *Daily Herald* of Roanoke Rapids for 12 years.

Wilson native **Shana Bogue** is the new sales and marketing director of *The Wilson Times*. She replaces **Gayle Smith** who is now the advertising director of the *Post & Courier* of Charleston, S.C.

**John Bussian**, NCPA Legislative and First Amendment Counsel, has been reappointed chairman of the Southern Newspaper Publishers Association's First Amendment



Bogue



Bussian

Committee.

**Stephanie Creech** has been named night editor of *The Wilson Times*. She has been a staff writer for the paper for 12 years.

**Mary Schulken** has been named interim editor of *The Wilson Times*. She was an associate editor at *The Charlotte Observer*.

**Hal Tanner III**, general manager of *The Goldsboro News-Argus*, has been named chairman of SNPA's Education for Journalists Committee for 2009-2010. Tanner was also elected to a three-year term



Creech



Schulken

on the SNPA Board of Directors.

NCPA's immediate past president, **Rick Thames**, received the Distinguished Alumni Award from Pfeiffer University during the school's 2009 Homecoming. Thames is editor of *The Charlotte Observer*.

**Mosby L. "Chip" Wigginton Jr.** is the new publisher for *The Daily Southerner* at Tarboro. He was last with the Lakeway Publishers of Virginia, a group of seven weekly newspapers.



Tanner



Thames



Wigginton



Summerlin

## Deaths

**Rachel Scott Barden**, 57, long-time copy editor for *The Herald-Sun* of Durham, died Aug. 20.

**Christy C. Bulkeley**, 67, the first woman to be named CEO of a Gannett newspaper and former vice president of the Gannett Foundation died Sept. 13. She lived in Sanford for the past 15 years.

**Eloise Grady**, 92, columnist for *The Butner-Creedmoor News*, died July 20.

**George Summerlin**, 73, former publisher of *The Mount Airy News*, died Oct. 17 in Morehead City.

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## CALENDAR

**Nov. 4-6**  
 Classified Advertising Conference and the Circulation/ Distribution Conference at Myrtle Beach, S.C.

**March 14-20, 2010:**  
 Sunshine Week

**March 18, 2010**  
 NCPA Winter Institute and annual meeting, Dean Dome, Chapel Hill

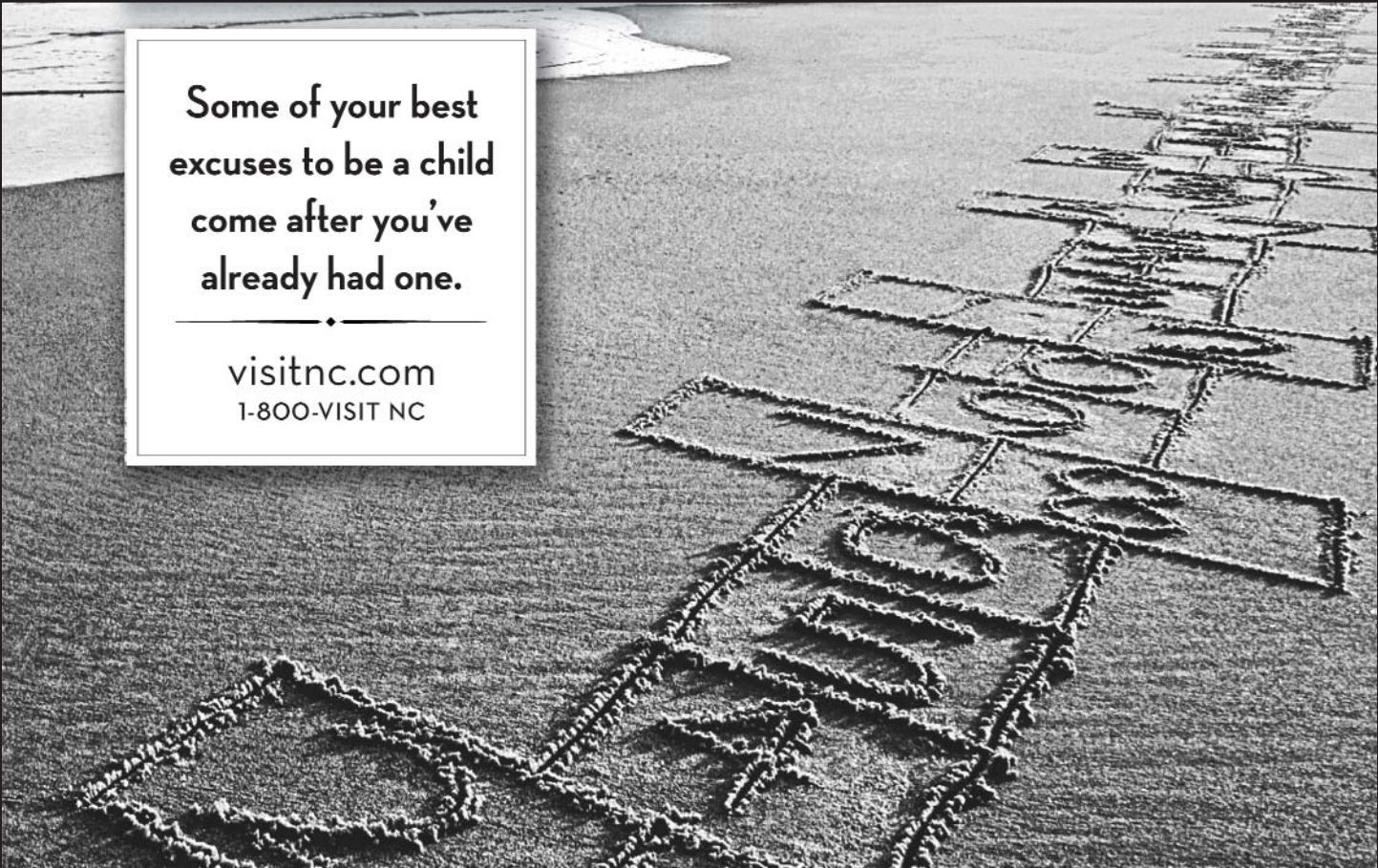
## Editorial contest update

More than 4,000 entries were received this year in the News, Editorial & Photojournalism Contest. By the time you receive this newsletter, those entries will be on their way to this year's judges.

**A big note for the 2010 contest:** We are working on converting to an all-online submission of contest entries for next year. That means you may want to review your electronic archiving of news pages now so that you don't get caught with nothing to enter. Watch for more details on this.

North Carolina Press Association  
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