

reports & events along the way -- thru 1994, when "441,528 cases of AIDS have been reported in the US; over 250,000 are dead."

Developed by GMHC, brochure is intended to "serve as a brief chronicle, as a guide, a remembrance & an impetus. This booklet reminds us that, in the midst of violent loss, there have been accomplishments. Community-based organizations, among them GMHC, made public health history, contributing to far-reaching changes in sexual behavior."

BEHAVIORAL PR TECHNIQUES COMPLEMENT PRINT

GMHC's **buddy system** set an example for the

world. Its **AIDS Hotline**, which began on a volunteer's home phone machine & received 100 calls the first night, now handles as many as 60,000 calls a year. Organization **helped pass** the Americans with Disabilities Act & NYState's HIV confidentiality law.

"We are still fighting on a daily basis for drugs & education & against the discrimination, criminal neglect & hate that have allowed this disease to flourish," writes Stephen Soba, comms coord, in a letter introducing the brochure. (Copy from GMHC, 129 W 20th st NYC 10011-3629; 212/807-6664)

ITEMS OF IMPORTANCE TO PROFESSIONALS

PRISON FOR LOBBYIST A SIGN OF THE TIMES? Lobbyist working for John Hancock Mutual Life Insurance (Boston) has been sentenced to one year in federal prison & ordered to pay \$11,000 in fines for entertaining state lawmakers. Prosecutors charged him with stealing the "honest services" of legislators without directly bribing them or gaining quid pro quo legislative favors in return, according to media reports. Many in the capitol corridors see this as "ethics overkill," believe accused was singled out to show laws on lobbying will be enforced. FBI reports show he spent \$30,000+ over an 8-yr period treating legislators to green fees at elite golf courses, theater tickets & meals above the state's \$50/occasion limit. As of Jan 1, laws ban lobbyists from buying legislators meals, drinks or entertainment.

NEW CASE STUDY RESOURCE FOR HEALTHCARE PRACTITIONERS: *Going for the Touchstone Gold* is a compilation of award-winning programs implemented by hospitals, healthcare systems & pharmaceuticals. 20 detailed summaries explain the objective, research, program & results of each award winner in areas such as AIDS, crisis communications, physician referral, positioning, publications audit, & others. (\$35 for ASHCMPR mbrs; \$50 nonmbrs. To order: 800/AHA-2626, request Item #C-136400; by mail, 312/422-3738 to request an order form)

WHO'S WHO IN PUBLIC RELATIONS

"RETIRED." Lew Armistead (dpr, National Ass'n of Secondary School Principals, Reston, Va) effective June 30 -- then on to do some consulting, etc.

DIED. Robert Bliss. Served as PRSA's first exec dir from '49-'56 when PRSA grew from 600 to 2,300 mbrs nationally. Was a founding mbr of IPRA & later its pres ('65-'68).

USE OF PUBLICITY REPRINTS NOW LEGALLY RISKY

"Fair use" of media clippings is a sticky wicket. 4/17 t&t about the Texaco case raised "the issue & practice of many pr firms of copying story placements for use in press kits, as trade show hand-outs & the like," notes David Marriott, sr vp/mng dir of Elgin Syferd DDB Needham (Seattle). Are expensive reprints from copyright holders the prudent course here?

A LAWYER'S ADVICE

1. "It's the commercial nature of the use which is quite deadly," Mary Luria, partner, Patterson, Belknap, Webb & Tyler (NYC), told prr. The 1st Amendment argument -- that you want to increase communications by passing it along to a 3rd person who has not yet seen it -- won't work if the underlying reason for sending it is commercial. "At least it makes the 1st Amendment argument much more difficult."
2. A number of publications are registered with **Copyright Clearance Center** (CCC) -- NYTimes, WSJ, Washington Post & some general interest biz mags like Business Week & Forbes. This is the CCC's "new frontier." Previously they were used by technical, medical & scientific periodicals, notes Diane Moriarty, also with the law firm.
3. "Everybody should be talking to their lawyer about what they do," thanks to the Texaco case. "And its message is if there's a way for someone to cash in on this and you choose to make the copy for commercial use & not pay, you've got trouble. And it's hard to argue that pr firms are not making commercial use" in press kits, handouts, mailings etc.
4. "Only possible argument is that there is a general understanding in the industry that pr firms [or dep'ts] do this all the time & noting the kind of use -- which is after the "first use," i.e. after the magazine or newspaper has gotten its normal return. Everyone has known about this & no one has challenged it. Maybe you can argue that it's okay & you don't need permission." But, notes Luria, "it's risky to take this view."
5. If you do continue this practice, often what happens is someone like CCC will send you a letter asking you to stop. Only when people say "no" is

Since the decision, Texaco is asking the Supreme Court to review "and tell the 2nd circuit court they were wrong." If the Supreme Court chooses to look at it, a decision probably won't be made till spring '96. In the meantime, the 2nd circuit court's decision stands.

there likely to be a lawsuit. "Advance warnings aren't required. In most cases, tho, you'll get one because lawsuits are expensive for everybody. But don't rest on that assurance."

6. **Video/audio clipping also at risk.** There are a group of cases that find this infringes the copyright of the tv/radio stations. So a firm that makes video/audio clips for its clients "clearly violates the law by engaging in copyright infringement." The client may or may not, depending on how it uses the clips.

WHAT SHOULD YOU DO?

- A. **Explore licenses with CCC.** There are blanket agreements based on what you do over a year with publications CCC represents, that give a fair amount of leeway with what you copy.
- B. **Be aware of the problem & talk to your lawyer** who knows your specific needs & practices.
- C. **What the lawyer does.** "When one of my partners is mentioned in a newspaper article & I decide to make copies for the purpose of sending it to our clients or distributing it at one of our teaching conferences, I ask the newspaper or CCC for 1) the right to reprint or 2) to buy reprints from them. I would not do it otherwise because I would feel I was engaging in copyright infringement. I would advise pr firms to do this as well." (For copy of 4/17 t&t, call or fax prr)

JOURNALIST CHARTS WHY MEDIA DON'T REACH LARGE AUDIENCES

"At a time when there are more media outlets providing more news & information than ever before, why is so little of it getting thru to a sizeable segment of the population?" asks Howard Kurtz in the WashPost.

"The plain fact is," he concludes, "that much of the American public has simply tuned out the news -- that is, the kind of traditional news, heavily laden with politicians & official proceedings, routinely covered by the mainstream press. Some of this lack of interest may stem from the way media organizations define & package the news, **news that many people find irrelevant to their daily lives.**"

In addition, he suggests:

- Well paid **journalists have lost touch** with average people -- identifying more with elites
- **A growing sense of alienation** from the political system -- "and the belief that the major media are an integral part of that system (see Kettering Foundation's study, prr 1/25/93)
- Media **emphasis on conflict** sheds more heat than light
- Public affairs is covered as **an insiders' game** where deviousness reigns

- Media are viewed as **"a willing conveyor belt for propaganda"** with media offering no "refereeing function"

CURRENT CASE ILLUSTRATES THE FALLOUT FOR PRACTITIONERS

With diminished reportorial staffs, mountains of syndicated stuff & pack journalism, Kurtz' claim of "more news & info" may be in error -- as Dow Corning pr staff found in trying to get critical facts about the breast implant controversy covered. E.g. that when both UK & Australian gov'ts reviewed all the medical studies, they could find no link between silicon gel & human damage. Thus they put implants back on the market. Japan never removed them.

Failing to find any interest by US media in carrying the story -- even tho FDA has had the same studies all along -- the company was forced to an expensive ad blitz. In Texas, notorious for its justice system (life in prison for a marijuana offense), Dow Corning could get no one to cover the direct financial links independent researchers found between judges & plaintiffs' trial lawyers. And this is the "good gov't" material the media brag so much about exposing.

"Here's what some people don't want you to know about breast implants" -- the ad's headline -- was made necessary by a tenet of "media marketing": if the popular perception is that implants are dangerous, don't cover the other side. That is, pander to your audience.

Another place where journalists part company with reality is their attitude toward practitioners. Up to 80% of media content is suggested by, researched by or otherwise aided by pr -- yet a Scripps Howard News Service Mothers Day column offers this gratuitous insult as its lead & central theme:

"If America's mothers employed a public relations firm, it would have been working overtime.... Fortunately, however, mothers do not require the services of Madison Avenue (sic) to burnish their collective image. For while mothers may enjoy no inherent immunity from the world's craziness, as a group they day-in and day-out enhance their reputation better than any army of paid shills ever could." Can't wait to see the Christmas column!

SUBJECT, HANDLING DETERMINE WHETHER PUB'NS STILL VALUABLE

"A Pocket History of AIDS & Gay Men's Health Crisis" is powerful in its just-the-facts approach. 8-1/2 x 22", 5-fold (6-panel), blue on white, printed front & back booklet begins with 1981 when "152 cases of the mysterious new disease have been reported in the US." Chronicles findings,

"The he-said-she-said style of journalism minimizes the likelihood the public will know **whether he or she is telling the truth,**" says Kathleen Hall Jamison, dean, Annenberg School of Communications (U Penn).