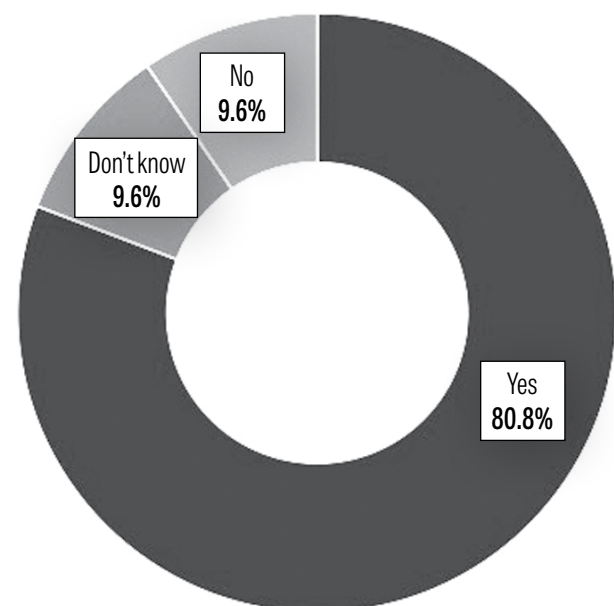


ONLINE POLL:

Do you think it's taking too long for the YMCA to be demolished?



This poll reflects the opinions of 104 respondents. Visit www.state-journal.com to take part in today's poll.

EDITORIAL

Prepare for winter travel ahead of time

With winter now officially upon us, the Kentucky Transportation Cabinet is advising motorists to prepare for inclement weather and the possibility of having to travel ahead of time.

The Transportation Operations Center, which is located in Frankfort, is staffed 24 hours a day and distributes information to KYTC's 12 highway district offices across the commonwealth.

When inclement winter weather is in the forecast, the transportation cabinet recommends that residents avoid non-essential travel if at all possible so that KYTC district crews patrol and treat routes.

However, if you must travel, it's important to keep in mind the following tips:

- ▶ Check the forecast and plan your trip accordingly.
- ▶ Make sure your vehicle is sufficiently winterized — check the battery, antifreeze level, heater, defroster, wipers and windshield washer.
- ▶ Dress warmly for the weather — in layers of loose-fitting, lightweight clothing, in anticipation of unexpected emergencies.
- ▶ Try to keep your gas tank at least two-thirds full to prevent fuel line freezing and in preparation for possible lengthy delays on the roadway.
- ▶ Clear all windows on your vehicle prior to travel — having unobstructed vision is vital to avoid running off of the road or having a collision.
- ▶ Make sure a friend or relative is aware of your travel route.
- ▶ Carry a cellphone.
- ▶ Make sure your vehicle has an emergency care kit. It should include jumper cables, flares or reflectors, windshield washer fluid, an ice scraper, blankets, non-perishable food, a first aid kit and traction material.
- ▶ Drive carefully. Allow plenty of time to get to your destination. Do not use cruise control.
- ▶ Give a wide berth to snow removal equipment.
- ▶ Bridges and exit and entrance ramps can be icy when other areas are not.
- ▶ Stopping in snow requires more braking distance than stopping on dry pavement — up to four times more distance. Leave plenty of distance between yourself and the vehicle ahead.
- ▶ Be visible. Dull, cloudy days reduce visibility — drive using low-beam headlights.
- ▶ Steer into the skid. Stay calm and ease your foot off the gas while carefully steering in the direction you want the front of your vehicle to go.

For travel resources including traffic information and priority route maps, visit www.snowky.ky.gov or Waze. To view the National Weather Service forecast, visit the National Weather Service website.

Be safe this winter by preparing for possible inclement weather ahead of time.

'Like déjà vu all over again'

Kentucky Kernel Managing Editor Casey Sebastiano reports that the University of Kentucky has denied the newspaper's request for records identifying "non-UK student guests of Chellgren Hall on Sept. 20, 2024," and of any occasion where Chase McGuire, who has been charged with rape and attempted strangulation of a student in that resident hall, has "signed into a residence hall this academic year."

Feels a bit "like déjà vu all over again," to quote the late, great New York Yankees coach, Yogi Berra.

The request "was filed as part of a Kernel investigation of residence hall visitation protocol compliance following the arrest of Chase McGuire, who was charged with rape and attempted strangulation of a UK student on Sept. 25."

In its narrowly worded request, the newspaper asked for "records the university may have of non-UK student guests of Chellgren Hall on Sept. 20 and of any occasion where McGuire signed into a residence hall this academic year."

Having apparently learned very little about prioritizing "branding" over "a safe environment [in which] students live and learn," UK's Open Records Office argued that "providing records of non-UK student guests would be 'considered an invasion of personal privacy' [and that] the records requested were considered 'preliminary' and therefore exempt."

It's denial also violated the five day period of limitation for responding to an open records request. UK did, it appears, take a lesson from the recent Kentucky Supreme Court ruling in

Shively Police Department v Courier Journal Inc. The university avoided invocation of the "open



Amye Bensenhaver
Guest columnist

law enforcement investigation and prospective enforcement action" exception to the open records law. This was likely because McGuire's investigation and prosecution is out of its hands — a lesson it learned in 1992's University of Kentucky v. Courier-Journal. Or it might have been because it recognized it would be impossible to articulate actual harm to McGuire's investigation/prosecution from premature disclosure of records reflecting university compliance with residence hall visitation protocol compliance.

Or the university might have been "amphibious...hit[ting] from both sides of the plate," to again quote the legendary Yankees coach.

What is clear is that UK failed to weigh the competing public interest — as Kentucky's courts have admonished it to do — in monitoring university compliance with residence hall policy to ensure a safe student environment against the unspecified "invasion of personal privacy" to determine if the invasion of privacy resulting from release of sign in sheets was "clearly unwarranted."

It was not.

Further, we question the application of the preliminary documents excepts — which exists to shield a public agency's pre-decisional, deliberative records — shields residence hall sign in sheets. There are, to our knowledge, no prior Kentucky Attorney

General's open records decisions on the issue of access to public university residence hall sign in sheets — perhaps video — and certainly no Kentucky caselaw.

But construing the preliminary documents exceptions strictly, as the open records law requires us to do, we can only conclude that their invocation here is a stretch — and a colossal one at best.

The responsive records are not preliminary documents.

This leads us to ask if we are on the cusp of another protracted legal battle pitting the University of Kentucky against The Kernel — a battle that will almost certainly end in the University's defeat following years of legal wrangling (and the expenditure of taxpayer dollars to defend its specious position — not to mention yet more damage to its tarnished "brand").

The Kernel is resolute:

"Our first obligation as journalists is to the truth and our loyalty is to the people. The students have a right to know if protocols are being followed in dorms."

How entrenched the university is in its position remains to be seen. The Kernel has asked that it reconsider its denial. Will it concede defeat and depart the field, or, to again quote the venerable Coach Berra, continue to make "too many wrong mistakes?"

Amye Bensenhaver is a retired assistant attorney general who authored open records and open meetings decisions in that office for 25 years. She is co-founder and co-director of the Kentucky Open Government Coalition along with Jennifer P. Brown, former editor of the Kentucky New Era and currently Hoptown Chronicle editor. She can be reached at missbhaver@gmail.com.

LETTER

ISRAEL, U.S. REJECTING GENOCIDE ACCUSATION

Dear editor,

The human rights organization Amnesty International has issued a nearly 300-page report concluding that Israel is committing genocide against Palestinians in the Gaza Strip.

Israel and the United States have both rejected this accusation.

However, Amnesty International is not alone in reaching this determination.

Amos Goldberg, a Holocaust and genocide researcher at the Hebrew University of Jerusalem, has also concluded that Israel's actions in Gaza constitute genocide.

Goldberg asserts: "What is happening in Gaza is genocide because the level and pace of indiscriminate killing, destruction, mass expulsions, displacement, famine, executions, the wiping out of cultural and religious institutions ... and the sweeping dehumanization of the Palestinians — create an overall picture of genocide, of a deliberate conscious crushing of Palestinian existence in Gaza."

Yet perhaps the most compelling account of Israeli's genocide in Gaza has been compiled by Is-

raeli historian Lee Mordechai, an associate professor at Hebrew University.

Mordechai's 124 page report, "Bearing Witness to the Israel-Gaza War," is corroborated by a massive database, with over 1,400 footnotes linking to eyewitness testimonies, videos, photos, articles and investigative reports documenting atrocities by Israeli forces in the Gaza Strip.

The chapters in the report include "The Massacre of Palestinians," "Causing Deaths of Civilian Populations," "Dehumanization" and "Ethnic Cleansing." According to Mordechai, "The enormous amount of evidence I have seen ... has been enough for me to believe that Israel is committing genocide against the Palestinian population in Gaza."

The United States Holocaust Memorial Museum is the United States' official memorial to the Holocaust, and it is located on the National Mall in Washington, D.C.

The museum teaches genocide prevention and it emphasizes that heeding warning signs and taking early action can save lives.

Does our government fail to adhere to these principles when the perpetrator is a U.S. ally?

*Terry Hansen
Milwaukee*

SUBMIT LETTERS TO THE EDITOR

The State Journal encourages readers to submit letters to the editor. Letters should be the original work of the author, no form letters, and be fewer than 330 words. The State Journal reserves the right to edit letters for grammar and brevity. To submit a letter email letters@state-journal.com. Please provide an address and phone number with the submission for verification purposes only.

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