

February 2002



TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Newsletter

2002: Ready to Make A Difference

Not many of us would like to repeat 2001! We are delighted to put 2001 behind us. Uncertain economic times in 2001, advertising sales down, dwindling circulation, staff cutbacks and of course, the horrific attack on our country are just a few of the reasons all of us would like to put 2001 behind us.

Depending on who you listen to, many predict a rebound in the economy in 2002 that certainly will spell good news for newspapers. As you may know, several sectionals cancelled or postponed their annual conference after September 11, 2001 but the Texas Circulation Management Association decided to press on with our planned conference. Although attendance was not as expected, those in attendance would agree that TCMA had a super conference. Our legal counsel Mike Zinser, said it best, "The terrorists win if you were to cancel your conference."

TCMA is not planning on cutting any conferences in 2002! In fact, Second Vice-President **Steve Jordan**, is putting the finishing touches on a spring seminar to be held in May in Austin Texas. This year's seminar will be held at the Omni Southpark Hotel, a few blocks from the previous Holiday Inn location. There is more information in this edition of the Newsletter.

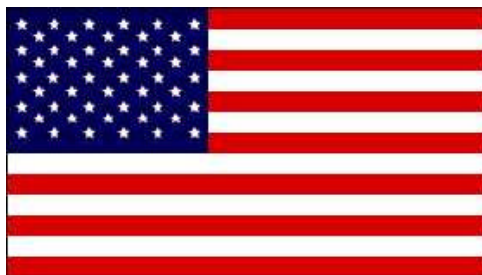
President **Paul Jauma** has already begun work on the Annual Conference to be held in Houston on October 7-9, 2002. He has enlisted help from the Houston Chronicle Circulation staff as well as the Marketing Department at the Chronicle. A special President's Dinner will be held at the new Houston Texan's Reliant Energy Park field. A buffet dinner will be held at the stadium followed by a tour of the new stadium. A sneak at the program promises to capture your interest with information to help you grow your circulation.

The board is delighted to have five new Regional Directors who will help recruit new TCMA members and help disseminate TCMA information to newspapers in their region.

Support your association this year! Commit now to participate in the seminar, the carrier of the year competition and the annual conference. With all we have been through, we need the networking of each other to make 2002 a banner year.

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Paperhandlers Decertify in Tampa!

Paperhandling employees at The Tampa Tribune on January 17, 2002, voted 5 to 3 to end representation by GCIU Local 180. Publisher Steve Weaver told the employees he was a fair man - give him a chance in a union-free environment. And they did!

Waging a high communication campaign of videos, posters, buttons, hats, letters to the home, and group meetings, the employees were persuaded to throw out the union that had represented them for decades. The union used fear tactics, claiming management would layoff employees, and in various ways retaliate after decertification. The union obviously lacked credibility.

Management waged a positive campaign of fairness, dignity and respect ("FDR"). To add humor to the election, the Company gave away fortune cookies with custom messages such as "Confucius say Vote No."

Congratulations to Operations Director Greg Stewart, his production management team and the employees! Editor's note: The Tampa Tribune was represented by The Zinser Law Firm.

Newspaper Free-Lancers Are Independent Contractors

The NLRB, at the Regional level, ruled that 21 free-lance correspondents who write for The Union Leader are independ-

ent contractors, foiling an organizing attempt of a Guild local. In making the contractor ruling, the NLRB Regional Director relied on the following factors: While the NLRB ruled that regularity of compensation and substantial dependence on earnings from the newspaper were factors of employment, the many factors of contractor status carried more weight. The union has appealed.

Atlanta's Newsrack Scheme Found Unconstitutional

The U. S. Court of Appeals for the Eleventh Circuit held that the City of Atlanta violated the First Amendment by enacting a newsrack confiscation and permitting scheme at Hartsfield International Airport.

The City's plan 1) required publishers to pay a monthly \$20.00 fee to use City-owned newsracks in the Airport, on which the City placed advertisements for Coca-Cola; 2) prohibited publishers from displaying their own logos on the City-owned newsracks; 3) confiscated privately-owned newsracks; and 4) allowed the City to prohibit the use of newsracks by any publisher without cause, in order to foster viewpoint diversity.

The court found the City's plan unconstitutional on several grounds. First, the court found that the City has no right to require publishers to associate their products with Coca-Cola. Second, the City did not establish that the \$20.00 fee covered

solely administrative costs of regulating the newsracks. Third, the City's goal of fostering viewpoint diversity is not a legitimate reason to censor speech. Last, the plan impermissibly gives the City unbridled power to censor speech.

"No good deed goes unpunished"

The California Court of Appeal (Fifth Appellate District) reversed a jury award of over \$500,000 for negligence and ruled that an employee was limited to workers' comp for injuries sustained while visiting coworkers at work on her day off. Wright was an excellent employee. She came to work on her day off to sign a condolence card and contribute money for two other employees who had lost family members. While there, she instinctively assisted two others to catch a collapsing shelf and injured her back in the process.

Wright tried to rely upon an exception that precludes workers' comp for injuries arising out of voluntary participation in off-duty recreational, social or athletic activities. The court rejected that, stating, "Wright's actions in assisting her coworkers were taken in furtherance of her employer's business and were reasonably expected by her employer." Commenting on the case, the court stated, "A prominent American playwright, journalist and political figure, Claire Boothe Luce, once said 'no good deed goes unpunished.' These words seem especially pertinent"

Our Newest Members!

Through February 5, 2002

| | |
|--------------------|------------------------------|
| Gwen King | Beaumont Enterprise |
| Larry Walker | Bryan-College Station Eagle |
| Sonia Burke | Corpus Christi Caller-Times |
| Tom Cardozo | Corpus Christi Caller-Times |
| Abe Gonzalez | Corpus Christi Caller-Times |
| Gail Mills | Corpus Christi Caller-Times |
| Mike Fillner | Fort Worth Star-Telegram |
| Terry Foley | Fort Worth Star-Telegram |
| Jack McDowell | Fort Worth Star-Telegram |
| Greg O'Donnell | Fort Worth Star-Telegram |
| Wendy Stane | Fort Worth Star-Telegram |
| Lisa Davis | Houston Chronicle |
| Jeremy Westerfield | New Braunfels Herald-Zeitung |
| Ron O'Neal | Parade Magazine |
| James Gordanier | Plainview Daily Herald |
| Paul Allison | San Antonio Express-News |
| Gurney King | San Antonio Express-News |
| William LaTurco | The Monitor |
| Jim Greenleaf | USA Today |
| Rusty Hall | Valley Morning Star |

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| | |
|-------------------------------|-----------------------|
| Ginger Nolte (South) | (361) 886-3612 |
| Corpus Christi Caller-Times | |
| Dolan Stidom (North) | (817) 215-2204 |
| Fort Worth Star-Telegram | |
| Gary Wamsley (West) | (915) 687-9002 |
| Midland Reporter-Telegram | |
| Sharon Mertz (Central) | (903) 872-3931 |
| Corsicana Sun | |
| Steve Hill (East) | (866) 876-8378 |
| Investor's Business Daily | |



Texas Roundup!

Welcome to Texas!

Frank Maier, former Circulation Manager at the American Press in Lake Charles, Louisiana, is now Circulation Manager at the Huntsville Times in Huntsville, Texas.

Texas Moves

Timothy Solt, former Circulation Manager with the Conroe Courier, is now a sales manager with Church, Rikards, and Whitlock. Moving to the Conroe Courier as Circulation Manager is **Melvin Lonon**, previously Circulation Manager at the Baytown Sun.

Spring Seminar

Now is the time to make your hotel reservations for the Spring Seminar to be held in Austin May 9-10, 2002. Check out the web site for room rates and telephone numbers.

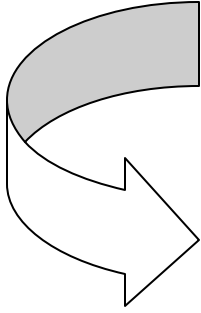
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Texas Circulation
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TCMA Newsletter
February 2002

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IT'S JUST AROUND THE CORNER!

**2002
TCMA
Spring Training Seminar**

**May 9-10, 2002
in Austin Texas at the
Omni Southpark Hotel
512 448 2222**

**Two half-day sessions starting at
1:00 p.m., Thursday, May 9, 2002 and ending at noon, Friday, May 10, 2002.**

This year features an outstanding line-up of speakers, covering issues of importance to publishers and circulators from all markets.

Lawrence Smith, Home Delivery Circulation Director for *The Houston Chronicle* will share his secrets to **Successful Goal Setting**.

Always entertaining and informative, **Michael Zinser** will present an update on **Legal Issues** affecting newspapers today.

Ginger Nolte, *Corpus Christi Caller-Times*, **Tyler Patton**, *Odessa American* and **John Hensley**, *Houston Chronicle*, representing small, medium and large newspapers, will host a forum to discuss **Subscriber Retention**.

The new 25% rule and other **ABC Changes** will be explained by **Diane Rusnak**, ABC's Publisher Relations Manager.

Share your hot ideas and discuss those nagging problems with other T.C.M.A. members at the **Hot Ideas & Solutions breakfast hosted by Steve Hill** with *Investors Business Daily*.

Learn the art of **Carrier Relations** from **Julian McMurrey**, the 2001 T.C.M.A. Independent Contractor of the Year.

WATCH YOUR MAIL FOR MORE INFORMATION COMING TO YOU SOON!

Up-to-date information available on the web site

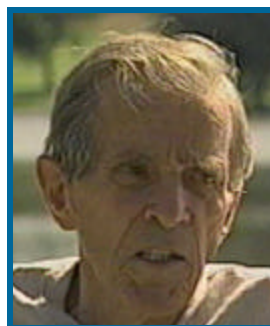
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1999 Carrier of the Year Dies

John McBride, 1999 Carrier of the Year in the Under 200 route size category, died on January 9, 2002. John was an active carrier at the Amarillo Globe-News in Amarillo, Texas at the time of his death. He delivered his route in a Lincoln Continental. He was 83.



Graveside services were held at Memory Gardens Cemetery with Monsignor Joseph Tash of St. Thomas the Apostle Catholic Church officiating. Mr. McBride was born Sept. 16, 1918, in Wichita Falls. He was a World War II veteran and served in the Army in Italy from Dec. 8, 1941, to Oct. 4, 1945. He was decorated with the European-African-Middle Eastern Campaign Medal with five bronze stars and a Good Conduct Medal.


Survivors include his wife; a daughter, Mary Lisa Thorne and husband, Andy, of Amarillo; two sons, George F. McBride and wife, Sarah, of Mississippi and Gary McBride of Amarillo; a brother, Jasper McBride of Pampa; and seven grandchildren.

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