

Dallas Morning News Fly Off Racks

We've run out of newspapers, as collectors from throughout the Dallas region have grabbed up the edition, chronicling Barack Obama's historic election victory.

We've printed 60,000 more, and we're distributing them as fast as we can. We're stocking these extra copies in our biggest chain sales locations: Wal-Mart, 7-Eleven, Tetco, QuikTrip; Racetrac, Tom Thumb, Minyard's and Kroger.

In the meantime, news racks have been stripped clean. Stacks are gone from stores. Since

early morning, there's been a steady stream of folks driving down to buy a copy at our building, at Young and Houston streets in downtown Dallas

One veteran of our circulation department said, "I've been in this business 43 years and have never seen anything like this. 9-11, Shuttle crash, Super Bowl wins, nothing matches this kind of interest."

Here's a question: Why do so many of you want to save this newspaper?

On one level, I know, it's a dumb question. But why a hoarded copy of the

hometown newspaper as your way of preserving this historic moment?

"This is going to show my 4-year-old that she can grow up to be the president," said Alisa Norris, 40, of DeSoto. "This is historic." She said she drove from Arlington to East Dallas in search of a copy before heading to our office, where she bought 10. She plans to frame one.

Patricia Clark, 50, from Maine, said she'll keep the paper in a trunk, along with other memorable editions.

Source: *trailblazers-blog.dallasnews.com*

Win a Free 2009 Conference Registration

The 2009 Membership Renewal Notices are included with this edition of the *Lone Star Review*. Simply return your membership renewal notice with your renewal payment by **January 15, 2009**, and you will be entered in a drawing to have your 2009 Conference Registration paid by the Association! Would you like a second chance? Sign up a paid new member to TCMA and be sure to include your name as the person who recommended the new member and you will earn a second chance in the free registration drawing. Remember, the new member's membership fee must also be received and paid by January 15, 2009.

Inside this issue:

Carrier of the Year	2
Zinser Law Light	3
2009 Conference	5
Buyers Guide Update	5
Tex-Trude Fire	5
TCMA Sponsors	6

Special points of interest:

- Membership Renewal Notices due January 30, 2009
- Join TCMA online at www.texascoma.org
- Carrier of the Year videos/DVD due January 1, 2009
- 2009 Conference
March 9-11, 2009
San Antonio Texas

Carrier of the Year Finalists



Mike Arnold
TCMA First Vice President
COTY Chairperson

Mike Arnold, TCMA First Vice President presided over the 2009 Carrier of the Year Competition. The competition started earlier than normal this year due to the March 2009 conference date in San Antonio.

This year the Association added a convenient feature to encourage members to submit their COTY application by using the online form on the TCMA web site. Applications submitted online were delivered to J W Smith, Webmaster, who then took the data and provided a form with the application to Mike Arnold in Corpus Christi, Texas.

Mike reported the Association received 28 applications from seven newspapers including:

- The Austin American-Statesman; Corpus Christi Caller-Times
- Dallas Morning News; Fort Worth Star-Telegram; Houston Chronicle;
- Longview News Journal; San Antonio Express-News

From the applications received Mike and his team selected two finalists from each of the four categories. Each finalist received a check for \$200.00 from TCMA and instructions on how to proceed to the next step of creating a biographical DVD/VHS tape from which the Board of Directors will select the winners.

The winning carriers will be invited to a dinner held in their honor at the 2009 TCMA Conference in San Antonio, Texas, on March 10, 2009.

The finalist are:

Under 200 Category

- | | |
|----------------|-----------------------------|
| Carrie Tedford | Fort Worth Star-Telegram |
| Tomisita Morin | Corpus Christi Caller-Times |

Over 200 Category

- | | |
|---------------------|-----------------------|
| David Smitherman | Longview News-Journal |
| Charlotte McMillian | Houston Chronicle |

Single Copy Category

- | | |
|---------------------|-----------------------------|
| James Reed | Austin American-Statesman |
| Richard Gilando, Jr | Corpus Christi Caller-Times |

District Manager/Contractor

- | | |
|---------------|---------------------------|
| Carlos Joffre | Austin American-Statesman |
| John Harbison | Fort Worth Star-Telegram |

Mike reported the Association received 28 applications from seven newspapers.

Employee Free Choice Act (EFCA)



L. Michael Zinser
Founding Partner
The Zinser Law Firm

Nothing is more cherished and established in our society than a secret ballot election after a vigorous campaign on the issues.



Zinser Law Firm
Nashville, TN

This update is unlike any other. The 2008 election looms large for the newspaper industry. There is an “under the radar” issue that is absolutely critical to the industry’s continued prosperity and viability. What I am talking about is a piece of legislation in Washington called the Employee Free Choice Act (EFCA.) That legislation, which if enacted, would eliminate employees’ and company’s’ right to a secret ballot election during a union election. This poses a clear and present danger to the future viability of a fast changing newspaper industry (and business in general in the United States in a global economy.)

According to the Bureau of National Affairs, today unions only represent 7.4% of employees in the private sector. That overall percentage is probably less in the newspaper industry. The reason for this is that employees in the newspaper industry most often reject representation by unions. In fact, in recent years thousands of employees who were represented by unions have filed decertification petitions and have gotten rid of them.

Nothing is more cherished and established in our society than a secret ballot election after a vigorous campaign on the issues. In union election campaigns, once that vigorous debate occurs, unions are losing most of the elections. Unions are not fairing well with democracy and a fair election process. This piece of legislation that is misnamed the Employee Free Choice Act is organized labor’s latest and most egregious attempt to eliminate democracy and impose unionism on workers everywhere, whether they want it or not.

A better name for this piece of legislation would be the “Employees Frequently Coerced Act!” Even today, without this new horrendous piece of legislation, unions engage in many forms of coercion, misrepresentation, and false promises in an effort to get employees to sign union authorization cards. These strong arming methods include telling employees the following:

- Signing an authorization card only represents the employee’s attendance at a union meeting.
- Temporary employees will be hired as full-time regulars, if they sign an authorization card.
- If you do not sign a card, your spouse will be fired.
- If management finds out you are gay, you will be fired; your only hope is to sign a union card.
- If you sign a card, we will have your supervisors fired.
- If you do not sign a card, you will be fired if the union gets in.
- If you do not sign a card, you will lose your health benefits.
- If you do not sign a card, you will lose your 401(k).
- If you sign a card, that only means you will be sent information about the union.
- If you sign the authorization card, the union will help you get a green card.

In addition to all of these coercive and threatening statements, unions have:

- Continued to “hound” employees to sign a card after the employee said no.
- Sent union organizers to employee’s homes, hounding the employees to sign a card after they had told the union “no.”
- Called employees as many as four times in one night, in an effort to get them to sign a card.

Under current case law, if the authorization cards are numerous enough to cause an election, these employees who are coerced can go and cast a secret ballot and still vote their conscience. If the Employee Free Choice Act passes, that will not be possible. It will be a “gotcha” situation and coercion and the threat of retribution by unions will reign. After intimidating and coercing people to sign cards, if a union gets a majority to sign cards, the Employer must recognize and bargain with the union. It is hard to fathom just how undemocratic this is until you are saddled with a union under rules as unfair and one sided as those proposed under the so called Employee Free Choice Act.

The Impact of EFCA

EFCA will make it easy for unions to organize your employees by allowing them to circumvent the secret ballot election process; it will significantly reduce Employer bargaining power by giving arbitrators authority to set the terms of first time contracts; and it will impose significantly harsher monetary penalties on Employers who commit unfair labor practices during union organizing campaigns or negotiations for a first contract.

This proposed legislation eliminates the free and open debate on labor-management issues and a secret ballot election. Employees are also deprived of the freedom of the debate that occurs in the campaign before a secret ballot election. Organized labor does not want the employees to hear the other side of the issue. They do not want employees to ever hear the disadvantages of unions. The bright light of the First Amendment is a powerful thing, illuminating all of the pluses and minuses of unionization. Organized labor wants to turn off that light. EFCA helps them do just that.

The Employee Free Choice Act would also change the way the first contracts are negotiated. If the Employer and union are not able to reach an Agreement on the terms of a contract within 90 days, either party may request mediation through the Federal Mediation and Conciliation Service. If within 30 days after mediation is requested the parties still have not agreed upon a first contract, the dispute then must be referred to an arbitrator. The arbitrator will then get to write the initial contract terms. The arbitrator’s decision will be binding on the parties for a period of two years, unless amended during that period by the parties. This process will greatly reduce newspaper Employers’ bargaining power that they now enjoy during negotiations. This process will no doubt result in unions inflating their contract proposals (especially with respect to wages). Unions will know that, at best, an arbitrator is likely to settle on a compromise basis somewhere between the Employer’s and union’s proposals.

The Employee Free Choice Act also provides for significant penalties against Employers who commit unfair labor practices during organizing campaigns or during bargaining for first time contracts. Employees discharged during these periods can recover back pay, plus two times that amount as liquidated damages; the Act also provides for substantial fines of up to \$20,000.00 per violation against Employers; and requires the Board to seek a federal court injunction whenever there is reasonable cause to believe an Employer has committed an unfair labor practice during the relevant period. Companies’ legal costs will likely increase under EFCA.

Action Plan

My advice: Fight to stop this hostile takeover of your human resources. The passage of the so-called Employee Free Choice Act will be ruinous for the newspaper industry at such a critical time in its long and illustrious history. In this period of transition, newspapers need maximum flexibility to adapt to the current advertising environment. Newspaper employers do not need to be required to sit down and bargain with a labor union over every change that needs to take place quickly in an ever-changing environment.

For me, this is truly personal. I care deeply about the newspaper industry. I care deeply about your ability to compete in this ever-changing environment. I care deeply about the free enterprise system and I care about your businesses. The passage of this law will be an abomination. Let’s work together to stop it!

San Antonio Conference

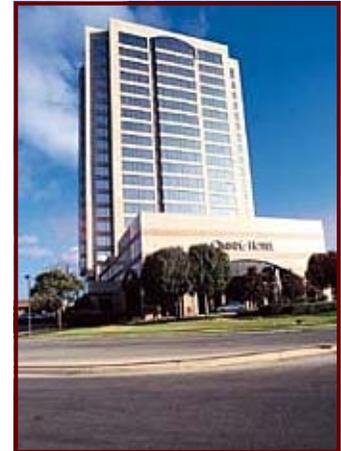
Make plans NOW to be in San Antonio on March 9-11, 2009, for the 2009 TCMA Annual Conference. *The San Antonio Express-News* will be our host newspaper.

We will be meeting at the Omni at the Colonnade. The Omni Hotel is providing us with a conference rate of \$115 for a

single and \$125 for a double. The hotel has complimentary parking. The Omni is just minutes away from downtown on I-10 at the Wurzbach exit.

Go to the Conference page on the TCMA web site for links to the hotel and a link to the San Antonio Convention Bureau. This will be an excellent

city for you to bring your spouse and spend the weekend before the conference. There is always something to do in San Antonio. Use the handy link to the Omni site from the TCMA web site to make your reservations online.



Omni at the Colonnade
San Antonio, Texas

Buyers Guide Update

TCMA values the support of our Associate Members. Each year we publish a buyer's guide in conjunction with the annual conference.

In response to our vendors, TCMA will provide an invoice/order form

that will include your ad space, booth space, registration fee, etc all on one form. This one-stop shopping experience will give you the assurance everything is in order with just one payment. If you would like to keep your

buyers guide order/invoice and registration separate, we will handle that, too.

Buyer's guide order/invoices will be mailed in early December with a **January 15, 2009** deadline.

Tex-Trude Warehouse Fire

Tex-Trude Plastics, a long time TCMA supporter, lost their warehouse to a fire in Channelview that continued to burn for over 24 hours. The fire was reported at 2:30 on Saturday afternoon November 8, 2008,

and according to the fire department, each of the warehouses was full of highly combustible plastic pellets in cardboard and metal totes. As many as 150 firefighters from 12 fire departments battled the blaze. "There was an

explosion and then a couple more explosions. But everyone was safe, and everyone got out fine," said Katie Nettles Lyons, from Tex-Trude. Wayne Brune, TCMA Member, has served on the TCMA Board of Directors.

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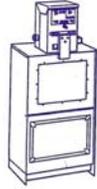
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