

# President's Pen

Mike Arnold

During the past eight months we have seen dramatic changes in the newspaper industry. We have seen newspapers close; *The Rocky Mountain News*, *The Seattle Post-Intelligencer* and most recently the *Tucson Citizen*. We have also witnessed the cut back of delivery days with the *Detroit Free Press* and *Detroit News* going to three days a week along with numerous other papers across the country eliminating specific days. Furloughs, buyouts and pay cuts are terms that have become all too familiar to our industry.



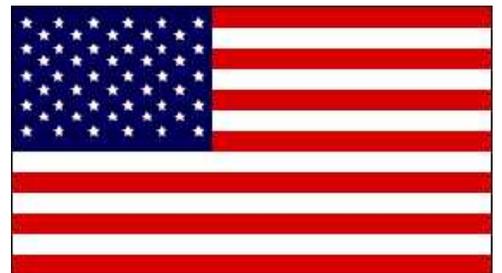
The question is: Have we hit bottom? Is the worst over? That remains to be seen and time will tell. The naysayers will tell you the newspaper industry is dead and print editions will go away. But the fact remains that people are still buying newspapers. At the 2009 TCMA Conference the theme was about change and that's what we have seen over these past months. Some of the change has been painful but also necessary to ensure our existence. I believe that we will continue to change our industry and I also believe that we will endure these rough times and come out stronger, still printing and delivering what the public wants - a newspaper in their hands to read on a daily basis.

As with many other sectionals and professional newspaper organizations, TCMA also has been affected. We have read about other organizations within the newspaper industry choosing to cancel conferences or make other significant changes. In 2009, we were the first conference and even though attendance was affected in these tough economic times, we had a great program. **Mark Medici**, from the *Dallas Morning News*, spoke about retention and acquisition and was very insightful. **Larry Martin** discussed the challenges of dealing with the ever growing issue of city rack ordinances. **Mike Zinser** provided us with insight into upcoming battles on Capitol Hill and the **Sisters of Savings** provided us with wonderful ideas on how to reach more subscribers with coupons. The COTY Banquet was again a great success and we honored some wonderful carriers for their efforts. We would also like to thank the *San Antonio Ex-*

*(Continued on page 3)*

### Inside this issue:

Zinser Law Firm	2
Our Newest Members	3
2009 Conference Appreciation	4
2009 Carrier of the Year	5
TCMA Newsletter Sponsors	6





**L. Michael Zinser**  
**TCMA Legal Counsel**  
**Zinser Law Firm**  
**Nashville, TN**

***On March 9, 2009, the Employee Free Choice Act (EFCA) was reintroduced into Congress. I have written my Senators the following letter, expressing what I perceive to be problems:***

**RE: SENATE BILL 560 AND HOUSE BILL 1409**

Dear Senator Corker:

As my representative, I am writing you to urge you to use your very best efforts to prevent the passage of the above-referenced bills known as the Employee Free Choice Act. This proposed legislation has nothing to do with "free choice." The legislation, which is probably unconstitutional, virtually eliminates the secret ballot election in union organizing drives, takes away the employer's First Amendment rights to communicate to its employees about unions, and places the writing of collective bargaining agreements in the hands of third party arbitrators.

**The Secret Ballot** – Nothing is more cherished and traditional in American society than a secret ballot election after a vigorous debate on the issues. That is how you came to office as my representative. You owe your power and position to the secret ballot. How can you possibly even consider voting to eliminate a secret ballot for employees in a union organizing situation? No less an authority than the United States Supreme Court has called the secret ballot the "hard-won right to vote one's conscience without fear of retaliation." Congressman George Miller of California, EFCA's lead sponsor in the House of Representatives, previously signed a letter to the government of Mexico urging Mexico to recognize that, "The secret ballot is absolutely necessary . . . to ensure that workers are not intimidated into voting for a union they might not otherwise choose." Why is the secret ballot absolutely necessary for Mexican workers but not workers in the United States of America?

The real issue here is that only about 7.5% of the private sector workforce is union represented, down from nearly 21% in the mid-seventies. On average, the NLRB schedules an election, under current law, within 42 days of the filing of an election petition by a union. After hearing the vigorous debate on the pros and cons of unionism, employees vote by secret ballot. The real rub here is that unions are not faring well in the debate.

**The First Amendment** – Under EFCA, that vigorous debate on the issues in the 42 days before the election is eliminated. If secret ballot elections are eliminated, then unions will not be required to file an election petition, and the employer will not get automatic notice that an organizing drive is underway. Organizing will be by stealth. The employer will lose its First Amendment right to speak to employees about the many real and legitimate reasons why they should choose not to unionize.

Under EFCA, the union can choose to never notify those employees it perceives as against the union. Under current law, all employees view and hear the debate and have a voice, via secret ballot, on union representation. The union organizers will be behind the scenes visiting employees at homes or other places to pressure them to sign an authorization card on the spot, in front of co-workers. Employees will be put on the spot, publicly. Employees will lose the anonymity of the secret ballot cast behind the curtain. If the union succeeds in pressuring a majority to sign authorization cards, the employer must recognize the union under EFCA. Those employees never have the opportunity to hear from the employer about the other side of the issue.

The unions claim they want to eliminate voter intimidation. That is baloney. They want a monopoly on it! In a key decision upholding the secret ballot in union elections, the Supreme Court described card check as "inherently unreliable" because of the "natural inclination of most people to avoid stands which appear to be

*(Continued on page 3)*

(Continued from page 2)

nonconformist and antagonistic to friends and fellow employees.”

I urge you to vote against EFCA and preserve the First Amendment rights of employers to communicate with their employees prior to a secret ballot election. Most importantly, all employees will benefit by the debate now permitted under current law.

**Binding Arbitration** – Under EFCA, if the company and union have not concluded a first-time collective bargaining agreement after approximately 120 days, an arbitrator writes the parties’ first contract. This contract is for a mandatory two years. EFCA places no limitations on what an arbitrator may place into the contract. This process of letting an arbitrator write the parties’ first contract is equally as evil as eliminating the secret ballot election. Today, under current law, the company and the union write the contract. In previous decisions the National Labor Relations Board itself has noted that it often takes as long as 12 months for a company and union to reach a first-time contract. Under EFCA, the parties are only given 120 days before an arbitrator takes over.

In the business world norm, freedom of contract prevails. In any business setting where two parties are negotiating any kind of agreement, sometimes impasse results. Sometimes the parties just cannot reach an agreement because one party is being unreasonable. EFCA rewards a weak union for being totally unreasonable for 120 days so that it can turn over the writing of the first contract to a third party arbitrator. EFCA takes away the bargaining power of an employer and places that same employer at the mercy of a third party arbitrator.

I sincerely hope you will vote against EFCA. Thank you for your consideration of my views.

Sincerely,  
L. Michael Zinser

*I urge you to write a similar letter. At the present time the bill appears to be stalled in the Senate. We must watch this on a week-to-week basis. Your letter will help tremendously! **Editors note: [A copy of this letter is available for download on the TCMA web site.](#) Look for the link on the online version of this article.***

**L Michael Zinser is a guest columnist for the Lone Star Review.**

(Continued from page 1)

press-News for being a wonderful host.

As always, we would especially like to thank our many sponsors and vendors for their support of TCMA.

In the coming months the board will be meeting to discuss the changes that need to take place to ensure that TCMA remains a strong professional organization. We want to continue providing members with valuable and insightful information, as well as networking opportunities in our industry. We will also be discussing plans for next year’s events. We will make announcements as soon as we have plans in place.

I would like to close by leaving you with this: Change is not always seen or accepted as a positive except by those with a vision and a willingness to succeed. As we have seen over the last months we must be willing to change and adapt to the ever changing environment in order to survive.

This year was TCMA’s Ninety-fifth Annual Conference. Rest assured that we will change and adapt to continue the long history and tradition of this organization.



**Mike Arnold**

## **Our Newest Members!**

- |               |                              |
|---------------|------------------------------|
| Rich Brest    | Ron Dino Promotions          |
| Nancy Bacher  | NIE Solutions                |
| Kelly Johnson | Austin<br>American-Statesman |

# WELCOME

## **Thank you, Vendors**

The Associate Members (Vendors) supporting TCMA by hosting a booth in the Vendor Room are an important part of the Conference each year.

This effort is no small accomplishment. Our vendors travel a great distance and some even ship products to the hotel for our attendees to view. It can be expensive on the part of the vendor to be a part of the TCMA Conference.

You can show your support for the vendors by giving their companies an opportunity to do business with your newspaper. All they want is an opportunity to give your newspaper a quote or an opportunity to show your newspaper how they can save you money. You may not be the purchaser of circulation supplies but you can talk to your purchasing personnel and give them the names of the vendors who support TCMA.

### **Our 2009 Conference Vendors:**

**Barden Circulation**  
**Circulation Technicians**  
**Continental Products**  
**GoalGetters, Inc.**  
**GP Plastics**  
**Hamilton Circulation Supplies**  
**K-Jack Engineering Co., Inc**  
**Kaspar Sho-Rack**  
**NIE Solutions**  
**OSG Billing**  
**PDI Plastics**  
**RAK Systems, Inc.**  
**Ron Dino Promotions**  
**Route Smart Technologies**  
**Schermerhorn Bros.**  
**Telereach, Inc.**  
**The Pisa Group**

## **Thank you, Sponsors**

Each year the Board of Directors solicits sponsorships from our vendors to make the conference possible. Their generous contributions enable TCMA to provide an affordable registration fee for our newspaper members. Keep your Buyer's Guide handy and when you need circulation supplies, please give our sponsors an opportunity to meet your needs. And while you are talking to them, be sure to thank them for supporting TCMA.

We had additional sponsors that supported the Conference after the Buyer's Guide was printed. The following is a complete list of the 2009 Conference Sponsors:

### **Platinum:**

**Wilson Gregory Agency**

### **Gold:**

**K-Jack Engineering Co., Inc**

### **Silver:**

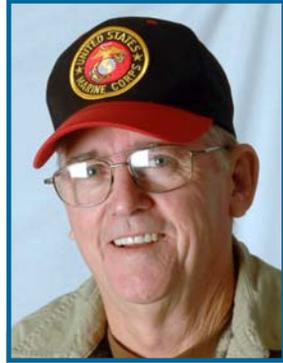
**Schermerhorn Bros**  
**Kaspar Sho-Rack**  
**GP Plastics**  
**Circulation Technicians**  
**PDI Plastics**

### **Bronze:**

**Learning More Cir Idea**  
**Hamilton Circulation**



# 2009 Carrier of the Year Winners



**Tomasita Morin**

**David Smitherman**

**James Reed**

**Carlos Joffre**

**Corpus Christi  
Caller-Times**

**Under 200 Route Size**

**Longview**

**News-Journal**

**Over 200 Route Size**

**Austin**

**American-Statesman**

**Single Copy**

**Austin**

**American-Statesman**

**District Manager/Contractor**



During the Carrier of the Year Banquet that was held at the 2009 Conference, the winner in each category was presented a check for \$300.00 and a framed certificate from the Governor of the State of Texas.

To see the Carrier of the Year Winners and a list of the Finalists in each category, log on to [www.texascma.org](http://www.texascma.org).

Watch the Carrier of the Year videos again or for the first time! The COTY videos are embedded on the TCMA web site. Go to [www.texascma.org](http://www.texascma.org) and click on the Carrier of the Year page. The COTY videos for 2007 and 2008 can also be seen by selecting the link at the top of the Carrier of the Year web page.

## Membership

Has your TCMA Membership lapsed or did you forget to renew for 2009? It's not too late! Check out the Membership page on the web site. If your name is missing, we missed your renewal!

Renew your membership or join TCMA for the balance of 2009 for only **\$25.00!** Go to the TCMA membership web page. Complete the **Apply for Membership** form and then use your credit card to renew your membership or to join TCMA for 2009.

**Pay Now**



# TCMA Lone Star Review Sponsors

**Circulation III, Inc.**  
Newspaper Sales

**John V. Dinan III**  
President

2636 Walnut Hill Lane  
Suite 205  
Dallas, TX 75229  
Phone: 214-352-1123  
Toll-Free: 800-650-7183  
Fax: 214-956-0876  
Email: jdinan@circulationiii.com  
www.circulationiii.com



**METROnews**  
NEWSPAPER TELESERVICES

150 Dalton Avenue  
Desoto, TX 75115

**Eric Southward**  
VP/Marketing  
eric@Metro-News.com

972.227.6170  
972.218.9609 Fax

www.Metro-News.com

**THE PISA GROUP, INC.**  
The Newspaper Telemarketing Company

636.940.2200 : Office  
636.724.6911 : Fax  
888.940.2200 : Toll Free

**John Pisa**  
President

johnpisa@thepisagroup.com : Email  
2120 Collier Corporate Pkwy.  
St. Charles, MO 63303  
www.thepisagroup.com

**"Marketing Specialists for the Newspaper Industry"**

With over 20 Years of experience, commitment, and proven track records that continue to increase despite the decline in newspaper circulation, BCI stands strong with over 10 solid, satisfied newspaper clients across the country that we represent. With our *link and drive-to-door* programs, we have discovered the in and outs of reaching our clients target with impact, with continued gains in sales production, and increased newspaper revenue for our clients. Your goal is our priority. *Bon Barden, President*

**BCI Corporate Office**  
8930 Fourwinds Ste #100  
San Antonio TX 78239  
Phone: (210) 857-9100  
Fax: (210) 488-9008  
Email: [rbarden@bardencirculation.com](mailto:rbarden@bardencirculation.com)



**Gurney King**  
800-778-0903  
gking@niesolutions.com

**Fax: 866-553-9030**  
8301 Broadway Ste 219  
San Antonio, TX 78209-2066



*Funding your NIE program at no cost to your Newspaper*

**PDI**  
PLASTICS

5037 Pine Creek Drive  
Westerville, Ohio 43081  
614-890-0343  
800-634-0017  
www.pdisaneck.com  
A Division of The Cannon Group

**Steve Weidenheft**  
Regional Sales Manager  
713-515-3106 Cell  
steveweidenheft@sbcglobal.net

**Margaret Hazeltine**  
Regional Sales Manager  
800-522-3443  
Fax: 480-816-4236  
mehazeltine@aol.com

**Richard W. Hively**  
President

**Wilson Gregory**  
AGENCY, INC.

rick@wilsongregory.com  
717.901.0770 Direct

2309 Market St PO Box 8  
Camp Hill, PA 17001-0008  
P: 717.730.9777  
F: 717.730.9328  
www.WilsonGregory.com

**ROGGEN MANAGEMENT CONSULTANTS, INC.**

- New Distribution & Zoning Strategies
- Delivery Cost Reduction
- Contractor Fee Formulas
- Scheduling On-Time Delivery

Call Mark Roggen at: (800) 676-4436



**Introducing Eco-Cycle**  
recyclable, environmentally responsible newspaper bags.

Encourage your subscribers to recycle their bags instead of throwing them away.

1-800-325-0216 www.continentalproducts.com



**RouteSmart**  
TECHNOLOGIES

*The world's most intelligent routing system.*

Jason Fry (800) 977-7284  
www.routesmart.com

**GP Plastics Corporation**

**Sherry Brumley**  
Territory Manager

13375 Branchview Ln. Phone: 800-527-9459  
Farmers Branch, TX 75234 Fax: (972) 484-2609  
email: sherryb@gp-plastics.com

**Schermerhorn Bros. Co.**  
Poly Bags \* Rubber Bands \* Twine

**JEFF HECHLER**

Established 1893

10510 Rockley Road \* Houston, TX 77099  
(800) 244-7226 \* (281) 933-7280 \* FAX (281) 933-3046  
Email: [jhechler@sbco.com](mailto:jhechler@sbco.com)  
www.schermehombrosco.com

Newspaper Telemarketing Services

**Robert Landis**  
President

459 North Gilbert Road  
Suite A208  
Gilbert, AZ 85234  
480-926-5379  
480-926-5758  
robert.landis@cirtech.us  
www.cirtech.us



**CONTACT OUR COMPANY**

**TeleReach, Inc.**

Gary Reach, President  
17 Farrington Avenue  
Plainville CT 06062

Phone 800 494 2680  
Fax 860 793 3485  
Email [gary@telereachinc.com](mailto:gary@telereachinc.com)



**Advertising Space Available**

If you would like your business card ad in this space call or email:

**J W Smith**  
713 362 5567  
tcma@texascma.org

Also available! Web links on the TCMA web site that link back to your company's web page. Your logo appears on the home page and a separate Vendor page. Your name and company are highlighted in the Vendor Directory.

**Special! \$25 for web links for the balance of 2009.**