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New leadership in House to Lee: Not so fast on school vouchers

With Glen Casada finally stepping down as House speaker on Friday after losing a no-confidence vote among his Republican colleagues way back in May, his presumptive successor is looking to set a new tone of independence for the chamber.

In one of his first extensive interviews following his Republican nomination as speaker, Rep. Cameron Sexton of Crossville told *The Tennessean* that he doesn't foresee the House going along with Gov. Bill Lee's plans to get his signature school voucher program off the ground as soon as next year.

Debate over the voucher bill dominated this year's legislative session, and Casada exerted considerable pressure on members to get the measure through the committee system and to a floor vote. The Franklin Republican then kept the voting board open for 40 minutes so he and his aides could twist some arms to break a 49-49 tie that would have spelled the measure's defeat. (Sexton said he would have closed the board promptly.)

While the bill that ended up narrowly passing both chambers was significantly dialed back from its original form (in the end, it applied only to Nashville and Shelby County schools), the raw feelings among several Republicans about the way the measure was pushed through contributed to Casada's fall from the speakership.

That didn't deter voucher supporters, who in an op-ed in late June called on the state to not wait until the 2021 academic year (the deadline laid out in the law) to launch the program. Victor Evans of Tennessee CAN, Justin Owen of the Beacon Center, and Shaka Mitchell of the American Federation for Children argued "a year of inaction is a year wasted for thousands of children."

With the dust barely settled on the tumultuous session, few gave that call for accelerating the voucher rollout much credence. But then Lee confirmed he supported "beating the deadline," telling reporters that "the funding will be there to get it done" for the school year starting in 2020.

While supporters argue the possibility of an earlier start was always in the cards — especially after the legislation was whittled down to two counties — Sexton said

he heard from colleagues as he traveled the state during the speaker's race that they weren't comfortable with getting the voucher program moving so soon.

Without lawmakers signing off on the \$25 million needed to fund the first 5,000 "education saving accounts" envisioned by the voucher law, Lee would appear to be in a bind over his plans. Could the first-year governor's honeymoon period with lawmakers already be coming to a close? That remains to be seen until after this month's special session to elect a new speaker. But having run on a platform of promoting the House as a "counterbalance" to other branches of government, Sexton may be giving a hint of things to come.

What's the rush? Speculation abounds about reasons for either moving the voucher launch forward or holding it back. One reason to get the program started sooner might be to avoid lawmakers' impulse to delay controversial programs rather than to simply dive into them and deal with growing pains as they arise. Getting students signed up for the vouchers might also give pause to lawmakers who might otherwise be inclined to unwind the program altogether — a step Sexton said he won't instigate but wouldn't block either.

With court challenges over the voucher bill's constitutionality widely expected (particularly over the provision barring undocumented children from participating), the Lee administration might also be eager to get the program running before it ends up in legal purgatory.

On the other side of the equation, nearly all Republicans who supported the bill are girding themselves for attacks about the issue from potential primary challengers. Having the rollout of the program — and accompanying media coverage — occur at almost exactly the same time as primary voters head to the polls in August 2020 is bound to give many GOP lawmakers heartburn, no matter their level of enthusiasm for the bill this year.

Polling on vouchers is heavily dependent on how voters are asked about the issue. When framed as a program to help children in failing schools pursue other opportunities, the idea generally gets positive feedback.

But when it's presented as taking funding from public education to pay for private school tuition, the poll numbers drop precipitously. And campaign challengers (likely aided by the Tennessee Education Association) will be sure to paint the grimmest possible picture of the voucher program come election time.

Getting the band back together. Sexton's first political job out of college was as campaign manager for Sen. Randy McNally's re-election campaign of 1994. Sexton said his father was acquainted with McNally (who was an alumnus of the same Oak Ridge high school as Cameron Sexton) and suggested him for the job. Sexton said it was a do-it-all position heavily featuring a staple gun and keeping a steady supply of paper campaign signs affixed to wooden frames.

But the race was no walk in the park. McNally's seat was targeted by Democrats after district lines were redrawn following the 1992 census. The incumbent defeated well-funded Democratic challenger William "Bear" Stephenson, a Clinton auctioneer, by 5 percentage points. McNally carried his home county of Anderson by 276 votes, lost Campbell County, but made up the difference in the Knox County portion of the district.

Sexton called McNally, who is now speaker of the Senate, a "mentor and a hero." He said the prospect that they would both lead chambers in the General Assembly 25 years later would have been wholly unimaginable at the time. The bond between McNally and Sexton suggests a close working relationship between the House and Senate moving forward.

Youth movement? At age 48, Sexton is set to become the youngest House speaker since Ned Ray McWherter of Dresden, then 42, wrested control of the chamber from fellow Democrat Jim McKinney of Nashville in 1973. McKinney was 40 when he was elected to his only term as speaker two years earlier. The changing of the guard ended McKinney's quest for statewide office, while creating a path for McWherter's own two terms as governor.

All but one of the ensuing House speakers — Democrats Ed Murray and Jimmy Naifeh and Republicans Beth Harwell and Casada — assumed the chamber's top job in their 50s. Independent Kent Williams was 60.

Bill Jenkins was all of 30 when he was elected House speaker after Republicans secured narrow control of the chamber in 1969. He made an unsuccessful bid for the Republican gubernatorial nomination the following year and was elected to Congress in 1996.

Given the Republican supermajority — and the GOP-controlled redistricting to follow the 2020 census — Sexton is poised to put his mark on legislative proceedings for many years to come. Provided, of course, he manages to avoid alienating his own caucus along the way. And being speaker will make him part of the conversation for any open statewide race.

No incumbent governor has lost a re-election bid since the Tennessee Constitution was amended in 1978 to allow consecutive terms. So all things being equal, the prospects appear strong for Lee to be around for

another seven years. But if the governor stumbles or decides not to run again, Sexton would be in a prime position in 2022. And if not, he will still be only 55 when term limits create an open race in 2026.

New chief, same as the old chief. Sexton announced he would retain Scott Gilmer as chief of staff. Gilmer, a longtime legislative staffer, held the same position for most of Beth Harwell's time as speaker. He was named to a new senior adviser role under Casada and replaced Cade Cothren after he lost the top job amid the text message and drug scandal that sparked the former speaker's undoing.

Sexton has pledged to bring back "stability and consistency" to the speaker's office, and said keeping Gilmer is a step in that direction. He cited Gilmer's "steady hand" and institutional knowledge in naming him to the job. Given his own experience in political matters, Sexton can allow Gilmer to focus on doing the heavy lifting on administrative matters. That, and serve in the traditional role of being a sounding board for peeved members not quite courageous enough to take their grievances straight to the top.

Gilmer came to the House as a researcher for the Republican Caucus in 2007. He previously worked in the admissions office at Lipscomb University. Before becoming Harwell's chief of staff in 2012, Gilmer was director of policy and research in the House.

Bouncing back. Casada has shown a remarkable ability throughout his political career to put negativity out of his mind and keep moving forward despite various setbacks. That political amnesia may come in handy as he moves into the post-speaker phase of his career.

Casada was widely seen as the favorite to be nominated speaker in 2010, not least because of the fierce opposition by then-ascendant tea party forces to Harwell's bid. But Casada ended up losing that election — by a narrow margin, if you believed his supporters, or by as many as 10 votes if you were more partial to the Harwell camp's views. The actual vote tally was never made public, a mistake House Republicans have avoided repeating in subsequent leadership elections.

Instead of sending him into internal exile, Harwell decided to keep Casada in the fold by naming him chairman of the Health Committee. He received high marks in that position but was soon back to focusing on politics over policy after winning back his former post as House Republican Caucus chairman two years later.

But Casada increasingly became a thorn in Harwell's side in that role (and later as majority leader) by encouraging GOP colleagues to pursue hot-button bills as he began preparing for his own speaker's bid.

Casada had been widely expected to resign from the General Assembly later this year after formally stepping aside as speaker on Friday. But the 17-year lawmaker appears to be having second thoughts about leaving the House, which could present a conundrum for Sexton.

The new speaker won't want to allow Casada to galvanize opposition among the group of previously marginalized lawmakers whom he had rewarded with

Tennessee News Digest

- U.S. Rep. David Kustoff (R-Memphis) has introduced legislation to name the post office in Henning after two workers who were killed in a robbery there in 2010. The measure would name the facility the “Paula Robinson and Judy Spray Memorial Post Office Building.”
- Seaman 1st Class James Cunningham was posthumously awarded a Purple Heart medal at a ceremony in Millington. Cunningham, of Jackson, was one of

54 sailors killed when the patrol boat USS Eagle sank off the coast of Maine in April 1945. Initially believed to have been caused by a boiler explosion, the sinking was reclassified in 2001 as a combat loss after evidence confirmed the boat had been torpedoed by a German submarine.

- *U.S. News & World Report* has ranked Vanderbilt University Medical Center No. 9 in the county for nephrology, No. 18 for urology, and No. 20 for

ear, nose, and throat. No other Tennessee hospital featured in the rankings.

- FedEx Corp. announced it will spend an additional \$450 million to bring the total investment into the modernization project for its Memphis Hub to more than \$1.5 billion.
- The Goodman Manufacturing Co. announced it is shuttering its air conditioning plant in Fayetteville, laying off 700 employees by the end of September.

positions of power during his truncated speakership. One consolation for Sexton if Casada remains: Legislative historians can find only one example of a House speaker coming back to win a nonconsecutive term: Walter M. “Pete” Haynes in the 1930s.

Haynes against the machine. *The Tennessean* once declared Haynes’ 1935 win the “most dramatic House speakership election of the century.” Haynes, a Winchester Democrat, had been elected speaker in 1931 with the support of E.H. Crump, the legendary Memphis political boss. A falling out between then-Gov. Henry Horton and Crump helped spur unsuccessful impeachment proceedings against the governor.

Crump blamed Haynes for not exerting enough pressure on members of the committee investigating the governor when it declined to oust him, and vowed that the speaker would not be elected to another term in charge of the chamber in 1933. Haynes was replaced as speaker, but he retained much influence within the chamber and helped shaped the new governor’s legislation to conform to his own priorities.

The 1935 race for speaker started out as a free-for-all among seven major candidates. While the Crump machine put out the word from Memphis that “it won’t be Haynes,” the former speaker soon got his rivals to drop out and support his bid.

Haynes’ supporters included I.D. Beasley of Carthage, who was known for his ability to mimic the voices and speech patterns of his colleagues. He used that skill to imitate a top Crump ally in the House who was away on vacation at the time, telling lawmakers in a series of phone calls that “Mr. Crump is not opposing Haynes.”

By the time Crump and his lieutenants became aware of the scheme, Haynes had signed up more than 50 supporters in the House and was elected by acclamation — a rare public comeuppance for the powerful Memphis machine. Haynes later also served as Senate speaker.

Lee goes West

Governor makes Silicon Valley pitch, downplays need for Big Tech regs

Gov. Bill Lee spent the first half of the week in California and Washington state seeking to entice technology sector companies to follow the lead of the likes of Amazon to create jobs in Tennessee. The *Nashville Business Journal* reported Lee was to meet with top

executives at computing giant Oracle Corp. about Nashville’s prospects to land a new office hub in the city.

Lee said in an interview with Bloomberg TV in San Francisco that he had been touting Tennessee’s business climate, lack of a state income tax, and ongoing workforce development efforts. And, of course, incentive packages. “We certainly deal with companies in that way,” he stressed.

Asked about Amazon’s decision to pull out of its agreement to build a headquarters facility in New York City amid hostile local reaction to the deal, Lee declined to speculate about why the arrangement had fallen apart, but called it “a gain for Nashville.”

Lee also downplayed concerns about privacy and antitrust issues regarding Google, Amazon, and Apple. As governor, Lee said his main interest is allowing companies to “grow and flourish” so they can create job opportunities in Tennessee. Lee’s free-market principles dictate that “government needs to stay out of businesses to the degree that they can,” he said in the interview.

The governor’s comments appear to put him at odds with U.S. Sen. Marsha Blackburn, a frequent critic of what she calls censorship on social media platforms. The Brentwood Republican introduced legislation in April to set stricter regulations on data collection. The Balancing the Rights of Web Surfers Equally and Responsibly, or BROWSER, Act would empower the Federal Trade Commission to act as what she called “the cop on the beat” to ensure privacy protections.

Blackburn is the co-chair of the Senate Judiciary Committee’s tech task force. The panel is responsible for delving into industry issues ranging from data security to antitrust and competition. In a Fox Business interview last week, the senator denounced Big Tech companies for getting “filthy rich” off of consumer data.

Nashville mayor’s race

Congressman’s brother is top vote getter as runoff against Briley looms

Metro Councilman John Cooper, the brother of U.S. Rep. Jim Cooper (D-Nashville), won 35% of the vote in the Nashville mayor’s race and will face incumbent David Briley, who gained 25%, in a Sept. 12 runoff. Conservative firebrand Carol Swain received 22% of the vote and state Rep. John Ray Clemmons got 16% to eliminate them from the running.

Tennessee Notes & Quotes

■ **Cyntoia Brown**, who was convicted of slaying a man when she was a 16-year-old sex trafficking victim, is scheduled to be released from prison on Wednesday. Then-Gov. **Bill Haslam** in one of his final acts in office reduced her life sentence to 15 years. Brown's case had become a *cause célèbre* because of advocacy on her behalf by stars like of **Kim Kardashian, Rihanna, LeBron James, and Snoop Dogg**.

■ **Haslam** told *The Tennessean* he and his wife, **Crissy**, made a prison visit to **Brown** about four months after leaving office. He said she greeted them with hugs and said: "I'm not going to let you down."

■ "Cyntoia's case got all this publicity, but there are other Cyntoias. I have become convinced that in our judicial system, we put people away, particularly young people away, for too long." — **Haslam**.

■ "A number of people remembered my family lives in Gilroy and work at or attend the festival. They are safe, and we are praying for those victims and witnesses who suffered this weekend.... It is devastating for their beautiful community." — *Education Commissioner Penny Schwinn* in a tweet after a gunman killed three and injured more than a dozen at a California food festival.

■ The state has put off by another year a plan to start giving letter grades to public schools. *Chalkbeat* reports that **Schwinn** informed district leaders this week about the decision not to issue the A through F grades because of a 2018 law passed amid widespread online testing problems that shielded students, teachers, and schools, from adverse effects from the tainted results. The state currently uses a numeric rating system. Lawmakers in 2016 passed a law requiring letter grades.

■ "In other news, I got married yesterday! (James' wife, Rabbi **Shana Mackler**, officiated the ceremony!)" — **Dave Hoffman**, campaign manager for Democrat **James Mackler's** bid for the U.S. Senate, in a fund-raising appeal for the Nashville attorney.

■ Democrat **Kimi Abernathy** announced she will run for the Nashville state Senate seat held by Republican **Steve Dickerson** next year. Abernathy is an education consultant and a member of the state Democratic Party's executive committee. Dickerson first won the seat in 2012 and was easily re-elected in 2016 despite the district voting for **Hillary Clinton** over **Donald Trump** in the presidential contest. Dickerson's re-election prospects have become more complicated since he was named a defendant in a \$50 million federal lawsuit alleging fraud at pain clinic the co-founded.

■ A foreclosure auction at the moribund Textile Corporation of America facility in rural Bledsoe County failed to result in any bids above the more than \$1.4 million the failed enterprise owed to Whoriskey Inc., meaning the former automotive supplier plant was reclaimed by the lender. State and local officials were thrilled when textile investors **Karim** and **Rahim Sadrudin** in 2017 announced plans to invest \$27 million in the

Pikeville plant and hire 1,000 within five years. The state kicked in \$3 million in incentives as part of efforts to jump-start development in economically distressed counties. But the mill never produced any textiles.

■ "The public has the right to know what it costs the taxpayers, what a mistake that the department of education made has cost the taxpayers." — *State Sen. Todd Gardenhire* (R-Chattanooga) about what he has labeled a "cover up" by Hamilton County officials regarding legal settlements after Ooltewah high school basketball players were charged with rape following a team hazing incident in Gatlinburg in 2015.

■ "I think everybody realizes this issue is done." — *U.S. Sen. Marsha Blackburn* (R-Brentwood) speaking to the Kingsport Chamber about the investigation into Russian tampering in the 2016 presidential election.

■ **Lamar Alexander's** staff beat **Blackburn's** to win the annual softball game between the Tennessee senators' offices. The Crockett Cup game held near the Washington Monument on the National Mall was initiated by then-Sens. **Bill Frist** and **Fred Thompson**.

■ "It must be a slow news day if you're asking about this." — *Claiborne County Sheriff Bob Brooks* to a Knoxville News Sentinel reporter inquiring about a deputy who kept his job despite shooting his handgun through the windshield of his cruiser and into traffic on I-75. His partner said the deputy had spun the revolver cylinder before firing. Brooks called it an accident.

■ Tennessee's sales tax rate is the highest in the country, according to the Washington-based Tax Foundation. The state and local average of 9.47% is just a whisper above the Arkansas average of 9.45%. Tennessee had held the No. 1 ranking from 2012 through 2015 but was surpassed by Louisiana in 2016 and 2017. Meanwhile, *Business Facilities Magazine* rated Tennessee as having the country's best business climate. Virginia and Alabama were second and third.

■ "If that's confrontational to the Chinese, well too bad. Stop stealing our stuff." — *U.S. Rep. Mark Green* (R-Ashland City) in an interview with Foreign Policy about legislation aimed at curbing intellectual property theft by China.

■ Treasurer **David Lillard** is ordering managers of the Tennessee Consolidated Retirement Fund to sell off shares in Innovative Industrial Properties Inc., a San Diego-based real estate investment trust catering to the medical cannabis industry. The 7,009 shares are worth \$720,000 of the state's \$52 billion retirement system.

■ **Lillard** told the *Chattanooga Times Free Press* it was the "policy implications" of the investment that led to the decision to dump the shares. That's despite at least a 26% jump in the company's stock price since the state acquired the shares this spring.

■ All forms of marijuana remain illegal in Tennessee, although we never knew that applied to pot stock certificates. Still, at least **Lillard** was able to sell high.