

Paul Young wins open Memphis mayor's race with 28% of vote

Paul Young managed to parry criticism over past votes in Republican primaries to capture the winner-takes-all mayor's race in overwhelmingly Democratic Memphis by a 5-point margin. He succeeds term-limited Mayor Jim Strickland, in whose administration he worked for six years.

Young won 27.6% of the vote in the crowded field. Shelby County Sheriff Floyd Bonner finished second with 22.5%, followed by longtime former Mayor Willie Herenton (21.5%), and former NAACP Memphis Branch President Van Turner (21.2%). None of the other 13 candidates received more than 2% of the vote. State House Minority Leader Karen Camper drew 0.7% of the vote.

The final weeks of the race were marked by negative campaign mailers and ads. Bonner called Young soft on crime, while Turner lashed out at Bonner and Young as "top choices for Trump Republicans." Young ran a TV spot denouncing his rivals' attacks as the acts of career politicians.

Turner had the support of state Rep. Justin Pearson (D-Memphis) and the promise of a \$100,000 donation from his PAC. Pearson, who landed about \$1 million in donations after being ousted from the House last spring for mounting a gun protest in the chamber, made the mayor's race his first foray into trying to elect more progressive Democrats around the state. Turner also had endorsements from Shelby County District Attorney General Steve Mulroy, who defeated the Republican incumbent in a high-dollar race last year, and state Sen. Sara Kyle (D-Memphis).

Turner had labeled himself the only "real Democrat" in the race, even though the contest was technically nonpartisan. Young acknowledged he had cast crossover ballots in the past, including against Donald Trump in the 2016 presidential primary. Bonner, who became the first Black person to be elected county sheriff in 2018, cited his law enforcement credentials as making him best qualified to tackle crime, which is considered the city's top issue. But he was put on the defensive about persistent problems at the county jail, including a series of deaths.

Herenton, who was elected as the city's first Black mayor in 1991 and went on to win four more terms before resigning in 2009, had a respectable showing despite raising and spending much less than his rivals.

Tennessee Three

Rep. Justin Jones sues over 'illegal' ouster, restrictions on floor speech

Can state House leaders enforce rules aimed at curbing the speaking rights of members they deem unruly? The question is at the heart of a new lawsuit filed by Rep. Justin Jones (D-Nashville), one of the three lawmakers targeted for expulsion from the body last spring for mounting a gun protest from the well of the chamber during a floor session.

Jones was also the first member to be punished under new rules enacted during the special session in August that gave members the power to revoke speaking privileges to lawmakers found to be repeatedly out of order. The entire House Democratic Caucus marched off the floor in solidarity with Jones. The lawsuit asks U.S. District Judge Eli Richardson to find Jones' First Amendment rights were violated and that the special session ran afoul of free speech protections in the state and federal constitutions. Jones also claims he was denied due process rights when he was expelled from the House.

The case was filed on Jones' behalf by the international Covington & Burling law firm, though former U.S. Attorney General Eric Holder — who had previously written to Sexton raising similar issues on Jones' behalf — is not listed among the lawyers trying the case. Jerry Martin, Dave Garrison, and Scott Tift are serving as local counsel.

Sexton and the state have been mum so far about the lawsuit, but they will assuredly point to language in the Tennessee Constitution authorizing each chamber to "determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." Also, the new rules expired when the special session ended, possibly making some issues moot.

Paging Jeremy Durham. Following the 2016 decision by the House to expel then-Rep. Jeremy Durham (R-Franklin) over serial sexual misconduct allegations, the former lawmaker argued his due process rights had been violated in terms of the ouster itself and his subsequent loss of state benefits. But Durham's various state and federal lawsuits have failed.

Congressional turmoil

Burchett alone among Tennessee GOP in voting to remove speaker

Tim Burchett (R-Knoxville) is no stranger to palace intrigue. Toward the end of John Wilder's record reign as state Senate speaker, then-Sen. Burchett was one of two Republicans to cast votes in 2005 to keep the wily Mason Democrat in charge of the chamber even though the GOP had taken a numerical majority in the previous year's elections. But two years later, Burchett dropped his support for Wilder and backed the election of Sen. Ron Ramsey of Blountville as the first Republican Senate speaker since Reconstruction.

Fast-forward to this year, and congressman Burchett has been in the thick of the prolonged fight over the election — and ouster — of Rep. Kevin McCarthy (R-Calif.) as speaker of the U.S. House. While Burchett sided with McCarthy through all the rounds of voting in January, he spent most of the session sitting alongside holdouts, and found himself in the middle of a fracas between Alabama Rep. Mike Rogers and Rep. Matt Gaetz of Florida.

Gaetz made the motion this week to remove McCarthy from the speakership, and Burchett was one of eight Republicans who backed the move. When the chamber's Democrats joined the motion, McCarthy became the first-ever speaker to be removed before the end of his term. Burchett said while he was worried about losing his friendship with McCarthy over the vote, he was more concerned about keeping the country's debts from mounting. Burchett told CNN afterward he felt McCarthy had "belittled" his belief system because of his desire to pray over the matter.

Rep. Andy Ogles (R-Culleoka), who was one of the holdouts in January before finally voting for McCarthy, appeared at first to be playing footsies with the idea of supporting the removal resolution. But as the vote neared, Ogles decided to stick with leadership and even made phone calls to fellow far-right members to try to dissuade them from jumping ship. Self-preservation might have factored into Ogles' decision, as McCarthy's team had pledged to pour heavy resources into helping the freshman fend off potential primary or general election challenges next year.

Burchett floated the name of Rep. Mark Green (R-Ashland City) as a potential candidate for the speakership. Green demurred, saying he wanted to focus on his chairmanship of the House Committee on Homeland Security. He instead announced he would support Rep. Jim Jordan (R-Ohio), an early supporter of Ogles' bid for the 5th District nomination last year.

The event that set off McCarthy's ouster was the speaker's decision to turn to Democrats to help pass a stopgap plan to keep the federal government open until mid-November. Among the Tennessee delegation, Reps. Chuck Fleischman (R-Chattanooga), David Kustoff (R-Memphis) and Steve Cohen (D-Memphis) voted for the measure. The remaining six state Republicans voted against: Burchett, Scott DesJarlais of Sherwood, Green, Diana Harshbarger of Kingsport, Ogles, and John Rose of Cookeville.

When the Senate voted to give final approval to the spending bill, Tennessee Sens. Marsha Blackburn of Brent-

wood and Bill Hagerty of Nashville were among the nine Republicans opposing the measure.

Senate numbers. Democrat Gloria Johnson announced she raised \$1.3 million in the quarter for her U.S. Senate bid. Republican incumbent Blackburn responded by saying she had raked in \$2.7 million in the period.

Obituaries

Longtime UT President Johnson, Judge Dinkins, lawmaker Bushing

Joe Johnson, whose half-century with the University of Tennessee culminated in two stints as the system's president, died last week. He was 90 years old.

Johnson, a native of Vernon, Alabama, was named acting president when Lamar Alexander, a former two-term governor, was nominated by President George H.W. Bush as secretary of the Department of Education in 1990. Once the Senate confirmed Alexander the next year, the UT board of trustees voted to make Johnson the permanent head.

Following two years in the Army, Johnson began his career at UT in 1958 as a research associate and instructor in the political science department. He left the following year to join state government as chief of the budget division, followed by positions as executive assistant to Gov. Buford Ellington and as deputy finance commissioner.

In 1963, Johnson was hired as executive assistant to UT President Andy Holt. He was appointed vice president for development in 1969. After a three-year stint as chancellor of the UT medical school in Memphis in the 1970s, Johnson returned to Knoxville as executive vice president, the system's chief operating officer, until he took over the top job.

Johnson was a vocal opponent of efforts to restructure the state's higher education system. Republican Gov. Don Sundquist in 1996 forced out the Tennessee Higher Education Commission's executive director, Bryant Millsaps, in what some saw as the first step toward trying to unite the University of Tennessee and Board of Regents schools under a single megaboard. Johnson said the move would result in the "most bureaucratic nonsense you've ever created."

The push to overhaul higher education governance reached its crescendo in Sundquist's second term, just as his income tax proposal was throwing a monkey wrench into the state's political works. Fearing deep cuts amid a mounting budget crisis in 1999, Johnson wrote to alumni to urge them to contact their legislators. If an income tax were to become necessary to sustain funding, the university would support it, he said. Both the income tax and the merger of the higher education systems would end up failing.

When Johnson retired in 1999, it ended a period of remarkable stability for UT. Just three presidents — Ed Boling, Holt, and Johnson — had run the system over the previous 50 years. But turmoil was to follow. Successors Wade Gilley and Johns Shumaker resigned amid scandals, leading Johnson to be brought back as interim president from 2003 to 2004. The UT board hired John Petersen in 2004, but he resigned after a rocky five years at the helm. UT in 2010 selected Joe DiPietro, the head of the school's Institute of Agriculture, as its next president. He

Tennessee News Digest

- Nashville-based SmileDirectClub filed for Chapter 11 bankruptcy protection and is seeking a buyer. If the tooth alignment company can't find an investor, the firm once valued at \$8.9 billion could be headed for liquidation.
- Area Development magazine has named Tennessee the No. 3 state for doing business.
- Memphis in May reported a loss of \$3.5 million and a 30-year low in attendance for the festival held earlier this year. The event

was also hit with a \$1.4 million bill for damage to Tom Lee Park on the banks of the Mississippi. Organizers said decisions about the location and scope of next year's event would be announced within 10 days.

- A new multi-year deal will allow patients with Cigna insurance to remain in-network at HCA hospitals in Tennessee and Kentucky.
- Nissan Motor Co. sales rebounded by 41% in the third quarter compared with the same

year-ago period, while its partner Mitsubishi saw a 32% jump. Both have their North American headquarters in Franklin. Among other automakers with Tennessee operations, General Motors sales were up 21% and Ford's increased by 16%. But Volkswagen's dipped by 1.2% during the quarter.

- Charlie Vergos Rendezvous barbecue restaurant in downtown Memphis is celebrating its 75th anniversary.
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remained in office for seven years, a period marked by fights with legislative Republicans over student-run Sex Week activities and the school's diversity and LGBTQ initiatives. Businessman Randy Boyd has run UT since 2018.

Republican Gov. Bill Haslam, whose family has given heavily to UT over the years, in 2018 reconstituted the system's board of trustees, shrinking it from 23 members to 11 (six four-year public universities were also spun out from the Board of Regents system as part of the initiative).

Under Johnson's leadership, the university's flagship campus in Knoxville in 1998 celebrated its first national football championship since 1951. Following his retirement, Johnson continued to serve as UT's president emeritus and taught graduate courses on higher education leadership.

Foreboding withdrawal. Retired Appeals Judge Richard Dinkins, whose withdrawal as a finalist for a state Supreme Court vacancy led to a legal fight over the power of the Judicial Selection Commission, died Sunday at age 71.

Dinkins worked as a civil rights attorney alongside the late state Sen. Avon Williams (D-Nashville). Dinkins was best known as a plaintiffs' lawyer for voting rights challenges to state redistricting plans and the *Geier* higher education desegregation lawsuit that led to the merger of historically Black Tennessee State University with the old UT-Nashville. In 2003, Democratic Gov. Phil Bredesen named Dinkins to the chancery court bench for Davidson County.

Justice Adolpho Birch's retirement in 2006 left the state Supreme Court without a Black member. As the only African American on the list of three finalists presented by the Judicial Selection Commission, Dinkins appeared to have the inside track to join the bench of the state's highest court. But Dinkins withdrew, citing unspecified family reasons. Instead of choosing either of the other two finalists, Covington trial lawyer Houston Gordon and Memphis attorney Buck Lewis, Bredesen asked for a new slate of candidates.

When the panel again included Gordon, a 1996 Democratic nominee for the U.S. Senate, Bredesen filed a lawsuit to have him found ineligible. The governor prevailed, but the commission followed up by nominating another white candidate. Bredesen didn't find the lone Black finalist to be qualified, so he called the panel's bluff by choosing Bill Koch, a Republican, for the bench.

Republicans hoped Bredesen's fight with the Judicial Selection Commission would fuel efforts to dismantle gubernatorial appointments to the appellate courts followed by yes-no retention elections. While voters in 2014 approved

a constitutional amendment to enshrine the practice, the judicial selection panel itself was disbanded. But Republican Govs. Bill Haslam and Bill Lee have continued to use versions of the panel authorized through executive orders.

Bredesen appointed Dinkins to the intermediate Court of Appeals in 2008. Upon his retirement in 2022, Lee named Belmont law professor Jeffrey Usman as his successor. Usman had been a longtime clerk for Justice Koch.

Fighting the future speaker. Jan Bushing, who narrowly defeated a future House speaker before losing a rematch two years later, died last month at age 77.

Bushing was the chair of the Metro Planning Commission when she decided to run for an open state House seat in 1986. She defeated attorney Irwin Kuhn to secure the Democratic nomination in District 56. Beth Halteman won the Republican nomination over Debi Tate, a former gubernatorial aide to Alexander who would go on to become the executive director of the Administrative Office of the Courts.

Halteman, who would go by her married name of Harwell by the time she became state's first woman to serve as House speaker, was teaching political science at Belmont at the time. She gave students a choice of writing a paper or spending four hours on a political campaign. Most decided to volunteer for Halteman, while only one signed up to work for Bushing. Bushing won the seat by just 62 votes, and Halteman only grudgingly conceded after recounts.

In a 1988 rematch, Bushing was put on the defensive by developers and the Halteman campaign, which said the Republican's supporters were worried about retaliation because the incumbent had kept her position as head of the planning commission. Bushing insisted political considerations never entered into her role. Halteman ended up winning by 945 votes, or 4 percentage points. Bushing, then 42, attributed her loss to Halteman turning out support among students at Belmont, Lipscomb, and Vanderbilt. Halteman, then 30, had yard signs featuring a photo of herself.

As a founder of the Hillsboro-West End Neighbors Association, Bushing had pushed for revisions to the planned Four-Forty Parkway around downtown Nashville to reduce its noise and community impact. As a lawmaker, she fought to keep trucks off the new route when it opened in 1987. But those efforts were thwarted the following year by a federal judge's ruling that the state couldn't legally impose such restrictions on an interstate highway.

Tennessee Notes & Quotes

■ “Court proceedings can’t happen without court-appointed attorneys, but attorneys can’t afford to take cases at the current rates.” — *Supreme Court Chief Justice Holly Kirby* in announcing plans to ask the General Assembly to increase the hourly rate for court-appointed attorneys to \$80 per hour, up from the \$50 in place since 1997.

■ State Rep. **Yusuf Hakeem** (D-Chattanooga) has been named to the Intergovernmental Policy Advisory Committee, which counsels U.S. Trade Representative **Katherine Tai** on issues affecting state and local governments.

■ Forty-five state lawmakers (all Republicans other than **Hakeem**) signed on to a letter calling on federal immigration officials not to deport a family living in East Tennessee. **Uwe** and **Hannelore Romeike** moved to Tennessee in 2008 after the German government fined them for homeschooling their children for religious reasons, which has been forbidden there since 1918. The Morristown couple’s youngest two of seven kids were born in the United States, making them American citizens.

■ The Tennessee Pride Chamber, the statewide organization formerly known as the Nashville LGBT Chamber, has hired **Stephanie Mahnke** as its executive director. Mahnke moved to Nashville from Utah last year to become Vanderbilt’s director of LGBTQI Life.

■ Memphis Light, Gas, and Water is proposing a 12% rate increase by 2026 to fund \$1.2 billion worth of power grid improvements. The utility is also considering a move out of its downtown headquarters to a bigger space near Shelby Farms Park. CEO **Doug McGowen** said the proposed new home would be 50% larger but use 17% less energy than the current building.

■ The Ingram Group has hired **Leah Dupree Love**, a member of Tennessee State University’s government relations team and owner of Dupree Consulting Group. Love previously worked in the Senate clerk’s office, for then-Sen. **Doug Overbey** (R-Maryville), and as a legislative liaison in Gov. **Bill Haslam**’s administration.

■ Comptroller **Jason Mumpower** plans to have legislation introduced next year to increase the frequency of property reappraisals around the state. Real property is currently appraised every four to six years. Mumpower told the *Tennessee Lookout* he wants to reduce that time frame to every two to four years. And for the state’s largest counties, the comptroller said he will recommend annual appraisals. Thirty-eight counties lost up to \$113 million in property tax collections under the current system, he said.

■ Memphis-based Momentum Nonprofit Partners has rebranded as the Tennessee Nonprofit Network to signify its launch as a statewide organization. Membership is free to groups with 501(c)(3) status.

■ *New York Times* columnist **David French** was appointed last month as a distinguished visiting professor of public policy at Lipscomb University’s College of Leadership and Public Service. French, who lives in Franklin, was previously a senior editor at *The Dispatch* and a contributor to

The Atlantic and *National Review*. He is a former president of the Foundation for Individual Rights and Expression, a free speech watchdog on college campuses.

■ Senate Republican Caucus Chair **Ken Yager** of Kingston has hired **Rhett Pratt** as his senior legislative adviser. Pratt comes from the Tennessee Municipal League and previously worked as an analyst for the legislative budget office and as a staffer for then-Senate State and Local Government Chair **Steve Dickerson** (R-Nashville). Pratt succeeds **Jonathan Springer**, who has been named director of legislation for the state Department of Finance.

■ More than 100,000 people have lost TennCare coverage since the state’s expanded Medicaid program started “unwinding” from COVID-19 pandemic policies that had seen enrollment grow for the previous three years. The *Daily Memphian* reported that three out of four people lost coverage for “procedural” reasons, such as failing to submit renewal forms or provide additional information.

■ Nashville International Airport is making a hard sell for adding a nonstop flight to the European continent, either to France or Germany, to go along with its current service to London. The *Nashville Business Journal* reported the airport is sending a representative to the Routes World Conference in Istanbul later this month to pitch airlines. About 430 passengers per day depart from Nashville for Europe. The facility also wants to launch nonstop flights to Asia, but the move would require extending a runway because of the heavier fuel loads involved.

■ State Rep. **Justin Pearson** (D-Memphis) won the Sierra Club’s Changemaker of the Year award for his work to prevent an oil pipeline from being built under Black neighborhoods in Shelby County and for his fight against the state Legislature’s moves to preempt local governments from halting fossil fuel projects.

■ Businessman **R.C. Lawhorn**, who received 830 votes, or 5% of the total, to finish fourth in the Knoxville mayor’s race in August, wants the Knox County Chancery Court to authorize him to review ballots cast. Lawhorn claimed he had seen four polls — including two from media organizations — showing him leading the race. As the *Knoxville Compass* notes, no news outlet had polled the contest.

■ *The Tennessee Journal* is pleased to announce it has partnered with *State Affairs*, a growing news and information company that focuses on state governments. Under the partnership, TNJ subscribers can expect additional top-level news on Tennessee government and politics, as well as enhanced features and services. **Erik Schelzig**, who has edited the TNJ for nearly six years, will continue to deliver insightful news and information from the Capitol, and will continue to write the *TNJ: On the Hill* blog. Look for more news from the TNJ and State Affairs in the near future.

■ “I’m Political Barbie!” — *A pink clad state Rep. Aftyn Behn* (D-Nashville) as she prepared to be sworn in to succeed the late-Rep. **Bill Beck**.

■ OK, but who’s going to be MAGA Ken?