

# The Tennessee Journal

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## Trying to hold on, Thompson limps toward South Carolina

Seven years ago the Tennessee Titans defeated Buffalo in a playoff game with a last-second play later dubbed the Music City Miracle. Unless Fred Thompson has some equivalent razzle-dazzle in his political play-book, his once-promising presidential campaign may be nearing its end.

Thompson had hoped to pull off an Iowa surprise. He didn't. Now he can only hope to attract some positive national attention in this weekend's two New Hampshire debates and keep his campaign afloat until the South Carolina Republican primary Jan. 19.

He was the frontrunner in South Carolina until former Arkansas governor Mike Huckabee, a Baptist minister with a strong appeal to evangelicals, emerged as a viable candidate. Now, he's in the unfortunate position of needing something bad to happen to Huckabee in the next two weeks — a major gaffe, a scandal, or perhaps the measles — to give him an opening on friendly southern turf.

The former senator from Tennessee wasn't humiliated with his distant third-place showing Thursday in the Iowa caucuses — humiliation would have been finishing behind fringe candidate Ron Paul, which could happen in New Hampshire Tuesday — but his finish wasn't enough to provide the boost he needed.

With 96% of precincts in, Huckabee had 34% of the vote, former Massachusetts governor Mitt Romney had 25%, and Thompson and Arizona Sen. John McCain each had 13%, with Thompson 273 votes ahead of his friend McCain.

In a speech to supporters Thursday night, he said he'd have to look at the numbers but it appeared his showing gives him "a ticket to the next dance." The next dance officially is in New Hampshire, where he isn't among the leaders, so he almost certainly was referring to South Carolina, where he will have to devote most of his attention and resources.

The battle for New Hampshire is expected to be between Romney, who invested heavily in Iowa and was wounded by his loss to Huckabee, and the surging McCain. Thompson doesn't have a serious campaign in Michigan, which votes Jan. 15.

**Bad process?** In the last week of campaigning in Iowa, Thompson publicly acknowledged something that already was apparent — he doesn't like the presidential selection process. Indeed, the system in place may be a lousy way to pick a commander in chief. Arguably, it gives far too much weight to voters in the small states of Iowa and New Hampshire. The problem for Thompson is that the voters in Iowa and New Hampshire like the system. They spend a lot of time studying candidates. And they're offended when candidates don't spend a lot of time seeking their support.

**Huckabee surge.** A few months ago, Huckabee was barely a blip on the political radar screen. His late movement may have closed Thompson's window of opportunity. Thompson saw an opening last year because social conservatives were dissatisfied with former New York mayor Rudy Guiliani, Romney, and McCain. They liked Huckabee — those who had heard of him — but Huckabee wasn't considered a viable contender.

Thompson didn't seem entirely comfortable speaking the language that evangelicals and social conservatives like to hear. He preferred to talk about conservative philosophy, the founding fathers, federalism — which got him favorable notice from *National Review* and Rush Limbaugh but didn't help a lot with people who wanted to hear plain pronouncements on morality. If Thompson had been able to seize his opportunity with energy and enthusiasm, Huckabee might never have caught on.

**Good motives.** Thompson has contributed serious ideas on national security, taxes, social security, and other issues. But he's done relatively little retail campaigning.

To Thompson's credit, his campaign never has seemed to be about personal ambition. He was more or less drafted to run. And he's as much as said he can take the job or leave it. In his first debate, he gave an answer in which he referred to "my service as president" — not "my term" or "my administration."

Cynics view his disdain for the process as laziness. And to be sure, Thompson would rather answer a call to service than call on voters. That worked fine for George Washington. But we cannot tell a lie: It doesn't work now.

## Legislature convenes Tuesday to fight over lottery, other issues

The 105th Tennessee General Assembly opens its 2008 session Tuesday, less than seven months after the previous one ended. Proposed changes to the open meetings law, cable television licensing, and the lottery scholarship program will be among the top issues.

Last year's legislative marathon dragged on because of disagreements about a cigarette tax increase and what to do with a flood of unexpected revenue. With no tax hike in the works this year, and a tight budget, legislative leaders are hoping for a shorter session.

Indeed, simple math would seem to dictate a quicker end to business than occurred last year, when the session ended on June 12 — rather acrimoniously — shortly before midnight. The Tennessee Constitution allows each two-year general assembly to hold no more than 90 expense-paid floor meetings. Both the House and Senate held 50 last year, leaving 40 for 2008.

The traditional legislative week includes three floor sessions — on Monday evening, Wednesday afternoon, and Thursday morning — with all day Tuesday and Wednesday morning set aside for committee meetings that don't count against the limit. In recent years both houses have taken to saving constitutional days, when legislative calendars are light, by not holding Wednesday floor sessions.

But even if only two meetings a week were held throughout the session, the legislature would run out of days on May 22. A three-day schedule would reach day 90 on April 8. Barring unforeseen developments, the session should end somewhere between those two dates.

The election qualifying deadline is April 3, and legislators who attract serious opponents will want to see an early end to lawmaking so they can get home and campaign. While the legislature is in session, they cannot legally raise campaign money until May 15. In a non-election year, the in-session fund-raising prohibition stays in place until June 1.

In the opening week, the full Senate is slated to meet twice, the House three times, with both devoting Thursday morning to statutorily required ethics training for legislators. Several committees are planning to hear bills in the first week, though it's likely that many of the sponsors will ask to postpone them.

**Money.** One of the big reasons last year's session lasted so long was that the state was awash in money and lawmakers couldn't agree on what to do with it. That is not the case now. Revenues are coming in below budgeted estimates, and the Bredesen administration is preparing to take steps to cut expenses.

The only serious money to fight over this year is the lottery surplus. The lottery education account reserve holds about \$400 million, and the games are generating about \$280 million a year for scholarships. The scholarship program, now fully phased in, is costing \$237 million. Gov. Phil Bredesen and many legislators, especially in the House, want to shift the emphasis of the scholar-

ship program, at least to some degree, from merit to need. Some lawmakers would like to lower the qualifying standards, and there is strong sentiment for lowering the retention standards once students actually are in college.

Senate Republicans, led by Education Chairman Jamie Woodson (R-Knoxville), have insisted the program should continue to be based on merit to give high school students an incentive to study hard. Currently, anyone with a 3.0 grade point average in high school or who scores a 21 on the ACT qualifies for a \$4,000 scholarship to a traditional four-year institution in the state.

It essentially takes a 3.0 GPA to keep a scholarship. A student can drop to 2.75 as a freshman, but by the end of each school year thereafter he or she must have a cumulative 3.0 to continue receiving the scholarship. There is a strong chance this standard will be lowered.

Last year, both houses worked on omnibus lottery scholarship reforms, with the House and Senate at odds over standards. The legislature stayed in session hours beyond what had been expected on the final day in an unsuccessful attempt to enact a compromise.

**Sunshine.** A study committee has recommended changes to the open meetings law to make it less restrictive for members of public bodies. Currently, no two members of a public governing body — except the General Assembly, which is constitutionally exempt — may deliberate public business in private. The study group proposes to let up to three members do so unless they constitute a majority. It also would permit private meetings of public bodies under several circumstances, such as to discuss strategy for labor negotiations or hear complaints against an employee.

Despite the recommendations of the study group, which worked a year and a half, and the support of local government organizations, it is far from clear that the committee's recommendations will pass. The committee chairman, Sen. Randy McNally (R-Oak Ridge), is cool to them, and so is the governor.

Supporters of the legislation may find — as media organizations did when they tried to strengthen the open meetings law in 2006 — that it's harder to pass a bill than it is to block passage. Still, there is strong sentiment among some lawmakers that local council or commission members should be able to talk to each other between meetings, and the issue has the potential to be among the most contentious of the year.

**Cable TV.** Last year's multimillion-dollar fight over video services licensing continues, with both sides running TV ads to sway the public and paying hordes of lobbyists to sway lawmakers. And it's gotten rough. A recent cable industry ad, with a black man speaking, suggests AT&T would "red-line" its coverage area to discriminate against African Americans if allowed to compete statewide. The company repeatedly has said it doesn't discriminate and that blacks are as likely as whites to subscribe to TV services. TV4US, a national group that includes AT&T, has run ads calling attention to cable rate hikes that took effect with the new year.

● Loren Crabtree, chancellor of the University of Tennessee-Knoxville, resigned in a dispute with UT president John Petersen over authority. In a statement, the university said the two men had “differing philosophies in the area of governance.”

● State Senate and House Republicans issued a statement Thursday calling on Gov. Phil Bredesen to push forward with the death penalty for serial killer Paul Dennis Reid, whose execution has been stayed by a federal court pending a U.S. Supreme Court ruling on the constitutionality of

the lethal injection method. The Republicans want the state to proceed by electrocution, but state Attorney General Bob Cooper has opined that the alternative method can be used only if lethal injection is struck down by the U.S. or Tennessee Supreme Court. The GOP lawmakers said they’ll offer legislation “to clarify the intent of the legislature with regard to the death penalty.”

● The half-cent reduction in the state sales tax on unprepared grocery food, approved by the legislature last spring, took effect New Year’s Day. The rate now is 5.5%, since one cent of the

state’s 7% sales tax already exempted food. Local option sales taxes continue to apply.

● *The Tennessean* picked former vice president Al Gore as its “Tennessean of the Year” in its Sunday, Dec. 30, issue. In October, Gore shared the Nobel Peace Prize for his work in spreading awareness of global climate change.

● Sir Isaac Ford, 32, brother of former congressman Harold Ford Jr., was charged with DUI and disorderly conduct in Memphis about 4 a.m. the day after Christmas after being stopped for speeding in Midtown.

While satellite TV companies provide some competition, cable TV providers currently enjoy monopolies on wireline service in most places. Franchises are granted by cities and counties. They aren’t exclusive, but build-out requirements and other conditions evidently make it infeasible for competitors to come in. In few, or no, Tennessee franchise service areas are cable companies competing with one another. AT&T argues the same disincentives prevent it from competing unless the franchise system is changed. The legislation the company is pushing would allow any video services provider to obtain a state license and immediately compete anywhere it wishes in Tennessee. State-licensed providers would continue to pay directly to local governments a gross receipts tax that is the equivalent of a franchise fee.

AT&T argues consumers would benefit from expanded competition. Cable argues it would be unfair competition. And the Tennessee Municipal League and Tennessee County Services Association side with cable.

Last year, with the House leadership cool to the bill and local governments dug in against it, cable correctly calculated that it could stop the legislation and resisted overtures to strike a deal. This year, the political dynamics are different. Local government lobbies are still opposed — though AT&T has won over local officials in at least a few locales — but House Speaker Jimmy Naifeh wants the two sides to hammer out a compromise. At Naifeh’s invitation, representatives of AT&T and the Tennessee Cable Telecommunications Association met shortly before Christmas with the speaker and others, including Reps. Randy Rinks (D-Savannah) and Steve McDaniel (R-Parkers Crossroads). McDaniel is the bill sponsor.

Naifeh plans to bring in other participants when talks resume this month, likely including House Commerce Chairman Charles Curtiss (D-Sparta) and State and Local Government Chairman Ulysses Jones (D-Memphis).

In the Senate, with Lt. Gov. Ron Ramsey in support, the bill appeared to have enough votes to pass last year. But AT&T decided to hold off after an amendment it found unacceptable was attached in a House committee.

**Education.** Despite a tight budget, Bredesen aims to continue phasing in last year’s Basic Education Program funding formula reforms. He also has said he hopes to continue expanding the state’s pre-kindergarten program.

But legislative battles over education funding are more likely to center on the lottery surplus. Last year, there were

competing ideas for using the surplus to help school systems with their construction costs. That fight isn’t over.

## New assignments boost Republicans on Senate Commerce, Education

Five days before the opening of the 2008 legislative session, Lt. Gov. Ron Ramsey reshuffled some Senate committee assignments. Changes were needed because the Senate has two new members, and Ramsey seized the chance to bolster Republican numbers on two key committees, Commerce and Education.

Sen. Mike Williams (I-Maynardville), who left the GOP Caucus last March, is no longer a committee officer. Williams, who had been secretary of the Education Committee, was moved from Education to Government Operations. Sen. Randy McNally (R-Oak Ridge), a former education chairman, replaces him on the committee. And new member Andy Berke (D-Chattanooga), who takes the place of Ward Crutchfield on the panel, is its new secretary. The changes give Republicans a 5-4 majority instead of the previous 4-4-1 breakdown.

Besides Berke, who won a special election in District 10 after Crutchfield’s bribery conviction and resignation, Sen. Steve Roller (D-McMinnville) also is new, having been appointed by the Warren County Commission to replace Jerry Cooper after his resignation last month following a \$120,000 fine for campaign finance violations.

Roller replaces Democrat Cooper on the State and Local Government Committee, which keeps its 5-4 Republican advantage, and he takes the place of Sen. Lowe Finney (D-Jackson) on the Environment and Conservation Committee, which stays 4-4-1.

Finney, whose seat on Government Operations was taken by Williams, is the new secretary of the Transportation Committee, replacing Sen. Jack Johnson (R-College Grove). Berke replaces Cooper, and Sen. Mae Beavers (R-Mount Juliet) takes over for Sen. Rosalind Kurita (D-Clarksville), leaving Transportation at 4-4-1.

At the same time, Johnson becomes the newest member of the Commerce Committee, taking the slot that had been occupied by Crutchfield. This strengthens the GOP advantage on Commerce from 5-4 last year to 6-3.

Government Operations, which previously had a 5-4 Republican majority, now is 5-3-1, but the three Democrats are the committee officers.

## Tennessee Notes & Quotes

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■ Memphis Mayor **Willie Herenton** long has advocated consolidating the governments of Memphis and Shelby County, but the goal has been hindered by a serious problem: Citizens outside of Memphis don't want to merge with the city. In a speech Wednesday, Herenton proposed a solution — take away their veto power. Needless to say, the idea wasn't well-received in the suburbs. But Herenton isn't the first leader to be frustrated by the consolidation process spelled out in the Tennessee Constitution. For a city and county to form a metropolitan government, both voters in and outside the city must approve the proposition by separate majority votes. Even if it passes with 90% approval in one place and fails with 49% in the other, no merger can occur. Only three consolidation attempts in Tennessee have been successful — for Nashville and Davidson County, Lynchburg and Moore County, and Hartsville and Trousdale County.

■ **Herenton** wants the legislature to allow consolidation by a single countywide majority vote. This would require a constitutional amendment. If all goes smoothly, the amendment could be on the ballot for approval by state voters in 2010. But it won't go smoothly.

■ While we're discussing long-shot legislation: Shelby County Mayor **A C Wharton** is scheduled to make a presentation to the county commission Monday on his proposal for a local payroll tax. The levy, a \$6 monthly privilege tax on workers earning more than \$28,180, would require authorization by state legislators, most of whom would as soon jump in an icy lake in the middle of January as to give it. Wharton is asking county commissioners to adopt a resolution urging the legislature to authorize all counties to levy such a tax, not to exceed \$10 a month per worker. A few of them told *The Commercial Appeal* last week they think it's a bad idea, but Commissioner **Sidney Chism**, who served as an interim state senator in 2005, said he liked the fact that the tax would hit out-of-county residents who work in Memphis — “those people who want to work here but don't want to live here and don't want to pay.”

■ Sen. **Mike Roller** (D-McMinnville) is scheduled to be sworn in tomorrow (Saturday) in Warren County. The other new member of the Senate, Sen. **Andy Berke** (D-Chattanooga), was sworn in Nov. 21 at the Capitol.

■ Senate Democrats, who on paper match the Republicans 16-16 in the chamber, with independent Sen. **Mike Williams** of Maynardville holding the 33rd vote, apparently will be a member short when the session opens. Sen. **Ophelia Ford** (D-Memphis), who missed much of last year's session, has been hospitalized for an unspecified illness for about a month.

■ House Speaker **Jimmy Naifeh** didn't offer a definitive answer when questioned by reporters Thursday about the status of Rep. **Rob Briley** (D-Nashville), who stepped down from the chairmanship of the Judiciary Committee in September pending the resolution of criminal charges placed against him in connection with a car accident and

a high-speed police chase. Two felony charges were either reduced or disposed of, and Briley will serve a DUI sentence on weekends this month. “He's not the chairman now,” Naifeh noted. He plans to meet Tuesday with acting chairman **Kent Coleman** (D-Murfreesboro) and committee secretary **Janis Sontany** (D-Nashville).

■ “It is my hope that we can hit the ground running this session. Our Committees and Subcommittees are all in place, and the Chairs are ready to conduct business.... Please review your legislation and if you intend to ask for a hearing when we return, go ahead and put it on notice.” — *Speaker Naifeh* (D-Covington), in a letter dated Dec. 21 to members of the House.

■ Gov. **Phil Bredesen** has been asked more than once about the Tennessee Lottery's switch from numbered balls to computerized drawings. He's said that based on what he knows, from conversations with lottery chairman **Denny Bortorff** and others, it was a reasonable move to save the state a few million dollars. But this week, both House Speaker **Jimmy Naifeh** and Lt. Gov. **Ron Ramsey** indicated they're not convinced. Ramsey said some people “don't trust the computer lottery drawing.” Both speakers suggested it's important to consider public confidence. Rep. **Jason Mumpower** (R-Bristol) and Sen. **Bill Ketron** (R-Murfreesboro) are sponsoring legislation to mandate a return to ball drawings.

■ A Christmas Eve burglary at the Davidson County Election Commission offices has stirred up a political hornet's nest in Nashville. Two laptop computers were taken that contained social security numbers and other information for 300,000 registered voters. Wednesday, Mayor **Karl Dean** ordered a data security audit of every Metro government department.

■ While most Tennessee Republicans were disappointed by the Iowa results, former GOP chairman **Chip Saltzman** couldn't have wished for a better outcome. Saltzman, who signed on before **Fred Thompson** considered running, is **Mike Huckabee's** campaign manager.

■ “I can't imagine what it would be like to be the first lady of Tennessee, but who knows? I don't rule it out. It's dangerous to say never.” — *County music star Faith Hill*, in a story Thursday on the entertainment news site *Hollyscoop* about husband **Tim McGraw's** ambition to be governor of Tennessee.

■ **McGraw**, a Democrat, performed at a reelection fund-raiser for Gov. **Phil Bredesen** in 2006. In January of that year, former president **Bill Clinton** was quoted in *Esquire* magazine as saying the entertainer would be a good candidate for office. McGraw told the magazine at the time he might run for governor or senator “in 10 or 15 years when the music has died down.”

■ **Roy Acuff** gave it a shot in 1948 but didn't win. But as **Hill** says, who knows? And think what the couple could do with that new underground entertainment hall at the governor's mansion.