

REGIONAL / NATIONAL

Tennessee judges reject lawsuit challenging scholarship funds for low income families

NASHVILLE, Tenn. (Nov. 28, 2022) – Last week, a Tennessee state three-judge panel issued a final order rejecting efforts by the Metropolitan Government of Nashville & Davidson County and Shelby County to block a scholarship program for students from low-income families. Now, over 2,000 families each have access to more than \$8,000 in funds from the Tennessee Education Savings Account (ESA) program to allow their children to attend the independent school of their choice.

A coalition of parents and schools, including the Greater Praise Christian Academy, was represented by attorneys from the Liberty Justice Center, a national law firm. The Greater Praise coalition argued that the lawsuit should be dismissed because the ESA program had not caused the plaintiffs—Davidson and Shelby Counties—any injury.

The trial court agreed with the Greater Praise coalition. In its decision dismissing the case, the court stated that the counties were improperly asking the court “to wade into a policy debate.”

Buck Dougherty, senior attorney at the Liberty Justice Center, said, “Today’s ruling is a resounding victory for educational freedom for thousands of families across Tennessee. After fighting for over two years to gain access to better education opportunities through the ESA program, our clients and thousands of Tennessee children in failing school districts will finally be able to attend the schools of their choice that best fit their needs.”

BACKGROUND: In 2019, Tennessee Gov. Bill Lee signed a law that provides scholarships to children from low-income families in Nashville and Memphis to be used to attend the school of their

choosing. This program is the first of its kind exclusively for low-income families in Tennessee. This type of program has proven effective and critical in other parts of the country, including Wisconsin, Florida, Ohio, Arizona, Nevada and Washington D.C.

On February 7, 2020, the Metropolitan Government of Nashville and Davidson County, Metropolitan Nashville Board of Public Education and Shelby County Government filed a lawsuit in the Chancery Court for Davidson County, Tenn. to block the program.

On March 2, 2020, a group of families with public school students represented by the Southern Poverty Law Center and American Civil Liberties Union filed an additional lawsuit. The ESA program was set to begin in August 2020.

In May 2020, Nashville Chancellor

Anne C. Martin blocked the scholarship program from going into effect. Chancellor Martin allowed an appeal of her order right away. Liberty Justice Center appealed the ruling to the Tennessee Court of Appeals and the state Supreme Court.

On May 18, 2022, the Tennessee Supreme Court ruled the scholarship program for children from low-income families is constitutional and may go into effect.

In August 2022, a Tennessee state trial court denied additional efforts to block the scholarship program, allowing access to more than \$8,000 in funds from the Tennessee Education Savings Account program to be used by more than 2,000 families.

Liberty Justice Center’s case documents are available here: <https://libertyjusticecenter.org/cases/metropolitan-govt-nashville-v-tennessee-doe/>

Railroad unions and their employers at an impasse: Freight-halting strikes are rare, and this would be the first in 3 decades

Erik Loomis,
University of Rhode Island -

The prospect of a potentially devastating rail workers strike is looming again, prompting the Biden administration on Nov. 28, 2022, to call on Congress to intervene by passing legislation that would force them to agree to a new contract.

Fears of a strike in September 2022 saw the White House pull out all the stops to broker a deal between railroads and the largest unions representing their employees.

That deal hinged on ratification by a majority of members at all 12 of those unions. So far, eight have voted in favor, but four have rejected the terms. If even one continues to reject the deal after further negotiations, it could mean a full-scale freight strike could start as soon as the deadline passes on Dec. 9, 2022.

“Let me be clear: a rail shutdown would devastate our economy,” President Joe Biden said in a statement on Nov. 18. “Without freight rail, many U.S. industries would shut down.”

Any work stoppage by conductors and engineers would surely interfere with the delivery of gifts and other items Americans will want to receive in time for the holiday season, along with coal, lumber and other key commodities.

Strikes that obstruct transportation rarely occur in the United States, and the last one involving rail workers happened three decades ago. But when these workers do walk off the job, it can thrash the economy, inconveniencing millions of people and creating a large-scale crisis.

I’m a labor historian who has studied the history of American strikes. I believe that with the U.S. teetering toward at least a mild recession and some of the supply chain disruptions that arose at the outset of the COVID-19 pandemic still wreaking havoc, I don’t think the administration would accept a rail strike for long.

19th century rail strikes

Few, if any, workers have more power over the economy than transportation workers. Their ability to shut down the entire economy has often led to heavy retaliation from the government when they have tried to exercise that power.

In 1877, a small strike against a West Virginia railroad that had cut wages spread. It grew into what became known as the Great Railroad Strike, a general rebellion against railroads that brought thousands of

unemployed workers into the streets.

Seventeen years later, in 1894, the American Railway Union went on strike in solidarity with the Pullman Sleeping Car company workers who had gone on strike due to their boss lowering wages while maintaining rents on their company housing.

In both cases, the threat of a railroad strike led the federal government to call out the military to crush the labor actions. Dozens of workers died.

Once those dramatic clashes ended, for more than a century rail unions have played a generally quiet role, preferring to focus on the needs of their members and avoiding most broader social and political questions. Fearful of more rail strikes, the government passed the Railway Labor Act of 1926, which gives Congress the power to intervene before a rail strike starts.

Breaking the air traffic controllers union

With travel by road and air growing in importance in the 20th century, other transportation workers also engaged in actions that could shut down the economy.

The Professional Air Traffic Controllers Association walked off the job in 1981 after a decade of increased militancy over the stress and conditions of their job. The union had engaged in a series of slowdowns through the 1970s, delaying airplanes and frustrating passengers.

When it went on strike in 1981, the union broke the law, as federal workers do not have the right to strike. That’s when President Ronald Reagan became the first modern U.S. leader to retaliate against striking transportation workers. Two days after warning the striking workers that they would lose their jobs unless they returned to work, Reagan fired more than 11,000 of them. He also banned them from ever being rehired.

In the aftermath of Reagan’s actions, the number of strikes by U.S. workers plummeted. Rail unions engaged in brief strikes in both 1991 and 1992, but Congress used the Railway Labor Act to halt them, ordering workers back on the job and imposing a contract upon the workers.

In 1992, Congress passed another measure that forced a system of arbitration upon railroad workers before a strike – that took power away from workers to strike.

New era of labor militancy

Following decades of decline in the late 20th century, U.S. labor organizing has



A major U.S. rail strike could further snarl supply chains. Luis Sinco/Los Angeles Times via Getty Images

surged in recent years.

Most notably, unionization attempts at Starbucks and Amazon have led to surprising successes against some of the biggest corporations in the country. Teachers unions around the nation have also held a series of successful strikes everywhere from Los Angeles to West Virginia.

United Parcel Service workers, who held the nation’s last major transportation strike, in 1997, may head back to the picket lines after their contract expires in June 2023. UPS workers, members of the Teamsters union, are angry over a two-tiered system that pays newer workers lower wages, and they are also demanding greater overtime protections.

But rail workers, angered by their employers’ refusal to offer sick leave and other concerns, may go on strike first.

Rail companies have greatly reduced the number of people they employ on freight trains as part of their efforts to maximize profits and take advantage of technological progress. They generally keep the size of crews limited to only two per train.

Many companies want to pare back their workforce further, saying that it can be safe to have crews consisting of a single crew member on freight trains. The unions reject this arrangement, saying that lacking a second set of eyes would be a recipe for mistakes, accidents and disasters.

The deal the Biden administration brokered in September 2022 would raise annual pay by 24% over several years, raising the average pay for rail workers to \$110,000 by 2024. But strikes are often about much more than wages. The companies have also long refused to provide paid

sick leave or to stop demanding that their workers have inflexible and unpredictable schedules.

The Biden administration had to cajole the rail companies into offering a single personal day, while workers demanded 15 days of sick leave. Companies had offered zero. The agreement did remove penalties from workers who took unpaid sick or family leave, but this would still leave a group of well-paid workers whose daily lives are filled with stress and fear.

What lies ahead

Seeing highly paid workers threaten to take action that would surely compound strains on supply chains at a time when inflation is at a four-decade high may not win rail unions much public support.

A coalition representing hundreds of business groups has called for government intervention to make sure freight trains keep moving, and it’s highly likely that Congress will again impose a decision on workers under the Railway Labor Act – as the president is requesting. Lawmakers are expected to take up legislation to do so soon. The Biden administration, which has shown significant sympathy to unions, had previously resisted supporting such a step.

No one should expect the military to intervene like it did in the 19th century. But labor law remains tilted toward companies, and I believe that if the government were to compel striking rail workers back on the job, the move might find a receptive audience. (The CONVERSATION) This article was updated to include Biden’s calls on Congress to intervene.

Kyra Harris Bolden Becomes 1st Black Woman Judge to Serve on Michigan Supreme Court

Nationwide — Kyra Harris Bolden has been appointed to the Michigan Supreme Court, making history as the first Black woman to serve on the state’s high court.

Gov. Gretchen Whitmer has chosen Bolden, whom she described Bolden as “passionate about the law, to fill a seat on the Michigan Supreme Court.

“She will bring a unique perspective to our high court as a Black woman — and as a new, working mom — that has too long been left out,” Whitmer said, according to the Detroit News. “Kyra is committed to fighting for justice for generations, and I know she will serve Michigan admirably, building a brighter future for her newborn daughter and all our kids.”

Bolden, who is 34 years old, is the first Black woman and the youngest member of the Michigan Supreme Court.

Prior to that, Bolden has been a member of the Michigan House since 2018. She also previously served as a judicial clerk for Judge John A. Murphy in Wayne County and later practiced civil litigation at Lewis & Munday.

Bolden’s appointment comes after she lost a campaign for one of the two open seats on the Michigan Supreme



Court in the November 8 election. Bolden was chosen to replace retiring former Chief Justice Bridget McCormack. She will join the court at the start of 2023 and serve a partial term that will end on January 1, 2025.

“I am incredibly honored to be chosen by Gov. Whitmer for this appointment to the Michigan Supreme Court,” Bolden said. “I will ensure equal access to justice, apply the law without fear or favor, and treat all who come before our state’s highest court with dignity and respect.”

Black Student Without Legs Makes His Middle School’s Basketball Team

Nationwide — Josiah Johnson, an 8th grader at Moore Middle School in Louisville, Kentucky who was born without legs, has become a part of the school’s basketball team.

For Josiah, basketball is “something I had to do,” he told WLKY. “I don’t want you doubting me because I don’t have legs. I want to show you that I’m just as human as you, and just as good as you are, if not better.”

Since he was in kindergarten, Josiah has always loved playing basketball. He tried out for the Moore Middle School basketball team and he made it. This is his first year on a team.

“I acted like I wasn’t excited in front of coach,” Josiah said. “When I went in the gym, I was excited.”

Since then, he has been proving himself worthy of the spot he earned in the team.

“He shows up every day,” coach Daquan Boyd said. “If we have to do sprints or something like that, he runs them too. That’s very exciting to see him go out there and do what everyone else does, as well.”

Moreover, Josiah helped his team defeat another school team in the first game he participated in.