

HOUSE VS. SENATE VARIED VISIONS SET UP BUDGET SHOWDOWN

BY MATT CAULDER

Before taking a week off beginning with the Independence Day holiday, the House and Senate agreed on a temporary spending plan that will give legislators 45 days following the end of the fiscal year to come up with a new spending plan for the next biennium.

But big differences between the two chambers' visions for the future virtually guarantee intense negotiations and debate before the General Assembly can end this year's session.

Return to Jones Street

Both chambers agreed to the continuing resolution (CR) hours before the end of the fiscal year, which was at midnight June 30.

The CR will run until Aug. 14, at which point the Legislature will have to have a plan in place or push the deadline further.

Both chambers' leaders hailed the CR as a clean bill that will keep the lights on until a final deal can be reached.

The CR includes a \$100 million appropriation for

school enrollment growth, makes good on a promise to raise starting teacher salaries to \$35,000, and lifts all existing teacher salaries from the previous \$34,000

clashes.

Senate President Pro Tem Phil Berger (R-Rockingham) said ahead of the CR that he expected the two chambers to go past July 1 putting

during session and then return to their careers while the Legislature is out of session.

The Senate budget represents a 2 percent increase,

corporate income tax rates, and increases the standard deduction available to taxpayers.

Meanwhile, the House budget increases corporate incentive funding and funnels resources into more spending in other places as well.

The Senate budget moves some operations of the Wildlife Resources Commission – including its aquariums, state parks, and zoo – to the Department of Cultural Resources, in line with Gov. Pat McCrory's budget, while the House spending blueprint did not.

The Senate budget appropriates an expected \$400 million revenue surplus to the state's savings accounts. The House sees the surplus, and a generally improving economic climate, as a chance to spend more.

The Senate budget comes closest to the governor's proposal, landing about \$50 million under McCrory's plan.

The House plan overshoots McCrory's proposal by \$630 million. ■



minimum to the new salary range.

The House put forth a \$22.2 billion spending plan that is a different animal than the Senate's \$21.47 billion plan.

The \$700 million divide sets up the House and Senate for what could be serious

together a mutually agreeable spending plan, which proved to be a surprise to no one.

House Speaker Rep. Tim Moore (R-Cleveland) made it clear that he is prepared to stick around for as long as is needed to come to a good agreement.

Legislators serve part-time

but the House plan would mean a 5 percent increase in state General Fund spending.

Apart from the numerical differences, the Senate and House budgets paint very different pictures for the state.

The Senate budget fills the state's savings coffers to over \$1 billion, cuts personal and

NC Millionaire Aims to Re-educate Conservatives

BY SUSAN MYRICK

The physical resemblance is uncanny, but it's not the only thing Jay Faison and Tom Steyer have in common. They both are wealthy political environmental activists who have decided they will spend their millions/billions to support the politics of environmentalism and the agenda of Big Solar – one influencing the power elite, the other unbelieving conservatives. Indeed, Bob

Inglis (SC-4), a former Republican congressman, recently told The Washington Post that Faison “can be the Tom Steyer of the Right on climate change.”

There are differences, of course. Faison might consider it a compliment to be compared with Steyer, the well-known liberal billionaire, environmental activist and philanthropist from San Francisco. Steyer, in 2014,

spent more than \$75 million in a mostly unsuccessful attempt to defeat Republican gubernatorial and U.S. Senate candidates. His profile has been raised significantly in the last couple of years and is perhaps second only to George Soros in being celebrated by the Left and scorned by the Right.

Faison, on the other hand, is a relative unknown whose political profile has been all but nonexistent – until now.

Perhaps that was the point of Faison's recent introduction to North Carolina politics by Left-leaning journalism organization Politico – to draw the comparison with Steyer and at the same time create a mainstream and powerful persona for a political unknown.

June has brought a flurry of articles written about Faison; most were based on

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Rethinking Another Relic of NC's History

BY JIM TYNEN

It is indeed time to rethink a relic of the South's legacy of racism – progressivism.

The news is full of stories of Confederate flags or statues of rebel leaders. But another

issue is the intertwined history of progressivism and racism.

Let's start with Woodrow Wilson. He remains a hero to liberals. The nation is still dominated by progressive policies he championed, including the Federal Reserve, the income tax, and other measures that added to Washington's reach and power.

He was also an outright racist. A post by a Boston University professor (hat tip to Instapundit) recounts this sad history:

"Born in Virginia and raised in Georgia and South Carolina, Wilson was a loyal son of the old South who regretted the outcome of the Civil War. He used his high office to reverse some of its consequences.

"When he entered the White House a hundred years ago, Washington was a rigidly segregated town — except for federal government agencies.

"They had been integrated during the post-war Reconstruction period, enabling African-Americans to obtain federal jobs and work side by side with whites in government agencies. Wilson promptly authorized members of his cabinet to reverse this long-standing policy of racial integration in the federal civil service."

The alliance of progressivism

and racism in North Carolina culminated in the infamous White Supremacy Campaign of 1898.

Tellingly, it was led by

racial hatred, even as he used his political influence behind the scenes to unite progressives and Democrats against the "fusion" ticket of blacks and

Democratic dominance, and racial segregation, followed.

To learn more, check out

stirrings of awareness of the other legacy of progressivism.

Charles Aycock was known

"If the state and nation are taking a new look at history, progressivism must be included."

Lee Craig's *Josephus Daniels: His Life and Times*.

What is perhaps most chilling is that Daniels doesn't seem to have been an especially hateful man. But he was a committed progressive, and his ideology and ambition overrode other considerations.

Progressives believed white people wouldn't support public schools that were racially integrated. And Republicans and black voters had forged a political alliance. For progressives, the solution was to stir up racism to shatter the fusion coalition, take power, and then establish segregated public schools.

Daniels was a leader in that campaign. He never rejected it. Yet today's North Carolina liberals have never come to terms with that twisted legacy.

A statue of Daniels still stands in Nash Square, across from the N&O offices. The newspaper today and every day quotes him approvingly on its editorial page. His legacy is there in plain sight, yet so far hasn't stirred much interest.

Nevertheless, there are

as the "Education Governor" of North Carolina. He was also, however, another leader of the white supremacy movement. This year, East Carolina and Duke universities have removed his name from residence halls. At least North Carolina is beginning to look at racism and progressivism.

If the state and nation are taking a new look at history, progressivism must be included. For racism was an integral part of its history.

That matters today. To our liberal friends, we pose this question: Could today's progressives also put other goals ahead of minority rights? For example, what is more important to today's progressives: jobs or climate change?

That's at least as important as the question of whether a relic of a movement vanquished a century-and-a-half ago might be among the historic artifacts scattered about the state. ■



Statue of Josephus Daniels in Raleigh's Nash Square

Josephus Daniels, a progressive who was owner of the News & Observer and was later Wilson's Secretary of the Navy. Daniels used his newspaper to whip up

Republicans. Daniels' scheme worked. The political power of Republicans and blacks was shattered. Decades of

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CLF Builds on Growing Legal Movement

BY ELLIOT ENGSTROM

The Civitas Institute Center for Law and Freedom (CLF) functions as North Carolina’s conservative public interest law firm. We provide legal and educational services at no cost as part of Civitas’ overall charitable mission. To better understand CLF, it is necessary to first understand what conservative public interest law (CPIL) is and how the movement began.

Public interest law is the practice of law focused on furthering the interest of the public in general, or some significant part of the public. Conservative public interest

1980s in Washington, D.C. At that time, a “shoeshine entrepreneur” named Ego Brown challenged a D.C. regulation prohibiting his shoe-shining business from being conducted on public streets. Thanks to the work of Mr. Brown’s attorney, Clint Bolick, the regulation was overruled as unconstitutional.

Bolick was at that time a young attorney pioneering new ideas with the Landmark Center for Civil Rights. He realized that winning in the court of public opinion was just as important as winning in the court of law. He saw

CPIL movement early by supporting the Goldwater Institute with a U.S. Supreme

ensure transparency on the part of state agencies. CLF also has an important role in

CLF attorneys have also spoken at colleges statewide. The center is now embarking on larger-scale projects with the hope of vindicating the rights of North Carolinians in our state’s courts. Further inquiries about CLF can be directed to clf@nccivitas.org, and readers can follow us on Twitter at [@CivitasCLF](https://twitter.com/CivitasCLF). ■

“One could argue that the first legal case brought for a conservative purpose was the 1896 case of Plessy v. Ferguson”

Court brief. The center has also used both litigation and the threat of litigation to educate North Carolinians about important legal and policy issues.



law, in particular, is the practice of law with the goal of furthering conservative ideas and causes.

One could argue that the first legal case brought for a “conservative” purpose was the 1896 case of Plessy v. Ferguson, in which a group of New Orleans railway car owners challenged a Louisiana law requiring blacks and whites to ride in separate railway cars. The law was detrimental to the economic interests of the railway car owners, as well as abhorrent to the equal protection clause of the U.S. Constitution. However, the Supreme Court famously held that separate but equal was in fact equal.

A more formal beginning of the CPIL movement can be found in the establishment of organizations such as the Landmark Legal Foundation and Pacific Legal Foundation. These organizations in many ways constitute the “first generation” of conservative public interest law. They both continue to litigate property rights, economic liberty, and government transparency cases throughout the country. The “second generation” of CPIL was born in the late

litigation not just as a tool to vindicate conservative ideals in court, but also as a method of showing the public why conservative ideas were so important.

Bolick went on to cofound the Institute for Justice (IJ), today one of the preeminent libertarian law firms in the nation. From IJ he then went on to found the litigation wing of the Goldwater Institute. At Goldwater, Bolick has further refined the idea of conservative public interest law, bringing lawsuits under state constitutions rather than just the federal Constitution – a strategy that has won several significant cases for Goldwater. In addition to litigating, Goldwater makes an active investment in the future of the CPIL movement by training law students – such as the author of this piece – as litigation clerks in their Ronald Reagan Fellows program.

The CPIL movement is entering what one could call its “third generation.” This consists of organizations nationwide setting up state-based legal centers, such as CLF.

CLF dove in to the broader

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4 Thoughts on Confederate Flag's Meaning

BY MATT CAULDER

An nccapitolconnection.com column

In the wake of the racially motivated killings of nine parishioners at Emanuel AME Church in Charleston, S.C., a call has risen to scrub the remains of the Confederacy from South Carolina, the South, and the country.

But there are at least four reasons to give the issue a closer look before we give a knee-jerk reaction.

1. Symbolic meanings change over time

Of course, and much to the chagrin of modern Southerners, certain groups such as the Ku Klux Klan (KKK), neo-Nazis and others have taken the flag and used it to spread hate.

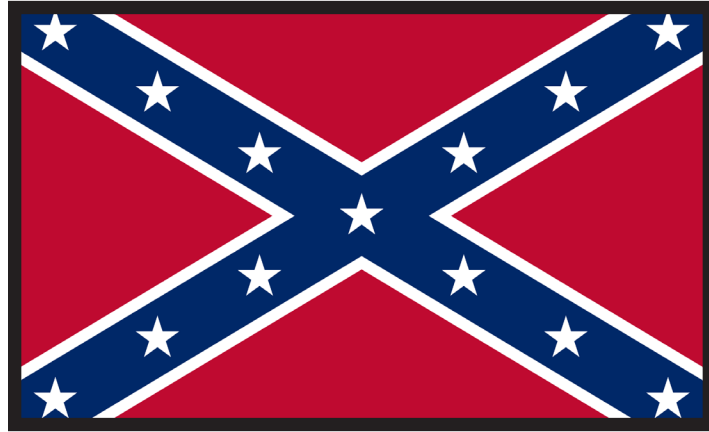
That's one reason groups are calling for the flag to be removed from a flagpole adjacent to the Confederate memorial at the South Carolina State House.

Yet it's important to remember it flew it on top of the State House beginning in 1962, after a resolution passed in the Democrat-controlled Legislature in clear defiance of the Civil Rights Movement of the 1960s.

It is clear that the flag was raised for the wrong reason, as a way to intimidate African-Americans and show rejection of integrationist policies.

Should we ban the Democratic Party, which then was solidly segregationist all across the South?

In 2000, with civil rights ensured, the Legislature voted to move the flag down beside the Confederate memorial. That's just one example of how the flag's meaning has changed



over the decades.

Yet should the flag be removed entirely from the South Carolina State House grounds? And should all Confederate symbols be expunged from the land?

2. Historical lessons should be heeded

I put to you that if we, as a country, sweep the Confederacy under the rug, will we not in turn leave ourselves open to repeating the mistakes of the past?

In line with the lessons of statesman and thinker Edmund Burke, I put this quote to you — “Those who forget the

past are doomed to repeat it.” Burke's quote predates George Santayana's better-known line from “Reason in Common Sense,” but it expresses the same sentiment.

What if Auschwitz had been demolished, *The Diary of Anne Frank* were not required reading for schools, and there were

no Holocaust museums? If humanity brushed the history of Nazism under the rug, would we risk repeating those same mistakes?

Applying that same idea to the Confederacy, if we cleanse our society of smudges on our history, will we not be in danger of repeating some of those mistakes?

I am not saying that slavery will come back in America, but the tragic lessons and costs of what a war between the regions really means could be lost. The issue is not just a flag, but rather how we look at all aspects of the Confederate legacy.

3. Symbols have multiple meanings

Which brings up the question of what symbols mean, and whether using them for some other purpose give them a different inherent meaning.

In the case of the Rebel flag, it has been used to represent the KKK since its inception in 1866, but that does not mean Klansmen spoke for the South as a whole and for all time, just as the New Black Panther Party does not speak for all African-Americans.

So the question remains: Because racist, bigoted, supremacist groups have co-opted the Confederate battle flag for their own hate-filled message, does that mean that it is always a symbol of hate?

If so, then so are the symbols “100%,” “88,” “18,” “HH,” and even Thor's hammer, Mjolnir. To neo-Nazis, “100%” refers to a 100 percent white world; “18” refers to Adolf Hitler's initials being the first and eighth letters of the alphabet; “88” and “HH” also signify “Heil Hitler;” and the symbol of Thor's hammer has seen widespread use by white supremacists.

And I don't see anyone protesting the new Avengers movie, though it too features Thor's hammer.

If I see a grand wizard or dragon or whatever other fictional creature in the KKK

sporting a Confederate flag, I know how they mean it. But I and the vast majority of Southerners mean it differently.

4. The flag is also a symbol of legitimate Southern pride

I realize that to some the symbol of the Confederate flag only means hate and inequality — but to me it is quite the opposite. To me the “Stars and Bars” represents the South, a region that I for one believe is the best part of the best country on the planet.

When I see the Confederate flag, I feel a localized version of what I feel when I see the “Star-Spangled Banner.” I feel proud, I feel a sense of loyalty, and I feel at home.

The South has moved far beyond the sad legacy of racism. We should be proud of that. In the same way, we can still be proud of our love of this land and its people.

Let's not erase the past, but remember the harsh lessons of its flaws and treasure the parts of its legacy that still inspire us today. ■

This column is adapted from a series on www.nccapitolconnection.com. Visit the site to read more.



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Reining in Excessive School Testing

BY BOB LUEBKE

If you want to find an education issue where there seems to be universal agreement in North Carolina, talk about testing. Most everyone agrees we subject our children to too much of it.

Right now testing is driving education instead of education driving testing. There is a need for accountability. However, the current overreliance on testing exacts too high a price. To correct these problems, major reforms are needed.

Testing is an important topic for many reasons. Test results heavily influence a child's academic performance. Testing plays a major role in determining school grades on state-issued report cards and can determine whether teachers keep or lose their jobs. Yet hardly a week goes by without some criticism such as "teachers are merely teaching to the test" or "testing is putting excessive pressure on kids to perform, and it's not healthy."

How much testing is too much? From third grade through high school, the

average public school student will take 18 standardized tests and be engaged in 106 hours of state and federal testing.

There are also local, state, and federal tests for different subjects, not to mention the in-class quizzes and tests. For students who are not performing well academically, there is even more testing and retesting to let teachers know what they need to teach and to ensure students are progressing.

According to the Center for American Progress, almost half (49 percent) of parents think there is too much testing in the classroom. If the question was polled in North Carolina, my guess is the number would be considerably higher.

Teachers seem to agree. The 2014 Teacher Working Conditions survey seems to say teachers also are losing faith in the testing process. Results showed that only 45 percent of teachers believe the tests actually gauge student understanding of academic standards. That was a drop of 10 percentage points from

the previous year. In addition, when asked on the same survey if "state assessments provide schools with data that can help improve teaching," only two-thirds of teachers agreed.

In recent years the quantity of testing has accelerated. In 2011, the North Carolina No Child Left Behind waiver continued the End of Grade, End of Course and NC final exams as well as math, reading and science assessments. Passage of Read-to-Achieve legislation in 2012 eliminated social promotion and required schools to demonstrate reading proficiency before moving on to the next grade level. The legislation required additional testing time for third-graders and their teachers and added further weight to the outcomes of assessments.

What's behind all the testing? Educators and policymakers say it's to ensure teachers know what students are learning. Testing also helps to hold schools accountable for how they use public tax dollars.

State law (G.S. 115C-

174.10) says the purpose of North Carolina's statewide testing program is threefold: to ensure all high school graduates possess minimum skills and knowledge to function in society; to be able to identify strengths and weaknesses in the education process; and to help our education system be more accountable.

But is this effort working? First, is testing making our education system more accountable? That's hard to believe when satisfaction with public education has long been at best lukewarm. An October 2014 Gallup Poll found 49 percent of respondents dissatisfied with the quality of the education students receive. Only once since 2000 has the percentage for "satisfied" been higher than "dissatisfied."

Second, what about academically? While recent school reports produced some good news for some schools, still nearly 30 percent of our schools received unsatisfactory or failing grades. It should come as no surprise that recent school tests have

not produced the best of results. Yes, I'm aware of the controversy over how much weight to give student achievement and academic growth when calculating school grades. While changes may help, grades are calculated and the division over student achievement and academic growth, other facts tell us how serious our problems are: fifty-two percent of recent high school graduates enrolled in one or more remedial or "developmental" math and/or English courses when they entered North Carolina community colleges.

Testing of public school students is out of control in North Carolina. Students, teachers and parents are unhappy. Neither are we seeing the test results we want to see. It's time to reform and refine the assessment process and reduce the burden on students and teachers. Only when those things are right can we concentrate on the real goal, better academic results. ■

High Court Twists Law in ACA Ruling

BY ELLIOT ENGSTROM

In June, the U.S. Supreme Court once again opted not to rule a key provision of the Affordable Care Act (ACA) unconstitutional. The case at issue, *King v. Burwell*, was technically not a challenge to the ACA itself but rather the Internal Revenue Service's (IRS) implementation of the Act.

"In a democracy," Chief Justice Roberts wrote for the majority, "the power to make the law rests with those chosen by the people. Our role is more confined – 'to say what the law is.'"

Such a statement is quite ironic given that the decision takes a statutory phrase and then contorts it to say the exact opposite of its natural meaning. Moreover, the Court's complete abdication to the executive on matters of statutory interpretation could shake the very foundations of our democracy for decades to come.

The fundamental question

at issue in *King v. Burwell* was whether the IRS had exceeded its congressional mandate. The ACA sets up a scheme through which individuals purchase health insurance through government-run "exchanges." The ACA, as written, authorizes the IRS

"The Court's complete abdication to the executive on matters of statutory interpretation could shake the very foundations of our democracy for decades to come."

to provide tax subsidies only to those who purchase their health care through an exchange "established by the state." However, the IRS opted to provide subsidies to Americans who purchased their health insurance through exchanges established by both the state and the federal government.

Justice Antonin Scalia had a biting response to a key portion of the ruling, which was written by Chief Justice John Roberts:

"The Court claims 'the context

and structure of the Act compel [it] to depart from what would otherwise be the most natural reading of the pertinent statutory phrase.' I wholeheartedly agree with the Court that sound interpretation requires paying attention to the whole law, not homing in on isolated words or

even isolated sections. Context always matters. Let us not forget, however, why context matters. It is a tool for understanding the terms of the law, not an excuse for rewriting them."

Generally, regulations are evaluated under the Chevron test, which asks whether to grant deference to a government agency's interpretation of a statute it administers. The Court is first supposed to ask whether Congress has spoken directly to the precise question at issue. If

the intent of Congress is clear, that is the end of the matter. However, if Congress has not directly addressed the question at issue, then the Court should simply determine "whether the agency's answer is based on a permissible construction of the statute."

However, the Court opted not to use the *Chevron* framework. Its stated reason for doing so was because this is an "extraordinary" case that affects a question of deep "economic and political significance" – the question of whether subsidies are available on federal exchanges. Under this rationale, the Court stretched the amount of deference due to administrative agencies to the point where the IRS has the "discretion" to take an action that is the exact opposite of what the statute explicitly states.

It would seem that the Court, before ever taking up the case, decided that it would find a way to uphold

the ACA. In doing so, it has handed administrative agencies a powerful new tool. For years to come, agencies will argue in federal courts throughout the nation that they have discretion to do as they please, all due to the fact that their actions affect questions of "economic and political significance" as stated in *King v. Burwell*.

The Roberts Court thus secured its legacy as one that twisted the law in order to serve the predetermined purpose of upholding the political class' cause of choice. If it was not bad enough that this legacy in the short term leaves the American people with a health care system that focuses on "coverage" and "insurance" rather than actual access to health care and cost-controlling measures, it also has set the stage for administrative agencies to expand their power far beyond their congressional mandate. ■

Civitas Poll

Survey Sheds Light on 2016 Prospects

BY CIVITAS STAFF

The latest Civitas Poll of registered North Carolina voters showed Gov. Pat McCrory leading Attorney General Roy Cooper in a hypothetical gubernatorial race.

Asked whom they would vote for if the election were held today, 43 percent of voters would back Gov. Pat McCrory, 38 percent would cast their ballots for Cooper, and 17 percent were undecided or were leaning toward one of the candidates.

The poll surveyed 600 registered North Carolina voters, 30 percent of whom

were reached on cell phones. The survey was taken June 23-25, and had a margin of error of plus/minus 4 percent.

In other findings from the poll, as the news was breaking that former Sen. Kay Hagan would not seek a Senate seat in 2016, Civitas-commissioned pollsters were finding that the Democrat had less support from NC voters than the Republican incumbents in the Senate and the Governor's Office.

News reports on June 23 and 24 – while the Civitas Poll was being taken -- said Hagan had decided not to

challenge Republican Sen. Richard Burr, who is expected to seek re-election. The Civitas Poll found that, when voters were asked whom they would vote for "if the election were today," 46 percent of voters favored Burr and 38 backed Hagan.

Also, asked whom they would vote for in a hypothetical gubernatorial election, 44 percent of voters would back McCrory, and 37 percent would cast their ballots for Hagan.

On the Republican side, former Florida Gov. Jeb Bush led with 14 percent, followed

by businessman Donald Trump with 10 percent and retired neurosurgeon Ben Carson at 6 percent. More than a dozen other announced or likely candidates registered in single digits. Thirty-four percent of voters responded "don't know."

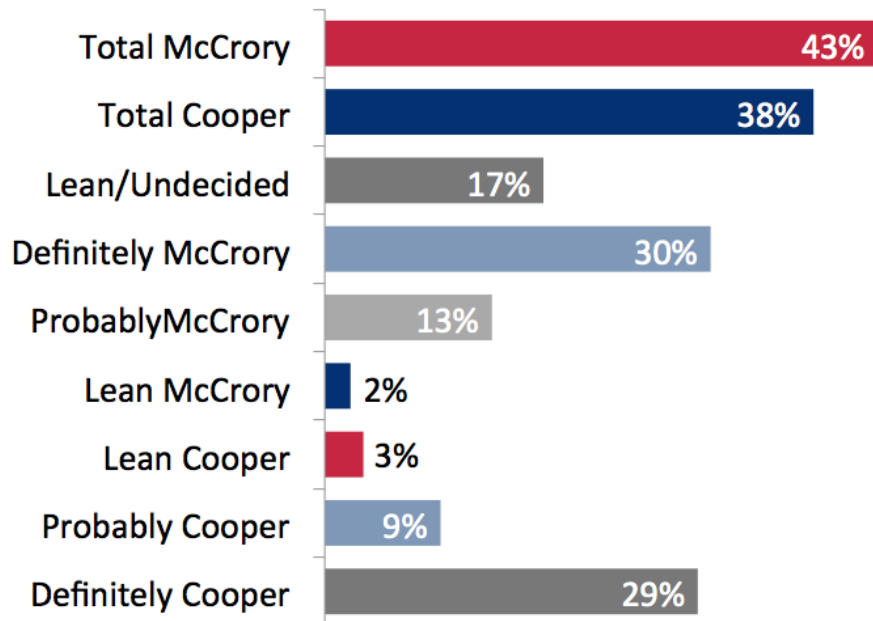
Former Secretary of State Hillary Clinton led Democrats with 33 percent, though she too trailed "don't know," which was the response of 37 percent. Vermont Sen. Bernie Sanders was the choice of 11 percent, followed by other candidates in single digits.

"These results show that

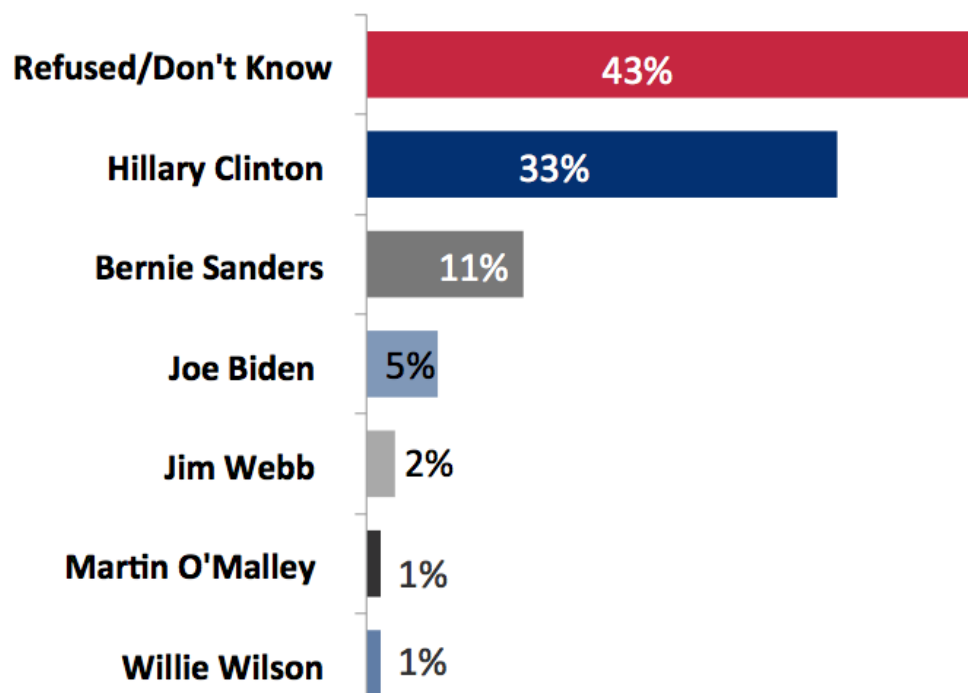
name recognition is the most powerful factor in voters' preferences at this point," said Civitas President Francis De Luca. "That explains why the favorites are Jeb Bush, Hillary Clinton, and Donald Trump."

This poll of 600 registered voters in North Carolina was conducted June 23-25, 2015 by National Research, Inc., of Holmdel, NJ. All respondents were part of a fully representative sample of registered general election voters in North Carolina. Thirty percent of the respondents were cell phone-only users. ■

If the election for North Carolina Governor were being held today, for whom would you vote between: Pat McCrory, the Republican, and Roy Cooper, the Democrat?

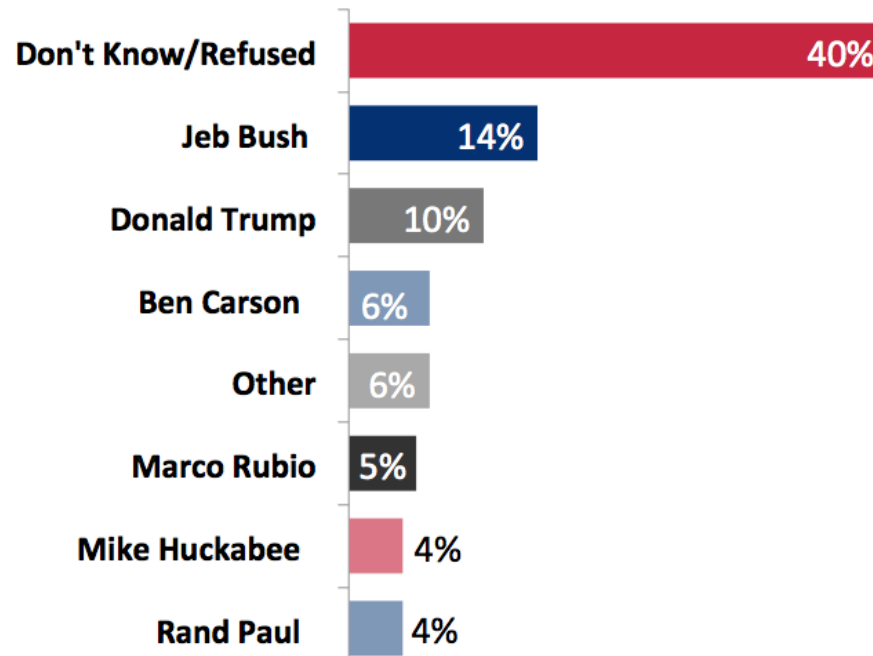


If the 2016 Presidential Election were being held today who would you like to see as the candidate for the Democratic Party? (Open Ended Asked of All Voters)

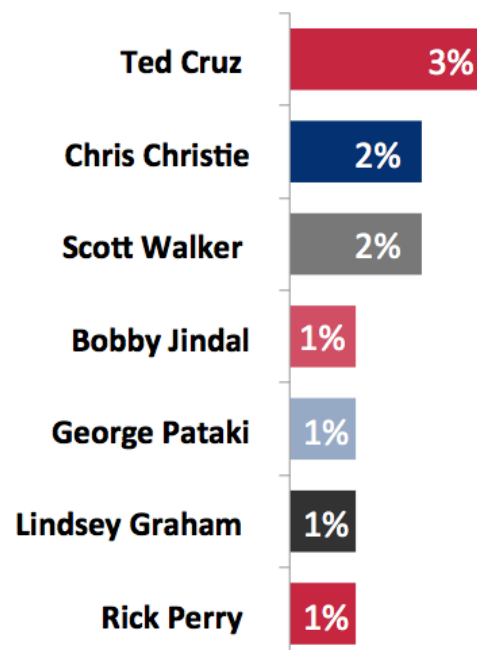


Civitas Poll

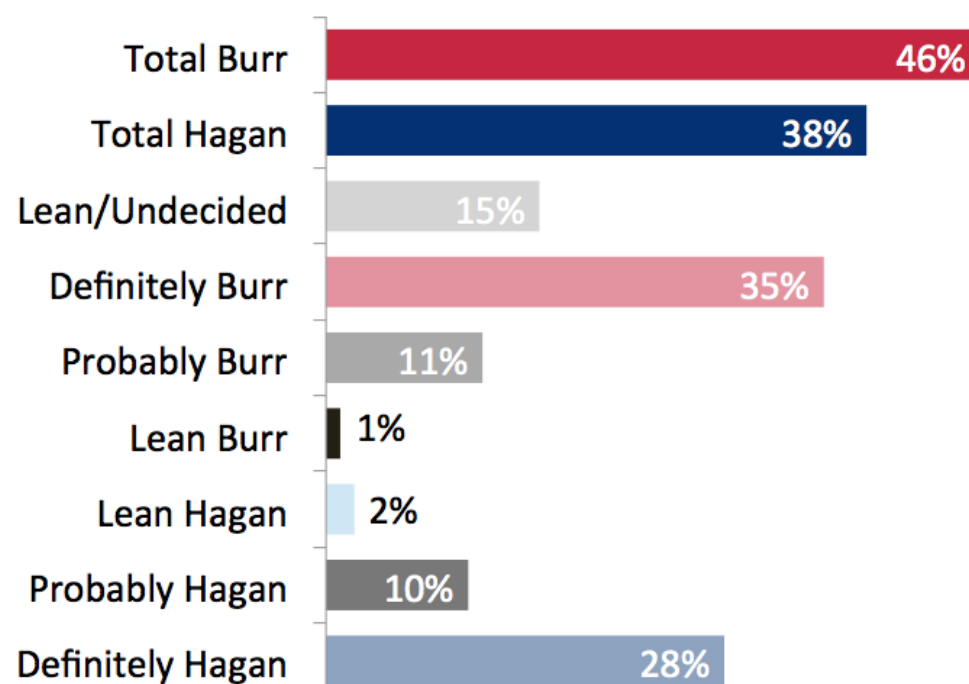
If the 2016 Presidential Election were being held today who would you like to see as the candidate for the Republican Party? (Open Ended Asked of All Voters)



If the 2016 Presidential Election were being held today who would you like to see as the candidate for the Republican Party? (Open Ended Asked of All Voters)



If the election for United States Senate were being held today, for whom would you vote between: Richard Burr, the Republican, and Kay Hagan, the Democrat?



General Assembly News Update

BY MATT CAULDER

With a vote in the state House of Representatives, the General Assembly overrode Gov. Pat McCrory's veto of a bill that would have allowed magistrates and assistant registers of deeds to recuse themselves from performing all marriages, if they have a strongly held religious objection to performing some marriages.

"In other business, what at one point looked like a promising omnibus gun bill for gun rights advocates was watered down on the House floor"

The 69-41 vote squeaked by with the three-fifths majority needed. McCrory vetoed the bill May 28. The Senate's successful override vote followed on June 1, but the House held off for more than two weeks before taking a vote.

Ten lawmakers were absent from the chamber during the vote, dropping the needed number from 72 for a three-fifths majority to 66.

Under the bill, which will now become law, magistrates and assistant registers of deeds will be allowed to recuse themselves from performing all marriages based on strongly held religious beliefs.

The bill was crafted in response to a court decision legalizing same-sex marriage in the state and a letter from the North Carolina Administrative Office of the Courts sent out to magistrates across the state telling them that failure to perform same-sex marriages would violate their oaths of office and be treated as a failure to perform the duties of their office.

Some employees across the state resigned, and are now involved in an ongoing case to decide the issue.

In other business, what at one point looked like a promising omnibus gun bill for gun rights advocates was watered down on the House floor, resulting in a stripped-down version that in mid-June was passed 78-37 in the House.

House legislators originally rolled several firearms bills into one package, HB 562, that would have eliminated the state pistol purchase permit (PPP) system, limited health care professionals from keeping records on patients' personal lives in relation to gun ownership, expanded state reporting to the federal background check system, the National Instant Criminal Background Check System (NICS) and much more.

Rep. Jacqueline Shaffer (R-Mecklenburg), who sponsored the bill, said it "balances Second Amendment protections while significantly strengthening background checks for individuals seeking to obtain firearms – handguns and long guns alike."

However, the North Carolina Sheriffs' Association and the North Carolina Hospital Association lobbied hard against two of the flagship provisions of the bill: the end of the PPP system and the provisions keeping medical professionals from keeping records on patients' firearms. The final version included an array of firearms measures, but the PPP system survived, with some modifications.

As of press time, the measure was sitting in the Senate Rules Committee. ■

House OKs Gun Law Changes

House

Passed Third Reading

This measure would bring some changes to the state's firearms law. Some observers felt this version watered down several proposed reforms.

AMEND FIREARM LAW

HB 562

SUPPORT

House Republicans (73)

Adams; Arp; Avila; Bell J.; Bishop; Blackwell; Blust; Boles; Bradford; Brawley; Brody; Brown B.; Bryan; Bumgardner; Burr; Catlin; Cleveland; Collins; Conrad; Daughtry; Davis; Dixon; Dobson; Dollar; Elmore; Faircloth; Ford; Fraley; Hager; Hardister; Hastings; Holloway; Horn; Howard; Hurley; Jeter; Johnson L.; Jones; Jordan; Lambeth; Langdon; Lewis; Malone; Martin S.; McElraft; McGrady; McNeill; Millis; Moore T.; Pendleton; Pittman; Presnell; Riddell; Robinson; Ross; Saine; Schaffer; Setzer; Shepard; Speciale; Stam; Steinburg; Stevens; Szoka; Tine; Torbett; Turner R.; Warren; Watford; West; Whitmire; Yarborough; Zachary

House Democrats (5)

Brisson; Salmon; Turner B.; Waddell; Wray

OPPOSE

House Republicans (0)

None

House Democrats (37)

Adcock; Ager; Alexander; Bell L.; Brockman; Carney; Cotham; Cunningham; Earle; Farmer-Butterfield; Fisher; Floyd; Graham C.; Graham G.; Gill; Glazier; Goodman; Hall D.; Hall L.; Hamilton; Hanes; Harrison; Holley; Hunter; Insko; Johnson R.; Lucas; Luebke; Martin G.; Meyer; Michaux; Moore R.; Pierce; Reives; Richardson; Terry; Willingham

EXCUSED ABSENCES (5)

Baskerville (D); Brown R. (R); Iler (R); Jackson (D); Queen (D)

SPONSORS Schaffer (R)

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Senate Amends House Budget

6/18/2015

Senate

Passed Third Reading

The Senate amended and passed HB 97, a budget for the 2016-2017 fiscal year. The Senate version of the fiscal blueprint must be reconciled with the House-passed budget. See the story on page 1 for further details.

2015 APPROPRIATIONS ACT

HB 97

SUPPORT

Senate Republicans (32)

Alexander; Apodaca; Barringer; Berger; Bingham; Brock; Brown; Cook; Curtis; Daniel; Davis J.; Gunn; Harrington; Hartsell; Hise; Jackson B.; Krawiec; Lee; McInnis; Meredith; Newton; Pate; Rabin; Rabon; Randleman; Sanderson; Soucek; Tarte; Tillman; Tucker; Wade; Wells

Senate Democrats (0)

None

OPPOSE

Senate Republicans (1)

Rucho

Senate Democrats (14)

Bryant; Clark; Davis D.; Ford; Jackson J.; Lowe; McKissick; Robinson; Smith; Smith-Ingram; Stein; Van Duyn; Waddell; Woodard

EXCUSED ABSENCES (4)

Barefoot (R); Blue (D); Foushee (D)

SPONSORS Dollar (R)

ROLL CALL S- 432

Legislature Overrides McCrory Veto

6/1/2015

Senate

6/11/2015

House

Veto Overriden

The Legislature voted to override the governor's veto of SB 2, which would allow magistrates to opt out of performing same-sex marriages.

MAGISTRATES RECUSAL FOR CIVIL CEREMONIES

SB 2

SUPPORT

Senate Republicans (31)

Apodaca; Barefoot; Barringer; Berger; Bingham; Brock; Brown; Cook; Curtis; Daniel; Davis J.; Gunn; Harrington; Hise; Jackson B.; Krawiec; Lee; McInnis; Meredith; Newton; Pate; Rabin; Rabon; Randleman; Rucho; Sanderson; Soucek; Tillman; Tucker; Wade; Wells

Senate Democrats (1)

Clark

House Republicans (66)

Adams; Arp; Avila; Bishop; Bell J.; Blackwell; Blust; Boles; Brawley; Brody; Brown R.; Bryan; Bumgardner; Burr; Cleveland; Collins; Conrad; Davis; Dixon; Dobson; Dollar; Elmore; Faircloth; Ford; Fraley; Hager; Hastings; Holloway; Horn; Hurley; Iler; Johnson L.; Jones; Jordan; Lambeth; Langdon; Lewis; Malone; Martin S.; McElraft; McGrady; McNeill; Millis; Moore T.; Pendleton; Pittman; Presnell; Riddell; Robinson; Ross; Saine; Schaffer; Setzer; Shepard; Speciale; Stam; Steinburg; Stevens; Szoka; ; Torbett; Turner R.; Warren; Watford; West; Whitmire; Yarborough

House Democrats (3)

Brisson; Graham C.; Waddell

OPPOSE

Senate Republicans (3)

Alexander; Hartsell; Tarte

Senate Democrats (13)

Bryant; Davis D.; Ford; Foushee; Jackson J.; Lowe; McKissick; Robinson; Smith; Smith-Ingram; Van Duyn; Waddell; Woodard

House Republicans (3)

Catlin; Daughtry; Tine

House Democrats (38)

Adcock; Ager; Alexander; Baskerville; Bell L.; Brockman; Carney; Cotham; Cunningham; Earle; Farmer-Butterfield; Fisher; Floyd; Gill; Glazier; Goodman; Graham G.; Hall D.; Hall L.; Hamilton; Hanes; Harrison; Holley; Insko; Jackson; Johnson R.; Lucas; Luebke; Martin G.; Meyer; Michaux; Moore R.; Queen; Reives; Richardson; Salmon; Turner B.; Willingham

EXCUSED ABSENCES

Senate (2)

Blue (D); Stein (D)

House (10)

Bradford (R); Brown B.(R); Hardister (R); Howard (R); Hunter (D); Jeter (R); Pierce (D); Terry (D); Wray (D); Zachary (R)

SPONSORS Berger (R)

ROLL CALL S-346 H-721

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the
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Annual Unaffiliated
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August 20th, 2015



CIVITAS
INSTITUTE

NC Millionaire Aims to Re-educate Conservatives on Climate

CONTINUED FROM PAGE 1

a June 8 story on Politico that described Faison as a Republican/conservative/Christian from Charlotte who made his fortune from the sale of his audio-visual equipment wholesaler – SnapAV. The story went on to say that Faison was going to use his fortune to fund a three-year, \$175 million campaign that will aim to convince Republicans/conservatives that global warming is real and man-made and that with the proper re-education we can do something about the disaster supposedly looming over the planet. In this case, the difference between Steyer and Faison is that Steyer has a history of political engagement seen through his finances, spending his own money himself and via his charitable trusts and foundations.

So far, Faison's political giving doesn't compare with Steyer's. Faison's ClearPath Foundation is so new, its tax forms haven't been made public yet. So far, all we know about ClearPath Foundation is that it received its IRS exempt status in August 2014 and is a 509(a)(3) – an organization whose primary function is to support one or more public charities or government agencies.

Significant by omission is the absence in all but one of the stories of Faison's father, the late Henry Faison. Henry Faison was a prominent and respected Charlotte developer who died in 2012. He was a well-known conservative and generous contributor to conservative and Republican politicians. Triangle Business Journal, in a July 2013 story ranking North Carolina's 25 most powerful Republicans

(using all federal campaign donations), ranked Henry Faison as No. 1.

His estate was valued at more than \$200 million when he died at age 78. His will left much of his wealth to his company, Faison Enterprises. Among the provisions: the forgiveness of \$105 million in loans to the company. According to his family, however, he had planned to change his will so that a large portion of his wealth would go to the Skeebo Charitable Trust, which would support conservative causes. But he died before signing an updated will.

That touched off a court battle, with Jay Faison and his brother, Lane, asserting the company had agreed to the new will. When the case was settled, however, the judge decided the company did not have to repay the \$105 million loan, and that the Faison brothers were to refund \$1 million in interest from the loans and were to pay up to \$2.5 million of the company's legal fees.

According to The Charlotte Observer, "after all legal fees, distributions and other expenses are satisfied, the remainder of the estate goes to the Skeebo trust." Civitas research, however, so far has turned up only records showing the trust has no assets.

Jay Faison's political giving doesn't represent that of an influential political activist comparable with his father, yet his donations and activity provide some intriguing clues.

The Politico account omitted important facts that would help all of us better understand Faison's

background and his motives for pushing a liberal-leftist's agenda. It would have been beneficial to learn that Faison was a member of the board of ecoAmerica. He also has served on the Environmental Defense Fund's (EDF) North

is one of the groups pushing the Big Solar agenda this year, led by Republican consultants targeting Republican legislators.

In addition to Faison's recent donations of \$50,000 to Jeb Bush's the Right to

Rep. Chuck McGrady, a Hendersonville Republican. "There's enough scientists saying we've got a huge risk here, we would be stupid not to protect ourselves from that risk – even if they're wrong," he said. Talk about the lines



Carolina regional council as far back as 2002 and on the EDF National Council at least as far back as 2010. These are hardly conservative organizations. Interesting to note, in 2014, of the \$1.75 million EDF spent against Republicans nationally, \$442,489 was spent against U.S. Senate candidate (an eventual winner) Thom Tillis, then speaker of the North Carolina House of Representatives.

The State Board of Elections shows that since 2000 Jay Faison has contributed \$16,800 to candidates or committees in North Carolina. Of note, \$9,500 went to the Pat McCrory Committee, \$500 went to former Gov. Bev Perdue's campaign, and \$3,000 went to the NC Clean Energy Business Alliance PAC (NCCEBA PAC). NCCEBA

Rise PAC and \$25,000 to Lindsey Graham's campaign, both reported by Politico, the Federal Elections Commission website shows he has contributed \$151,800 to a variety of federal candidates and PACs, a far cry from his father's more than \$1.4 million.

But really, this is all pocket change to the \$165 million Faison has promised to use to indoctrinate global warming skeptics. He also promises to use \$10 million in the political realm.

What's really ominous is what was revealed when The Charlotte Observer went to the belly of the beast and asked Republican politicians in Raleigh what they thought about Faison's foray into North Carolina politics.

The newspaper spoke to

becoming blurred: McGrady is past president of the national Sierra Club.

The Observer also talked to state Sen. Jeff Tarte, R-Mecklenburg, who told the newspaper "the facts are beyond debate" and "to not believe in climate change is to say that there were never dinosaurs on the planet, that Columbus sailed off the edge of the Earth, and that the moon landing occurred on a back lot in Burbank."

So there you have it – one lawmaker who says we should follow the dictates of global warming advocates "even if they're wrong," another who believes there is no reason to debate the issue, and a multimillionaire who plans to re-educate us all. And these men are supposedly from the Right.

Never mind the multitude of scientists who disagree with them and the data that shows no change in global temperatures in the last 10 years. Political consultants and operatives on the Right side of the aisle are recognizing the money-making potential in so-called clean energy, and the Left has learned to cloak their scheme in conservative language. The money they all will make from subsidies and incentives they push through will be coming straight out of the pockets of hardworking taxpayers. ■



Unemployment Update

North Carolina's Jobless Rate Bumps Up

BY MATT CAULDER

According to a North Carolina Department of Commerce news release, North Carolina's May smoothed seasonally adjusted unemployment rate was 5.7 percent, a 0.2 increase over April's unemployment rate.

The May unemployment rate was 0.6 percentage points lower than a year ago.

The national unemployment rate increased 0.1 percentage points to 5.5 percent.

The number of people unemployed increased 12,627 over the month to 272,663, with the total number of unemployed decreasing by 19,275 over the year.

The number of people employed increased 16,769

over the month to 4,498,193, bringing the total change in employment for the year to an increase of 158,939.

In May, unemployment rates, not seasonally adjusted, increased in 97 counties, decreased in two and remained unchanged in one.

Buncombe County had the lowest unemployment rate at

4.5 percent.

Graham County had the highest rate in May, with a 12 percent unemployment rate.

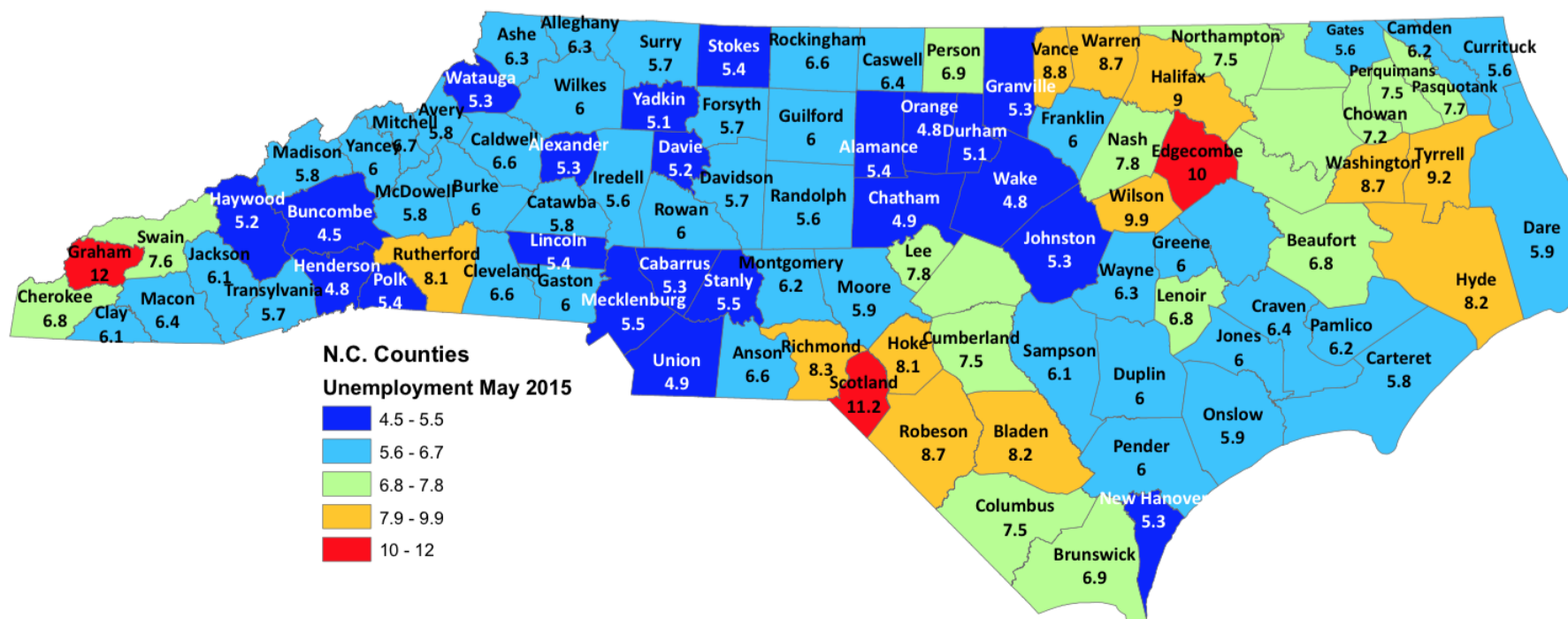
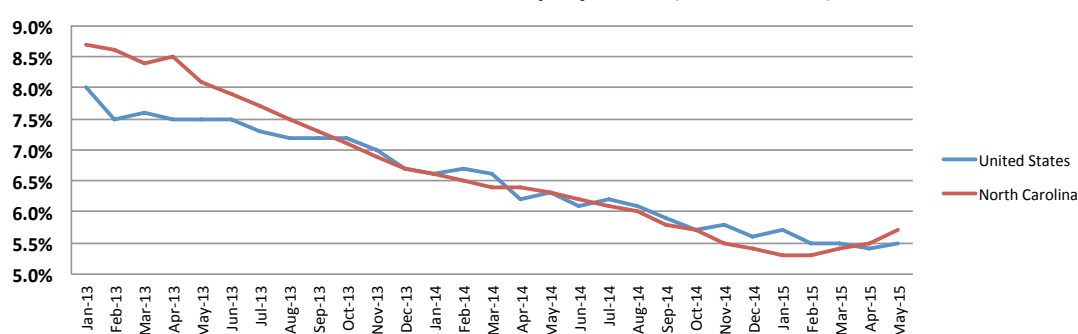
The not-seasonally adjusted unemployment rates decreased in 87 counties when compared with the same month last year, increased in six and remained unchanged in seven.

All 15 of the state's metro

areas experienced rate increases over the year.

Among metro areas Rocky Mount experienced the highest unemployment rate at 8.6 percent and Asheville, at 5.9 percent, had the lowest unemployment rate. ■

North Carolina Unemployment (2013 - 2015)



2008 - 2013 - 2015 N.C. Unemployment Rate Comparison

County	10-08	1-13	5-15	County	10-08	1-13	5-15	County	10-08	1-13	5-15	County	10-08	1-13	5-15
Alamance	7.1	10	5.4	Cumberland	6.8	11	7.5	Johnston	6.1	8.9	5.3	Randolph	6.7	11.1	5.6
Alexander	7.9	10.2	5.3	Currituck	3.6	10.5	5.6	Jones	6.8	10.7	6	Richmond	9.5	13.6	8.3
Alleghany	6.6	12.6	6.3	Dare	4.2	20.1	5.9	Lee	8.2	12.7	7.8	Robeson	8.1	13.9	8.7
Anson	9.5	12.8	6.6	Davidson	7.4	10.7	5.7	Lenoir	7.8	10.8	6.8	Rockingham	7.9	11.7	6.6
Ashe	6.3	13.8	6.3	Davie	6.9	9.3	5.2	Lincoln	7.2	10.8	5.4	Rowan	7.2	10.3	6
Avery	5.6	13.7	5.8	Duplin	5.9	10.6	6	Macon	5.3	13.3	6.4	Rutherford	8.7	14.7	8.1
Beaufort	7.3	11.8	6.8	Durham	5.4	7.9	5.1	Madison	5.7	10.1	5.8	Sampson	5.4	9	6.1
Bertie	7.5	13.5	7.6	Edgecombe	11.4	16.6	10	Martin	6.9	12	7.7	Scotland	11.7	17.8	11.2
Bladen	8.1	13.6	8.2	Forsyth	6.3	9.4	5.7	Mcdowell	8.1	11.9	5.8	Stanly	7	10.1	5.5
Brunswick	6.9	12.2	6.9	Franklin	6.7	9.6	6	Mecklenburg	6.6	9.7	5.5	Stokes	6.1	9	5.4
Buncombe	5.1	8.1	4.5	Gaston	7.7	11.1	6	Mitchell	7.7	15.5	6.7	Surry	8.3	11.1	5.7
Burke	8.6	11.6	6	Gates	5.2	8.3	5.6	Montgomery	8.3	11.1	6.2	Swain	5.5	19	7.6
Cabarrus	6.4	9.4	5.3	Graham	8.2	20.4	12	Moore	6.4	10.1	5.9	Transylvania	5	11.5	5.7
Caldwell	8.3	12	6.6	Granville	7	10.3	5.3	Nash	8.6	12.7	7.8	Tyrrell	6	13	9.2
Camden	5.4	9.4	6.2	Greene	7	9.8	6	New Hanover	5.4	10.4	5.3	Union	6	8.6	4.9
Carteret	5	10.6	5.8	Guilford	6.7	10.3	6	Northampton	7.7	12.1	7.5	Vance	9.8	13.8	8.8
Caswell	8.2	10.4	6.4	Halifax	9.7	14.7	9	Onslow	5.8	9.6	5.9	Wake	5	7.8	4.8
Catawba	7.9	11.6	5.8	Harnett	7.1	11.5	7.1	Orange	4.2	6.6	4.8	Warren	9.7	12.9	8.7
Chatham	5.5	7.5	4.9	Haywood	5.7	10.2	5.2	Pamlico	5.7	11.2	6.2	Washington	7.2	13.5	8.7
Cherokee	8.7	14.1	6.8	Henderson	5.1	7.9	4.8	Pasquotank	6.4	12.4	7.7	Watauga	4.1	9.5	5.3
Chowan	8.5	11.3	7.2	Hertford	6.6	11.5	7.2	Pender	6.4	11.5	6	Wayne	6.3	9.8	6.3
Clay	6	10.6	6.1	Hoke	6.3	9.7	8.1	Perquimans	6.7	11.1	7.5	Wilkes	8.2	11.7	6
Cleveland	8.5	11.3	6.6	Hyde	4.6	15.7	8.2	Person	7.3	11.1	6.9	Wilson	7.9	13	9.9
Columbus	8.1	13.8	7.5	Iredell	6.5	10.4	5.6	Pitt	7	9.9	6.5	Yadkin	6.1	10.1	5.1
Craven	6.2	10.8	6.4	Jackson	4.3	11.3	6.1	Polk	5	8.2	5.4	Yancey	7.2	13.8	6

*Data is from the North Carolina Department of Commerce Labor and Economic Analysis Division

Scandal

21st Century Learning Centers: Lots of Poorly Monitored Spending, Few Results

BY BOB LUEBKE

News flash: No government program is perfect, nor are they ever intended to last forever. To aid our meager efforts we have research and evaluation to help us to find what works and what doesn't, and to ensure public tax dollars are spent wisely. That's what we're told, anyway.

Research and evaluation? Such thinking doesn't matter much when you consider the checkered history of 21st Century Community Learning Centers (21st CCLC).

Originally begun in 1995, 21st CCLC is the only federal program dedicated exclusively to providing after-school care for at-risk students attending high-poverty, low-performing schools. 21st CCLC provides academic enrichment activities to help students meet state and local achievement standards. The centers also provide additional services such as literacy programs, drug and violence prevention efforts, plus a variety of other services to the families of children served.

Just how big is 21st CCLC? In 2014, North Carolina received \$30 million in funding for the program. Since 2004, the state has received about \$287 million in funding for the program.

That's a lot of money. But is the money well spent? A Google search of 21st CCLC calls up numerous instances of fraud and corruption in the program. Are these merely isolated incidents?

Three years ago, a state audit showed the executive director of Real G.I.R.L.S., Inc., a Wake County nonprofit that received nearly \$100,000 in 21st CCLC grants, could not account for thousands of dollars awarded to the organization.

A state audit showed the executive director spent over \$4,000 on custom shirts and bags and another \$1,000 on golf instruction and golf facility rental. If that weren't enough, auditors also found that the Department of Public Instruction — the agency

responsible for monitoring the grant — did not require Real G.I.R.L.S., Inc. to file supporting documentation before being reimbursed.

Earlier this year, the Office of the State Auditor had strong criticism for how the North Carolina Department of Public Instruction (NC DPI) monitored the 21st CCLC grant program. The auditor found NC DPI failed to adequately analyze wide

variations in cost-per-student data at the end of the year and failed to determine the reasons for those differences. NC DPI also failed to require grant recipients to pay back unallowable or inadequately documented expenses.

According to the audit, 36 percent of grant recipients had inadequate documentation regarding payroll. In addition, 54 percent of grant recipients had insufficient fiscal policies and procedures to correctly account for grant funds.

Auditors also found NC DPI did a poor job of

monitoring grant recipients' compliance with federal and state regulations. DPI performed first-year on-site monitoring visits on only 29 percent of the grant recipients. The report found 55 percent of the non-LEA grant recipients did not comply with monthly expenditure reporting requirements — but still continued to receive funds.

If that weren't enough, spending. Surprisingly, funding for 21st CCLC in the early part of this century, despite lackluster or negative evaluations, has grown from \$40 million to over \$1 billion in a few years.

A 2015 study of 21st CCLC found the program's "mean

earlier this year Mark Dynarski, a fellow at the Brookings Institution, penned a scathing review of the national, \$1.2 billion 21st CCLC program.

Dynarski not only pointed out the organization's numerous shortcomings, but also reminded readers that earlier evaluations conducted between 2003 and 2005 were not favorable. Overall, results were insignificant because the estimates of program effects hovered around zero.

Interestingly, the bad news did not reduce program

effects were small and non-significant for attendance and externalizing behaviors. That's social science speak for: "The program did not improve attendance or behavior."

When 21st CCLC has received positive outcomes, they seem to have come with an asterisk. A statewide evaluation of 21st CCLC in South Carolina found that "79 percent of students believed that the program had improved their academic skills." Since when does gauging students' perceptions constitute serious objective research?

A 21st CCLC program in Washington, D.C., found the program did affect academic outcomes — on math skills, but not reading comprehension, an explicit emphasis of 21st CCLC.

This is not good news for a program that so far has spent \$12 billion even as the overwhelming majority of evidence suggests it doesn't produce positive results. Meanwhile, Congress keeps appropriating money for 21st CCLC; the states keep distributing the money; and in North Carolina, DPI keeps shirking its job of monitoring grant recipients.

What's that they said about ensuring the public's money is spent wisely? ■



Scandal is a regular column in *Civitas Capitol Connection* that will explore public corruption in NC Government.

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