



YOU DON'T SAY...

"I've got a huge amount of issues on my plate."

Gov. Pat McCrory, on why he tries to avoid responding to day-to-day developments in the presidential race between Donald Trump and Hillary Clinton.

WFNC Fayetteville, 8/12/16

The Insider for August 12, 2016

News Summary

Legislative Districts

Federal judges on Thursday struck down nearly 30 North Carolina House and Senate districts as illegal racial gerrymanders, but will allow General Assembly elections to be held using them this fall. The decision by a three-judge panel comes six months after another set of judges struck down North Carolina's congressional districts for similar reasons. Thursday's ruling covering 19 House and nine Senate districts is yet another blow to the GOP lawmakers in North Carolina, which has seen several laws it enacted either partially or wholly overturned by federal or state courts. The U.S. Supreme Court announced in June that it would hear the appeals of Republican state leaders in the congressional case, where two majority-black districts were thrown out. The previous map drawn in 2011 and still being challenged helped give the state GOP more seats within the congressional delegation in the swing state. The legislative maps, also approved in 2011, aided Republicans in padding their majorities in the two chambers after they took control of the legislature for the first time in 140 years the year before. Writing for the panel in Thursday's ruling, U.S. Circuit Judge James Wynn said there's not enough time for lawmakers to draw new General Assembly districts and conduct elections under them in November. The plaintiffs had asked that the districts they challenged be blocked from use in any future elections. Instead, state lawmakers will be required to fashion new plans when they reconvene for their legislative session early next year. With so many districts struck down, new maps could affect most of the 170 legislative districts. Postponing the 2016 legislative elections "would cause significant and undue disruption to North Carolina's election process and create considerable confusion, inconvenience, and uncertainty among voters, candidates, and election officials," Wynn wrote. "Nonetheless, plaintiffs, and thousands of other North Carolina citizens, have suffered severe constitutional harms" from the illegal boundaries, Wynn

added, raising the possibility of special elections before the next ones scheduled for November 2018.

Legislative leaders who helped draw the maps said the ruling contradicts a decision by the U.S. Justice Department in 2011 not to challenge the maps and rulings by the state Supreme Court upholding the maps. "However, we are relieved for voters that the ... court did not disrupt the current election that is already underway," Rep. David Lewis, R-Harnett, and Sen. Bob Rucho, R-Mecklenburg, said in a statement, adding they were evaluating their next legal steps. Appeals would go to the U.S. Supreme Court. All but one of the challenged districts had black voting-age populations above 50 percent. Attorneys for the state said racial polarization in voting still exists in North Carolina and that a 2009 U.S. Supreme Court decision says legislators can find safe harbor from U.S. Voting Rights Act liability when they draw majority-black districts in areas that can support them. During a trial in Greensboro in April, current and former Democratic legislators and redistricting experts testified there had been no need for GOP legislative leaders to draw so many House and Senate districts with majority-black populations. The judges cited several districts for their bizarre shapes.

The plaintiffs said black and white voters had been joining forces in recent years to elect candidates in districts with black populations below 50 percent. Instead, black voters were cordoned off into certain districts, creating three times as many majority-black districts compared to the 2000s, when Democrats largely controlled the mapping process. Thursday's "decision is a clear message that North Carolina voters have a right not to be assigned to election districts based solely on the color of their skin," Sandra Covington of Fayetteville, the lead plaintiff in the case, said in a release. Wynn wrote state leaders didn't take into account within their polarization studies the levels of "crossover" voting by whites that helped the favored candidates of black voters win. "Our decision today should in no way be read to imply that majority-black districts are no longer needed in the state of North Carolina," Wynn wrote. Rather, he said, the General Assembly carried out a "mechanical approach to districting" and was unable to defend the predominant use of race in drawing the maps. The legislature redrew the congressional maps following a February court decision and delayed congressional primaries until June. (Gary D. Robertson, THE ASSOCIATED PRESS, 8/11/16).

Rudo Dispute

Gov. Pat McCrory for the first time Thursday personally addressed allegations by two state scientists who have said administration officials provided a "false narrative" to the public over how top administrators oversaw the development and then reversed warnings regarding well water potentially contaminated by coal ash. After declining to answer questions on the topic in Raleigh on Wednesday, McCrory on Thursday morning painted the controversy that led state epidemiologist Dr. Megan Davies to resign in protest Wednesday as a difference of opinion rather than a deliberate attempt by his top environmental and health lieutenants to mislead the public. "We basically have a disagreement among scientists," McCrory said after a ribbon cutting at a new section of highway near Fayetteville. "One group of scientists, which I support, believe the public ought to get all the information about the water, not limited information and one opinion." The other group of scientists, who McCrory did not name, are personified by Ken Rudo, a state toxicologist at the Department of Health and Human Services, and Davies, who publicly shared her resignation letter Wednesday.

Rudo has been at the center of the controversy for more than a week after an environmental group suing the state and Duke Energy included a large portion of a deposition he gave in the lawsuit in a public court filing. In that sworn testimony, Rudo

suggested that top administration officials, including state Health Director Dr. Randall Williams, acted against scientific evidence when they rolled back warnings to well owners who live near coal ash pits that their water may have unsafe levels of hexavalent chromium. McCrory's administration responded with an assault on Rudo's work and character, issuing a barrage of news releases, statements, editorials and news conferences that questioned his account and his work. Statements by McCrory's chief of staff, agency spokesmen, Department of Environmental Quality Assistant Secretary Tom Reeder and Williams all claimed Rudo has acted alone to establish what levels of hexavalent chromium were toxic and was somehow acting without the knowledge of his superiors and colleagues. That account has been disputed by previously released depositions by Davies and even Williams himself, who both testified under oath that DHHS and DEQ scientists developed safety thresholds for the potentially cancer-causing element.

Dr. Davies forcefully rebutted the claim from administration officials that Rudo acted alone in her resignation letter, saying that officials including former DHHS Secretary Aldona Wos and Williams were briefed on how the warnings were developed and why. She said an opinion piece issued by Reeder and Williams this week "misinforms the public," and added, "I cannot work for a Department and an Administration that deliberately misleads the public." But while he did not call out either scientist by name, McCrory appeared to double down on criticism of Rudo and continued pushing the narrative that it was Rudo who somehow misled well owners and his colleagues, despite Davies' pointed narrative to the contrary. "We're providing all the information necessary to ensure that we have safe drinking water, and the public knows exactly what the value of that drinking water is," McCrory said. Some people who live near coal ash ponds rallied outside the Executive Mansion in Raleigh on Thursday, seeking more information from the McCrory administration. "There's a lot of shady things going on," resident Jennifer Worrell said. "Dr. Rudo and Miss Megan have stood up for us when nobody else would." Deborah Graham, who lives near Duke's Buck Steam Station in Salisbury, accused the McCrory administration of "confusing, deceitful, inappropriate and unprofessional" conduct toward her and other residents, as well as Rudo and Davies. McCrory's administration has also said that Rudo's statements in depositions and interviews that the governor participated by phone in an April 2, 2015, meeting that involved McCrory communications director Josh Ellis and DHHS spokeswoman Kendra Gerlach were not true, essentially accusing Rudo of lying under oath. "The only thing I can tell you on the record is we stand by everything we've said on this," Ellis said in an interview Thursday. (Mark Binker and Tyler Dukes, WRAL NEWS, 8/11/16).

Davies Perspective

The McCrory administration's offensive against a state scientist who clashed with political appointees over the safety of drinking water undermines people's confidence in public health, his former supervisor said in an interview Thursday, one day after she resigned in protest. Dr. Megan Davies, who until quitting Wednesday was state epidemiologist, said a joint statement issued Tuesday by state health and environmental officials criticizing toxicologist Kenneth Rudo falsely claimed Rudo came up with strict health-screening limits on well water safety on his own. "They knew very well this wasn't one rogue scientist," Davies said. Davies, Rudo and other state public health staff testified in lawsuit depositions that they had concerns about rescinding do-not-drink notices issued to hundreds of well owners near Duke Energy coal ash basins earlier this year. Rudo's testimony brought the issue to Gov. Pat McCrory's doorstep

when he said he was called to the governor's office to discuss the wording of the do-not-drink notices.

The administration set out to discredit Rudo, saying he was trying to impose safe water thresholds that he came up with on his own, and that he lied about the governor's involvement. The controversy expanded beyond Rudo on Wednesday, when Davies resigned and accused the state of misleading the public. Davies said it's important that people have confidence that public health warnings and orders are based on the law and science. She said the statement by the officials -- Tom Reeder and Davies' boss, Dr. Randall Williams -- which they described as an open letter to the editor, undermined that. "To tell someone living in this state they might receive a letter from a government agency telling you not to use your water for drinking and cooking, and it's because some guy just decided that's what he wanted to do -- that's just not true, and that's a scary thought," Davies said. "When I read that open editorial, and it was sent out by the government I work for, I knew I had to speak up and tell people that is not how public health works in North Carolina. And once I said that I couldn't keep working."

McCrorry, calling in to Fayetteville radio station WFNC on Thursday, was asked about Davies. "She's a good person," he said. "We just strongly disagree with her assessment." McCrorry portrayed the controversy as a disagreement over how much information to provide well owners. The governor wanted to include a notice that the wells met federal safety standards, but Rudo and others said that would be misleading and contradictory. Also on Thursday, a group of about 30 environmental advocates protested in front of the governor's mansion in downtown Raleigh, where they expressed support for Rudo and Davies and called on Reeder and Williams to resign. The state Department of Health and Human Services, where Williams is the state health director, and the Department of Environmental Quality, where Reeder is an assistant secretary, did not respond to a request for comment on Thursday. On Wednesday evening, DHHS issued a statement about Davies' resignation. The statement was attributed to , the DHHS secretary, who said he accepted her resignation and wished her well.(Craig Jarvis, THE NEWS & OBSERVER, 8/11/16).

McCrorry Interview

Resources: [Pat McCrorry on WFNC](#)

Gov. Pat McCrorry said Thursday that he had no problem with Donald Trump's statement in Wilmington that "Second Amendment people" might do something to stop Hillary Clinton from making judicial nominations. McCrorry -- who spoke at the Wilmington rally Tuesday before Trump took the stage -- did not respond to multiple requests for comment on Tuesday and Wednesday. He broke his silence on the topic Thursday morning when he was asked about it during an interview on Fayetteville radio station WFNC. "I don't think anyone in the auditorium even recognized there was controversy until Hillary Clinton tweets came out and made it into a controversy," McCrorry said on the radio show. "I don't think anyone in the crowd even realized anything controversial was said or took it the way CNN or Hillary Clinton's spin machine made it to be. So I was kind of shocked driving home and hearing the spin and reading the tweets that came right out of the Hillary Clinton camp."

Hundreds of social media users immediately criticized the Trump comment, noting that the presidential candidate appeared to be suggesting violence. He later said he meant that gun-rights supporters would mobilize for the election and defeat Clinton, but his comment addressed a scenario in which Clinton had already won the presidency and was appointing liberal judges. "If she gets to pick her judges, nothing you can do,

folks," Trump said at the rally. "Although the Second Amendment people, maybe there is, I don't know." Clinton's campaign did not issue a statement condemning the comment until about an hour after Trump spoke. McCrory's Democratic opponent, Attorney General Roy Cooper, was quick to criticize the governor's take on the Trump controversy. His campaign sent a transcript and recording of the WFNC interview to reporters. "While Republicans concerned about our national security are denouncing Donald Trump in the strongest terms, Gov. McCrory is not only continuing to support Trump, but is defending his dangerous rhetoric," Cooper spokesman Jamal Little said in a news release. "This raises real questions about his judgment and priorities. We deserve a governor who will stand up to this dangerous demagoguery."

McCrory's comment Thursday puts him at odds with Republican U.S. Sen. Richard Burr, a fellow Trump supporter who said Wednesday that he was "surprised" by the remark and urged Trump to focus instead on other topics. But McCrory also said he wishes coverage of the presidential campaigns would address other matters. "I just wish the media and everyone else would get off of these controversies about who says what and how they say it, and get back to the issues that we have got to get the details from all the presidential candidates on," such as Syrian refugees, the governor said. McCrory also addressed why he sometimes avoids comment on developments in the presidential race. "I just don't respond to it anymore," he said. "Every day WRAL or something asks me to respond to some comment. I'm just not doing it."(Colin Campbell, THE NEWS & OBSERVER, 8/11/16).

Trump Staffer

A former Charlotte staffer for Donald Trump's presidential campaign alleged in a lawsuit Thursday that Trump's then-state director pulled a gun on him, and campaign officials ignored pleas to do something about it. Vincent Bordini filed the suit in Mecklenburg County Superior Court against Charlottean Earl Phillip and the Trump campaign. Phillip was replaced this month as Trump's state director. Bordini, described in the suit as "a passionate Donald J. Trump supporter," claims to have described the February incident to then-Trump campaign manager Corey Lewandowski. Bordini claims he was hired by the campaign as a software trainer in December 2015. On Feb. 13, during the South Carolina primary, he says he was with Phillip and got in Phillip's Jeep outside a Greenville S.C. hotel. "All of a sudden, Vincent saw Phillip pull a gun out from his side of the Jeep," the suit says. "It was a .45 caliber pistol. It was loaded... Phillip then moved the gun toward Vincent. He pointed it at, and then placed the barrel on, Vincent's left knee cap... "Vincent froze. Phillip's gun was loaded and the safety was off. A bump in the road would likely result in a bullet hole, and worse, in Vincent's knee. The suit alleges that Bordini learned of "at least four other" people on whom Phillip pulled a gun. He said he alerted Trump campaign staffers including Lewandowski and Stuart Jolly, Trump's national field director. Phillip said Thursday that he's hired a lawyer. He also said he's "officially stepped down" from positions in the Trump organization. Phillip, who was replaced as state director this month by Jason Simmons, has said he was then working in Trump's minority outreach effort.(Jim Morrill, THE CHARLOTTE OBSERVER, 8/11/16).

Straight-Ticket Voting

North Carolina is scrambling to complete new ballot-access plans after last month's federal court ruling that scuttled the state's voter ID requirements. Prominent pollsters and political scientist say the court ignored what could impact this November's election more than anything -- the elimination of straight-ticket voting. Straight-ticket voting is

popular. It allows voters to choose all candidates from one party by checking a single box. During the 2012 presidential election 56 percent of North Carolinians voted straight-ticket as Democrats cast 1.4 million straight-ticket ballots and Republicans 1.1 million. In a 2013 survey, the Raleigh-based Democrat-leaning firm Public Policy Polling found 68 percent support for straight-ticket voting and 21 percent opposition. PPP found Democrats and Republicans supported it almost identically. Despite this in 2013 North Carolina lawmakers eliminated it while passing the Republican-backed election revisions law. On July 29, when the Fourth U.S. Circuit Court of Appeals struck down parts of the election revisions voter ID law, it didn't touch the straight-ticket elimination. Political professionals say that as a result, November will find North Carolina in new territory.

Steve Greene, N.C. State University political science professor, predicts the election will see what pollsters call down-ballot "fatigue" -- when voters leave selections unmarked. "The further you move down the ballot from the prominent offices you're going to have significant uncertainties," Greene said. "When people say they support 'the Democrat' or 'the Republican' it is an easy thing. But if you have to go through the entire ballot, people might say, 'I don't know this person,' and not vote on certain offices."

A widespread practice across the country before the 1960s, straight-ticket voting has been in decline for decades. According to the National Conference of State Legislatures, 20 states allowed it in the 1990s. Now it is just nine: Alabama, Indiana, Iowa, Kentucky, Oklahoma, Pennsylvania, South Carolina, Texas, and Utah. In the past three years, North Carolina has joined Rhode Island, Michigan, and West Virginia in ending the custom. Political scientists say which party benefits generally depends on location, local dynamics and the particular election cycle. Still popular in the South, the straight-ticket option was used by 51 percent of Alabama voters in 2012, according to "Governing" magazine. Voters in Texas, Kentucky and Oklahoma also embrace it, with experts saying it has tended to swing down-ballot races to the Republicans. In North Carolina it's the opposite and more of a Democratic tradition. Current supporters, who are mostly Democrats, argue Republicans are eliminating it to thwart African-American voters. This is a similar line of logic the federal court followed when overturning parts of the 2013 elections revision voter ID law. On Thursday federal judges cited race again when striking down nearly 30 House and Senate districts as illegal racial gerrymanders. Republicans say it has nothing to do with race. They argue the straight-ticket option prevents voters from thinking critically about individual candidates. They also say it encourages partisan polarization. They note lower level elections are particularly problematic, where issues like land development don't always fit neatly into Republican versus Democrat divisions. "The idea of continuing straight-ticket is to say that voters are stupid and that they are not smart enough to make their own decisions," said Francis De Luca, president of Civitas Institute, the Raleigh-based conservative think tank.

An additional complexity -- North Carolina always had a curious wrinkle in its straight-ticket provision. Voters could check one box to select all a party's candidates -- except for president and vice president. No other state had this oddity, which came about in the 1960s when North Carolina Democrats feared being too closely aligned with the national party's civil rights involvement and Vietnam War opposition. Described by some as a ballot flaw, the quirk has caused so much confusion that political operatives call a North Carolina straight-ticketer who missed their presidential vote an "undervote". The 2000 election featured a 3.15 percent presidential undervote, or roughly 92,000 ballots with no presidential selection. The 2004 undervote dropped to

roughly 75,000 and by 2008 it was 48,300 votes, according to the N.C. State Board of Elections.

This year's ballot, which local elections boards are currently wrestling over, will likely be even more complicated and much longer, pollsters say. Some predict long lines at polling stations. "If you have to wait in line three hours to vote, that is disenfranchisement," Greene said. "We are not a third world country." Jim Williams, a PPP polling analyst, said that although Republicans pushed to end the practice it could go against them this election. "Ironically, there's a lot of energy on the Democratic side this year to be vigilant in educating voters about the new ballot geography," he said. "They feel they are under siege." Williams said Hillary Clinton's campaign spent significant money on voter outreach during March's presidential primary and could again focus energy on educating voters about the new ballot. "The Trump campaign didn't bother with voter education in the primaries," he added, "but the state Republican apparatus could pick up the slack in that regard." De Luca also foresees a lively November. When asked who might benefit from the loss of the straight-ticket option, he chuckled. "It depends on who brings what people to the ballot. If Trump bring the mythical nonvoters, and they vote for Trump, but don't follow through on the rest of the ballot, it will hurt Republicans." With North Carolina a Clinton-Trump battleground state and also the epicenter of the national voting rights battle, this November's new ballots, undervotes and voter mistakes could be more important than ever. In 2000, Florida's dramatic 36-day recount battle between Al Gore and George Bush came down to just 537 votes, many of which were ballots in dispute. (Dan Boylan, THE INSIDER, 8/12/16).

Deed Transfers

The first of a dozen old houses the state is selling in downtown Raleigh has changed hands, more than nine months after the state began accepting offers for them. Matthew Brown closed on the purchase of the Lamar House on North Person Street on Tuesday. State officials say the deeds for two other homes will be transferred this week, as well. Most of the houses are in the Blount Street Historic District, just north of the Executive Mansion, and two of them are on the National Register of Historic Places. Brown and some of the other buyers are frustrated by the time it has taken to complete the sales, as were others in the neighborhood who have watched the houses deteriorate over the years. Brown's offer of \$536,000 for the 115-year-old Lamar House was accepted in November. State officials say the transactions are much more complicated than most, which is why they're taking longer than a typical home sale. For starters, the sales needed the approval of the Council of State and the legislature. Because the homes are historic, each property comes with customized covenants governing uses and renovations that must be approved by the State Historic Preservation Office and then incorporated into the deeds. All of the properties must be surveyed and new lot lines drawn to replace the ones that were erased as the state purchased the properties over the years. And new easements for shared driveways and parking areas must also be negotiated.

The sales of all 12 houses will generate nearly \$7 million for the state and put the neglected buildings back into the hands of people who will restore them for homes or offices, with one exception. The McGee House, a brick Tudor-revival home built on North Blount Street in the late 1940s, was deemed beyond repair. It is being sold along with its Victorian neighbor and will be demolished. The state began acquiring homes along Blount Street in the 1970s as part of a plan to tear them down for parking for workers in the nearby State Government Complex. Several of the homes that survived

were turned into offices for state agencies. The state has wanted to get rid of the houses for several years. The legislation authorizing their sale was passed in 2003, and in 2007 the state sold two nearby blocks of Blount Street to developer LNR Property, resulting in the restoration of some historic houses and construction of new apartments on empty lots. The recession forced LNR to back out of plans to buy two other blocks on Blount Street, and Gov. Pat McCrory's administration decided to put the homes on the market individually. All 12 were under contract within months, with some drawing more than the state's original asking price. John LaPenta, the deputy secretary of administration overseeing the sales, says the houses that also will change hands this week are the Ashley House, on East North Street next to Brown's house, and the Heck-Andrews House, a landmark three-story mansion with a four-story central tower on North Blount Street. The N.C. Association of Realtors is buying Heck-Andrews for \$1.5 million and plans to use the upstairs for its Raleigh office and make the ground floor available for public events.(Richard Stradling, THE NEWS & OBSERVER, 8/11/16).

Released

A judge on Thursday ruled that a North Carolina man who was convicted of murder as a teenager and was imprisoned 28 years ago did not get a fair trial and allowed him to go free. North Carolina Superior Court Judge W. Douglas Parsons ruled Thursday that there was not enough evidence to justify 43-year-old Johnny Small's conviction for a 1988 murder. The judge said he didn't see proof of Small's innocence, but was persuaded that prosecutors must decide if there was enough evidence to put him on trial again. "I don't know if Mr. Small did this or not. Whoever did this is a monster," Parsons said. "What I'm here to decide is, did he receive a fair trial? ... It is more than abundantly clear that he did not." Small was expected to be freed later Thursday from a Wilmington prison. The judge set the bond amount at \$100,000 but said Small could be released without putting up the money. He will be under electronic house arrest and live with a cousin in the port city while charges are pending. Small has been imprisoned since the 1988 murder of Pam Dreher in Wilmington. She was shot in the head at point-blank range while she was lying on the floor of her tropical fish store. Dreher's family left the courtroom Thursday without speaking to reporters. District Attorney Benjamin David said in a statement that his staff will meet with Wilmington police and the state attorney general's office "to determine whether any additional investigation should be conducted or additional charges should be filed." The statement offered no timeline on a decision and a spokeswoman did not respond to an emailed question. Small, wearing a tan jail uniform, was led from the courtroom before the judge finished speaking. His attorney, Chris Mumma, said he was hyperventilating as he realized he was about to be freed. "Johnny Small is no more guilty of this murder than I am," Mumma said. "My belief is that the evidence clearly established his innocence." About 150 people falsely convicted of crimes -- a record number -- were exonerated in 2015, according to the National Registry of Exonerations. The registry is a project of the University of Michigan Law School and has documented more than 1,850 such cases in the U.S.(Emery P. Dalesio, THE ASSOCIATED PRESS, 8/11/16).

Kaine Visit

Democratic vice presidential nominee Tim Kaine will return to North Carolina next week to tout Hillary Clinton's job proposals. On Monday the Virginia senator will campaign in Asheville and Fayetteville. He was in Greensboro last week. On Friday, U.S. Labor Secretary Tom Perez will talk about Clinton's plan in Charlotte. He'll headline the grand

opening of the Clinton campaign's second Charlotte office as well as a voter registration kick-off event.(Jim Morrill, THE CHARLOTTE OBSERVER, 8/11/16).

Clinton Office

Asheville mayor Esther Manheimer was scheduled to speak at the official opening Thursday evening of what the Hillary Clinton presidential campaign is calling a Democratic coordinated campaign field office in that city. The Clinton campaign says the office is one of 18 across the state of its kind to be officially opened Thursday or Friday. It says the offices will be hubs for efforts to register new voters and involve North Carolinians in the campaign.(Mark Barrett, ASHEVILLE CITIZEN-TIMES, 8/11/16).

Shareholder Questions

A lawyer for a conservative think tank who appeared at Red Hat's annual shareholder meeting Thursday to question the software company's support of a lawsuit challenging North Carolina's House Bill 2 characterized his move as part of a broader effort to reshape public perception of the law. Justin Danhof, general counsel for the National Center for Public Policy Research in Washington, said in an interview Thursday that he also intends to attend shareholder meetings of other companies -- both within and outside of North Carolina -- that signed an amicus brief in support of the U.S. Department of Justice's opposition to the law. "The largest takeaway of why we're doing this is that the public narrative about HB2 has really been wrongly focused, in our opinion," Danhof said. "All you hear about is North Carolina and bathrooms, North Carolina and bathrooms. It's about a much bigger issue than that." HB2, which the General Assembly passed in March, requires people in government facilities to use bathrooms that match the gender on their birth certificates. The Justice Department says that is discriminatory because it singles out transgender people for different treatment. Danhof said the Justice Department's lawsuit in essence "asks for the ability to rewrite the 1964 Civil Rights Act, the ability to rewrite Title IX from 1972. And the Department of Justice just simply doesn't have that authority." Instead, that's the purview of Congress, he added.

"I can't think that Red Hat, a software company, really wants the executive branch to rewrite laws" considering there's a wholesale turnover of executive branch heads every four or eight years, Danhof said. Red Hat spokeswoman Stephanie Wonderlick said in an email that, in response to Danhof's questioning at Thursday's annual meeting, company executives "reinforced the business reasons cited in our original statement about joining the amicus brief." That statement, issued when the amicus brief was filed last month, noted that the brief "supports the position that the law is discriminatory and stigmatizes transgender persons." "As we note in the brief," the statement also noted, "'diversity and inclusion are integral aspects' of Red Hat's operations and 'critical to our ability to compete in an increasingly varied and global marketplace.'" A total of 68 companies signed the brief, including Apple, General Electric, IBM, Morgan Stanley and PayPal.(David Ranii, THE NEWS & OBSERVER, 8/11/16).

Hired

Tommy Sevier, former chief of staff for policy for Senate leader Phil Berger, R-Rockingham, has joined McGuireWoods Consulting as a senior vice president. "We welcome the breadth and depth of state and federal public affairs and government relations experience he brings to our team," Harry Kaplan, a senior vice president, said in a news release. Sevier will join McGuireWoods' North Carolina government relations team, leaving behind Moore & Van Allen public affairs where he directed state public

affairs and liaised with the General Assembly. Sevier has also worked on Capitol Hill for Congressman Robin Hayes (R-NC) and lobbied in Washington for the North Carolina Farm Bureau and National Pork Producers Council. A full-service public affairs subsidiary of McGuireWoods the leading international law firm, the consulting operation has offices across the South and consistently ranks as one of Washington's top public affairs firms.(Dan Boylan, THE INSIDER, 8/12/16).

Beach Development

A growth-control and a conservation organization on Thursday challenged in court a proposed development in Sunset Beach that has drawn concern for its potential damage to dunes, marshlands and wildlife to make way for 21 oceanfront homes. The Southern Environmental Law firm filed the challenge in the state Office of Administrative Hearings seeking to overturn a state permit. The petition was filed on behalf of the Sunset Beach Taxpayers Association and the N.C. Coastal Federation. The legal action contends the permit the state issued allows for the destruction of 15 acres of important sand dunes.(Craig Jarvis, THE NEWS & OBSERVER, 8/11/16).

Unsocial Media

Social media sites like Twitter are making politicians more accessible than ever, but some apparently don't want to hear from their online critics. A number of elected officials and candidates, from Wake County Commissioner Jessica Holmes to U.S. Sen. Thom Tillis, have used Twitter's "block" feature to stop negative posts sent to their accounts. Blocking users on Twitter means that they can't view your posts, and you won't see any of their posts. It's the online equivalent of hanging up on a caller. And it's another sign of a polarized political atmosphere in which people seek to avoid hearing opposing viewpoints. The practice recently became a hot topic -- on Twitter, of course -- when Republican state Rep. Nelson Dollar of Cary briefly blocked a fellow legislator, Democratic Rep. Chris Sgro of Greensboro. Sgro sent Dollar a tweet that criticized the legislature's decision to shift \$500,000 in disaster relief funding to cover the cost of defending House Bill 2. Instead of responding, Dollar's account blocked Sgro. "Guess that's how you silence your opposition when there's no gavel," Sgro tweeted in response to the block. In an interview, Dollar said "a couple friends" help him manage the Twitter account. "I didn't know that he was blocked," Dollar said. "Occasionally, you run into a situation where you've got some group that's trying to send out a bunch of hateful stuff all the time, and you occasionally block that sort of thing. We try not to do much in the way of blocking." Sgro said he's no longer blocked.

The kerfuffle between Dollar and Sgro prompted more than a dozen Republicans and legislative lobbyists to notice they'd been blocked by Dollar's Democratic opponent, Jen Ferrell. Ferrell's blocking struck many of them as odd because they'd never engaged with her tweets. Ferrell defended what she called the "pre-emptive blocking of silent and vocal Twitter 'trolls.'" That reasoning didn't make sense to some of the people Ferrell blocked. "I've just never heard someone (much less a candidate) call out Twitter trolls before they've become trolls," tweeted Nathan Babcock, a lobbyist for the N.C. Chamber. "Interesting strategy." In an email to The News & Observer, Ferrell said "these folks haven't played nice or fair for years and they don't like it when someone is going to give it right back to them." She did not respond to an inquiry about how many people she's blocked. Dollar is now making the blocking a campaign issue, criticizing Ferrell's approach to social media with the hashtag #WhatsJenHiding. "It kind of goes against what the purpose of social media is, which is to engage a larger conversation,"

he said. "You have to engage folks from a variety of perspectives on a range of issues."(Colin Campbell, THE NEWS & OBSERVER, 8/11/16).

Retirement Plan

A St. Louis law firm says it has filed a class action lawsuit against Duke University on behalf of more than 20,000 of its employees enrolled in the school's contribution retirement plan. A statement from Schlichter, Bogard & Denton on Wednesday said the lawsuit was filed in U.S. District Court for the Middle District of North Carolina. Attorney Jerry Schlichter said Duke caused plan participants to pay millions of dollars in fees for record keeping, administrative and investment services. The plaintiffs also say Duke failed to consider or offer lower-cost investment alternatives, and selected and retained a number of duplicative options, some of which had historically underperformed. A statement from Duke said the investments are reviewed and carefully managed to provide low costs and good outcomes for employees.(THE ASSOCIATED PRESS, 8/11/16).

Expanding

Milhaus, an Indianapolis-based developer specializing in Class A urban infill, mixed-use and apartment buildings, is expanding to Charlotte and the Carolinas. The company said Thursday that it has hired Rachel Russell, previously vice president of real estate development at Grubb Properties. Milhaus said it has a site under contract in Asheville, and part of Russell's job will be to find more development sites in Charlotte and throughout the Carolinas. Milhaus is expanding aggressively through the Southeast, with sites under development in Nashville, Tennessee and Tampa, Fla., in addition to its more traditional Midwestern markets. The company has 11,400 apartment units under management or development, and aims to boost that number to 20,000 units by 2020.(Ely Portillo, THE CHARLOTTE OBSERVER, 8/11/16).

Stepping Down

Bennett College has announced that its president will step down from her position effective Aug. 15. The college's board of trustees announced the departure of Dr. Rosalind Fuse-Hall in a news release distributed to local media outlets on Thursday. According to the release, Fuse-Hall and the board of trustees at the historically black women's college in Greensboro mutually decided she should step down after a three-year tenure, to pursue other opportunities. Fuse-Hall has been president at Bennett since July 1, 2013. The board appointed Dr. Phyllis Worth Dawkins as interim president. Dawkins currently serves as provost and vice president for academic affairs.(THE ASSOCIATED PRESS, 8/11/16).

N.C. 211

A state road project aims to ease traffic congestion at a pair of busy intersections in southeastern Brunswick County. Once the overpasses are complete, the \$20 million project will cut down wait time for drivers entering and exiting Oak Island and Southport. Earlier this year, the N.C. Department of Transportation opened the new Long Beach Road extension connecting N.C. 211 with N.C. 87. The extension project didn't address the congestion issues on 211, said Chad Kimes, the DOT's deputy division engineer for the region. But the planned overpasses crossing 211 will. The interchange work will be rolled into the 211 widening project, which is scheduled to be advertised to contractors in the summer of 2018.(Julian March, WILMINGTON STAR-NEWS, 8/11/16).

Legislative Studies and Meetings

Items in **Bold** are new listings.

LB: Legislative Building

LOB: Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

Monday, Aug. 22

- 9 a.m. | House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, 198 Sneads Ferry Road, Sneads Ferry.
- 10:30 a.m. | The North Carolina Courts Commission, 415 LOB.
- 1 p.m. | The Joint Legislative Program Evaluation Oversight Committee, 544 LOB.

Tuesday, Aug. 23

- 10 a.m. | House Select Committee on Education Strategy and Practices, 423/424 LOB.

N.C. Government Meetings and Hearings

Items in **BOLD** are new listings.

Friday, Aug. 12

- 9 a.m. | The State Ethics Commission holds public hearing on proposed rule changes, Capehart Crocker House, Commission Meeting Room, 424 N. Blount St., Raleigh.
- 9 a.m. | The State Ethics Commission meets, 424 N. Blount St., Raleigh. Contact: Beth Carpenter, [919-814-3611](tel:919-814-3611).
- 10 a.m. | The State Board of Proprietary Schools meets, North Carolina Community College System Office, 200 W. Jones St., Raleigh.

Monday, Aug. 15

- 11:45 a.m. | The Executive Committee of The North Carolina Partnership for Children, Inc. meets via conference call. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

Wednesday, Aug. 17

- 9 a.m. | The State Banking Commission meets, Hearing Room, Office of the Commissioner of Banks, 316 W. Edenton St., Raleigh.

Thursday, Aug. 18

- 10 a.m. | The Rules Review Commission meets, Rules Review Commission room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh.
- 11 a.m. | The Rural Infrastructure Authority of the Dept. of Commerce meets, N.C. Commerce Board Room, 4th floor at 301 N. Wilmington St., Raleigh.

Monday, Aug. 22

- 10 a.m. | The North Carolina Historical Commission holds public hearing on proposed rule changes, Office of State Archives, 109 East Jones St., 3rd Floor (Conference Room), Raleigh.

Thursday, Aug. 25

- 9 a.m. | The Board of Directors of the North Carolina State Ports Authority meets, Board Room of the North Carolina Maritime Building, 2202 Burnett Blvd., Wilmington.
- 9 a.m. | The N.C. Wildlife Resources Commission meets, Wildlife Resources Commission Headquarters, Conference Room, 1751 Varsity Dr., NCSU Centennial Campus, Raleigh.
- 9:30 a.m. | The N.C. Parks and Recreation Trust Fund Authority will be meeting at the Nature Research Center, 121 West Jones St., Raleigh.
- 10 a.m. | The N.C. Council for Women meets, Fifth Floor of the DEQ Building, 217 W. Jones St., Raleigh. Contact: Sarah Hinnant, [919-733-2455](tel:919-733-2455).

Friday, Aug. 26

- 10 a.m. | The N.C. Council for Women Domestic Violence Commission meets, First Floor Conference Room in the DEQ Building, 217 W. Jones St., Raleigh. Contact: Sarah Hinnant, [919-733-2455](tel:919-733-2455).

Tuesday, Aug. 30

- 9:30 a.m. | The State Building Commission meets, Suite 450 at 301 N. Wilmington St., Raleigh. Contact: Carol Erceg, [919-807-4091](tel:919-807-4091).
- 10 a.m. | The Department of Natural and Cultural Resources holds public hearing on proposed rule changes, Office of State Archives, 109 East Jones St., 3rd Floor (Conference Room), Raleigh.

Thursday, Sept. 15

- 10 a.m. | The Rules Review Commission meets, Rules Review Commission room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh.
- 4 p.m. | The state Social Work Certification and Licensure Board holds public hearing on proposed rule changes, 1207 S. Cox Street, Suite F, Asheboro.

Tuesday, Sept. 20

- 10 a.m. | The state Commission for Public Health holds public hearing on proposed rule changes, Cardinal Room, located at 5605 Six Forks Road, Raleigh.

Thursday, Oct. 20

- 10 a.m. | The Rules Review Commission meets, Rules Review Commission room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh.
- 11 a.m. | The Rural Infrastructure Authority of the Dept. of Commerce meets, N.C. Commerce Board Room, 4th floor at 301 N. Wilmington St., Raleigh.

Wednesday, Nov. 2

- 9 a.m. | The State Banking Commission meets, Hearing Room, Office of the Commissioner of Banks, 316 W. Edenton St., Raleigh.

Wednesday, Nov. 16

- 10:30 a.m. | The Criminal Justice Education and Training Standards Commission holds public hearing on proposed rule changes, Wake Technical Community College-Public Safety Training Center, 321 Chapanoke Road, Raleigh.

Thursday, Nov. 17

- 10 a.m. | The Rules Review Commission meets, Rules Review Commission room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh.

Thursday, Dec. 15

- 10 a.m. | The Rules Review Commission meets, Rules Review Commission room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh.
- 11 a.m. | The Rural Infrastructure Authority of the Dept. of Commerce meets, N.C. Commerce Board Room, 4th floor at 301 N. Wilmington St., Raleigh.

Wednesday, Jan. 25

- 9 a.m. | The State Banking Commission meets, Hearing Room, Office of the Commissioner of Banks, 316 W. Edenton St., Raleigh.

N.C. Utilities Commission Hearing Schedule

Dobbs Building
430 North Salisbury Street
Raleigh, North Carolina
More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

Monday, Aug. 15

- Staff Conference.

Monday, Aug. 22

- Staff Conference.

Monday, Aug. 29

- Staff Conference.

UNC Board of Governors

Board Room of the Spangler Center
910 Raleigh Road, Chapel Hill (**remote meeting locations in BOLD**)
More Information: <https://www.northcarolina.edu/bog/schedule.php>

Friday, Sept. 9

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

Friday, Oct. 14

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

Friday, Dec. 2

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

Other Meetings and Events of Interest

Items in **BOLD** are new listings.

Friday, Aug. 12

- **9 a.m. | Gov. Pat McCrory attends Middle Fork Greenway Announcement, Blowing Rock Chamber of Commerce, 132 Park Ave., Blowing Rock.**
- **6 p.m. | Gov. Pat McCrory attends North Carolina Ducks Unlimited State Convention, Pine Needles Resort, 1005 Midland Rd., Southern Pines.**

Tuesday, Aug. 16

- 9 a.m. | Agriculture Commissioner Steve Troxler hosts Commissioner's Food Safety Forum, State Fairgrounds Expo Center, Raleigh.

Wednesday, Aug. 17

- 12 noon | Special filing period for all single-member district contests for Wake County Board of Education, Wake County Board of Elections office closes, 337 South Salisbury St., Raleigh.

Thursday, Aug. 18

- 5 p.m. | The N.C. DOT holds a public meeting on multiple bridge replacement project along Capital Boulevard in Raleigh, Fred Fletcher Park- Borden Building, 820 Clay St., Raleigh.

Saturday, Aug. 20

- 7:30 a.m. | The Henderson County Republican Breakfast Forum for ALL Republican Candidates seeking office at the Federal, State and Local level, Fireside Restaurant on Sugarloaf Road, Hendersonville.

Saturday, Aug. 27

- 2 p.m. | Western Wake Dems is hosting a Campaign Rally and Volunteer Training event, Cary Senior Center, 120 Maury Odell Place, Cary.
- TBD | North Carolina State Parks hold its second Signature Centennial Celebration, Mount Mitchell State Park, Burnsville. The celebration concludes Sunday, Aug. 28.

Sunday, Sept. 11

- TBD | The N.C. Young Bankers Annual Conference, Omni Hotel, Charlotte.

Saturday, Oct. 15

- TBD | The Equality N.C. Foundation host 10th annual Equality Gala, Marriott City Center, 500 Fayetteville St., Raleigh.