



Report

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August 11, 2016

**Déjà vu all over again:
Another state shortfall,
another special session**

For the second summer in a row, the Alabama Legislature is scrambling to prevent deep cuts to human services. This year's General Fund (GF) shortfall imperils Medicaid, which covers more than one in five Alabamians – mostly children, seniors, and people with disabilities.

The state already has slashed its Medicaid payments to pediatricians and other primary care doctors by 30 percent. Those cuts will reduce health care access for everyone in Alabama, especially in rural areas.

Lawmakers will return Aug. 15 for a special session to consider Gov. Robert Bentley's proposal for a state lottery to help fund GF services. That plan alone, though, wouldn't stop next year's cuts and wouldn't bring the stable funding needed to put GF services on solid footing in the long term.

See Kimble Forrister's column on Page 2 and Arise's issue overviews on tax reform and adequate state budgets on Page 5 for more details on what's at stake.

Save the date!

**2017 Arise Policy
Conference**

Friday, March 31, 2017

Time and speakers TBA
Birmingham-Southern College

9 issues contend for 5 slots on Arise agenda **Members set to pick 2017 issues**

By Chris Sanders, communications director

We expect another massive crowd when Arise members gather to choose our 2017 agenda at our annual meeting Sept. 10 in Montgomery. (See details and voting rules at right.) Four new proposals will compete with five current priorities for the five available slots on Arise's issue roster next year. Two other issues are permanent Arise priorities: tax reform and adequate state budgets.

Please RSVP by Wednesday, Aug. 31, by visiting arisecitizens.org or calling us at 334-832-9060. We hope this newsletter will help equip you to choose our 2017 issue priorities next month. Inside, you'll find proponents' summaries of their new proposals, as well as our policy staff's overviews of the current issue priorities. We hope to see everyone Sept. 10 as you pick Arise's 2017 agenda and renew our shared commitment to building a better Alabama for all.

Annual meeting: What you need to know

When: Saturday, Sept. 10, 2016, 10 a.m. to 3 p.m. Registration starts at 9:30 a.m. (Lunch provided. Please bring \$10 if you can.) Please RSVP by Wednesday, Aug. 31, at arisecitizens.org or 334-832-9060.

Where: Aldersgate United Methodist Church, 6610 Vaughn Road, Montgomery

Voting rules: Member groups get up to 42 votes: up to 6 representatives with 7 votes each. Individual members get 5 votes each. (A person can vote as an individual or as a member group's representative, but not both.) Groups must be current on dues to be eligible to vote. Individual members must have given between July 1, 2015, and Aug. 11, 2016, to be eligible to vote.

New rule: Members must be present for all nine issue presentations to vote. No voting dots will be distributed after issue presentations begin, and no votes may be cast until after the final presentation.



We were thrilled to need extra chairs when nearly 250 people came to our 2015 annual meeting. We expect another huge crowd this year as Arise members like you vote on issues that matter. Get updates that day and all year long by following @AlabamaArise on Twitter and liking Alabama Arise on Facebook. Then tell your friends about us so we can continue to grow and change Alabama together!



A few words from Kimble

By Kimble Forrister,
executive director

We're neither for nor against a state lottery, but we do have things to say about how a lottery should be structured. A stroke of genius in the original design of Alabama Arise was that we agreed not to offend the deeply held beliefs of our member groups. On that logic, we historically haven't opposed or supported a lottery. Instead, we start the August special session focused on Medicaid's \$85 million funding gap and the need for an adequate, stable, long-term funding solution.

But just in case the lottery gains traction, we're taking advantage of a teachable moment about the right and wrong ways to design one. For example, Florida launched a lottery to fund its core budget for education. When the lottery dollars came flowing in, legislators cut education taxes. Georgia learned from the Florida mistake and dedicated its lottery revenue to non-essential areas like college scholarships, leaving core K-12 funding on solid tax footing.

Apply that lesson to Alabama, and it's clear that a lottery is no long-term solution to fund an essential service like Medicaid. Not only is it a life-and-death service for children, seniors, and people with disabilities, but its costs rise when people lose jobs in a recession – just when lottery income falls.

We're sending the enclosed lottery fact sheet to every legislator. Please tell your lawmakers that we need leaders who take responsibility for raising stable revenues to meet our state's basic needs. As other states have learned, a lottery just isn't a stable source of revenue.

With peace,

Thank you for your support!

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Overviews of proposed new Arise issue priorities

Failing sewage treatment and wastewater task force

By Cindy Lowry, *Alabama Rivers Alliance*

The Alabama Rivers Alliance (ARA) proposes that Arise adopt sewage treatment as one of its legislative priorities for 2016. Safe treatment of sewage is a statewide issue that overwhelmingly impacts low-income communities.

Research from 2015 reveals that Alabama has more than 400 permitted Publicly Owned Treatment Works (POTWs). More than 85 percent had violated their permits over the past three-year period. This is evidence of a widespread problem of failing sewage treatment systems all across Alabama. Most failing systems impact rural, low-income communities.

Facilities in low-income areas discharged water that was more polluted than their permit allows twice as often as those in higher-income areas. Too often, low-income communities are denied federal funding through the Alabama Department of Environmental Management because they cannot meet financial assurance requirements.

Many low-income people cannot connect to treatment systems and face issues associated with expensive or ineffective on-site sewage systems (e.g., septic tanks), which fail at an alarming rate. Low-income Alabamians are disproportionately burdened by improperly treated sewage on their land and in their water.

Raw sewage exposure can cause serious public health problems. The most common pathogens are bacteria, parasites and viruses, which can cause diarrhea, infections and other illnesses. In some cases, pathogens can cause serious long-term illnesses or even death. Children, seniors and those with weakened immune systems are particularly vulnerable.

The ARA proposes a legislative campaign to address this problem. We will advocate for creation of an Alabama Wastewater Task Force to identify the causes and challenges of the systemic problem of sewage system failures, and to propose changes to state laws and policies to correct immediate issues and provide sustainable future solutions.

We do not anticipate this issue being divisive for Arise members. The task force approach recognizes that no one entity is to blame for this problem and that it needs a comprehensive look to determine the best solution. Improperly treated wastewater contaminates the state's water systems. It is an issue that affects all Alabamians.

Because this issue impacts communities across Alabama and is environmental, it will help Arise connect to groups and residents beyond its current base, potentially leading to nontraditional allies and broader support for other issues. Partners working in loose coalition on this issue with ARA include the Alabama Center for Rural Enterprises, Alabama Water Watch, Black Belt Citizens Fighting for Health and Justice, Black Warrior Riverkeeper, Cahaba River Society, Cahaba Riverkeeper, Choctawhatchee Riverkeeper, Coosa Riverkeeper and Southern Environmental Law Center.

We anticipate this campaign will take three to five years. The first year would be dedicated to informing state leaders and creating the task force. Once formed, we expect the task force would operate for a year or two before submitting its report and policy recommendations. The last step would be adopting recommendations into state law and regulation.

Initial costs are nominal, mostly associated with travel or administrative expenses. The costs associated with implementing recommendations cannot be determined at this time.

Legal malpractice insurance requirements

By Tari Williams and Ramona Russell, *Greater Birmingham Ministries Economic Justice/Systems Change*

Today, a move is underway in Alabama to enact legislative provisions that require lawyers to carry malpractice insurance and/or disclose that they do not have liability protection. Alabama is one of only about 15 states that fail to meet any of the model criteria set forth by the American Bar Association on lawyer's liability coverage: malpractice insurance.

If a lawyer does not have legal malpractice insurance, it is possible that victims of legal malpractice will not have any legal recourse against a negligent legal professional. If a lawyer does have legal malpractice insurance, typically two things can happen in a legal malpractice case. First, the legal professional's insurance company will defend the client's former attorney against the claims. Secondly, the insurer will allot resources to pay the client in the event that the defendant is found liable for malpractice.

This legislation is needed to protect clients, especially those with limited resources, from being hurt by inexperienced attorneys or being taken advantage of by unscrupulous lawyers who prey upon low-income clients.

The specific provisions of the proposed legislation are as follows: Every lawyer admitted to the active practice of law in Alabama would be required to carry malpractice insurance as part of his or her annual registration with the Alabama State Bar. Attorneys who are not actively engaged in the private practice of law, derive less than a third of their income from the private practice of law, and/or are primarily employed as in-house counsel or in government positions would be exempt.

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New issue proposals

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Clients would be entitled to receive a copy of the policy upon request. Any exempt attorney who does not have malpractice insurance coverage would be required to provide written disclosure to all of their private clients. Attorneys would have to show proof that their clients acknowledged receipt of this information, and it must held on file for a minimum of six years after closure of the client's case.

The statute of limitations for filing a claim against an attorney also needs to be the same as other professions. Right now, the statute of limitations is two years, or no more than four years in the event of fraud. However, attorneys can sue their clients for up to six years for non-payment. The statute of limitations for legal malpractice should be changed to make the statute begin to run from the discovery of fraud.

We do not believe this legislation has the potential to be divisive for Arise members. The campaign for legislation would help build the membership and broaden the base of Arise by exposing it to families, friends and congregations of those who have been taken advantage of by unscrupulous lawyers.

We envision a successful campaign would take one to three years. We would need time to raise statewide awareness of the issue, build a grassroots base of support and garner legislative support.

Public transportation

By Chuck Jeffries, Greater Birmingham Ministries Economic Justice/Systems Change

Rural and urban areas of Alabama alike desperately need quality public transportation. Too many low-income citizens and people with disabilities are too often unable to participate fully in their communities because they cannot get to where they need to be in a reasonable amount of time, whether for work, education, medical appointments,

civic and social activities, or even exercising the right to vote.

Time and again, studies have shown that investment in transit returns at least \$4 for every \$1 spent. That benefits the whole state and means more jobs and economic growth overall, as well as helping transit-dependent people get to and keep jobs and generally enjoy a better quality of life.

The need to replace worn-out vehicles used by both rural and urban public transportation systems is at a crisis level, and existing transit services do not meet local needs. The good news is that new federal funding is available to replace vehicles and to expand public transportation in both rural and urban areas. The state only needs to put up 20 percent of the money to draw down an 80 percent federal match.

Greater Birmingham Ministries, and others in the emerging coalition of Alabama transportation agencies and allies advocating for quality public transportation in Alabama, will commit to community organizing and lobbying efforts to support Arise in bringing about the passage of legislation that would provide or facilitate the provision of matching funds for federal and other grants that become available for infrastructural and operational needs.

Possible sources of funding for matching federal grants in Alabama include any and all monies generated through possible lotteries, business taxes, private-public partnerships, and any resources generated by public transit governing boards.

We need to encourage and confront "key movers and shakers" in the private and public sectors to step up and make this happen. Successful projects such as Birmingham's Railroad Park and Regions Field have demonstrated that it can be done. We urge Arise members to adopt funding for the improvement and expansion of public transportation as a legislative priority for 2016.

Statewide minimum wage

By Scott Douglas, Greater Birmingham Ministries, and Joe Keffer, Amalgamated Transit Union Local 770

"Behold, the wages of the laborers who mowed your fields, which you kept back by fraud, are crying out against you, and the cries of the harvesters have reached the ears of the Lord of hosts."

— James 5:4

It takes a living wage to raise families, increase educational outcomes, improve health and ensure a higher quality of life for all Alabamians.

In 2014, 200 fast food workers struck in New York City for higher wages and better work conditions. Since then, workers have protested in more than 270 cities for a minimum wage of \$15. Many more actions are planned.

Since the 2008 economic crash, unemployment has improved and the stock market skyrocketed. But workers' incomes have fallen far behind.

Many low- and middle-income people have lost homes, jobs and savings and suffered increased debt. Studies show that Alabamians face similar outcomes.

Many states and municipalities are acting to protect workers. Twenty-nine states have a higher minimum wage than the miserly federal rate of \$7.25. It's clear that the increases have voter support. Alabama is one of only five states yet to enact a minimum wage law.

In August 2015, Birmingham became the first city in the Deep South to increase its minimum wage to \$10.10. It provided a raise to 42,000 workers beginning March 2016.

But two weeks prior to implementation, the Alabama Legislature nullified the ordinance and blocked hundreds of thousands of workers statewide from getting similar raises. A public outcry followed the state's intrusion into local

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New issue proposals

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control. The story picked up coverage locally, nationally and internationally.

State legislators face re-election in 2018. As cover, many politicians say the minimum wage should be handled at the state level and not federally or locally. Let's call them on it.

Many states and cities that passed minimum wage laws have phased them in over a period of time as proposed here. Unemployment has not increased. There's no trace of massive layoffs, and prices and inflation have not risen.

Today, half of fast food workers require public assistance. Why should Alabama taxpayers subsidize fast food and big corporations?

Winning a living wage for all Alabamians is possible in this timeframe if pursued statewide and strategically communicated across the spectrum of race and class. The NAACP, Greater Birmingham Ministries and Alabama Congressional Black Caucus have filed legal action arguing the state's nullification of Birmingham's minimum wage increase has the same racist underpinning as Alabama's 1901 constitution.

An Alabama living wage of \$15 an hour would allow parents to spend more time with their kids and less time with second and third jobs. It also would allow hundreds of thousands of Alabamians to access coverage through the Affordable Care Act, leading to a healthier Alabama with stronger families and greater educational achievement.

A minimum wage proposal has significant community support and will help lift workers out of poverty. It also goes hand-in-hand with Arise's other proposals and has the backing of major national players. We call for the Arise membership's support.

Overviews of permanent priorities

Tax reform

Alabama's upside-down tax system requires low- and middle-income households to pay twice the share of income in state and local taxes that the top 1 percent pay. Tax breaks at the top starve public services of hundreds of millions of dollars a year and force low-income Alabamians to shoulder more of those services' costs.

Arise has pushed to bring this regressive tax system closer to balance by removing the state sales tax on groceries and ending the state's federal income tax (FIT) deduction, a tax break that overwhelmingly benefits high-income people. Meanwhile, Alabama is one of only four states with no tax break on groceries, meaning our state drives struggling families deeper into poverty by taxing a necessity.

Gov. Robert Bentley has called the Legislature into a special session beginning Aug. 15 to consider a lottery to support General Fund services. Even if this measure passes and wins voter approval, the Legislature still must find significant Medicaid funding to get the agency through 2017. Arise endorses a cigarette tax increase to improve Alabamians' health and shore up Medicaid in the short term. We also will keep pushing for more progressive taxes as a long-term funding solution.

Adequate state budgets

Alabama still struggles to raise enough revenue to invest in crucial areas like education and health care. The Education Trust Fund (ETF) funds public K-12 schools, colleges and universities, while the General Fund (GF) supports all other services, including Medicaid, mental health and child welfare. Nearly all "growth" tax revenues go to the ETF, while the GF relies on a mix of one-time money and revenues that are slow to grow, even in good times. That leaves the GF with a

structural deficit, with revenues unable to keep pace with normal cost growth.

The ETF still hasn't quite returned to its 2008 pre-recession level, but the situation for the GF is far worse. Lawmakers passed a 2017 budget that shortchanges Medicaid by \$85 million. Medicaid already has responded to this shortfall by cutting reimbursement rates to pediatricians, family doctors and other primary care physicians. These cuts will lead many practices to lay off staff, reduce hours or even close altogether, reducing health care access for both Medicaid patients and privately insured Alabamians. Those effects will hit especially hard in rural areas, and they will be only the start of the fallout if the cuts aren't reversed.

The Legislature will return Aug. 15 for a special session to consider a lottery to support the GF. Because the state constitution prohibits gambling, voters would have to approve the plan. For the lottery to appear on the November ballot, the Legislature would have to pass it by Aug. 24. Possible competing lottery proposals and other issues may complicate the special session, or even force a second one.

Even if a lottery passes and wins voter approval, it will not generate revenue in time to reverse the 2017 Medicaid cuts. The Legislature must provide funding to solve Medicaid's \$85 million shortfall and avoid devastating cuts. A potential one-time source could be state BP oil spill settlement funds.

The budget crisis is an opportunity for Arise to argue that Medicaid expansion would lead to state savings, new federal dollars and economic development. The Progressive Women of Northeast Alabama have urged Arise to renew its commitment to adequate funding for mental health services. Medicaid expansion would provide an influx of federal funding for mental health and other services, a recent study showed.

Overviews of current Arise issue priorities

'Ban the box' legislation

The criminal history checkbox on job applications can keep otherwise qualified employees from making it through the hiring process. For people with criminal convictions, this can create employment barriers as they seek to rebuild their lives after paying their debt to society.

A national "ban the box" movement urges simple but important changes to the application process. Removing questions about conviction histories can level the playing field and give all applicants a fair chance to compete for jobs based on qualifications. Many Alabama employers already delay questions about criminal offenses until later in the hiring process and then weigh factors like how long ago the offense was committed and whether it is relevant to the job.

Nineteen states, including Georgia, don't initially inquire about conviction histories for state jobs. Seven also have removed the question from private-sector job applications. And in 2015, President Obama "banned the box" on federal applications by executive order. Alabama can join the movement by passing a "ban the box" law and giving employers a complete pool of job applicants from which to choose.

Death penalty reform

Alabama's capital punishment system is out of sync with nearly every national trend related to executions. Alabama sentences more people to death per capita than any other state in the nation, and it is the only state with no state-funded program providing legal assistance to death row prisoners.

Without a statewide public defender system, Alabama's system stacks the deck against those accused of capital murder, especially if the defendant is African-American or low-income.

Judges are permitted to disregard a jury's recommended sentence of life without parole, and lethal injection protocols remain shrouded in secrecy.

A single mistake in a death penalty case could result in an unjust execution – a tragic error that can never be corrected. People accused of capital crimes deserve every possible safeguard to ensure the integrity of a conviction. Several bills are introduced each year to improve Alabama's death penalty process by lowering the risks of errors and injustice.

Housing Trust Fund revenue

For many Alabamians, finding a safe and affordable home is only a dream. Alabama has a shortage of nearly 90,000 rental homes for folks surviving on minimum wage. Alabamians earning minimum wage must work 72 hours a week to afford a market-rate, two-bedroom apartment.

The Alabama Housing Trust Fund (AHTF) is an account to construct, rehabilitate and maintain homes for low-income households. But it needs funding to do that. Our proposed AHTF funding level would boost the economy by more than \$1 billion while creating and rehabilitating homes for those in need. Advocates are seeking to fund the AHTF by raising the state mortgage record tax from 15 cents to 30 cents for every \$100 of a mortgage.

Payday/title lending reform

Short-term consumer loans in Alabama come at an extremely high cost for borrowers, many of whom lack access to traditional banks and credit unions. Payday loans are two-week loans charging annual interest up to 456 percent, while auto title loans charge up to 300 percent a year and carry the risk of repossession of the family vehicle.

These high-cost loans strip wealth from borrowers and hurt the economy in communities across Alabama. Every dollar repaid to a high-cost lender takes \$2 out of the local economy due to bankruptcies and lower consumer spending, a recent study suggests. Furthermore, most religious and moral traditions condemn usury.

Arise is part of a statewide coalition advancing interest rate caps on payday and title loans. With bill sponsors from both parties and steadily increasing public support for change, these reform plans have united advocates seeking to rein in the industry in Alabama. Looming federal regulations are likely to be inadequate to address the problem, making state reform all the more timely and important.

Voting rights

Alabama is famous around the world for historic fights over voting rights and equal access to elections. This legacy continues today in the form of battles over voter ID laws, and policy decisions about who can vote (and under what circumstances). It's a hot topic, as a flurry of recent court decisions have struck down states' restrictions on access to the polls.

How elections are structured and who can participate are vital to democracy. When barriers exclude people from voting, they can lose faith in a system that doesn't seem to value their voice in society's decision making.

Arise supported a variety of voting rights bills in 2016, focusing primarily on restoration of voting rights for people who served their time for a felony conviction. One bill was signed into law, smoothing the process for application for restoration of rights. A bill to narrow which "crimes of moral turpitude" permanently bar someone from voting nearly passed and likely will return in 2017.

Thank you for your support!

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Allen Sexton, Montgomery
Martha Shearer, Birmingham
Sylvia Sheffield, Alabaster
Anita Sherman, Montgomery
Ruthie Sherrill, Tuscaloosa
Dorothy Shippen, Prattville
Christine Shumock, Auburn
Maude Simmons, Birmingham
Ed Simon, Auburn
Fr. William Skoneki, Auburn
Leonette Slay, Hoover
Barbara H. Smith, Springville
James Opp Smith, Montgomery
Kay Smith, Birmingham
Patricia Smith, Huntsville
Susie Smith, Tuscaloosa
Suzie Smith, Montgomery
Frances Snyder, Tuscaloosa
Margaret Solberger, Spanish Fort
Debbie & Chris Soniat, Vestavia Hills
Henrietta Speaks, Hoover
Robert H. Spencer, Tuscaloosa
Joyce Spielberger, Birmingham
Keith States, Huntsville
David & Deborah Stegall, Homewood
Toni Stetson, Panama City, Fla.
Vanessa Stevens, Birmingham
John Stewart, Cottondale
Nancy Stewart, Anniston
Micki Beth Stiller, Montgomery
Belle Stoddard, Birmingham
David Stout, Montgomery
Lee Stout, Fort Payne
Edwina & Dalton Styes, Birmingham
Sam Sullins, Huntsville
Carl & Jessie Summers, Auburn
Evelyn Tackett, Montgomery
Eugenia & G.E. Taylor, Birmingham
James & Faye Taylor, Ashford
Jo Taylor, Vestavia Hills
Lisa Thomas, Brewton
Bill Thomaston, Birmingham
James Thompson, Florence
John Thornton, Decatur
Carol Toney, Madison
Lawrence Toups, Birmingham
Gordon Trawick, Montgomery
James & Wendy Tucker, Tuscaloosa
Bonnie & Darrell Turner, Heflin
Mamie Van Dyke, Hoover
Rhoda Vanderhart, Mobile
Margaret Vaughan, Huntsville
Susan Vaughn, Montevallo
Gary Vice, Wellington
Jim Vickrey, Montgomery

Paul & Kathy Vincent, Montgomery
Priscilla Vinson, Montgomery
Thomas Vocino, Pike Road
John Wade, Huntsville
Rebecca M. Wadley, Birmingham
Connie Wagnon, Birmingham
Dorsey & Brenda Walker, Dutton
Harriet Walker, Tuscaloosa
Liz Wallace, Hoover
Frances Waller, Hoover
Eva Walton, Birmingham
Kathleen Wells, Athens
Erin Wheeler, Mobile
Gerald & Carol Wheelock, Huntsville
Lorna Wiggins, Auburn
Elizabeth H. Wilkinson, Fairhope
Edna Williams, Tuskegee
Kathryn Williams, Bowdon, Ga.
Randall Williams, Montgomery
Penny Williamson, Hoover
Ray & Freda Winegar, Arley
Emily Winslett, Tuscaloosa
William Winston, Montgomery
Sue Winter, Mobile
Carol & Ralph Womer, Auburn
Sara Wood, Montgomery
Robert & Mary Woodrow,
Greensboro, N.C.
Debra & Douglas Wright, Florence
Eleanor Wright, Birmingham
Ruth J. Wright, Birmingham

Nancy Yarbrough, Homewood
James Yeaman, Montgomery
Jessica York, Birmingham
Barbara Zdanis, Montgomery
Carole B. Zugazaga, Auburn

In honor of George Davis:
Gene Davis, Cecil

In honor of Kimble Forrister:
Joey Brackner & Eileen Knott,
Montgomery
Esther Brown, Lanett
Ruthie Sherrill, Tuscaloosa
Dorothy Shippen, Prattville
Joe & Nora Sims, Montgomery
James & Wendy Tucker, Tuscaloosa
Mary Weidler, Montgomery

In memory of Peter Horn:
Arnold Bush, Birmingham
Robert & Gail Hardie,
Mount Pleasant, S.C.
Stan & Gracie Johnson, Birmingham
Haskins & Ann Jones, Birmingham
Rosemary Lark, Chevy Chase, Md.
Robyn Lawrence, Hoover
Robert Loshuertos, Madison
David & Susan McAlister, Birmingham

In honor of Jamie & Joanie Sledge:
Charles & Barbara Hart, Gadsden

You did it: Arise reaches a milestone!



We don't usually have cake at Arise board meetings, but Aug. 6 was a special occasion: a celebration of shattering our goal of 1,000 individual donors in the budget year that ended June 30. Thank you to all of you whose support helped us clear that hurdle with room to spare. Now let's go add the next 1,000!