Americans United for Separation of Church and State is a nonpartisan educational organization dedicated to preserving the constitutional principle of church-state separation as the only way to ensure religious freedom for all Americans.

*Thomas Jefferson*
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In 2011, Americans United used all available resources to spread our core message: that the right of conscience is best protected by a high and firm wall of separation between church and state.

It was a year of dramatic courtroom victories and strong successes in legislative advocacy. The enemies of First Amendment rights and the separation of religion and government were, as usual, loud, well-organized and extremely well financed, but AU continued to prevail in most crucial areas with a blend of well-tested strategies and a willingness to pursue innovative programs and tactics.

The views of our opponents were on display succinctly and officially at an October hearing held by a subcommittee of the House Judiciary Committee on “The State of Religious Liberty in the United States.” I was the sole “pro-separation” witness, and I challenged both a top lawyer for TV preacher Pat Robertson and the Roman Catholic bishop who heads the church’s official lobbying operation on several fundamental points.

I took on the claim that there is a “war” against religion generally – or Christianity specifically – being waged in the United States. I testified that any real threat “comes from those who seek special government blessings for those in favored faiths, and, conversely, the treatment of other faiths as second-class citizens.”

I gave plenty of examples of discriminatory actions undertaken against atheists and minority religious groups and rebutted my co-panelists’ insistence that everything from public-school sex-education classes to government’s failure to extend taxpayer funding to programs that are rife with sectarian content are somehow violations of religious freedom.

It is this strange redefinition of “religious freedom” that is at the core of so many of the struggles we have in venues throughout the country. For years now, some churches and ministries have claimed that they – but not other non-profit entities – should be able to promote or oppose candidates for public office using church funds and other resources in violation of federal tax law. One Religious Right legal group is actually urging pastors to break the law by openly endorsing or opposing candidates from the pulpit in an effort to create a test case that will go all the way to the Supreme Court.

Instead of acknowledging that this one reasonable restriction is a small price to pay for a lucrative benefit (the privilege, of paying no taxes), these groups claim a violation of their right to preach. Americans United reports abuses to the Internal Revenue Code and publicizes those actions. The American people support us. Some polls show 75 percent of Americans agreeing that politicking from the pulpit is wrong.

AU works in the courts to maintain a high wall of separation and also insists that no voices be shut out from forums allegedly open to all. Thus we represented a Tennessee atheist who wanted to put up a plaque about the Bill of Rights next to a display of the Ten Commandments in the “public forum” at his local county courthouse.

We stopped the District of Columbia from giving $12 million in public funds and property to a church shelter that required homeless persons to participate in worship in order to eat. We blocked official prayers and other religious activities at a California community college and stopped Christian-only prayers before several government meetings, high school graduations and other state-sponsored events.

Some disputes require litigation; others are settled when government entities understand that their claims of “religious freedom” are inconsistent with what the law actually says. Some matters are even resolved by letters and conversations with officials who actually want to do the right – constitutional – thing after being apprised of their responsibilities.

Legislators often equate preferential treatment of majority religions or funneling tax dollars to religious groups with “religious freedom” instead...
of a violation of the principle that ministries and missions should be funded privately, not with taxpayer money. AU’s Legislative Department worked assiduously to stop a school voucher program for military families, and we prevented the Senate from adopting a variety of House-passed proposals to aid religion or to remove legal protections requiring non-discriminatory hiring by religious groups receiving government grants or contracts.

Regrettably, in spite of increasing pressure from secular and some religious groups and a wide swath of civil rights organizations, the Obama administration did not terminate Bush-era policies that allowed public funding of some religious charities that continue to employ preferential hiring practices for co-religionists as they staff allegedly “secular” programs housed in religious buildings.

Americans United does not merely “lobby” Congress but has an extensive program to educate and advocate at the state level. We helped local groups defeat multiple creationism bills that would inject religion into public school science classes, and we derailed a bill in Louisiana to create a Ten Commandments monument on the Capitol grounds. We successfully aided in battles to defeat voucher plans to fund religious schools in several states, including Pennsylvania, New Jersey, Maryland and Tennessee.

Much of what we do occurs in Washington, but our extraordinary and unique chapter program provides us with eyes, ears and voices on the ground to defend separation. One example: Houston-area chapter activists created an alternative inclusive (religious and secular) event to occur the weekend of Texas Gov. Rick Perry’s Christians-preferred prayer rally at Reliant Stadium. Our opposition event attracted much media coverage.

We also help local activists find experts to appear on panels, give college lectures, debate anti-separationists, preach sermons and give keynote addresses to allied groups.

What ultimately keeps us going with great success is the diversity we bring to the public debate. Americans United has no “theology.” Our positions are rooted squarely and exclusively in the constitutional principle that – after more than two centuries – has provided the best balance between government and religion: Let houses of worship be themselves and pay for their activities, and let the government forbear picking and choosing sides in what are fundamentally matters of theological dispute and personal moral choice.

With the help of you, our supporters, this is a movement that will continue.

Barry W. Lynn
Executive Director
Americans United
for Separation of Church and State
Educating People, Spreading the Message

In December, Americans United was afforded a great opportunity: AU Executive Director Barry W. Lynn appeared as the sole guest for a nearly hour-long segment on C-SPAN’s popular “Washington Journal.” He spoke about “Faith, Politics & Public Policy” in what was billed as a response to the program’s guests the day before – Richard Land of the Southern Baptist Convention’s Ethics & Religious Liberty Commission and Jim Wallis of Sojourners. In an age when a 15-second sound bite is considered good publicity, Lynn had ample time to discuss in-depth AU’s perspective on the issues of religion and politics.
“We need a government,” Lynn told viewers, “that is strictly neutral on matters of religion, not taking sides, not giving a special blessing to some religions over others or to religion over non-religion. Unfortunately, sadly, so many political leaders these days have decided to weigh in, primarily weighing in on the side of the majority religion – Christianity – in America.”

Americans United knows that educational outreach is the best way to advance our mission of fighting for religious freedom and defending the Constitution, and appearances on programs like “Washington Journal” are an excellent way to share AU’s perspective with a wide audience. The Communications Department is tasked with spreading AU’s message – through a monthly magazine, daily blog, brochures, speeches, books, media appearances, social networking, email alerts and our website, www.au.org. Reaching out through these channels not only educates the public, it also rallies people to AU’s cause.

AU’s Communications team monitors all religious liberty developments and is always ready to offer expert comment. We act vigorously to correct any misinformation about the separation of church and state. In addition, the department closely follows the activities of the Religious Right, a movement that seeks to impose fundamentalist doctrines on all Americans. This year, a team of AU staffers attended the so-called “Values Voter Summit” in Washington, D.C., which drew 3,000 attendees to strategize about ways to increase Religious Right influence in advance of the 2012 election season. AU staffers also attended a conference put on by Ralph Reed’s Faith and Freedom Coalition, which served as an additional planning vehicle for the Religious Right in Washington.

The AU Communications Department is led by Director of Communications Joseph L. Conn. Others on the Communications team are Assistant Communications Director Robert Boston, Communications Associates Sandhya Bathija (through September) and Simon Brown (from October), Communications Assistant Susan Hansen and Web Manager Maria Matveeva.

2011 Education Highlights

Americans United is able to reach a wide and diverse audience through media outreach. Here is a sampling of how AU’s Communications team spread the organization’s message in 2011:

**Church & State Magazine**

*Church & State* has long been AU’s single most effective means of communicating with AU members and activists, as well as with key players in the academic, religious and political communities. Each month, print copies of the magazine are mailed to thousands of households across the country, and the entire text is posted on AU’s website. This year, AU covered important stories that were often overlooked by the mainstream media, including features on the resurgence of the Religious Right (just three years after it was pronounced “dead”); a Tennessee man’s protest of a Ten Commandments display at a local courthouse; U.S. House Speaker
Americans United’s Website, www.au.org

On Nov. 1, AU officially unveiled a large-scale re-launch of its website. Our top goals in the redesign were to make the site more appealing to visitors, to make information easier to find and to engage both activists and the general public. The project has been a success. Since the website re-launch, AU has attracted additional traffic. While part of this increase is due to the integration of AU blogs into the main site, there has been significant growth in traffic beyond that. The average number of monthly visitors in 2010 was 36,000, but AU’s site now sees an average of 65,000 visitors per month. In addition, about 35 percent of these visitors return to AU.org more than once per month.

Facebook and Social Media Networking

Americans United is steadily adding new fans to its Facebook page, now 55,000 strong! Every day, people “like” Americans United posts more than 100 times, exposing the posts to their own Facebook connections. Each post – whether it’s the blog post of the day, a chapter event, a press release or an important church-state news story featuring comment from Americans United – receives 30 comments on average and dozens of “likes.”

Other social networking sites that feature AU material include Flickr (photos), YouTube (video), Twitter (micro-blogging) and Good Reads (books).
John Boehner’s school voucher crusade; growing battles over sectarian funding proposals in state legislatures; the rise of Religious Right “Dominionism”; the truth behind the Alliance Defense Fund’s “Pulpit Freedom Sunday;” and a South Dakota law that restricts women’s access to reproductive care.

AU Press Releases and Media Outreach

AU’s Communications team informs journalists and activists across the country by issuing press releases announcing new church-state litigation, court victories, criticism of the Religious Right movement and church-state happenings in Congress and state legislatures. These alerts are sent directly to reporters, editors, columnists, bloggers and other media professionals throughout the country, many of whom contact AU for further information or commentary.

In 2011, Americans United issued almost 100 press releases and advisories on topics including the faith-based initiative, AU’s court victories, a response event to Texas Gov. Rick Perry’s Christians-only prayer rally, a court decision to strike down anti-sharia legislation, Sen. Charles Grassley’s investigation of TV preachers and an Alabama town’s “Jesus or Jail” policy.

AU’s Blog – “The Wall of Separation”

One of AU’s most popular features, “The Wall of Separation,” consists of daily posts written by Communications staff members Joe Conn, Rob Boston, Sandhya Bathija (through September) and Simon Brown (from October). The short items comment on major church-state news and give readers an opportunity to consider the issues and understand why it’s so important for AU to continue serving as a church-state watchdog. AU posts daily blog items on its Facebook page – leading to some lively discussions among AU’s tens of thousands of Facebook fans!

Op-Eds and Letters to the Editor

AU Executive Director Barry W. Lynn and other staff members often contribute opinion pieces for websites, newspapers, magazines and other publications in order to convey AU’s message in communities across the country. Beginning in late 2010 Lynn contributed posts for The Washington Post’s “On Faith” blog, a practice he continued in 2011. His posts this year covered topics such as the controversy over GOP presidential hopeful Mitt Romney’s Mormon faith, U.S. Rep. Peter King’s congressional hearing on Islam, a U.S. House resolution reaffirming “In God We Trust” as our national motto and a reflection on why religious organizations shouldn’t dictate public policy for the entire country.

In addition, in 2011 Rob Boston contributed a regular column about church-state issues to The Humanist, a bimonthly publication of the American Humanist Association. AU Associate Legal Director Alex J. Luchenitser wrote a blog essay for the American Constitution Society’s website. And AU Trustee Karen Ringen penned an op-ed for The Denver Post on the problems with voucher subsidies for religious schools.

AU’s Communications team also works regularly with the Field Department and chapter members to submit letters to the editor in local newspapers across the country.

Lectures to Foreign Delegations

Members of the Americans United Communications staff are often called upon to speak to delegations brought to the United States from other countries through the State Department’s International Visitors Leadership Program. On several occasions, Bathija and Boston met with delegates from other nations and explained the American system of government with regard to church-state separation and freedom of religion. In 2011, delegates from Cameroon, Saudi Arabia, Turkey and several other nations visited AU headquarters to learn about America’s strong tradition of religious freedom.
‘CultureShocks’
With Barry Lynn:
AU’s Own Radio Program

Once described as “a really engaging and unique program that falls between the shows on Air America and National Public Radio,” CultureShocks addresses controversial issues and hot topics based on the premise that America is in the middle of a “culture war.” In 2011, Lynn interviewed a wide range of subjects, from former Minnesota Gov. Jesse Ventura and conservative firebrand Andrew Breitbart to National Center for Science Education Director Dr. Eugenie Scott and New York Times best-selling author Seth Mnookin.

Others on the guest list include journalist Katrina vanden Heuvel of The Nation, Episcopal Bishop and author John Shelby Spong, religion scholar Martin Marty, singer Roseanne Cash, Common Cause President Bob Edgar, transgender-rights advocate Chaz Bono, education expert and author Diane Ravitch and Texas writer/politician Kinky Friedman.
Responding to Requests from the Public and Students

Every day, Americans United receives dozens of questions and comments from the general public via phone, mail or email. The Communications Department responds to these questions with useful insight and accurate information. AU is contacted frequently by students – from the elementary school level to those pursuing law degrees or Ph.D.s – who want to know about a particular church-state issue and need to talk to an expert. The Communications staff talks to these students and provides the support they need to complete their paper or project.

2011 News Media Highlights

Americans United Executive Director Barry W. Lynn has been one of the most visible faces of the fight for church-state separation for nearly 20 years and is extremely active in the media. Throughout 2011, Lynn countered false claims by the Religious Right and was quoted by national and local media outlets, supplying expert commentary on the intersection of religion, law and politics.

Print Media

In 2011, Americans United was cited more than 900 times in major news outlets nationwide, according to data from the Nexis news database. Lynn and other Americans United staff were quoted in a variety of wire services including the Associated Press, CNN Wire, Gannett News Service, Scripps Howard News Service, States News Service, Targeted News Service, Religion News Service, the Christian News Wire, the Finance Wire, the Associated Baptist Press and UPI.


News websites also quoted AU staffers, including The Huffington Post, CNN.com, Alternet.org, ABC-News.com, Politico.com and FoxNews.com.


Radio and Television Appearances


Top radio appearances included NPR, Fox News Radio, AP Radio and CBS Radio. (See our 2011 radio and television log for a longer list of broadcast appearances.)

AU’s Barry Lynn talks about church-state separation for Nickelodeon’s “Nick News with Linda Ellerbee”.
### Television

#### January

- **26** Lynn on CNN’s “Anderson Cooper 360°,” debate with Ken Hamm about tax incentives for the Ky. “Ark Park,” (Nationwide)

#### April

- **16** Lynn on Nickelodeon’s “Nick News with Linda Ellerbee” on “Freedom to Believe...or Not” (Nationwide)

#### May

- **27** Local counsel Don Flanary on WOAI News, Castroville graduation prayer (San Antonio, Texas)

#### June

- **1** Local counsel Don Flanary on KSAT (ABC affiliate), Castroville graduation prayer (San Antonio, Texas)
- **1** Local counsel Don Flanary on KENS (Channel 5), Castroville graduation prayer (San Antonio, Texas)
- **3** Khan on CNN, Texas graduation prayer controversy (Nationwide)

#### July

- **5** Lynn on InvestigateNY, tax money for yeshivas (New York)
- **14** Lynn on WBND, tax money for Catholic school (South Bend, Ind.)
- **14** Lynn on WSBT, tax money for Catholic school (South Bend, Ind.)
- **14** Boston on WNDU, tax money for Catholic school (South Bend, Ind.)

#### August

- **4** Lynn on MSNBC’s “The Last Word with Lawrence O’Donnell,” Texas Gov. Rick Perry’s prayer rally (Nationwide)
- **5** Lynn on MSNBC’s “Hardball with Chris Matthews,” Texas Gov. Rick Perry's prayer rally (Nationwide)
- **5** Boston on FoxNews.com Live's “Spirited Debate,” Texas Gov. Rick Perry's prayer rally (Nationwide)
- **5** Lynn on CNN’s “The Situation Room,” Texas Gov. Rick Perry's prayer rally (Nationwide)
- **6** Lynn on CNN News, Texas Gov. Rick Perry's prayer rally (Nationwide)
Lynn on CBS News, Texas Gov. Rick Perry’s prayer rally (Nationwide)
6 Lynn on ABC’s “Good Morning America,” Texas Gov. Rick Perry’s prayer rally (Nationwide)
6 Lynn on ABC “World News,” Texas Gov. Rick Perry’s prayer rally (Nationwide)
14 Lynn on PBS’s "Religion & Ethics Newsweekly," Faith-based hiring bias (Nationwide)
17 Lynn on WSBT, lawsuit challenging South Bend city funding of religious school (Northern Indiana)
29 Boston on FoxNews.com’s “Spirited Debate,” absence of prayer from the New York 9/11 memorial event (Nationwide)

October
7 Lynn on Fox News Network, New York church rental of public school (Nationwide)
9 Lynn on PBS’s “Religion & Ethics Newsweekly,” ministerial exception case at the Supreme Court (Nationwide)
20 Khan on WNDU-NBC 16, lawsuit challenging South Bend city funding of religious school (Northern Indiana)
27 Luchenitser on WKRG-TV 5, Alabama town’s proposed “church or jail” program (Mobile, Ala.)

November
2 Lynn on FoxNews.com, House vote on “In God We Trust” resolution (Nationwide)
December
14 Boston on Al Jazeera English’s “Fault Lines,” Religious Right in politics (Nationwide/International)
22 Lynn on C-SPAN’s “Washington Journal,” religion and politics (Nationwide)
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<td>January 20</td>
<td>Luchenitser on WABE, school graduation in church (Atlanta, Ga.)</td>
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<td>January 20</td>
<td>Lynn on “In the Market with Janet Parshall,” Senate inquiry about TV preacher excesses (Nationally Syndicated)</td>
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<td>January 21</td>
<td>Lynn on WGST, school graduation in church (Atlanta, Ga.)</td>
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<td>January 25</td>
<td>Boston on WLQV, Ten Commandments in schools (Detroit, Mich.)</td>
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<td>February 4</td>
<td>Lynn on Dial Global’s “The Bill Press Show,” Obama at prayer breakfast (Nationwide)</td>
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<td>February 22</td>
<td>Lynn on “In the Market with Janet Parshall,” church-state developments, (Nationally Syndicated)</td>
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<td>March 3</td>
<td>Boston on KPSI’s “Steve Kelly Show,” Religious Right leader David Barton (Palm Springs, Calif.)</td>
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<td>March 7</td>
<td>Lynn on WMNF, general church and state (Tampa, Fla.)</td>
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<td>April 25</td>
<td>Lynn on KTRH, school district requiring students to stand for the Pledge (Houston, Texas)</td>
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<td>May 4</td>
<td>Boston on UNI, National Day of Prayer (Nationwide)</td>
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<td>May 11</td>
<td>Boston on WINA’s “Right Now Charlottesville,” Religious Right (Charlottesville, Va.)</td>
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<td>May 20</td>
<td>Lynn on Dial Global’s “The Bill Press Show,” Rapture forecast (Nationwide)</td>
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<td>May 20</td>
<td>Boston on KPSI’s “Steve Kelly Show,” David Barton (Palm Springs, Calif.)</td>
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<td>Boston on WVLK’s “Sue Wiley Show,” Ky. “Ark Park” (Lexington, Ky.)</td>
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<td>June 1</td>
<td>Khan on KTRH (Clear Channel), Castroville prayer at graduation (San Antonio, Texas)</td>
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<td>June 1</td>
<td>Khan on KTSA, Castroville prayer at graduation (San Antonio, Texas)</td>
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<td>June 1</td>
<td>Lynn on AP Radio, Castroville prayer at graduation (Nationwide)</td>
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<td>June 2</td>
<td>Boston on WINA’s “Right Now Charlottesville,” Ky. Ark Park (Charlottesville, Va.)</td>
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<td>June 4</td>
<td>Lynn on KVOR’s “Jeff Crank Show,” Texas prayer at graduation (Colorado Springs, Colo.)</td>
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<td>June 9</td>
<td>Lynn on Fox News Radio, Texas governor’s prayer rally (Nationwide)</td>
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<td>June 13</td>
<td>Boston on Dial Global’s “The Bill Press Show,” Texas governor’s prayer controversy (Nationwide)</td>
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<td>Boston on WTBQ’s “Roundtable,” Kiryas Joel lawsuit (Warwick, N.Y.)</td>
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<td>Khan on KTRH, graduation prayer at Texas high school (Houston)</td>
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<td>Boston on KTRH’s “Matt Patrick Show,” graduation prayer at Texas high school (Houston)</td>
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<td>Boston on KPSI’s “Steve Kelly Show,” Fort Bragg religion flap (Palm Springs, Calif.)</td>
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<td>Lynn on “In the Market with Janet Parshall,” church-state developments, (Nationally Syndicated)</td>
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<td>Lipper on WTRC’s “Dan York,” tax aid to Catholic school (South Bend, Ind.)</td>
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<td>Boston on KDKA’s “Robert Mangino Show,” religious garb in public schools (Pittsburgh)</td>
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<td>July 20</td>
<td>Boston on WINA’s “Right Now Charlottesville,” creationism in Texas (Charlottesville, Va.)</td>
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<td>July 22</td>
<td>Boston on WSDL’s “Delmarva Now,” Sussex County Council prayers (Salisbury, Md.)</td>
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<td>Lynn on AP Radio, Texas Gov. Rick Perry’s prayer rally (Nationwide)</td>
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<td>Lynn on NPR’s “Weekend Edition,” Texas Gov. Rick Perry’s prayer rally (Nationwide)</td>
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<td>Lynn on Dial Global's “The Bill Press Show,” Texas Gov. Rick Perry’s prayer rally (Nationwide)</td>
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<td>Lynn on KHOW's “Caplis and Silverman Show,” Texas Gov. Rick Perry’s prayer rally (Denver)</td>
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<td>Boston on WJNC’s “Viewpoints,” N.C. county council prayers (Morehead City, N.C.)</td>
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<td>Boston on WUKY News, Tax breaks for Ky. Ark Park (Lexington, Ky.)</td>
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<td>Lynn on “In the Market with Janet Parshall,” Texas Gov. Rick Perry’s prayer rally (Nationwide)</td>
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<td>Lynn on WSBT, lawsuit challenging South Bend city funding of religious school (Northern Indiana)</td>
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<td>Lynn on Dial Global’s “The Bill Press Show,” religion and the presidential race (Nationwide)</td>
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<td>Boston on KPSI’s “Steve Kelly Show,” candidates and religion (Palm Springs, Calif.)</td>
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<td>Lynn on WGOW, religion and public schools (Chattanooga, Tenn.)</td>
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<td>Boston KPCC’s “Air Talk,” churches and politics (Pasadena, Calif.)</td>
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<td>Boston on KMUW’s “Morning Edition,” Christian nation myth (Wichita)</td>
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<td>Boston on Radioornot’s “Nicole Sandler Show,” churches and politics (Nationwide/web-based)</td>
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<td>19</td>
<td>Boston on WINA’s “Right Now Charlottesville,” churches and politics (Charlottesville, Va.)</td>
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<td>28</td>
<td>Lynn on “In the Market with Janet Parshall,” ministerial exception case at the Supreme Court (Nationally syndicated)</td>
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<td>Lynn on “The Hugh Hewitt Show,” churches and politics/Pulpit Freedom Sunday (Nationally syndicated)</td>
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<td><strong>October</strong></td>
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<td>Lynn on “The Ed Schultz Show,” Values Voter Summit (Nationally syndicated)</td>
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<td>Lynn on Dial Global's “The Bill Press Show,” Values Voter Summit (Nationally syndicated)</td>
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<td><strong>November</strong></td>
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<td>Lynn on WGN’s “Mike McConnell Show,” tax aid to National Cathedral (Chicago)</td>
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<td>Lynn on Wisconsin Public Radio's “At Issue With Ben Merens,” In God We Trust resolution (Statewide)</td>
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<td>Lynn on Dial Global’s “The Bill Press Show,” religion in the presidential campaign (Nationwide)</td>
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<td>7</td>
<td>Lynn on “In the Market with Janet Parshall,” current church-state events (Nationally syndicated)</td>
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<td>Lynn on Alan Colmes Show, religion in the presidential campaign (Nationally syndicated)</td>
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Project Fair Play:

Blowing the Whistle on Illegal Church Electioneering

Federal tax law prohibits houses of worship and other tax-exempt organizations from involvement in partisan political campaigns. Despite this clear statutory provision, some religious organizations still plunge into electioneering. That’s what happened in El Paso, Texas, during the summer of 2011.
A local pastor named Tom Brown who runs a church and a ministry used those entities to launch a recall campaign against El Paso Mayor John Cook and City Council Members Steve Ortega and Susie Byrd.

Brown was angry because the three voted to extend health care benefits to domestic partners. He joined forces with a group called El Pasoans for Traditional Family Values and announced he would recall Cook, Ortega and Byrd.

The effort was brazen. On his ministry website, Brown posted an “Open Letter to City Council” that said in part, “If you are upset at this action and would like to sign and/or circulate a recall petition against Mayor John Cook and Representatives Susie Byrd and Steve Ortega, then fill out the form below. Share this page with your friends and get them to fill out the form. Thanks.”

Brown’s church and ministry essentially organized and coordinated the recall campaign, taking the lead role in circulating petitions. Not surprisingly, this attracted the attention of city residents, several of whom contacted Americans United.

AU investigated and determined that the matter appeared to be a clear case of non-profit, tax-exempt entities being used for partisan political purposes. On July 12, Americans United asked the IRS to investigate.

“This is a ministry, not a political action committee,” said Barry W. Lynn, executive director of Americans United, in a media statement. “If Pastor Brown wants to engage in partisan politics, he should do it on his own time and his own dime. He should not misuse the resources of his tax-exempt religious organization.”

Brown argued that his actions were permissible since he registered his ministry’s website in his own name. Americans United rejected his argument.

“The fact that the ministry website is registered in Brown’s name is irrelevant,” AU told the IRS in a letter. “It remains the ministry’s official website, and as such it may not be used to engineer a recall of election officials – and that is exactly what Brown has done. In fact, the IRS has made it clear that websites operated by 501(c)(3) organizations may not be used to endorse or oppose candidates.”

After a story about the letter appeared in the El Paso Times, a city resident contacted Americans United and noted that Texas state law prohibits “corporations” – which in Texas includes non-profit groups and houses of worship – from intervening in partisan political campaigns. The resident recommended that Americans United forward the complaint to the Texas Attorney General’s Office.

Americans United did so, and that office in turn forwarded the letter to Jaime Esparza, who serves as the local district attorney for the region including El Paso. Esparza announced that he would investigate the matter.

In the meantime, Cook sued to stop the recall vote, arguing that it shouldn’t be allowed to go forward since the signatures were collected in violation of state law. A state court agreed that the law had been broken but declined to stop the balloting. Cook, however, prevailed on appeal. The Texas 8th Court of Appeals ruled unanimously that the state’s laws must be enforced.

The incident was one of the more outrageous efforts to blend religion and partisan politics in 2011. And it quickly caught the attention of Americans United’s Project Fair Play.

Since 1988, AU has been active in opposing partisan activity by religious organizations. In 1996, AU officially launched Project Fair Play, a special project designed to combat the blatant politicization of religion.
Project Fair Play operates on several fronts. AU educates clergy through frequent informational letters sent to houses of worship across the country and the production of targeted publications. We also maintain a special website, www.projectfairplay.org, that gives accurate information about federal tax law.

AU also actively engages in contacting the media to spread the word that tax exemption is a privilege, not a right, and that the IRS Code means what it says: religious organizations may lose their federal tax exemption for egregious violations of the law.

In addition, Project Fair Play serves as a watchdog. AU regularly receives reports of church politicking and files complaints with the IRS when there is clear evidence that a house of worship, ministry or other religious group has violated federal tax law. This work is especially vital now, because several Religious Right organizations are insisting that churches have the right to intervene in partisan politics by endorsing or opposing candidates.

Although this view has been rejected by a federal appeals court, the Alliance Defense Fund (ADF) and other allied groups continue to mislead pastors and urge them to engage in electioneering. The ADF annually sponsors an event it calls “Pulpit Freedom Sunday,” during which pastors are urged to openly violate the law by endorsing or opposing candidates during services. Americans United has in the past reported several churches for taking part in this event. 2011 was not an election year for members of the U.S. House and Senate, but some states and local jurisdictions did hold elections. Aside from the El Paso incident, Americans United reported two other cases of church politicking in 2011.

In September, AU asked the IRS to investigate the activities of Bellevue Baptist Church in Memphis, Tenn. The church ran a statement on its website titled “Important Pro-Family Information on the Memphis City Council Election Oct. 6” that directed visitors to Family Action of Tennessee, a group that endorsed three candidates in the election.

The church was aware that its actions could be problematic. Its website contained a sentence insisting that “[W]e are fully aware of the law granting tax-exemption to churches.” After the matter came to light in the media, the church removed the link to the political endorsements.

In October, AU wrote to the IRS about the activities of Pastor Robert Jeffress and the First Baptist Church of Dallas. Jeffress introduced Texas Gov. Rick Perry at a Religious Right gathering in Washington, D.C., and stated why he believes Perry deserved support. If Jeffress had stopped there he would have been all right, but he posted the endorsement on his church’s website.

Jeffress added a disclaimer to the church website insisting that the views expressed were his own, but Americans United told the IRS that this does not absolve him of breaking federal law.

(It should be noted that this was not AU’s first run-in with Jeffress. In 1998, while serving as pastor of the First Baptist Church of Wichita Falls, Texas, Jeffress was given two books with gay themes from the local public library. He refused to return them and urged members of his congregation to vote against city council members if they refused to ban the tomes. A local newspaper reported that Jeffress challenged his congregation to “vote out the infidels who would deny God and his word.” At that time, AU’s Lynn wrote to Jeffress to warn him that his actions raised serious legal issues.)

Also in 2011, Americans United continued to distribute educational materials about church politicking to activists, clergy and congregants nationwide.

The church ran a statement on its website titled “Important Pro-Family Information on the Memphis City Council Election Oct. 6” that directed visitors to Family Action of Tennessee, a group that endorsed three candidates in the election.
AU regularly receives reports of church politicking and files complaints with the IRS when there is clear evidence that a house of worship, ministry or other religious group has violated federal tax law.

Houses of worship may:

- Discuss public policy issues.
- Sponsor non-partisan voter registration and encourage voting as good civic behavior.
- Sponsor candidate forums as long as all leading candidates are invited and a broad range of issues is discussed.
- Urge congregants to communicate with candidates and make their concerns known to them.

Houses of worship may not:

- Issue statements endorsing or opposing candidates.
- Donate money to a candidate.
- Offer church space to one candidate and refuse it to another.
- Sponsor rallies for candidates in church.

AU’s ProjectFairPlay.org website is a premier resource on how to prevent church electioneering and avoid breaking the law.
Legal Advocacy:

Upholding Religious Liberty – In And Out of Court

When Ralph Stewart moved to Johnson County, Tenn., he didn’t intend to pick a fight over church-state separation, but that’s exactly what happened.

Stewart said he moved to the area, a rural enclave of 18,000, because he loved the land. He purchased 150 acres of that land, in fact, in order to care for neglected and abused animals. He mostly kept to himself, but he couldn’t remain silent when the county government began playing favorites with religion.
In 1999, officials erected a Ten Commandments plaque outside the office of the county court clerk, located in Mountain City, Tenn. The plaque referred to the Commandments as “The Historical Foundation of American Law, Moral Values and Code of Conduct.”

Flash forward to 2008, when local residents asked Americans United to investigate the constitutionality of the display. AU attorneys found that it was unconstitutional and asked that it be removed. But Johnson County officials didn’t want to comply. In October of 2008, they approved a new policy stating that “citizens and citizen groups” would be allowed to erect displays “relating to history and heritage of American law and government on the walls in the lobby of the Johnson County Courthouse.”
The county soon received a request from a leader of the “Ten Commandment Warriors,” a local group that sought to display the same Commandments plaque. The group also offered another plaque featuring quotes from Benjamin Franklin and Samuel Adams, plus excerpts from the U.S. Constitution and the Bill of Rights. It included an excerpt from a 1984 Supreme Court opinion stating that the Constitution does not mandate a “complete separation of church and state.”

Both plaques were installed. The display’s sponsor, a local funeral director and activist with the Gideons International, was allowed to compound the problem by including a 26-page pamphlet written by local clergy contending that U.S. law is anchored in the Bible and that the United States was founded as a Christian nation.

All the while, Stewart followed these developments closely, and within a few months he asked county officials to approve his own display. It consisted of two laminated posters.

The first included language stating, “The Constitution of the United States prohibits government from favoring one religion or disparaging any other.” It featured three excerpts: the First Amendment’s religious liberty provisions, a quote from a 1989 Supreme Court decision and a passage from the Treaty with Tripoli, a 1797 document that declares the United States is not a Christian nation.

Stewart’s second document argued that American law is based on English common and statutory law, not the Bible. It included selections from the Constitution and the Declaration of Independence.

Stewart’s posters received a less than enthusiastic welcome from county officials. They denied his request.

In January 2011, Americans United filed suit on Stewart’s behalf. The case, Stewart v. Johnson County, charged that county officials engaged in impermissible content-based and viewpoint-based discrimination in violation of the First Amendment right to free speech. The legal complaint also asserted that the county’s actions violated the separation of church and state because they had a religious purpose, had a predominantly religious effect and endorsed religion over non-religion.

Although the county enlisted outside legal help, officials soon realized that the case was unlikely to go well for them. Settlement talks were proposed, and AU attorneys spent several months working out the details. An agreement was finalized in November.
The settlement has two main parts. One involves Stewart’s posters, which are now being displayed in the courthouse. The second portion of the settlement requires the county to make a number of revisions to its display policy. Displays will be limited to the lobby and hallways in the lower level of the courthouse. They must relate to American or Tennessee law or Johnson County history and must meet minimal aesthetic requirements.

In addition, the county is forbidden to reject a display simply because commissioners don’t like the content. If the county purports to reject a display for “aesthetic” reasons, officials must provide a detailed, written explanation and propose an alternative design that would be acceptable.

The county has also agreed to put a disclaimer in the courthouse that makes it clear the displays were not erected by Johnson County and do not necessarily reflect the county government’s views.

Stewart is just one in a long list of successes that Americans United had in 2011.

The AU Legal Department, headed by Legal Director Ayesha N. Khan, spent 2011 working to maintain church-state separation on a variety of fronts.

In addition to litigation, AU’s legal team also engages in advocacy outside the courtroom, responding to complaints about constitutional violations in communities across the country. Many of these disputes are successfully resolved by the Legal Department through letter writing, telephone calls and, on occasion, representation of individuals in non-courtroom settings.

In addition to Khan, others on the AU legal team are Associate Legal Director Alex J. Luchenitser, Senior Litigation Counsel Gregory M. Lipper, Staff Attorney Ian S. Smith, Legal Assistant Thelma Scott, Madison Fellows Taryn Wilgus Null (until August), Hellen M. Papavizas (until September), Benjamin N. Hazelwood (from September), Brooke R. Hardy (from October) and Steven Gey Fellows Robert Shapiro (until September) and Natalie R. Shapero (from September).

2011 Litigation Highlights

In addition to filing the Stewart case, the Americans United Legal Department worked on the following cases, either by serving as counsel or by filing friend-of-the-court briefs in suits that could set important precedents. AU’s litigation deals with religion in the public schools, taxpayer funding of religious institutions, government-sponsored displays of religious texts and symbols, government-sponsored prayer, and religious discrimination and accommodation.

Completed Litigation in 2011

Shapiro v. Browning: During its 2011 session, the Florida legislature proposed an amendment that would repeal the state constitution’s strict prohibition on taxpayer funding of religious institutions and would forbid Florida government bodies from denying public funding to religious institutions unless the U.S. Constitution prohibits the funding. The proposed amendment would become law if it is approved by Florida voters in November 2012. Americans United and its allies filed a lawsuit challenging the misleading language of the referendum. Rabbi Merrill Shapiro, president of AU’s Board of Trustees, served as the lead plaintiff. In December, a court ruled that the ballot language was indeed likely to confuse voters. The Florida attorney general subsequently submitted new ballot language that complied with the court’s ruling.

Chane v. District of Columbia: Americans United joined with the ACLU in filing a lawsuit because the District of Columbia had planned to give $12 million in public money and property to Central Union Mission, a sectarian shelter that required homeless persons to participate in worship. As a result of the lawsuit, the District and the Mission abandoned that transaction and eventually reached a lease agreement that prohibits the religiously affiliated agency from “requir[ing] any individual seeking [the Mission’s] services to participate in religious services or religious studies as a condition to receiving any service at the Leased Premises.” The agreement was a big step in the right direction, but some constitutional concerns remain. AU intends to monitor the situation to determine whether the lease’s implementation complies with the U.S. Constitution.

Westphal v. Wagner: Americans United challenged official prayers and other religious presentations at events sponsored by the South Orange County (Calif.) Community College District. AU worked on behalf of several students and faculty who asserted that school officials routinely sponsored invocations at events at Saddleback College in Mission Viejo, including scholarship award ceremonies, commencements and Chancellor’s Opening Sessions (training programs for faculty). AU noted that attendance at some of these events was mandatory. For example, students who are awarded scholarships had to attend a public ceremony or forfeit the financial aid. AU agreed to settle the case in April, and under the terms of the settlement, school officials agreed to discontinue official prayers before scholarship ceremonies and before the Chancellor’s Opening Sessions.

Ongoing Litigation in 2011

Joyner v. Forsyth County: In February 2007, Americans United wrote a letter to the Forsyth County (N.C.) Board of Supervisors asking it to stop inviting clergy to deliver sectarian
prayers before meetings. The board refused to discontinue the practice, so members of AU’s Winston-Salem chapter filed suit. In 2010, a federal district court held that the invocation policy was unconstitutional. The board then appealed to the U.S. 4th Circuit Court of Appeals, which agreed with the lower court’s decision.

In a major victory for Americans United and the North Carolina ACLU, Judge J. Harvey Wilkinson wrote, “Legislative prayer must strive to be nondenominational so long as that is reasonably possible – it should send a signal of welcome rather than exclusion. It should not reject the tenets of other faiths in favor of just one…. Faith is as deeply important as it is deeply personal and the government should not appear to suggest that some faiths have it wrong and others got it right.”

The board, aided by the Alliance Defense Fund, appealed to the U.S. Supreme Court, and the court was expected to decide in early 2012 whether or not to take the case.

Schultz v. Medina Valley Independent School District: Medina Valley Independent School District near San Antonio, Texas, has sponsored student-led Christian prayers at its high school graduations and other school events. In May, Americans United filed a lawsuit on behalf of a high school senior who objected to the practice and his family. AU asked for a temporary order that would have prevented prayer at the graduation, as well as a permanent end to all district-sponsored religious activity at future school events. A federal district court ordered that the graduation prayers be banned at the June 2011 ceremony, but that order was reversed by a higher court. The case returned to the district court, and AU continued to gather facts as the litigation went forward.

Wirtz v. City of South Bend: The South Bend (Ind.) Common Council voted to buy property for $1.2 million and donate it to St. Joseph’s High School, a Catholic school. Americans United, together with the ACLU, filed a lawsuit challenging the deal. When a federal district court ruled against the proposed transfer, the city came up with a new plan to accept bids for the property. The bidding criteria, however, favored St. Joseph’s, which was the only bidder. That arrangement was struck down in court, too. The city came up with a third proposal, under which the property would be sold for a minimum price of $545,000, and no bidder would be favored. AU did not object to the third proposal because the court had indicated that it would be approved. Although the religious school obtained the building for the minimum price, the litigation produced a $545,000 benefit for the city’s taxpayers.

Pedreira v. Kentucky Baptist Homes for Children: In 2000, Americans United and the ACLU filed a lawsuit challenging state financing of Kentucky Baptist Homes for Children (KBHC). AU complained that the publicly funded organization indoctrinates youths in sectarian beliefs. AU earned an important victory in 2009 when the 6th U.S. Circuit Court of Appeals concluded that the taxpayer plaintiffs could proceed with their case. In March 2010, KBHC (now renamed Sunrise Children’s Services) asked the U.S. Supreme Court to review the appellate court decision, which the justices declined to do in April 2011. The litigation continues at the district court level.

Does v. School District of Elmbrook: For years, the Elmbrook School District near Milwaukee, Wisc., held its high school graduation ceremonies in an evangelical Christian church. In 2009, Americans United filed a lawsuit on behalf of nine students, parents and graduates of the school district who feel unwelcome and extremely uncomfortable attending commencement in the sectarian setting. A federal court dismissed the

“I cannot over-emphasize how inspiring the Schultz family is. Corrie is a real hero, and he clearly takes his lead from his parents.”
— Ayesha N. Khan, AU Legal Director
Corwyn Schultz, plaintiff in the Schultz v. Medina Valley Independent School District court case, with family

case, but Americans United appealed. The full 7th U.S. Circuit Court of Appeals has granted AU’s request for rehearing, and arguments before the judges will take place in early 2012.

Does v. Enfield Public Schools: Enfield Public Schools, near Hartford, Conn., began holding high school graduations in an evangelical Christian church in 2007. In 2010, Americans United and its allies filed a lawsuit in federal district court, and the judge ordered that the schools’ June 2010 graduations could not be held at the church. The school district appealed, but in August 2010 the appeals court dismissed the appeal as moot. The litigation continues at the district court level, and AU argued the case further in March.

Galloway v. Town of Greece: The Greece (N.Y.) Town Board has a practice of opening its monthly meetings with prayers led by Christian clergy. Americans United filed a lawsuit, but a federal district court concluded the prayers were constitutional. AU appealed to the U.S. 2nd Circuit Court of Appeals, and the case was argued in September. A decision is expected soon.

Mullin v. Sussex County: The Sussex County (Del.) Council for decades has opened its meetings with a recitation of a Protestant version of the Lord’s Prayer by a member of the council. In June, AU filed a lawsuit on behalf of four local residents, including one Christian minister. All
plaintiffs in the lawsuit have attended council meetings in the past and were offended by the governmental body’s promotion of one religious perspective and disrespect of the plaintiffs’ beliefs. AU filed a motion in December asking the court to put an end to the council’s sectarian prayer practice, and AU is awaiting the court’s decision.

Friend-of-the-Court Briefs

Filed in 2011

**Hosanna-Tabor Evangelical Church and School v. EEOC:** Americans United, joined by religious and civil liberties organizations, filed a brief with the U.S. Supreme Court in August in a closely watched church-school employment dispute. The case involved a parochial school teacher who challenged her firing under the Americans with Disabilities Act. AU asserted that churches have a constitutional right to hire employees who share their faith but that the so-called “ministerial exception” from civil rights laws should be “no broader than necessary.” The exception, AU said, should be applied only when a religious entity’s acts “are motivated by religious concerns” and should not “immunize religious entities from liability for conduct unrelated to religion.” AU and its allies also argued that “the exception must permit courts to determine when a religious justification” is pretextual. A decision in the case is expected in early 2012.

**Ward v. Wilbanks:** Americans United filed a friend-of-the-court brief arguing that a public university does not have to accommodate a student in a counseling program who refuses to help clients who are in romantic relationships that contradict her religious beliefs. AU told the 6th U.S. Circuit Court of Appeals that the Constitution permits Eastern Michigan University to dismiss a student from its graduate program for refusing to counsel a gay client as part of a clinical course. In its Feb. 11 brief, AU also argued that the university did not target the plaintiff because of her religious beliefs; instead, it applied a neutral rule since no counseling students can “opt out” of treating certain patients.

**Awad v. Ziriax:** In 2010, Oklahoma voters approved a state constitutional amendment that would have barred state courts from considering Islamic law in any circumstance. In May, Americans United and other civil liberties groups filed a brief with the 10th U.S. Circuit Court of Appeals arguing that the amendment violates church-state separation. The brief explained that both the purpose and the effect of the amendment were to single out Islam for disfavored treatment.

**ACLU of Florida v. Dixie County:** In a Nov. 9 brief filed with the 11th U.S. Circuit Court of Appeals, Americans United argued that a six-ton Ten Commandments monument at the Dixie County (Fla.) courthouse violates the separation of church and state. AU asserted that the monument and others like it around the country are promoted by Religious Right groups that want to send a message of exclusion to Americans who don’t share their fundamentalist theology.

2011 Non-Litigation Highlights

AU’s legal team regularly sends letters to government bodies that have acted unconstitutionally. Many times, after receiving these letters, which carefully explain the law, violators cease their activities. This successfully brings the matter to a close without judicial intervention. Here is a sampling of AU’s non-litigation successes in 2011:

**Louisville, Ky.:** The University of Louisville Hospital -- a public hospital -- planned to merge with a Catholic hospital. This would have resulted in the public hospital being subject to religious rules and restrictions followed by Catholic health care providers. Americans United sent a letter to Gov. Steve Beshear and Attorney General Jack Conway opposing the scheme on constitutional grounds. Beshear decided to block the merger on Dec. 30, in part because of the church-state separation concerns AU raised.

**Little Rock, Ark.:** The Arkansas Better Chance (ABC) program provides funding for pre-schools in the state. AU received a complaint that “Growing God’s Kingdom,” a religious preschool, was improperly receiving ABC funding. AU found that the school had received over $1 million in taxpayer dollars between 2005 and 2011. AU’s complaint letter explained that granting government subsidies to a school that teaches religion is a constitutional violation. The state investigated, generally agreed with AU’s position and is now working to revise the rules governing ABC grants.

**Bloomfield, Ind.:** A student religious club submitted a weekly Bible verse to be read as part of a public high school’s morning announcements. AU complained, and the school district agreed to remove the religious content from morning announcements.
**Blue Island, Ill.** The city of Blue Island required all residents to place a “St. Benedict Roman Catholic Church: 150 Years” sticker in the windshield of their vehicles. AU objected, and the mayor issued an executive order stating that no religious institutions will be placed on vehicle stickers going forward.

**Macon County, N.C.** A public school class invited a local preacher to deliver a graduation address. The Rev. Daniel “Cowboy” Stewart, pastor of a small Baptist church in Robbinsville, delivered a sermon to the graduating seniors that warned them about the machinations of Satan and included references to the Bible. AU wrote to the school district to explain that proselytizing at public school events is unconstitutional. The district assured AU that Stewart’s presentation was an error and that a more thorough vetting process for speakers would be used in the future.

**Wilmington, Calif.** A public school allowed a student religious club to advertise its events on the school’s front gate even though other groups had not been allowed to do so. The school district in response to AU’s complaint letter stated that it would clarify that the front gate was available to all student groups for advertisements.

**Durham, N.C.** AU received a complaint that a public school had let a church place a permanent sign on the school’s front lawn advertising worship services. The school removed the sign after AU sent a letter of complaint.

**New Bern, N.C.** A public school principal hosted prayer breakfasts for staff and included religious messages in emails and in other official school communications. AU complained to the school district about these practices, and as a result, the principal stopped these activities.

**Show Low, Ariz.** A public elementary school teacher showed a video depicting the biblical account of Noah’s Ark and told students that the story was true. AU wrote a letter of complaint, and school district officials responded that they told the teacher not to use religious materials in class.

**Murfreesboro, Tenn.** The city of Murfreesboro had an advertisement on its website for a “Mayor’s Prayer Breakfast” that was intended to raise money for a religious organization. AU wrote to the city to say that the government may not endorse or participate in these types of events. The city agreed, removed the advertisement and said the event was privately sponsored.

**Oconee County, S.C.** Several sports teams at a public high school were employing “team chaplains” who led students in prayer. Additionally, the wrestling team’s handbook contained biblical quotations. AU wrote to the school to explain that both of these practices are unconstitutional. The school district subsequently hosted a meeting at the district office for all middle school and high school principals and athletic directors. At this meeting, district officials instructed attendees that they could not have team chaplains or include religious material in any communications with students.

**Florence, S.C.** AU received a complaint that several public school officials were sending out overtly religious emails to school staff and were conducting prayers at faculty meetings. The school district’s board of trustees voted to stop these practices following AU’s letter of complaint.

**Bowling Green, Ky.** Shortly before Easter, the Warren County Jail’s website contained a prominent image of a cross with the message “Easter Blessings.” AU complained to the County Jailer, and several days later the cross was removed from the website.

**Crossville, Tenn.** Public school students participated in a flag-folding ceremony during which they explained the supposed meaning behind each of the thirteen folds of the flag. Some of those statements included religious content. AU wrote to the school district to point out that this activity was unconstitutional and to request that any future flag-folding ceremonies use a secular script. The school district agreed.

**Canton, Ga.** A public school district hosted an evangelical group called Team Impact. Although the in-school presentation was secular, Team Impact used the event to invite students to an after-school evangelistic revival. AU wrote to the school district to explain that allowing a religious group to use an official public school event to recruit attendees to a church service is tantamount to the school itself inviting students to attend the religious service. The school district agreed, explaining that it had instructed Team Impact not to invite students to the after-school event. All remaining assemblies with Team Impact were cancelled.

**Broomall, Pa.** AU received a complaint that a cross was being displayed in the public areas of a post office. AU wrote the postmaster that the display violated separation of church and state, and asked that the religious symbol be removed. Although AU did not receive an official response to the letter, the complainant confirmed the removal of the cross.
Legislation:

Advocating for Church-State Separation in Washington, D.C., and the States

In October 2011, Americans United Executive Director Barry W. Lynn advised the House Judiciary Committee’s Subcommittee on the Constitution that the religious liberties of Christians are not under attack in the United States.
Lynn delivered his remarks while seated at the same table as Bishop William C. Lori, head of the U.S. Conference of Catholic Bishops’ new lobbying group, and Colby May, an attorney with TV preacher Pat Robertson’s American Center for Law and Justice. Although the three were in close physical proximity, they were far apart ideologically.

As the lone voice of church-state separation to testify at the hearing on “The State of Religious Liberty in the United States,” Lynn countered Religious Right claims that Christians are being oppressed because they were being denied exemptions from laws that all others must follow.

There is no war against Christianity being waged by elected officials or by the courts,” he told the subcommittee. “In truth, the real threat to religious freedom comes from those who seek special government blessings for those in favored faiths, and conversely, the treatment of members of other faiths as second-class citizens.”

Lynn went on to list several incidents in which religious majorities used their position to discriminate against minorities and non-believers, such as residents of Katy, Texas, protesting the construction of a mosque by holding pig races near the property and the U.S. Army refusing to allow a Wiccan symbol on the memorial marker of a sergeant killed in Afghanistan until a lawsuit forced it to do so.

The hearing was intended to be a showcase for the agenda of the Religious Right and the Catholic bishops. No specific incident served as cause for it. Committee Chair Rep. Trent Franks (R-Ariz.) is an ally of ultra-conservative religious groups. He created the Arizona Family Research Institute, an affiliate of the James Dobson-founded Focus on the Family, and he made it clear at the hearing that he thinks religious liberty is under assault in America.

Franks and his allies seem to think that Christians are being persecuted because the administration of President Barack Obama won’t
grant religious groups exemptions from a slew of laws, including those intended to provide health care, extend civil rights protections and grant civil marriage rights to same-sex couples.

Lynn said in his testimony that “we have a dizzying level of religious freedom in this country,” but bills that advance religion at the expense of individual freedom would be another step toward a “very ugly” America in which discrimination is rampant.

If the Religious Right gets its way, “we will defy George Washington’s promise that we would ‘give to bigotry no sanction,’” Lynn said.

Americans United has long fought against ultra-conservative religious groups that think they should not have to follow laws they find objectionable and should be able to impose their beliefs on others who do not share them. AU took on these groups in 2011 and expects that this fight will intensify in the coming year.

Americans United’s Legislative Department tackles difficult church-state legislative and policy issues on both the federal and state level. This component of AU’s work was led in 2011 by Legislative Director Maggie Garret with the help of Assistant Legislative Director Peter Kurdock (from July), State Legislative Counsels Dena Sher (until March) and Amanda Rolat (from December), and Legislative Assistants Nate Hennagin (until May) and Emily Krueger (from July).
2011 Legislative Highlights

Here are some of AU’s notable accomplishments this year:

Federal Legislative Advocacy

- **Worked to revise the Bush-era “faith-based” initiative by asking the Obama administration to end federally funded discrimination**
  
  June 25 marked the 70th anniversary of President Franklin D. Roosevelt signing an executive order that prohibited employment discrimination in government contracts. Executive Order 11246, signed by President Lyndon B. Johnson in 1965, strengthened these protections by granting enforcement power to the Department of Labor. In 2002, however, President George W. Bush signed an executive order carving out an exemption to EO 11246, allowing religious organizations that receive federal contracts to discriminate in hiring on the basis of religion. AU used the anniversary as a way to again press the Obama administration to take action to stop federally funded employment discrimination. Americans United organized sign-ons for a letter to President Obama from the Coalition Against Religious Discrimination, which AU chairs, asking him to reinstate the protections in EO 11246.

- **Opposed Obama administration regulations that weaken church-state protections for USAID funds**
  
  In March, the Obama administration offered its first proposed rule change to regulations adopted by the Bush administration as part of the Bush “faith-based” initiative. Unfortunately, the proposed rule weakened the regulations adopted by the Bush administration. The proposal, issued by the U.S. Agency for International Development (USAID), governs aid for the construction and maintenance of religious buildings. The current regulations bar USAID funds from being “used for the acquisition, construction, or rehabilitation of structures to the extent that they are used for inherently religious activities.” The proposed rule strips these constitutionally required restrictions. It also sets out a new five-part test for determining the permissibility of public funding of construction of religious structures. Americans United drafted comments opposing the regulations and submitted them. AU also drafted comments for a sign-on letter, which 18 other organizations joined. On May 9, AU, along with other organizations that submitted comments in opposition, met with lawyers from USAID to express concerns. Americans United is continuing conversations about potential changes to the proposed regulation.

- **Fought against D.C. school voucher program reauthorization by Congress**
  
  Congress established the federally funded Washington, D.C., voucher program in 2003 to pay for tuition at religious and other private schools. Intended as an experimental program, the five-year pilot phase was set to end in September 2008. Yet, even after the pilot phase lapsed, Congress continued to fund the program through appropriations bills. In 2010 Congress voted to limit the program to current students only, but in 2011 House Speaker John Boehner (R-Ohio) made the voucher reauthorization part of a deal to get the House to sign off on a continuing resolution to fund the federal government through the rest of the year and prevent a shutdown. The bill sought to extend the program for five years,
open it to new students and increase the amount of the voucher. AU knew the bill would be very difficult to defeat, but it was important to put up a fight, present arguments and convince some Republicans to vote against it. Thanks to AU’s efforts as co-chair of the National Coalition for Public Education (NCPE), nine House Republicans voted against the reauthorization. AU helped organize a press conference that included D.C. Mayor Vincent Gray, who spoke against the voucher program.

Defeated an amendment to create vouchers for military families
For several years AU has, through the NCPE, fought a voucher provision that members of the Senate tried to include with the National Defense Reauthorization Act. The provision would create a voucher program for students with special needs whose parents are in the military. After successful lobbying in the Senate in 2010, we convinced Sen. Jim Webb (D-Va.), the main Democratic sponsor of the provision, to drop his support. In 2011 the fight moved to the House, where Rep. Duncan Hunter (R-Calif.) offered an amendment that would create such a voucher program. AU worked with House staffers to educate members of the Armed Services Committee Subcommittee on Military Personnel about the provision. Although it wasn’t offered in the subcommittee, it was offered seven days later in the full committee markup. AU was pleased that committee members used AU’s information in the debate. In fact, a letter written by the NCPE, which AU co-chairs, was specifically noted by members. Hunter’s amendment ultimately failed, as a bipartisan group voted against it. Hunter later introduced the amendment on the House floor. AU’s legislative department again

led the fight against the voucher amendment, contacting House staff, drafting and distributing sign-on letters from NCPE (and collecting 53 sign-ons—an NCPE record), drafting and submitting letters on behalf of AU, and issuing action alerts to AU members. Thanks to these efforts, the amendment failed 203-213 with bipartisan opposition.

State Legislative Advocacy

Defended state constitutional no-aid provisions
The Florida legislature approved an initiative for the November 2012 ballot that would repeal the state’s no-aid provision. The amendment would allow for the direct funding of religious organizations that provide faith-based social services and open the door to taxpayer-funded vouchers for religious schools. In July, AU’s legal department along with the ACLU, the Anti-Defamation League and the Florida Education Association filed a lawsuit seeking removal of the proposed constitutional amendment from the ballot. After a court ruled that the ballot language was misleading, Florida’s attorney general re-drafted the language. The amendment is now Ballot Initiative 8 and will be on the November 2012 ballot. AU’s legislative department has begun the process of educating Florida citizens about the dangers of passing the amendment. We have been engaged with our Florida chapters, provided them with written talking points and created an extensive website dedicated to the Florida ballot initiative. AU also plans to continue to work with its chapters and allies in Florida to urge voters to vote no on the initiative.

Battled against voucher and tuition tax-credit bills in the states
Americans United opposed voucher and tuition tax-credit measures that would fund religious schools in Pennsylvania, Maryland, Tennessee, New Jersey, Indiana and Virginia, among other states. Pennsylvania was particularly difficult since Gov. Tom Corbett (R) made a voucher program one of his priorities. AU worked closely with Pennsylvanians Opposed to Vouchers and participated in a legal subgroup of that organization, acting as an important resource for the coalition. Corbett’s plan was defeated in December, but he has said he will push for the program again.

Defeated a Ten Commandments bill in Louisiana
In Louisiana, a bill was introduced that would have created a Ten Commandments monument on the capitol grounds. AU Louisiana Chapter President Dr. Thomas Hannie Jr., sent a letter on behalf of AU to committee members reviewing the bill and urged them to oppose it. In a win for AU, the committee not only voted down the bill, but even read parts of AU’s letter during the hearing.

“Academic freedom” bills are the latest incarnation of creationism bills, which contain code words that could allow creationists to introduce alleged arguments against evolution into public school science classrooms.
Church politicking bill defeated in New Hampshire

A committee in the New Hampshire House voted down a resolution that would have urged Congress to amend the Internal Revenue Code to permit churches to endorse or oppose candidates. AU sent a letter opposing the measure to the committee considering the bill prior to a hearing.

Opposed creationism bills in multiple states

“Academic freedom” bills are the latest incarnation of creationism bills, which contain code words that could allow creationists to introduce alleged arguments against evolution into public school science classrooms. In Oklahoma, two bills like this were introduced. AU sent a letter to a House committee prior to its hearing. Thanks to hard work by Oklahomans for Excellence in Science Education and AU chapters, the House committee defeated the bill. In Tennessee, the House and Senate had identical versions of an “academic freedom” bill. AU worked with chapter leaders to contact the relevant committees and asked members and supporters to do the same. AU also worked with an informal coalition of allies and scientists to devise strategy and organize opposition. The House committee advanced its version, and the full House passed the measure. A Senate committee, however, deferred action on the measure several times, and the bill did not advance any farther in 2011. Some of the legislative action alerts AU activists received by email in 2011.
Grassroots Advocacy:

*Working in the Field*

When Americans United found out that Gov. Rick Perry (R-Texas) planned to sponsor a Christians-only prayer rally in August that would be led by intolerant Religious Right forces, the organization responded quickly.
Thanks to the efforts of Field Director Beth Corbin, AU’s Houston chapter and AU’s allies in the Lone Star State, more than 300 people attended a rally the night before Perry’s event in order to celebrate inclusion, diversity and unity. AU Executive Director Barry W. Lynn addressed the gathering, as did speakers representing a wide range of religious and non-religious groups from the Houston area.

The “Family, Faith & Freedom” rally got at the heart of AU’s mission and drew a stark contrast with the shrill and divisive rhetoric of many of the preachers with whom Perry teamed. The rally, which garnered national media attention, also sent a message that those who are trying to manipulate our constitutional rights are in the wrong.

AU’s Field Department is tasked with bringing together allied activists who want to fight to keep church and state separate in their local communities, and rallies like the one in Houston are one way to achieve that goal. In 2011, Corbin was assisted by Associate Field Director for Chapter Outreach David Morris and Assistant Field Director for Religious Outreach Steven Baines. The department conducts grassroots organizing by offering in-person and online training for chapter leadership, speaking at chapter and allied group events, notifying the AU activist database with alerts and staffing information tables at conventions and conferences. The Rev. Baines leads chapter leader trainings on how to reach out to local faith communities, and he is often invited to deliver a sermon on church-state separation while in the area.

This year, the AU Field Department worked especially hard to reach more student groups as part of its youth and campus outreach and added student organizations in Tennessee, Georgia, Connecticut and Texas to its list of allies.

AU’s Field Department also works with other public interest groups at the national, state and local levels to build support for church-state separation

The Field Department works with these Aligned Groups on church-state issues, just as it does with AU chapters. This network of allied organizations includes:

- Alliance for Tolerance and Freedom (Lancaster, Pa.),
- Heartland Humanists (Shawnee Mission, Kan.),
- Humanists of the Treasure Coast (Stuart, Fla.),
- Humanists of North Puget Sound (Everett, Wash.),
- Humanist Society of Santa Barbara (Santa Barbara, Calif.),
- Iowa Secularists (Iowa City, Iowa),
- Japanese American Citizens League – Chicago Chapter (Chicago, Ill.),
- Military Association of Atheists and Free Thinkers (Columbus, Ohio, affiliate),
- Monadnock Committee for Separation of Church and State (Westmoreland, N.H.),
- North Coast Civic Association (Encinitas, Calif.),
- Public Issues Forum (Memphis, Tenn.),
- St. Charles County Social Justice Alliance (Lake St. Louis, Mo.),
- Secular Humanists of the Lowcountry (Charleston, S.C.)
- and the Space Coast Freethought Association (Palm Bay, Fla.)
and take on challenges to First Amendment values whenever and wherever they crop up. The Field Department always looks for new and innovative ways to strengthen existing chapters, initiate new chapters and increase AU’s visibility within the secular and faith communities. It is important for AU to build effective relationships with these groups, with particular emphasis on increasing AU’s network of religious leaders nationwide.

2011 Chapter Highlights
In 2011, a new combined chapter of AU formed to represent Augusta, Ga., North Augusta, S.C. and Aiken, S.C., while another new chapter took shape in Minneapolis, Minn. Several other communities showed interest in forming AU chapters in coming years, including Bozeman, Mont.; Fort Myers, Fla.; Jackson, Miss. and Knoxville, Tenn.

AU’s current roster of 67 chapters in 34 states has remained extremely active throughout 2011. Here is a sampling of the quality events put on by AU’s chapters as they seek to educate their communities on church-state separation:

- **February 19:** The Orange County (Calif.) Chapter held an event titled “Battling Islamophobia: Understanding the Challenges Faced by the Islamic Community in Southern California,” with guest speaker Hussam Ayloush, Southern California executive director of the Council on American-Islamic Relations.

- **February 22:** The Winston-Salem (N.C.) Chapter held a meeting with guest speaker Fleming El-Amin who spoke on the topic of “Islamophobia.”

- **February 24:** The North Shore (Ill.) Chapter held a meeting titled “Happy 5th Birthday, Dover v. Kitzmiller!” to commemorate the fifth anniversary of the Pennsylvania court decision barring “intelligent design” creationism in public schools. (Ways to counter the current creationism crusade was also on the agenda.)

- **February 24:** The Oklahoma City Chapter held a free public debate on whether America is a “Christian nation.” Dr. Bruce Prescott, a member of the AU Board of Trustees and head of Mainstream Oklahoma Baptists, and Dr. Steve Kern, a Baptist pastor and Religious Right activist, took opposite sides. The topic was “Resolved, the United States Constitution neither established nor advocates for a Christian nation.”

- **February 27:** Columbia (Oregon and southwest Washington) Chapter President Bruce Adams debated Prof. John Kunich of the Charlotte School of Law in North Carolina. Kunich argued that “intelligent design” creationism should be taught in public school science classes, and Adams argued that it should not.

- **February 27:** The Columbia (Oregon and southwest Washington) Chapter made a presentation on church-state issues to a class at Clark College in Vancouver, Wash.

- **March 5:** The Congregation for Humanistic Judaism and the Sarasota-Manatee (Fla.) Chapter hosted AU Executive Director Barry W. Lynn who spoke on the topic “Extreme Makeover - America’s Church-State History.”

- **March 7:** The South Pinellas County (Fla.) Chapter hosted an event titled “The Future of Separation of Church and State: Crisis or Confidence?” with guest speaker Barry W. Lynn.

- **March 8:** The Greater Naples (Fla.) Chapter held an event titled “The Future of Separation of Church and State: Crisis or Confidence?” with guest speaker Barry W. Lynn.

- **March 8:** The Flagler County (Fla.) Chapter held a presentation on “The Problem of School Vouchers” by Katie Hansen, president of the Flagler County Educators Association.

- **March 19:** The Orange County (Calif.) Chapter held an event titled “Separation of Church & State: The Most Important War and Peace Issue of the
21st Century” with special guest speaker Judge Jim Gray of the Orange County Superior Court.

March 26: The Columbia (Oregon and southwest Washington) Chapter spoke at the NW Freethinkers Regional Conference about pulling students out of class for religious instruction.

March 29: The Columbia (Oregon and southwest Washington) Chapter hosted AU Senior Policy Analyst Rob Boston who spoke on the topic “Church-State Separation: Challenges and Opportunities.”

April 9: The Orange County (Calif.) Chapter participated in the “Great American Write-In,” an event in which progressive organizations gather to write to elected officials.

April 9: The Delaware Valley Chapter hosted its second Church-State Issues Symposium. Speakers included AU Executive Director Barry W. Lynn and AU Senior Litigation Counsel Greg Lipper, among others.

April 16: The Orange County (Calif.) Chapter held an event titled: “Freedom of Religion vs. the State Loyalty Oath: A Quaker Pacifist's Story” with guest speaker Wendy Gonaver. Gonaver was fired, and later rehired, by California State University, Fullerton when she asked to submit an addendum to the state loyalty oath. As a Quaker she wanted to be clear that the obligation to “defend the Constitution from all enemies foreign and domestic” did not include taking up arms.

April 28: The West Suburban Chicago Chapter hosted guest speaker Col. Jill Morganthaler (ret.). She spoke about the rise of religious fanaticism in the U.S. military.

April 30: The Greater Houston Chapter held its annual meeting and fundraiser. State Board of Education member Lawrence A. Allen spoke about “The Future of Education in Texas.”

April 30: The San Antonio Chapter held a “First Amendment Day Celebration.” The event focused on the freedom of religion, freedom of the press and freedom of assembly provisions of the First Amendment. Guest speakers included AU Executive Director Barry W. Lynn; Greg Harman, editor of the San Antonio Current; Cary Clack, columnist, San Antonio Express-News and Jennifer Jacobs Henderson, Ph.D., associate professor and chair of the communication department at Trinity University.

May 5: The Flagler County (Fla.) Chapter held a “Day of Inclusion” in response to the “National Day of Prayer.”

May 5: The Rochester (N.Y.) Chapter held an event titled “From Darwin to Dover: The Rise and Decline of Intelligent Design.”

May 12: The Indiana Chapter hosted an event titled “Why Establishment Poisons Everything” with guest speaker the Rev. Dr. Charles W. Allen, chaplain of Grace Unlimited, a ministry of Indianapolis Lutheran-Episcopal Campus Ministry.

May 12: The Delaware Valley Chapter's Philadelphia meeting was on “Marriage Equality” with guest speakers from the Pennsylvania ACLU and Equality Pennsylvania.

May 15: The Clay County (Fla.) Chapter hosted grassroots training with Yvette De La Cruz and AU Field Director Beth Corbin.

May 21: The Upstate South Carolina Chapter hosted guest speaker Mustafa Sange who spoke on concerns Muslims have about obstacles and threats to their religious freedom in the United States.

May 21: The Orange County (Calif.) Chapter hosted a screening of the film “8: The Mormon Proposition.” The event was co-sponsored by the Orange County Equality Coalition. The film details the Church of Jesus Christ of Latter-day Saints’ involvement in the promotion and passage of California’s Proposition 8 to ban the right of same-sex couples to marry.


June 11: The Virginia Chapter held a meeting in order to reorganize the chapter under new leadership.

June 14: The Delaware Valley Chapter hosted an event with Dean Miller who spoke on “The Faith-Based War on the Public Sector.”

June 18: The Orange County (Calif.) Chapter hosted a discussion on “How Religion Can Help Us Develop The Values We Hold Dear” with Rabbi Larry Seidman. Seidman holds a Ph.D. in electrical engineering from the University of California, Berkeley. He argues that science and religion can be fully compatible with proper understanding.

June 23: The San Antonio (Texas) Chapter sponsored “An Evening in Support of the Schultz Family.” The Schultzes spoke up against the graduation prayers at their sons’ public high school and filed a lawsuit to stop the invocations.

July 14: The Delaware Valley Chapter held its second annual “burger and beer” celebration for AU Executive Director Barry W. Lynn’s birthday.

July 16: The Orange County (Calif.) Chapter hosted an event titled “School Vouchers: A Threat to Public Education” with guest speaker Bonnie Castrey.

July 21: The Delaware Valley Chapter hosted an event titled “Debunking Myths About the Separation of Church & State” with chapter president Ed Joyce.

July 21: The North Shore (Ill.) Chapter hosted a meetup to discuss the topic of church-state separation issues arising from some hospital mergers.

August 20: The Orange County (Calif.) Chapter hosted an event with speaker Liz Stevens, a former AU litigation fellow and current associate attorney at Parravano Witten PC. She spoke on “The Interaction Between the Establishment and Free Exercise Clauses of the Constitution.” Liz played a crucial role in seeing that Westphal v. Wagner, which challenged prayers at Saddleback College, was brought to court.

August 20: The Orange County (Calif.) Chapter sponsored “An Evening in Support of the Schultz Family” with guest speaker Liz Stevens, a former AU litigation fellow and current associate attorney at Parravano Witten PC. She spoke on “The Interaction Between the Establishment and Free Exercise Clauses of the Constitution.” Liz played a crucial role in seeing that Westphal v. Wagner, which challenged prayers at Saddleback College, was brought to court.

August 20: The Upstate South Carolina Chapter hosted Prof. Robert Green who spoke on “Separation of Church and State: A Civil Education Framework for Teachers.”

August 21: The Greater Phoenix Chapter held its monthly general membership meeting. Topics included a discussion on the new pace and direction plan to “take back” Arizona. Also, Anne Mardick discussed the topic of Religious Right training in which public school teachers are encouraged to insert creationism and other fundamentalist Christian views into the classroom.

August 27 & 28: AU Field Director Beth Corbin and trainer Yvette De la Cruz conducted chapter leadership training in Baton Rouge, La., on Aug. 27. On Aug. 28, they led Grassroots 101 training in New Orleans. Nearly 30 activists took part in the two training sessions.

September 8: The Delaware Valley Chapter hosted a meeting with guest speaker Dean Miller, author and chapter leader, on “The Faith-Based War on the Public Sector.”

September 16: The Great Plains (Kan.) Chapter held its annual meeting with keynote speaker Rob Boston, AU senior policy analyst, who discussed “The Christian Nation Myth.”

September 19: Ed Joyce, president of the Delaware Valley Chapter, was panelist in a debate on church-state separation hosted by the Ben Franklin Thinking Society in Philadelphia.

September 24: The Delaware Valley Chapter hosted a debate on school vouchers in Pennsylvania with state lawmakers and academic and legal scholars.

October 1: The Delaware Valley Chapter hosted a public debate on school vouchers in New Jersey. Representing voucher advocates were Keith Benson, community activist with “Save Our Children,” Carm Catanese of Citizens for Successful Schools and the Rev. Tim Merrill of Asbury United Methodist Church in Camden N.J. Opposing school vouchers were John Bartram, president of the Monmouth County (N.J.) Chapter of AU; Ed Barocas, legal director of the American Civil Liberties Union of N.J. and Dr. Walter Farrell of the University of North Carolina at Chapel Hill.

October 15: The Orange County (Calif.) Chapter held a screening of the film “The Lord Is Not On Trial Here Today.” It is the story of the landmark
First Amendment case *McCollum v. Board of Education*, which barred religious instruction in public schools.

**October 17:** The Columbia (Oregon and southwest Washington) Chapter hosted a talk by attorney Karen Mockrin titled “Trying to Understand.” The goal was to give people responses to Religious Right rhetoric. Mockrin's presentation featured little-known bits of American history and constitutional jurisprudence as well as personal suggestions for engaging those who oppose church-state separation.

**October 23:** The Arkansas Chapter held its annual meeting with guest speaker Steven Baines of AU, who spoke on the topic “Church-State Separation in America: Crisis or Crossroads - Where Do We Go from Here?”

**November 17:** The Delaware Valley Chapter’s Philadelphia committee hosted a meeting featuring guest speaker Dean Miller who discussed his book “The Faith-Based War on the Public Sector.”

**November 19:** The Orange County (Calif.) Chapter held its annual meeting.

**November 19:** The Upstate South Carolina Chapter held a panel that featured AU members discussing challenges in confronting government-sponsored sectarian prayer in their communities and the consequences of speaking out.

**November 22:** The Winston-Salem (N.C.) Chapter hosted speaker Janet Owen, who discussed the proposed amendment in North Carolina to ban same-sex marriage.
December 8: The Northeast Oklahoma Chapter co-sponsored an event with the Tulsa Interfaith Alliance that featured AU Senior Policy Analyst Rob Boston as the guest speaker. Boston spoke on the topic “Piety, Policy and the ‘Christian Nation’ Myth: Finding the Proper Balance Between Religion and Politics.”

December 10: The Greater Los Angeles Chapter (formerly San Fernando Valley) held its annual meeting.

December 13: The Delaware Valley Chapter’s Bucks County committee hosted a talk by John Seager, president of the Population Connection.

December 17: The Delaware Valley Chapter sponsored a gala winter concert fundraiser with classical pianist Laurent Levy.

2011 Religious Outreach Highlights

Americans United’s Field Department is responsible for extensive work with members of the faith community. AU representatives attend various events, conferences and forums to reach out to clergy. This is especially important in light of the pivotal role religious voices play in conveying AU’s message. These organizations make a major contribution to the success of AU’s work.

The Rev. Steven Baines, assistant field director for religious outreach, has been specifically tasked with reaching out to religious leaders as national ecumenical and interfaith partners. In 2011, his outreach program consisted of the following meetings, events, talks and conferences:

January 30: As part of the thoughtful Christian preaching series at National City Christian Church in Washington, D.C., Baines preached at the 8:30 a.m. and 11:00 a.m. worship services on the importance of church-state separation and the safeguards it holds for religious liberty and freedom in the United States. He also led four small-group studies for the congregation in which this topic was examined more thoroughly. Discussion was lively and informative for the more than 60 people who attended throughout the week.

February 2 – 6: Baines helped organize and lead the opening of “Practice Spirit, Do Justice,” a multi-faith conference within the larger LGBT Creating Change conference in Minneapolis. Baines was on the steering committee that spent six months planning workshops and worship and mobilizing people of faith to attend. More than 500 people were in attendance.

February 16: Baines attended a Capitol Hill briefing co-sponsored by the Interfaith Alliance and the Veterans History Project of the Library of Congress on the role of military chaplains and the challenges of ministering to troops while safeguarding church-state separation.

February 27: Baines was the guest preacher at the 300-member First Unitarian Universalist Church of Hartford, Md. He spoke on the subject: “Church-State Separation: Crisis or Crossroads – Where Do We Go from Here?”

June 20-24: Baines staffed an information table at the Unitarian Universalist General Assembly in Phoenix, Ariz.

June 22-24: Baines staffed an information table at the Cooperative Baptist Fellowship, Tampa, Fla.

July 1-4: Baines staffed an information table at the United Church of Christ Synod in Tampa, Fla.

July 7-14: Baines staffed an information table at the Disciples of Christ General Assembly in Nashville, Tenn.

September 23: In cooperation with AU’s legislative department, Baines sent a letter to clergy, urging them to sign a letter to President Barack Obama regarding the “faith-based” initiative. The Coalition Against Religious Discrimination, which AU chairs, asked the president to remove executive orders that allow for employment discrimination with taxpayer dollars.

September 25-27: Baines conducted a training session with Rochester, N.Y., Chapter leaders on religious outreach, met with local clergy and was keynote speaker at a Rochester Chapter annual meeting.

October 23: Baines was the keynote speaker at the Arkansas Chapter’s annual meeting in Little Rock.

November 9: Baines was the guest lecturer at George Mason University for the fall semester church-state forum with political science and sociology majors.

December 7: Americans United co-sponsored a metropolitan Washington, D.C., clergy breakfast at National City Christian Church with more than 30 clergy, seminarians and religious leaders in attendance. AU Executive Director Barry W. Lynn and Baines spoke on behalf of AU on the
current state of church-state separation in the national landscape. Thanks to this meeting, a new network of D.C.-based clergy concerned about reproductive justice and its connection to church-state issues was established.

December 14: Americans United participated in the National Religious Leadership Roundtable’s winter meeting via teleconference. Baines represented AU during this two-hour meeting with national organizational leaders and activists.
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Organizational Structure

Founded in 1947 by a distinguished group of political, religious and educational leaders, Americans United for Separation of Church and State is a 501(c)(3) tax-exempt educational organization that works to inform Americans about the U.S. Constitution’s guarantee of religious freedom. Americans United believes that the principle of church-state separation is crucial both to good government and to the vitality and integrity of religious faith.

The organization currently represents more than 120,000 individual members and supporters in all 50 states, as well as cooperating houses of worship and other religious bodies. Under Americans United’s banner, concerned citizens from many different political, philosophical and religious viewpoints have joined together to promote full religious freedom.

A 31-member staff at the national offices in Washington, D.C., conducts Americans United’s day-to-day operations. The Rev. Barry W. Lynn, an attorney and ordained minister in the United Church of Christ, is our executive director.

A 15-member Board of Trustees and a 125-member National Advisory Council (NAC) governs Americans United. The Board of Trustees, elected from among the NAC, meets periodically through the year to make decisions about organizational governance and policy. Trustees serve for a three-year period and are eligible for re-election for two additional terms.

Board of Trustees (as of Dec. 31, 2011)

Rabbi Merrill Shapiro, President
Rabbi, Temple Beth Shalom;
President/Founder, Flagler County AU Chapter
Palm Coast, Fla.

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General Counsel,
Baptist Joint Committee for Religious Liberty
Washington, D.C.

The Rev. Dr. Neal R. Jones
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President, Columbia, S.C., AU Chapter
Columbia, S.C.

Rachel Joseph
Former AU Legislative Assistant Director
Cincinnati, Ohio

Dr. Chuck Smith
Retired, Professor of Political Science
Charleston, W.Va.

Jason Stewart
Activist; President, New York (NYC)
AU Chapter, Hoboken, N.J.

John M. Suarez, MD
Activist, Retired Physician
Newbury Park, Calif.

Edward Tabash, Esq.
Attorney, Private Practice
Pacific Palisades, Calif.
Americans United National Headquarters Staff (as of Dec. 31, 2011)

Executive
The Rev. Barry W. Lynn
Executive Director
The Rev. Steven Baines
Assistant Field Director for Religious Outreach
Chris Colburn
Managing Director
The Rev. Barry W. Lynn
Executive Director
Chris Colburn
Managing Director
Dianne Robinson
Executive Producer
Renée Collins
Receptionist

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Marjorie D. Spitz Nagrotsky
Director of Development
Rebecca A. Davis-Nord
Assistant Director of Development
Sarah Stevenson
Development Associate
Chelsea Collings
Development Associate

Field Department
Beth Corbin
Field Director
The Rev. Steven Baines
Assistant Field Director for Religious Outreach
David Morris
Chapters Coordinator

Communications Department
Joseph L. Conn
Director of Communications, Editor of Church & State
Robert Boston
Assistant Director of Communications, Assistant Editor of Church & State
Simon Brown
Communications Associate
Susan Hansen
Communications Assistant
Maria Matveeva
Associate Web Designer

Legal Department
Ayesha N. Khan
Legal Director
Alex J. Luchenitser
Associate Legal Director
Gregory M. Lipper
Senior Litigation Counsel
Ian Smith
Staff Attorney
Natalie Shapero
Steven Gey Fellow
Benjamin Hazelwood
Madison Fellow
Brooke Hardy
Madison Fellow
Thelma Scott
Legal Assistant

Legislative Department
Maggie Garrett
Director of Legislative Affairs
Peter Kurdock
Assistant Director of Legislative Affairs
Amanda Rolat
State Legislative Counsel
Emily Krueger
Legislative Assistant

Accounting Department
Michael B. Smoot
Financial Officer
Chris Bruning
Financial Assistant

Operations Department
Duane Davis
Facilities Manager

AU Executive
and Operations
Staff

The Rev. Barry W. Lynn
Executive Director

Chris Colburn
Managing Director

Dianne Robinson
Executive Producer

Renée Collins
Receptionist

Duane Davis
Facilities Manager
Statement of Activities and Statement of Financial Position

Statement of Activities
For the Year ended September 30, 2011

Revenues, Gains and Other Support
Contributions $3,251,327
Trust and Foundation Grants 323,008
Legal Settlement 250,000
Bequests 235,771
Investment Income, net 98,778
Gift Annuity Income 56,400
Other Revenue 38,509
Contributions - Chapters 35,381
Change in Value of Split Interest Agreement 12,861
Sales 6,458
Local Churches 3,068
Realized and Unrealized Gain on Investments (606,956)
Total Revenues, Gains and Other Support 3,704,605

Expenses
Program Services:
Educational and Publication Division 1,633,583
Field Services Division 814,376
Legal Division 1,022,861
Trustee and National Advisory Council Meetings 39,833
Total Program Services 3,510,653
Supporting Services:
Management and General 879,802
Fundraising 1,042,715
Total Supporting Services 1,922,517
Total Expenses 5,433,170
Change in Net Assets before other items (1,728,565)

Other Items
Gain on disposal of Building 4,503,905
Minimum Pension Liability adjustment (771,656)
Change in Net Assets 2,003,684
Net Assets at Beginning of Year 4,120,799

Net Assets At End Of Year $6,124,483
<table>
<thead>
<tr>
<th>Assets</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
</tr>
<tr>
<td>Cash and Cash Equivalents</td>
<td>$921,302</td>
</tr>
<tr>
<td>Investments</td>
<td>6,822,229</td>
</tr>
<tr>
<td>Accounts Receivable</td>
<td>2,606</td>
</tr>
<tr>
<td>Bequests Receivable</td>
<td>73,577</td>
</tr>
<tr>
<td>Interest Receivable</td>
<td>11,974</td>
</tr>
<tr>
<td>Inventory</td>
<td>4,400</td>
</tr>
<tr>
<td>Prepaid Expenses</td>
<td>52,682</td>
</tr>
<tr>
<td>Deposits</td>
<td>126,580</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td><strong>8,015,350</strong></td>
</tr>
<tr>
<td><strong>Property and Equipment</strong></td>
<td></td>
</tr>
<tr>
<td>Net of Accumulated Depreciation</td>
<td>250,329</td>
</tr>
<tr>
<td><strong>Other Assets</strong></td>
<td></td>
</tr>
<tr>
<td>Cash and Cash Equivalents, Remainder Trust</td>
<td>6,365</td>
</tr>
<tr>
<td>Investments restricted for Remainder Trust</td>
<td>288,663</td>
</tr>
<tr>
<td><strong>Total Other Assets</strong></td>
<td><strong>295,028</strong></td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td><strong>$8,560,707</strong></td>
</tr>
</tbody>
</table>
## Statement of Financial Position

As of September 30, 2011

<table>
<thead>
<tr>
<th>Liabilities and Net Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Liabilities</strong></td>
</tr>
<tr>
<td>Accounts Payable</td>
</tr>
<tr>
<td>Accrued Expenses</td>
</tr>
<tr>
<td>Accrued Pension</td>
</tr>
<tr>
<td>Charitable Annuities Payable</td>
</tr>
<tr>
<td>Deferred Rent</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
</tr>
<tr>
<td><strong>Long-Term Liabilities</strong></td>
</tr>
<tr>
<td>Charitable Annuities Payable</td>
</tr>
<tr>
<td>Remainder Trust Payable</td>
</tr>
<tr>
<td><strong>Total Long-Term Liabilities</strong></td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
</tr>
<tr>
<td><strong>Net Assets</strong></td>
</tr>
<tr>
<td>Unrestricted</td>
</tr>
<tr>
<td>Unrestricted, Board designated</td>
</tr>
<tr>
<td>Temporarily Restricted</td>
</tr>
<tr>
<td><strong>Total Net Assets</strong></td>
</tr>
<tr>
<td><strong>Total Liabilities and Net Assets</strong></td>
</tr>
</tbody>
</table>

- Audited -
Major AU Contributors

AU Development Staff

Guardians of Freedom

AU’s Guardians of Freedom are generous donors who have committed $1,000 or more annually to support our work.

$100,000 or more
- Lawrence C. Stanback
- Eddie Tabash
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$50,000 to $99,999
- Alan J. & Suzanne Werber Dworsky
- Mary E. Liebman
- Fred J. Stanback, Jr.

$25,000 to $49,999
- Estelle Brager
- Donna B. Litowitz
- Barbara Meislin, The Purple Lady

$10,000 to $24,999
- Rick Barabino
- Stanley Eisenberg
- William & Carroll Flowers
- Scott & Molly Forstall
- William B. & Beth C. Hillig
- The Alan K. & Clethia M. Jennings Foundation
- George & Eddy Krumme
- The Morningstar Foundation
- Moeller Foundation
- Drew D. Perkins
- Dr. Harold L. Saferstein

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- Bob Arnow
- Judy T. Drake
- Marvin P. Friedman
- Faye Joseph
- The Kamm Foundation
- Friedrike Merck
- Nina Unternyter

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- Stan & Shelley Balis
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- Dr. Arthur K. Berliner
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- Dorothy K. Little
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- The Mosaic Foundation of R. & P. Heydon
- Gladys Perez-Mendez
- The Pond Family Foundation
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- Stephen V. R. Winthrop & M. J. Williamson
- Paul & Margot Zimmerman

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- Daniel Altman
- Sonia Appell
- Peter Armstrong
- Phil & Shirley Arndt
- Dr. Lorraine Y. Baird-Lange
- Leona E. Bialek
- Roderic L. Baltz
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- Cdr. Ralph L. Barnum, US Navy (Ret.)
- Barbara Baugh
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- Karen Susan Brown
- Thomas W. & Ruth Brown

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AU's Patriots for Freedom are generous donors who have committed $500 or more annually to support our work.
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The following foundations, funds and trusts provided Americans United with financial support during fiscal year 2011.

H. Van Ameringen Foundation
Artist's Endowment
Borgenicht Foundation
Brackthorn Foundation
William C. Bullitt Foundation
Cahn Family Foundation
Leo and Celia Carlin Fund
Eliasberg Family Foundation
Fuller/Kelly Foundation
Clem C. Glass Foundation
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Hubert Russell
Michael A. Sacks
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Lisa Sandler
Lila Silverstein & Tom Wick
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Al Richardson
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Bebe Roberts-Freeman & Harry Freeman
Adam R. Rose
Diane M. Rose
Doug Rosener
Jason Rosenhouse
Bill Roskin
Randolph F. Ross
Bonnie & Michael Rothman
Bruce Rubin
Hubert Russell
Michael A. Sacks
Ms. Marjorie C. Sagman
Roy G. Saltman
Ruth Sample & Dean Rubine
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John & Alice Wenzel
Gwenna Weshinsky
Chuck Wieland
Chuck Williams

* 42 Patriots wish to remain anonymous.

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Kandell Fund
Ezra Jack Keats Foundation
Kirschner Foundation
Kismet Foundation
Emanuel and Judith Klein Family Foundation
Korek Foundation Trust
AI Leibenguth Trust
Herbert Lieberkind Trust
Charles and Mary Liebman Trust
Lindemann Foundation
Lundberg Philanthropic Trust
Malkin Fund
Moeller Foundation

Mosaic Foundation of R. and P. Heydon
David and Inez Myers Foundation
Next Culture Initiative
Norman Foundation
Peierls Foundation
Pittsburgh Foundation
Polen Foundation
Pond Family Foundation
Reynolds Family Foundation
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JoAnn Worthington
Gail Wright
Ellen & Thomas Wyman
David L. Wysocki
Milton & Marjorie Zaitlin
Robert Zaitlin
Richard Zukin
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Sidney Stern Memorial Trust  
Strausman Family Fund  
Taubman Foundation  
Whiting Foundation  

Virginia Baptist Foundation  
Charles A. Weyerhaeuser Memorial Foundation  
White Lily Foundation  

4 foundations, funds or trusts wish to remain anonymous.

In Memory

We honor the following dedicated members who remembered Americans United in their estate plans in 2011, and we offer our condolences to those they have left behind.

Martin Brandeis  
Mary B. Brown  
Spencer Cork  
Frederick L. Fenster  
Mary B. Holt  
Gratia Elizabeth Jones  
Elizabeth Lansing  
Joseph Lerner  

Neal McCarty  
Robert S. McHenry  
Daniel A. Nidess  
Harriet O’Donnell  
Doris Ramberg  
Watford Reed  
Rose Rose  
John Salz  

Jane S. Schwartz  
Barbara C. Smith  
Wesley Quail Stelzriede  
Richard Paul Virnig  
Eleanor White  
Florence Wikgren  
Archibald Wilson
Jefferson Circle

The following dedicated members have joined The Jefferson Circle, Americans United's planned giving program, by setting up charitable gift annuities, promising bequests to AU and making other planned gifts.

Richard T. Arlen  Joseph R. Haun  Roy G. Saltman
Virginia W. Barton  Michael Jacobson  Henry F. Schwarzmann
Robert Behm  Donald D. Kioseff  Prescott E. Small
Owen Benthin  Lawrence S. Lerner  Chuck Smith
David Furhman  Marvin Marcus  Paul Zimmerman
Ivan Gendzel  Richard A. Olsen
Albert Gerecht  Patrick O’Reiley
Leonard Hart  James S. Rudolph

2 Jefferson Circle members wish to remain anonymous.

Madison Society

In 2011, 783 households supported AU through the Madison Society, our monthly giving program. We thank them for their generous support.
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