ANNUAL REPORT

YEAR
2014

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AMERICANS UNITED
FOR SEPARATION OF CHURCH AND STATE
Americans United for Separation of Church and State was founded in 1947 by a group of distinguished leaders from the political, religious and educational communities.

A nonpartisan and non-profit, 501(c)(3) organization, Americans United is dedicated to preserving the constitutional principle of church-state separation, and works to help Americans understand the vital role that separation of church and state plays in protecting the right of conscience for all.
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### COVER:

AU joins the rally at the Supreme Court during arguments in *Burwell v. Hobby Lobby Stores*
2014 was a year of challenges and triumphs for Americans United for Separation of Church and State. We had some major victories. For example, after years of complaints by AU about Kentucky’s ongoing taxpayer assistance for Ark Encounter, a Christian fundamentalist theme park, state officials finally got the message. In December, Kentucky declined to give an $18 million tax rebate to the overtly religious enterprise!

And while we also had some difficulties in 2014, thanks to the U.S. Supreme Court’s disastrous decision in Town of Greece v. Galloway, we made the best out of a bad situation by countering that ruling with a new initiative.

AU’s Field Department was integral in helping respond to Greece. We launched “Operation Inclusion,” a special project that encouraged grassroots activists to make sure their city councils adhered to the high court’s ruling, which noted that governments must make an effort to include prayer givers of all faiths and none at council meetings. As a result, Wiccans, atheists and other minority groups have been giving invocations in cities and towns around the nation.

The Development team made sure Americans United’s important work was adequately funded, and our Accounting staff kept us in compliance with all applicable laws.

This year AU hosted its third Voices United concert series, with a wide range of performers who joined together to support our mission. As part of the fall series we also sponsored two outstanding nights of comedy featuring Lewis Black in New York on Sept. 8 and an event in Los Angeles headlined by Sarah Silverman Oct. 9.

Americans United was a fixture in the news media in 2014. AU staff members appeared on CNN’s “@This Hour” and “New Day Saturday,” Fox News Channel’s “The Kelly File” and “The O’Reilly Factor,” HuffPo Live and MSNBC’s “Ed Show.” We also participated in numerous radio and podcasts, and staffers were quoted in major newspapers and wire services, among them The Washington Post, the Associated Press, The New York Times, Bloomberg News, Religion News Service, the Los Angeles Times, Reuters, Indianapolis Star, San Antonio Express-News, USA Today and many more.

This is merely a snapshot of some of the many important activities Americans United undertook in 2014. This report will provide you with considerably more detail. I am tremendously proud of what we accomplished this year – and I think you will agree that we made a real difference.

As you learn about our activities in these pages, know that none of our accomplishments would be possible without the generous financial support and tireless activism of so many people – people just like you who realize the vital role church-state separation plays in ensuring religious freedom for all.

I look forward to continuing AU’s valuable work in 2015, and I am grateful for your ongoing support.

“\[signature\]
BARRY W. LYNN
EXECUTIVE DIRECTOR
AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE
In 2014, much of the Communications Department’s attention was focused on one case: Greece v. Galloway, which challenged a New York community’s practice of opening its meetings with mostly Christian prayers. After the U.S. Supreme Court handed down its ruling in June, allowing the prayer scheme, Americans United’s national office was inundated with media inquiries.

COMMUNICATIONS STAFF

ROBERT BOSTON
Director of Communications

SIMON BROWN
Assistant Director of Communications

SARAH JONES
Communications Associate

TIMOTHY RITZ
Web & Graphic Design Manager

ABOVE: Starting out 2014 with over 100,000 followers on Facebook, some of AU’s social media posts were able to reach millions of users.
director, the Rev. Barry W. Lynn, appeared on MSNBC’s “The Ed Show” with Ed Schultz.

Communications staffers also coordinated media attention across the organization. Legal Director Ayesha Khan did a Q&A about the Greece ruling with Tony Mauro of The National Law Journal, a well-respected publication that circulates widely in the legal community. And the department’s expertise proved vital to the launch of Americans United’s coordinated response to Greece: Operation Inclusion.

In its ruling, the Supreme Court did say that communities should strive for diversity when lining up people to give prayers or opening statements. Operation Inclusion mobilizes local activists, providing them with the information necessary to make sure that city councils respect the high court’s ruling. This campaign holds local officials accountable, and many of our activists even delivered invocations themselves. Communications staffers helped prepare these materials and marketed the campaign’s launch in order to achieve the broadest possible national reach.

AU’s Boston also published his latest book this year. Taking Liberties: Why Religious Freedom Doesn’t Give You The Right To Tell Other People What To Do debunked skewed definitions of religious liberty—a timely and necessary counterbalance to the Religious Right’s rhetoric. Boston also embarked on a national speaking tour to promote the book.

2014 was a busy year for religious freedom advocates. A number of victories (and challenges) kept our staffers hard at work producing analysis of the year’s most important developments—all while promoting AU’s view that only a wall of separation between church and state can guarantee true religious liberty.

HERE ARE SOME COMMUNICATIONS HIGHLIGHTS FROM 2014:

The Hobby Lobby birth control case: The much-anticipated Burwell v. Hobby Lobby Stores decision centered on whether family-held corporations have a right, under the Religious Freedom Restoration Act of 1993, to deny employees health-insurance coverage for birth control. The Supreme Court ruled that they do. Americans United had disagreed, filing a brief against Hobby Lobby in the case.

AU’s Lynn stopped by the Supreme Court in the morning just as the justices handed the verdict down. He gave interviews about the ruling to PBS’ “Religion & Ethics Newsweekly” and the Voice of America network. He also appeared on “The Diane Rehm Show” on NPR. ThinkProgress, Religion News Service, Mother Jones, Deseret News, Associated Press, Buffalo News and The Huffington Post also carried AU’s position on the case.

Kentucky’s ‘Ark Park’: Is it sinking? The state of Kentucky seemed bound and determined to pour taxpayer money into a theme park built around a replica of Noah’s Ark. The owner of the park, a fundamentalist Christian ministry called Answers in Genesis, has admitted that the attraction will be used to evangelize visitors. This failed to faze state officials.

Kentucky media, specifically the Louisville Courier-Journal and the Lexington Herald-Leader, have followed every twist and turn of the story. When AU found out that Answers in Genesis intended to hire only fundamentalist Christians to work at the park, we alerted the Courier-Journal, while the Legal Department sent a letter to state officials. Several stories ran. For once, state officials seemed rattled; they announced that the park could not get $18 million in tax incentives while discriminating like this. Late in the year, they announced that the ministry’s application for the aid would not be considered further.

The Associated Press, USA Today and other media outlets (as well as several bloggers) picked up the story alongside Kentucky media.

The Supreme Court and the Elmbrook case: Doe v. Elmbrook School District concerned a public school in Wisconsin that held its graduation ceremonies in a large evangelical church. Some students and parents were not comfortable attending a public-school event in this church (known for its anti-gay and general far-right views), so they asked AU for help. AU won the case before an appellate court, but the school system’s attorneys appealed to the Supreme Court.

The Satanic Temple comes to Florida: The Florida State Capitol in Tallahassee allows private citizens to display religious symbols in December at their own expense. In 2013, alongside the usual nativity scene and menorah, the rotunda hosted a “Festivus” pole and a depiction of the Flying Spaghetti Monster. But when the Satanic Temple, a rationalist group, requested space for a display, state officials said no. They deemed the display “offensive.”

AU agreed to help the temple in 2014. Backed by AU’s legal firepower, the group won the right to erect its display. The story was big news in Florida and appeared in the Tallahassee Democrat, Palm Beach Post, WFSU Radio, Associated Press and others. The display was eventually vandalized, which led to another round of media hits in outlets like Bloomberg News, The Wall Street Journal and The Washington Post.

AU Challenges religious display in Michigan: The small city of Grand Haven, Mich., had been displaying a 48-foot-tall cross on a hill that is public property. The city raised the cross, which was attached to a pole that goes up and down, for Sunday church services, Easter services and a Christmas nativity display.

Then AU intervened on behalf of seven local residents. City officials attempted to defend their practice by insisting that other symbols could be displayed on the lift mechanism. But when our clients requested to put up other symbols, including ones depicting support for same-sex marriage, atheism and women’s rights, the city denied their request. By the end of the year, however, in the face of a potentially expensive lawsuit, city officials had prepared a resolution prohibiting future displays of the cross and nativity scene. National bloggers, local TV stations and statewide news outlets, such as Mlive.com, picked up the story, and the town paper, the Grand Haven Tribune, covered it extensively.

License To Discriminate?: New Jersey resident Shannon Morgan turned to Americans United when state officials at the Motor Vehicle Commission denied her a vanity license plate reading “8THEIST,” on the grounds that the plate was offensive. The state did accept, however, a license plate reading “BAPTIST.”

AU filed a lawsuit on Morgan’s behalf, and the story immediately received significant media attention. The popular site Raw Story covered it, as did Jezebel and Gawker. The Associated Press, CNN, the Philadelphia Inquirer, the New York Daily News, The Washington Times, the Latino Post, the South Jersey Times and British tabloid the Daily Mail also ran stories.

Congressman quizzes Barry Lynn on hell: One of the more unusual media hits of 2014 occurred June 10 when AU Executive Director Barry Lynn was invited to deliver testimony before the U.S. House of Representatives Judiciary Committee’s Subcommittee on the Constitution and Civil Justice. U.S. Rep. Louie Gohmert (R-TX) took advantage of the opportunity to quiz Lynn about his beliefs on hell.

The remarkable exchange was a huge hit on the web and on social media sites. Raw Story picked up on Gohmert’s “hellish” grilling and included video. Talking Points Memo, another highly visited site, ran a story as well. Four other well-known blogs and news sites – Inquisitr, Politics USA, The Maddow Blog and Friendly Atheist – also highlighted the story.

2014 APPEARANCES ON
BROADCAST MEDIA

Americans United staff members frequently appear on radio, television and web-based news and talk programs to discuss church-state developments. The following timelines include many of the appearances since Jan. 1, 2014, by AU Executive Director Barry W. Lynn, Director of Communications Rob Boston, Legal Director Ayesha Khan, Associate Legal Director Alex Luchenitser, Senior Litigation Counsel Greg Lipper, Assistant Director of Communications Simon Brown, Communications Associate Sarah Jones, and Assistant Field Director for Religious Outreach Steven Baines.
FEBRUARY
21 Rob Boston on CNN’s “@This Hour,” Arizona “religious freedom” bill (nationwide)
22 Rob Boston on CNN’s “New Day Saturday,” Colo. Baker refuses same-sex couples (nationwide)

MARCH
25: Sarah Jones on WRC-TV, Hobby Lobby argument (Washington, D.C.)
25: Rob Boston on Arise America, Hobby Lobby argument (web-based, international)
25: Barry Lynn on Al Jazeera, Hobby Lobby argument (nationwide)

MAY
5: Barry Lynn on Fox News Channel’s “The Kelly File,” Greece prayer ruling (nationwide)
5: Ayesha Khan on Fox News Channel’s “The O’Reilly Factor,” Greece prayer ruling (nationwide)
5: Rob Boston on NBC’s “Nightly News,” Greece prayer ruling (nationwide)
5: Rob Boston on CBS’s “This Morning,” Greece prayer ruling (nationwide)
11: Rob Boston on Fairfax Public Television’s “Road to Reason,” Greece prayer ruling (Fairfax County, Va.)

JUNE
11: Barry Lynn on MSNBC’s “Ed Show,” House subcommittee hearing (nationwide)
27: Barry Lynn on Fox News Channel’s “The Kelly File,” Hobby Lobby ruling (nationwide)

AUGUST
26: Alex Luchenitser on KVOA-TV, Muslim prayer request (Tucson)

SEPTEMBER
26: Barry Lynn on MSNBC’s “Ed Show,” Values Voter Summit (nationwide)

OCTOBER
8: Ayesha Khan on Huff Po Live, Muslim prisoner beard case (web-based)

NOVEMBER
13: Barry Lynn on MSNBC’s “Ed Show,” Ave Maria Catholic town (nationwide)
NEW chapters, exciting events and a bold activist campaign: The Field Department stayed busy in 2014. Greece v. Galloway, AU’s case before the Supreme Court, provided our chapter activists with an important opportunity to protect the wall of separation in their own communities. “Operation Inclusion,” a special project that grew out of the case, encouraged activists to make sure their city councils adhered to the Supreme Court’s ruling, and included representatives of all faiths and none if they intended to host an invocation at public meetings.

“Americans United brings the total number of chapters to 69. This puts us in an even better position to monitor local threats to the First Amendment.”

We were also joined by a new chapter. The Southern Nevada chapter of Americans United brings the total number of chapters to 69. This puts us in an even better position to monitor local threats to the First Amendment. Our chapter activists are integral to the fight to protect the wall of separation, and our thriving chapter program puts AU in the best possible position to make sure everyone’s rights are safe from attack.

The Field Department also strengthened existing initiatives like the Youth Advisory Council (YAC) and the National Leadership
Council (NLC). These groups provide valuable guidance to Americans United as we plot the future of our First Amendment advocacy. AU understands that constitutional violations affect different communities in different ways, and that’s why we continued to place such an emphasis on soliciting the advice of these advisory councils in 2014.

The department also hosted a series of informative talks, lobbying days and concerts in 2014. Chapters often engage in educational activities. For example, the Clay County, Fla., chapter greeted the new year with a screening of “Indoctrination: The Shocking Truth About Your Child’s Public School,” a film produced by fundamentalist Christians who dislike public education. The chapter’s aim was to educate community members about the Religious Right and its negative views on public education.

AU chapter activists also published opinion columns in their local papers to present our position on a wide range of issues. Kwame Mensah of our St. Louis chapter wrote a piece for the St. Louis Post-Dispatch on creationism in public school science classes, and the Nashville chapter’s Charles Sumner wrote to the Tennessean to present our position on voucher programs. Activists also contributed pieces on LGBT equality and religiously motivated restrictions on women’s rights.
Americans United Assistant Field Director Steven Baines joined staffers to table at Capitol Pride in Washington, D.C., in June. Field Director Beth Corbin participated in the National NOW Conference on behalf of AU, and also at Netroots Nation. In addition, AU Executive Director Barry W. Lynn joined staffer Catie Curtis at the Creating Change Conference. Communications Director Rob Boston also made a series of chapter appearances in eight cities this year to discuss his new book, *Taking Liberties*.

**HERE ARE SOME GRASSROOTS ADVOCACY HIGHLIGHTS FROM 2014:**

**January 23, 2014:** The Delaware Valley Chapter hosted “A conversation between Representative Mark Cohen (D-Philadelphia) and Ed Joyce, President, DVAU: The right-wing shift of the Pennsylvania House of Representatives and its church/state implications.”

**February 6, 2014:** The Maryland Chapter co-sponsored a Darwin Day Event at Towson University with the Towson University Secular Student Alliance and Baltimore Coalition of Reason.

**April 13, 2014:** The Columbia, S.C., Chapter held a meeting on “Challenging South Carolina’s Same-Sex Marriage Ban” that featured guest speakers Katherine Bradacs and Tracie Goodwin, a couple from Lexington who were married in Washington, DC, but whose marriage is not legally recognized in South Carolina. Also supporting was their attorney, Carrie Warner.

**May 7, 2014:** The Colorado Chapter and the Longmont Area Democrats co-hosted a debate on the topic, “Resolved: That the wall separating Church and State in the U.S. has been eroded and should be strengthened.” The Rev. Barry Lynn and Denise Maes, Public Policy Director for ACLU of Colorado, argued in favor of the proposition. Scott Dunn, Longmont attorney and member of St. Francis of Assisi Catholic Church, and Michael J. Norton, senior counsel with Alliance Defending Freedom, argued against it.

**August 9, 2014:** The Orange County chapter hosted Rob Boston on his book tour for *Taking Liberties: Why Religious Freedom Doesn’t Give You the Right to Tell Other People What to Do.*

**September 13, 2014:** The Orange County Chapter held an event with guest speaker Glenn Branch, Deputy Director of the National Center for Science Education (NCSE), who gave an update on “Evolution vs Intelligent Design in the Schools.”

**October 11, 2014:** The Nashville Chapter hosted a conversation with Frank Schaeffer, a former Religious Right activist turned progressive. He talked about the struggle between theocracy and democracy and his new book, *Why I am an Atheist Who Believes in God: How to give love, create beauty and find peace.*

**October 28, 2014:** The North Carolina Triad Chapter hosted a meeting with guest speaker Paula Wells, a Greensboro lawyer and United Church of Christ minister, who explained why marriage equality matters and why it remains a divisive issue even within church bodies. She discussed the obstacles that must be overcome before marriage equality and the independence of the clergy are a reality in North Carolina.
THE Legislative Department is responsible for promoting responsible law-making that respects the First Amendment. Staffers meet with elected officials to recommend legislation that protects the wall of separation and oppose legislation that doesn’t. It requires an active presence on Capitol Hill and at the White House, and a careful eye on all 50 state legislatures. This work is crucial to the success of our mission at Americans United.

In 2014, our staffers spent much of their time fighting attempts to redefine religious freedom. From bills related to the Hobby Lobby case to unnecessary and dangerously broad “religious freedom” bills at the state level, the Religious Right launched repeated attacks designed to erode the very foundation of the wall of separation. The Legislative Department met those challenges by lobbying against bills that would legalize religiously motivated discrimination, primarily against LGBT people.

LEGISLATIVE ACTION ALERTS:

TEAM

MAGGIE GARRETT
ELISE HELGESEN AGUILAR
AMRITA SINGH
VANESSA WOLBRINK

“In 2014, our staffers spent much of their time fighting attempts to redefine religious freedom.”
LEGISLATIVE STAFF

MAGGIE GARRETT
Legislative Director

ELISE HELGESEN AGUILAR
Federal Legislative Counsel

AMRITA SINGH
State Legislative Counsel

VANESSA WOLBRINK
Legislative Assistant

ABOVE: AJ Executive Director Barry Lynn offers testimony to a Congressional Committee Panel on Religious Liberty.
But threats to the wall weren’t limited to these unnecessary and unconstitutional bills. The Religious Right also stepped up its efforts to push voucher bills that would funnel taxpayer funds to private religious schools. In response, the Legislative Department led the National Coalition for Public Education (NCPE) to counter false claims about vouchers, and to remind legislators that funding religious schools violates the First Amendment. Those efforts include running a successful counter-campaign during School Choice Week, a yearly week-long event hosted by school choice advocates to promote their political agenda.

During School Choice Week, Americans United pointed to evidence that vouchers don’t work—they primarily fund religious schools that teach creationism and a revisionist, “Christian nation” version of American history. This campaign did very well on social media and succeeded in bringing our legislative agenda to a broader audience. Efforts like this are an important opportunity to collaborate with our allies on Capitol Hill and popularize our position on the First Amendment.

Military religious freedom continued to be a front line in the culture war. Americans United encouraged Virginia Gov. Terry McAuliffe to veto a bill that attempted to legalize proselytizing in the state’s National Guard, which he did. At the national level, politicians affiliated with the Religious Right also attempted to include a right for military chaplains to proselytize at official events in the National Defense Authorization Act (NDAA). That provision did not make it into the final version of the bill.

As part of our work on religious freedom in the military, we also took on the Religious Right’s overblown and false accusations that Christianity is under attack by the military. We debunked all 61 of the allegations from the Family Research Council’s Report titled Clear and Present Danger. Our report is titled Clear and Present Falsehoods: The Real State of Religious Freedom in the Military.

We also supported major portions of the Pentagon’s new, reasonable grooming accommodations. These accommodations are designed to protect religious minorities, like Sikhs, and increase the diversity of our armed forces. The Religious Right was quick to criticize these accommodations as an attack on Christians, but the attacks gained little traction, and the new rules remain in place. Not all accommodations are created equal, however; the Legislative Department also worked with legislators to oppose new NDAA provisions that amounted to a preference for Christianity, and a right to harass based on religion.

In addition to this work, our staffers held lobbying training sessions and other educational efforts and symposiums for members of our state chapters. These events equip AU activists with the tools they need to be effective advocates for the wall of separation when interacting with lawmakers. It's also an important way to make sure our national efforts incorporate local perspectives and concerns.

In Tennessee, we helped our Nashville chapter coordinate a voucher-focused lobbying day in order for our activists to present our position on state-funded religious education to legislators. In Kansas, Legislative staffers helped the Great Plains Chapter of AU host a luncheon and lobby day, alongside the local ACLU affiliate and the Mainstream Coalition. The department also coordinated a legislative training for the Orange-Durham Chapter in North Carolina in October.

The Legislative Department collaborates with activists who wish to testify on behalf of the wall of separation before local and state bodies. This is important because legislators are more likely to be swayed by a local voice. In Texas, we provided testimony to Greater Houston Area Chapter member Zack Kopplin for a September 16, 2014, Texas State Board of Education (SBOE) hearing. His testimony opposed portions of proposed social studies textbooks that included misleading information about the separation of church and state and overemphasized the influence of Judeo-Christian legal traditions on the founding of our government. The SBOE approved the textbooks but with many problematic elements removed.
Here are some legislative highlights from 2014:

Barry Lynn Testifies Before Congress: On June 10, Barry was invited to testify before the House Subcommittee on the Constitution and Civil Justice on the topic of "The State of Religious Liberty in the United States." In contrast to other witnesses’ claims that civil rights protections constitute a threat to their religious freedom, Barry testified that today’s religious liberty concerns fit into two broad categories: threats to religious minorities and non-believers and efforts to radically redefine religious liberty. He highlighted the Hobby Lobby case and the Religious Right’s campaign to demand religious exemptions from federal and state laws. His appearance received national news coverage, after Rep. Gohmert of Texas attempted to use the hearing as a platform to challenge Barry's personal religious views.

Voucher Programs: As the leaders of the NCPE, Americans United called the coalition together to strategize opposition to the “Scholarship for Kids Act” and the CHOICE Act – two dangerous voucher bills in Congress. AU acted swiftly to stop the momentum of these bills. We organized lobby visits for nearly 90 House and Senate offices and also drafted talking points for both bills. In addition, AU organized a multi-organization action alert opposing the bills. Several groups, including the National Education Association, the American Federation of Teachers, the American Association of School Administrators and the Parent Teacher Association, joined AU to issue action alerts during the same week in order to amplify our voice. Both bills died in committee.

Religious Exemptions to Employment Discrimination: After the Supreme Court handed down its troubling verdict in Burwell v. Hobby Lobby Stores, Religious Right leaders sent a letter to the Obama administration arguing that the ruling allowed faith-based organizations to discriminate on the basis of sexual orientation—while receiving public funds. This is a distortion of the ruling, and AU was quick to respond. We drafted and circulated a sign-on letter that was ultimately joined by 98 civil rights, religious and other national organizational signers that was sent to the White House on July 16. On July 21, President Barack Obama issued an Executive Order that bars federal contractors from discriminating against LGBT employees. The White House invited Legislative Director Maggie Garrett to the signing of the executive order.

State ‘Religious Freedom’ Bills: There were numerous attempts to redefine “religious freedom” in 2014, many of them inspired by the Hobby Lobby verdict. Supporters of these state bills typically claimed that they were simply modelled after the federal Religious Freedom Restoration Act (RFRA), but in reality, they were far more expansive and in many cases would have legalized discrimination on the basis of sexual orientation. AU’s Legislative Department worked to defeat these bills in several states, notably in Arizona and Georgia. In Mississippi, we lobbied legislators to produce a less-problematic version of the original bill. Although it’s likely that versions of these bills will be proposed again next year, thanks to the hard work of our Legislative staffers we’re in an excellent position to repeat 2014’s success.

The Not My Boss’ Business Act: In response to the Hobby Lobby verdict, groups dedicated to civil liberties and women’s rights formed a coalition to support a legislative fix. Americans United was an original supporter of the bill, which would prohibit employers from denying workers specific health benefits, including birth control, whenever coverage of those benefits is mandated by federal law. It also specified that the federal Religious Freedom Restoration Act could not be used to deny women access to birth control. Although the bill did not survive a Senate vote, it serves as a template for important future legislation and as a reminder that true religious freedom should not infringe upon the rights of others.

‘Anti-Sharia’ Bills: A spate of bills popped up in state legislatures to ban the implementation of Islamic, or sharia, law on U.S. soil. AU maintains that these bills are unnecessary. Muslims constitute a small portion of the country’s population, and there is no serious effort to implement Islamic law here. The First Amendment would block such efforts if there were. Despite these facts, “anti-sharia” bills appeared frequently in state legislatures during the 2014 session. The Legislative Department opposes these bills, on the basis they’re little more than reactionary profiling and sent action alerts to members encouraging them to contact their representatives to explain their position on the bills. Staffers also sent letters to legislators urging them to reject the bills. Many of these bills never received a hearing. In Mississippi and Georgia, the bills died in committee before reaching a vote.
AU’s Legal Department sponsors direct litigation and also files friend-of-the-court briefs, either alone or in conjunction with our allies.
LEgal STAFF

AYEsha N. Khan  
Legal Director

ALEX LuchenitsE  
Associate Legal Director

GREGory M. Lipper  
Senior Litigation Counsel

IA N Smith  
Staff Attorney

Thelma scott  
Legal Assistant

Caitlin o’connell  
Madison Fellow  
(through June)

Zachary DieterT  
Madison Fellow

Charles GOkey  
Steven Gey Fellow

Natacha lam  
Madison Fellow  
(from August)

Yael Bortnick  
Legal Fellow  
(through July)

Joshua HoffEr  
Legal Fellow  
(from September)

Murat Kayali  
Madison Fellow  
(from September)
In May, the Supreme Court ruled 5-4 against Americans United and found that city councils may host sectarian prayers at public meetings. Although the outcome wasn’t what our legal team had wanted, the ruling in Town of Greece v. Galloway did place some restrictions on prayers and invocations—much to the ire of the Religious Right. If city officials wish to have Christian clergy present prayers at their meetings, they must allow representatives of other religions to offer invocations as well.

Our legal team first filed suit against the town of Greece in 2008. AU attorneys represented Susan Galloway and Linda Stephens, who identify as Jewish and atheist respectively. Galloway and Stephens were stonewalled by officials after they originally objected to the city’s prayer practice: They noted that from 1999 to 2008, the city hosted exclusively Christian prayers. After our legal team filed suit, Greece hosted four non-Christian invocations in 2009, and then went back to exclusively hosting Christians.

After the Supreme Court’s ruling, Greece allowed a local atheist and AU supporter, Dan Courtney, to deliver a secular invocation. Our legal team then continued to monitor the situation to ensure that nontheists would continue to have opportunities to give invocations.

The Legal Department’s efforts to ensure equality at municipal meetings after Greece weren’t limited to monitoring the town. The justices had established guidelines for city councils that wished to offer invocations, but those guidelines didn’t satisfy the Religious Right.

Fundamentalist legal outfits like the Alliance Defending Freedom created misleading guides for city officials that indicated they weren’t required to make sure their invocation rosters were inclusive. Our legal team responded by drawing up its own guidelines, based directly on the Supreme Court ruling, that reminded local activists and officials that city councils must allow all faiths (as well as nontheist organizations) to offer invocations and prayers.

Some city councils still proceeded with prayer policies that restricted the practice to Christians. The Legal Department acted swiftly to remind officials that these policies violated the Supreme Court’s ruling. Thanks to our lawyers, invocations at these public meetings will accurately reflect the diversity of the neighborhoods that city council officials are meant to represent.
Morgan v. Martinez: In April, Americans United filed suit against the state of New Jersey on behalf of Shannon Morgan, whose request for a license plate reading “8THEIST” was rejected by the state’s Motor Vehicle Commission. According to the commission, the request had been deemed “objectionable.” Morgan also submitted a request for “BAPTIST” and that one was accepted. After we filed the case, the commission offered to issue the “8THEIST” license plate sought by Morgan and then moved to dismiss the case. However, that offer did not resolve our concern that the commission would again discriminate against belief minorities based on its subjective standard for offense. We opposed the state’s motion, and the case is still pending.

Hewett v. City of King: The City of King, N.C., constructed a veterans’ memorial featuring a cross and a Christian flag. The memorial was placed on public property and was built using public funds. Americans United filed suit against the city on behalf of Steven Hewett, a decorated veteran, in 2012. At year’s end, the city’s attorneys agreed to a settlement requiring the city to remove the memorial and thus end the constitutional violation.

LaRue v. Douglas County School District: Americans United joined the ACLU in 2011 to challenge a school choice program in court. Douglas County Board of Education’s “Pilot Choice Scholarship Plan” authorized 500 students to convert state funds that are earmarked for the public school system into vouchers to attend private schools. Most of the participating “Private School Partners” are religious. In March 2014 the Colorado Supreme Court agreed to hear the case, and in May 2014 we filed our opening brief in that court. Oral arguments were heard on December 10, 2014, and a verdict is pending.

Does v. School District of Elmbrook: The Elmbrook School District in Wisconsin held graduations in a large evangelical church for nearly a decade. Some students and parents were not comfortable attending graduation in a sectarian setting, especially in a church known for stridently anti-LGBT, far-right views. In April 2009, AU filed suit in federal court on behalf of nine anonymous students, graduates and parents. Although a court initially dismissed the suit, we appealed and moved for a rehearing before the entire 7th U.S. Circuit Court of Appeals. There, the court ruled in our favor. But the school district appealed that decision and requested that the Supreme Court hear the case. In June 2014, the Supreme Court denied review of the case, thus preserving our victory in the appellate court. We reached a settlement agreement with the school district in October; according to the agreement, the school district will be prohibited from holding any future graduation or senior honors ceremonies at the church and will pay damages to the plaintiffs.

University of Notre Dame v. Burwell: The University of Notre Dame joined the ranks of many non-profit religiously-affiliated universities by filing suit concerning the Affordable Care Act’s mandate that health-insurance plans include coverage for contraceptives. Notre Dame sued even though it, like other religious non-profits, could opt out of providing contraceptive coverage by completing a form or sending a letter certifying its religious objection. A religious non-profit’s insurance company—or in the case of self-insured plans, its third-party administrator—would step in to provide the coverage, at no cost to the religious organization. Yet Notre Dame argued that simply sending the form or letter somehow infringed upon its religious liberty.

Americans United opposed Notre Dame’s lawsuit (one of many similar cases our legal team has become involved in) because female students and faculty would be adversely affected. Americans United intervened in the case on behalf of three anonymous female students who object to the university’s request; we are the only organization representing women concerned by their institution’s battle against the contraception mandate. In 2014, the 7th U.S. Circuit Court of Appeals refused to exempt Notre Dame from verifying its objection to the contraceptive mandate. Notre Dame then asked the Supreme Court to review the case.

Marshall v. City of Warren: Douglas Marshall, a resident of Warren, Mich., who self-identifies as an atheist, encounters a “prayer station” regularly while visiting city hall. Marshall applied to display a “reason station” comparable in size and purpose in the same building, but the city rejected his application. In the process, the city’s mayor stated publicly that atheism does not merit the rights typically accorded to religion. He also accused Marshall of trying to take rights away from religious people.

We filed suit in July in cooperation with the ACLU and the Freedom From Religion Foundation. The town requested summary judgment in the case—a move which AU opposed.
**McCall v. Scott:** To circumvent a successful constitutional challenge to a state school-voucher program, the Florida legislature enacted a tax-credit program intended to accomplish the same goals as vouchers. The program awards dollar-for-dollar tax credits for contributions to “Scholarship Funding Organizations” that then award scholarships for students to attend private schools. In August 2014, Americans United, in cooperation with attorneys for the National and Florida Education Associations, filed a challenge to the tax-credit program in Florida state court. We argue that—like the voucher program that the Florida Supreme Court held was unconstitutional—the tax-credit program violates provisions of the state constitution pertaining to public education and the funding of religion.

**Burwell v. Hobby Lobby:** In June 2014, the Supreme Court ruled 5-4 that the fundamentalist Christian owners of Hobby Lobby could receive a religious exemption from the Affordable Care Act’s contraception mandate. This ruling radically redefined religious freedom, transforming it from a shield that protects rights to a sword capable of infringing on the rights of others.

Americans United filed a friend-of-the-court brief in the case, arguing that a ruling favorable to Hobby Lobby would open the door to a number of religious exemptions that would unfairly restrict the rights of employees. As expected, the case has already dramatically affected a number of pending legal cases, including our litigation to prevent broader religious exemptions to the contraception mandate.

**Non-profit contraceptive-coverage cases:** The Hobby Lobby case did not decide the constitutionality of the contraceptive-coverage regulations applicable to non-profit religious institutions. Even though those regulations actually exempt religious non-profits from covering contraceptives, numerous religious non-profits have filed lawsuits—like the Notre Dame case described above in which we intervened—claiming that the regulations violate their religious rights. In 2014, Americans United filed thirteen friend-of-the-court briefs in nine different federal appellate courts in defense of the regulations. So far, every federal appellate court that has ruled on the issue has upheld the constitutionality of the regulations.

**Same-sex marriage cases:** Numerous states have enacted constitutional provisions or laws barring same-sex marriage, and numerous lawsuits filed by same-sex couples have challenged these bans. In 2014, Americans United joined the Anti-Defamation League and a broad array of religious and civil liberties groups to submit friend-of-the-court briefs in support of the couples in twelve cases covering seven different federal appellate courts. We argued that there is no secular rationale for these bans, and that they violate both the Establishment and the Equal Protection Clauses of the U.S. Constitution. All the appellate courts that ruled on the issue struck down the marriage bans, except that the Sixth Circuit disagreed, setting the stage for the Supreme Court to resolve the issue.

**Freshwater v. Mount Vernon City School District Board of Education:** John Freshwater’s career as an eighth grade science teacher in an Ohio public school came to an abrupt end in 2008. His termination was the result of an investigation commenced after a student reported that Freshwater used a Tesla coil to burn a cross into his arm. The investigation disclosed that Freshwater proselytized students, taught creationism and intelligent design and kept a Bible on his desk and a copy of the Ten Commandments on the classroom bulletin board.

Freshwater appealed his termination, but lower courts repeatedly ruled against him. The Ohio Supreme Court did too, and in 2014 the U.S. Supreme Court refused to take the case. This means his termination stands. Americans United filed a friend-of-the-court brief supporting the school district in this case.

**EEOC v. Abercrombie & Fitch:** A Muslim woman alleged that a clothing retailer rejected her for a job because she wore a headscarf for religious purposes. The retailer argued that it had not violated federal law prohibiting religious discrimination in employment because the job applicant had not specifically requested a religious accommodation. The Supreme Court decided to review the case. We joined the American Jewish Committee and other allied groups in filing a friend-of-the-court brief supporting the job applicant, arguing that employers cannot ignore job applicants’ legal rights to reasonable religious accommodations.

**FRIEND OF THE COURT BRIEFS:**

AU’s legal department doesn’t always file direct litigation. Our attorneys also frequently file friend-of-the-court briefs, either alone or in partnership with our allies. Here are just a few of the types of cases where we filed such briefs, or received results from such briefs, this year:

- **Burwell v. Hobby Lobby:** In June 2014, the Supreme Court ruled 5-4 that the fundamentalist Christian owners of Hobby Lobby could receive a religious exemption from the Affordable Care Act’s contraception mandate. This ruling radically redefined religious freedom, transforming it from a shield that protects rights to a sword capable of infringing on the rights of others.

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ORGANIZATIONAL STRUCTURE

Americans United is governed by a 15-member Board of Trustees. The Board meets formally three times each year to deal with issues of internal governance. Members serve three-year terms and are eligible for reelection for additional terms. A larger body, the National Leadership Council, consists of activists who advise AU on issues and policy.

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**TRUST AND FOUNDATION GRANTS - 5%**

**INCOME AND GAINS FROM INVESTMENTS - 14%**

**BEQUESTS - 25%**

**CONTRIBUTIONS - 52%**

**OTHER - 1%**

**GIFT ANNUITY INCOME - 3%**

**FISCAL 2014 REVENUE BREAKDOWN**

TOP: Excerpts from an AU Infographic: “2014 By The Numbers”
## STATEMENT OF FINANCIAL POSITION

### ASSETS

#### CURRENT ASSETS:
- Cash and Cash Equivalents: $661,411
- Investments: $9,271,049
- Bequests Receivable: $189,251
- Interest Receivable: $22,770
- Pledges Receivable: $50,000
- Other Receivables: $107,441
- Inventory: $3,716
- Prepaid Expenses: $89,839
- Deposits: $247,401

**Total Current Assets:** $10,642,878

#### PROPERTY AND EQUIPMENT:
Net of Accumulated Depreciation: **$130,482**

#### OTHER ASSETS:
- Cash and Cash Equivalents, Remainder Trust: **$6,750**
- Investments restricted for Remainder Trust: **$293,444**
- Pledges Receivable, Long-Term net: **$101,279**

**Total Other Assets:** **$401,473**

**Total Assets:** **$11,174,833**

### LIABILITIES & NET ASSETS

#### CURRENT LIABILITIES:
- Accounts Payable: **$108,176**
- Accrued Expenses: **$260,366**
- Accrued Pension: **$1,002,670**
- Deferred Revenue: **$50,380**
- Deferred Rent: **$8,289**
- Capital Lease Obligations: **$18,611**
- Charitable Annuities Payable: **$167,359**

**Total Current Liabilities:** **$1,615,851**

#### LONG-TERM LIABILITIES:
- Charitable Annuities Payable: **$801,700**
- Capital Lease Obligations: **$56,573**
- Remainder Trust Payable: **$178,063**

**Total Long-Term Liabilities:** **$1,036,336**

**Total Liabilities:** **$2,652,187**

#### NET ASSETS:
- Unrestricted: **$1,294,640**
- Unrestricted, Board designated: **$6,914,513**
- Temporarily Restricted: **$313,493**

**Total Net Assets:** **$8,522,646**

**Total Liabilities and Net Assets:** **$11,174,833**
## Statement of Activities

### Revenues, Gains and Other Support

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions</td>
<td>$3,564,218</td>
</tr>
<tr>
<td>Bequests</td>
<td>1,752,843</td>
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<tr>
<td>Realized and Unrealized Gain on Investments</td>
<td>570,581</td>
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<tr>
<td>Investment Income, Net of Expenses</td>
<td>379,944</td>
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<tr>
<td>Trust and Foundation Grants</td>
<td>374,564</td>
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<tr>
<td>Gift Annuity Income</td>
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<tr>
<td>Special Events</td>
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<tr>
<td>Other Revenue</td>
<td>55,702</td>
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<tr>
<td>Sales of Literature</td>
<td>5,732</td>
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<tr>
<td>Contributions - Chapters</td>
<td>4,591</td>
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<tr>
<td>Contributions - Local Churches</td>
<td>1,986</td>
</tr>
<tr>
<td>Change in Value of Split Interest Agreement</td>
<td>(98,028)</td>
</tr>
</tbody>
</table>

Total Revenues, Gains and Other Support                          | $6,904,623 |

### Expenses

#### Program Services:

- Educational and Publication Division                           | 1,464,474  |
- Field Services Division                                        | 924,320    |
- Legal Division                                                  | 1,132,680  |
- Trustee and National Advisory Council Meetings                 | 41,798     |

Total Program Services                                           | 3,563,272  |

#### Supporting Services:

- Management and General                                         | 891,646    |
- Fundraising                                                     | 1,272,210  |

Total Supporting Services                                         | 2,163,856  |

Total Expenses                                                    | 5,727,128  |

Change in Net Assets before other items                           | 1,177,495  |

### Other Items

- Adjustment on termination of Deferred Rent                     | 50,618     |
- Minimum Pension Liability adjustment                           | 134,657    |

Change in Net Assets                                              | 1,362,770  |

Net Assets at Beginning of Year                                   | 7,159,876  |

Net Assets At End Of Year                                         | **$8,522,646** |
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BETSY PURSELL
Development Director

SARAH STEVENSON
Associate Director for Major Gifts

REBECCA DAVIS-NORD
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IN MEMORY

We honor the following dedicated members who remembered Americans United in their estate plans during fiscal year 2014. We extend our condolences to the families and loved ones they have left behind.

Rita Albert
Howard Betts
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Rowland Cross
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Howard Wilson
Ken Winkes
The Witches’ Voice Inc.
Randy & Nancy Wolman
Jo Ann Worthington
Ned Wulin
Joyce Zaitlin
Rolf Zimmerman
Jeff Zimmerman
Paul & Margot Zimmerman

23 Patriots wish to remain anonymous.
JEFFERSON CIRCLE

The following dedicated members have joined the Jefferson Circle, Americans United’s planned giving program, by setting up charitable gift annuities, creating bequests, or by making other planned gifts during fiscal year 2014.

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Karen Freeman  
Martin & Bodil Gerotwol  
Craig Gosling  
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Margaret Klein

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Matt Millsap  
Robert & Carolyn Mondor  
Elmer Olhaber  
Morris L. Ostrian  
Bertram Raphael  
Jane P. Rein’l  
Roger Werner  
Paul & Margot Zimmerman

1 Jefferson Circle member wishes to remain anonymous.

THE FOLLOWING FOUNDATIONS, FUNDS AND TRUSTS ALSO PROVIDED AMERICANS UNITED WITH FINANCIAL SUPPORT DURING FISCAL YEAR 2014:

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The Marvin & Annette Lee Foundation  
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In fiscal year 2014, 1,158 households supported AU through the Madison Society, our monthly giving program. We thank them for their generous ongoing support.