



**AMERICANS
UNITED**

**FOR SEPARATION
OF CHURCH AND STATE**



Annual Report 2021

Our nation has endured unthinkable attacks on church-state separation in recent years. We are reeling from a Christian nationalist assault that imperils our democracy, from state laws rejecting religious freedom in favor of religious privilege to the January 6th insurrection. Religious extremists and their lawmaker allies continue imposing laws and policies that force everyone else to live by their beliefs.

Given these challenges, many have asked how our nation can possibly come together as equals and build a strong democracy. Undeniably, protecting church-state separation is the key. It is why every day, **AU fights in the courts, legislatures and the public square for freedom without favor and equality without exception.**

In 2021, AU laid a powerful foundation to grow our movement. We proudly advanced the litigation and advocacy expertise for which AU is known—confronting the relentless misuse of religious freedom to license discrimination and insert religious privilege into laws affecting vital aspects of our lives. We also mobilized a broader, younger and more diverse coalition of church-state separation champions. We modernized Americans United’s brand based on strategic public opinion research and message development. For 75 years, AU has been leading the nation’s efforts to keep religion and government separate and shield our shared laws from any religion’s influence.

Thank you to our members, donors, volunteers and allies who stand with us to protect religious freedom and our democracy.

At a Glance

19 LAWSUITS

**26 AMICUS BRIEFS
FILED**

**398 VIOLATIONS
INVESTIGATED**

**64 PRE-LITIGATION
DEMAND LETTERS**

**857 STATE BILLS
TRACKED**

**11,166 MESSAGES SENT
TO LAWMAKERS**

**3,758 PEOPLE TOOK
ACTION FOR AU**

**330 STUDENT ESSAY
CONTEST ENTRIES**

**202,550 SOCIAL MEDIA
AUDIENCE**

208 BLOG POSTS

**56 BRIEFS DEFENDING
PANDEMIC-RELATED
PUBLIC HEALTH
MEASURES**

Cover images left to right: AU staff members Amy Couch, Courtnei Burleson, Alicia Johnson and Adrienne Spoto pose outside the Supreme Court to support abortion rights. AU Plaintiff Shelly Fitzgerald poses with her family. AU President & CEO Rachel Laser speaks outside the Supreme Court on December 1, 2021.

Financials

Statement of Financial Position

September 30, 2021

Assets

| | |
|------------------------|---------------------|
| Current Assets | \$19,019,015 |
| Property and Equipment | \$593,128 |
| Other Assets | \$3,730,347 |
| Total Assets | \$23,342,490 |

Liabilities and Net Assets

| | |
|--------------------------|--------------------|
| Current Liabilities | \$1,364,810 |
| Long Term Liabilities | \$6,392,003 |
| Total Liabilities | \$7,756,813 |

Net Assets

| | |
|--|---------------------|
| Without Donor Restrictions | \$6,381,884 |
| Without Donor Restrictions - Board Designated | \$8,990,341 |
| With Donor Restrictions | \$213,452 |
| Total Net Assets | \$15,585,677 |

| | |
|---|---------------------|
| Total Liabilities and Net Assets | \$23,342,490 |
|---|---------------------|

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Journalist, Author and Academic, Philadelphia, PA

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Director of Church Relations, Orange, CA

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Attorney, Private Practice, Tuscumbia, AL

Nancy Friedman, Esq.

President, Houston Chapter, Houston, TX

Michele (Shelly) Henry

Attorney, Craig Henry Law Firm, Georgetown, IN

Mara Kiesling

Former Founding Executive Director, National Center for Transgender Equality, Washington, D.C.

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AU Fights Back in the Courts

Defending Core Church-State Separation Protections

The 2021-2022 U.S. Supreme Court term featured several consequential religious freedom cases, with AU playing a critical role to protect the core value of church-state separation.

Kennedy v. Bremerton: After a public-school coach violated the religious freedom of students by pressuring them to join his public prayers at the 50-yard line at high school football games, AU took over the legal defense for the Bremerton School District at the Supreme Court, to argue for its right to protect students from religious coercion. Before becoming counsel for the school district, AU filed a friend-of-the-court brief with a wide array of religious and civil rights organizations while this case was on appeal to the U.S. Court of Appeals for the Ninth Circuit.



Coach Kennedy leads students in prayer at the 50-yard line after a game in 2015.

Carson v. Makin: AU's friend-of-the-court brief on behalf of religious and civil rights organizations opposed a pro-school voucher group's efforts to force the State of Maine to fund religious education.

Shurtleff v. City of Boston: AU's friend-of-the-court brief on behalf of an array of religious organizations supported Boston's decision to refuse to fly the Christian flag from its flagpole in front of City Hall.

Preserving Civil Rights and Equality for All

Defending church-state separation means protecting reproductive freedom and LGBTQ equality and fighting religious discrimination against racial and religious minorities and other marginalized Americans.

- ★ **Reproductive Freedom:** AU filed a friend-of-the-court brief in *Dobbs v. Jackson Women's Health Organization*, a Supreme Court case poised to dismantle abortion access and upend decades of settled law.
- ★ **Employment Non-Discrimination:** AU is the national leader battling an alarming trend of religious organizations urging courts to grant them a license to discriminate against their employees, undermining civil rights protections in the workplace.
- ★ **Religious Equality:** AU, joined by the ACLU and the law firm DLA Piper, obtained a favorable ruling and partial settlement in a lawsuit that challenged a parole officer's decision to return an atheist parolee to jail for refusing to participate in worship and Bible study at a rescue mission.

Confronting Discrimination in Foster Care

AU continued to advocate for parents who want to provide loving homes to children in foster care but have been turned away from taxpayer-funded agencies because they are LGBTQ or the "wrong" religion.

- ★ **Easter v. Dep't of Health and Human Services:** AU, Lambda Legal and the law firm Orrick Herrington & Sutcliffe filed suit on behalf of Kelly Easter, who

was rejected by the only entity in the Nashville area that participates in a federal foster care program for immigrant children because she is a lesbian. The case joined AU's similar litigation on behalf of a lesbian couple in Texas and a Catholic mother of three in South Carolina.

★ ***Pedreira v. Sunrise Children's Services:*** In this 21-year-old case with the ACLU, the ACLU of Kentucky and the law firm Arnold & Porter, the parties reached an agreement with Kentucky officials to protect children in the state's care from unwanted religious proselytization and discrimination as well as mistreatment because of their sexual orientation or gender identity.

★ ***Fulton v. City of Philadelphia:*** The Supreme Court's ruling in this case unfortunately allowed a taxpayer-funded, faith-based foster care agency to reject LGBTQ parents in violation of city nondiscrimination provisions. AU's guidance explaining the narrow scope of this decision has been critical to continuing the fight against discrimination in the name of religion.



AU plaintiff, Kelly Easter.

Securing Non-Litigation Solutions

A win in Detroit: City officials promptly ceased involvement with a grant program after AU raised concerns that the program favored religious groups. An AU supporter's complaint about the program was one of nearly 400 inquiries AU received in 2021 from members of the public reporting a First Amendment violation in their communities. Fortunately, we were able to resolve many of these violations without going to court.

PROTECTING PUBLIC HEALTH

AU filed friend-of-the-court briefs opposing religious exemptions from COVID-19 public-health orders (such as vaccination and mask mandates). We ended 2021 with 56 briefs filed since the beginning of the pandemic, amidst efforts by religious extremists to undermine these safety measures. It joined 30 total letters AU sent to state officials and mobilized faith leaders to warn about the harms of these restrictions.

AU Advocates in Legislatures and the Public Square

Lobbying Congress: Religion Must Do No Harm

DO NO HARM ACT: This bill, which was originally introduced in 2015 in large part because of AU's work, was reintroduced in 2021 with the support of 100 civil rights, secular and religious organizations. It will protect religious freedom for all while ensuring that religion cannot be misused to harm others.

- ★ **H.R. 1378:** Introduced by Reps. Bobby Scott, Steve Cohen, Jamie Raskin, Mary Gay Scanlon and with 155 current co-sponsors
- ★ **S. 2752:** Introduced by Senator Cory Booker and with 33 current co-sponsors

Executive Action: Advancing True Religious Freedom

Trump-Era Rollbacks: AU worked with a range of allies to urge the incoming administration to rescind harmful federal regulations and policies adopted under former President Trump—many of which we featured in AU's Agenda to Restore and Protect Religious Freedom. This includes the Muslim Ban and the national policy that allowed child welfare providers to use religion to discriminate against potential foster parents under the Religious Freedom Restoration Act.

AU's leadership as chair of the Coalition for Religious Discrimination (CARD)—a group of more than 50 leading religious, civil rights, education, reproductive rights, labor, LGBTQ, secular and women's organizations that advocate to stop government-funded religious discrimination—helped drive this progress.

FAITH-BASED REGULATIONS

AU and CARD supported a proposal to rescind a harmful Trump-era rule that made it easier for federal contractors (which employ more than one-fifth of the entire U.S. workforce) to discriminate against LGBTQ people, women, religious minorities and the nonreligious. We organized our coalitions to join us in submitting comments to rescind this rule as part of our long history of preventing these policies from misusing religious freedom to harm.

UPDATE: AU scored a win with these regulations in 2022.



Fighting Back in the States

AU tracked and analyzed nearly 900 bills nationwide in the 2021 state legislative session, and we mobilized against a range of religious freedom threats—from private school vouchers and broad religious exemptions to the Christian nationalist crusade known as Project Blitz.

Missouri: AU worked with in-state advocates and the ACLU of Missouri to stop a bill that would have allowed public schools to offer classes on the Bible.

Arkansas: AU helped block a bill that would have allowed public school science teachers to teach creationism and another designed to encourage students to pray or proselytize in public schools.

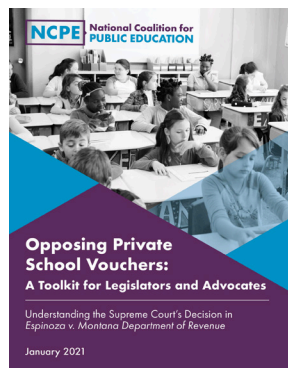
Georgia: AU worked with in-state advocates to defeat a bill that would have created a new voucher program.

Arizona: AU helped stop a bill seeking to prohibit emergency orders that limit in-person religious gatherings, providing analysis and guidance for an in-state coalition of religious groups and civil rights, LGBTQ and reproductive freedom organizations.

Protecting Public Schools

AU is a leading voice for ensuring that public schools remain inclusive for all students as they have increasingly become targets of religious extremists. In addition, AU serves as co-chair of the National Coalition for Public Education (NCPE), which mobilizes more than 50 member organizations to ensure public money goes to public schools and not to private school vouchers.

Key Resource: *Opposing Private School Vouchers: NCPE Toolkit for Legislators and Advocates*



Briefings: AU led five briefings with 14 national and regional groups and NCPE for education allies and faith leaders about how private school vouchers harm students—they drew over 1.5K views on Facebook.



Suhag Shukla, Esq., Executive Director of the Hindu American Foundation speaks at AU's webinar, "When Communities Come Together: Supporting Public Schools", on March 2, 2021.



It's doubly wrong to force taxpayers to fund a school that discriminates when the school is supposed to substitute for public education. A key virtue of public schools is that they are open to all students, regardless of religion, race, sexual orientation, gender identity or ability. Students should never be discriminated against or subjected to a religious test to access what is rightfully theirs.

RACHEL LASER, WASHINGTON POST OP-ED, DECEMBER 5, 2021.

Uniting, Empowering, and Educating People of All Religions and None

Building a Base for the Church-State Separation Movement

AU Action Network (AU-AN): Over 800 members and supporters from 48 states and Washington, D.C., used AU's resources and trainings to organize in their communities—from coordinating virtual events and meetings with in-state officials to publishing op-eds and rallying around days of action to support the Do No Harm Act and the Equality Act.

Empowering a New Generation of Church-State Champions

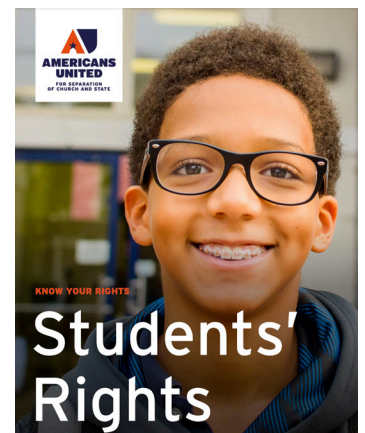
Youth Organizing Fellows: A second cohort of 10 emerging young activists from across the country joined our inaugural class of fellows. We trained them on leadership and identity, legislative advocacy, public speaking, coalition building and interfaith organizing, among other areas. They channeled their skills into concrete actions by advocating for the Do No Harm Act in national publications, presenting at conferences, and organizing campus events, among other intersectional movement-building efforts.



Educating the Public

AU developed resources to help officials, allies, media, and the public understand the current threats to church-state separation and how we can strengthen religious freedom for all.

- ★ Town Hall on *Carson v. Makin* following oral argument
- ★ Know Your Rights in Public Schools: Guides for students, parents, and teachers
- ★ Colors of Pride Juneteenth Celebration & Education Co-sponsor
- ★ Guide: "Refuting Myths About the Equality Act and Religious Freedom"
- ★ Twitter Space on religious freedom rights in schools
- ★ Statement from a broad coalition of 27 faith groups opposing dangerous COVID bills



Above: The covers of AU's "Know Your Rights: Parents' Rights" and "Know Your Rights: Students' Rights."

Left: The members of AU's Youth Organizing Fellowship 2021-2022 cohort pose for a picture while on a monuments tour during their convening.

Bringing Faith Leaders to the Table

National Faith Advisory Council (FAC)

AU's Faith Advisory Council brings together diverse religious perspectives to help AU strategize around movement building. The FAC amplifies the voices of faith leaders to make AU's work—and the organization's importance to the faith community—more visible at key moments.

Summer Series for Seminarians

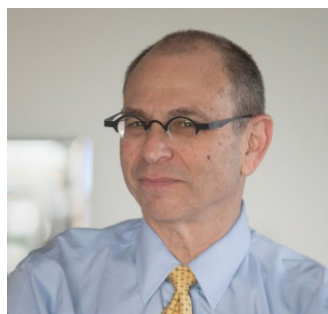
This AU virtual event series featured faith and advocacy leaders making connections within our diverse religious freedom movement. Their guidance covered the basics of church-state separation, spotting religious freedom violations and how to become an advocate.

Faith Leaders United (FLU)

Members of AU's diverse network of faith leaders from across the United States work with us throughout the year to encourage their faith communities to stand up for church-state separation. For example, AU's call to action resulted in 98 individual endorsers in support of the Equality Act, which will provide comprehensive nationwide civil rights protections to LGBTQ people and ensure that religious freedom is not misused to circumvent such protections.



Current FAC members: (clockwise below) Rev. Naomi Washington-Leapheart, Rabbi Bill Barr, Rev. Dr. Lori Walke, Rev. David W. Key, Sr (clockwise above) Rev. Selena Fox, Rev. Alex McNeill, Rev. Douglas Avilesbernal and Rabbi Rachel Joseph.



UNITING FAITH AND SECULAR VOICES

Mazon: A Jewish Response to Hunger v. Dep't of Health and Human Services:

In AU's case with Democracy Forward and Lambda Legal, a coalition of faith and secular organizations challenged a Trump-era rule that dismantled key religious freedom protections for people who receive federally funded social services—regulations that put our most vulnerable at risk. The case is another example of how AU brings together key partners from the faith and secular communities in support of church-state separation.

FY2021 Donors

We are pleased to recognize here our Guardians of Freedom. These are generous donors who contributed single gifts of \$1,000 or more during the 2021 fiscal year, October 1, 2020 - September 30, 2021.

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*36 wish to remain
anonymous.*

Madison Society

In fiscal year 2021, 2,130 households supported AU through the *Madison Society*, our monthly giving program. We thank them for their generous ongoing support.

In Memory

We honor the following dedicated members who remembered AU in their estate plans during fiscal year 2021. We extend our condolences to the families and loved ones they have left behind:

Philip (and Marjorie)
Appleman
Ruth M. Beach
Henry W. Bowden

Peter and Sadie
Castruccio
Shirley Katz Cohen
Paul Parker Doing
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Fuqua, Jr.
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Dale W. Swinney
Barbara and Norman
Tanner
Theodore M. Utchen
John Wagers

Jefferson Circle

The following dedicated members have joined AU's planned giving society by notifying AU of their planned gift intentions during fiscal year 2021:

James Paul Arlotta
Chaplain Leroy J. Bates
William A. Brown
Gerald Mark Causey
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