



ANNUAL REPORT 2017



TABLE OF CONTENTS

- 03 CELEBRATING BARRY LYNN & 70 YEARS OF AU
- 04 PROTECT THY NEIGHBOR
- 08 PROJECT FAIR PLAY
- 10 FIGHTING THE MUSLIM BAN
- 14 GOVERNMENT & RELIGION
- 16 PROTECTING PUBLIC SCHOOLS
- 18 LEADERSHIP & NATIONAL STAFF
- 19 AU CONTRIBUTORS
- 22 FINANCIAL STATEMENT
- 24 JOIN US!

OUR MISSION

Americans United for Separation of Church and State is a nonpartisan educational and advocacy organization dedicated to advancing the constitutional principle of church-state separation as the only way to ensure freedom of religion, including the right to believe or not believe, for all Americans.

Based in Washington, D.C., and founded in 1947, Americans United, or AU, works in the courts, in Congress and state legislatures, with federal, state and local policymakers and in the arena of public opinion to uphold religious freedom. We envision an America where everyone can freely choose a faith and support it voluntarily, or follow no religious or spiritual path at all, and where the government does not promote religion over non-religion or favor one faith over another.

From The Rev. Dr. Neal Jones, President, AU's Board Of Trustees:



For so many reasons, 2017 was a landmark year for Americans United for Separation of Church and State and our supporters. The year began with the inauguration of President Donald J. Trump, whose administration

has launched unprecedented attacks on religious freedom. These include the Muslim ban, threats to repeal the Johnson Amendment, and policies and rule changes to allow the use of religion as an excuse to discriminate against women, LGBTQ people, religious minorities and others. Trump has sought at every turn to advance the agenda of his fundamentalist supporters.

But another noteworthy event in church-state separation history brought us hope and strength amid this turmoil: Americans United celebrated its 70th anniversary in 2017. For seven decades, religious freedom activists have joined Americans United to protect the separation of religion and government – by advocating for strong, secular public schools; by preventing taxpayer funds from supporting houses of worship, religious education and other religious entities; by standing up for religious minorities; by stopping religion from being used as justification for discrimination.

The year 2017 also marked a changing of the guard for AU: Executive Director the Rev. Barry W. Lynn, an attorney, ordained minister and lifelong social justice warrior, announced his retirement. Barry led Americans United for 25 years – a period of incredible growth for the organization and significant victories in the ongoing struggle to defend the constitutional guarantee of religious freedom.

It was a year of competing emotions for us at AU: Celebrating our anniversary while saying goodbye to Barry, fighting Trump's un-American agenda while welcoming a new generation of activists spurred by Trump's policies to join us in the campaign to protect freedom of conscience. All of these milestones signaled a bright future for America's fundamental promise of separation of religion and government: AU's deep experience combined with highly engaged activists means we have the tools we need to continue ensuring religious freedom for all.

Thank you for your support – it has allowed Americans United to win countless battles to protect religious freedom for the past 70 years, and it will enable us to fulfill our commitment to protect the church-state wall for another 70 years and beyond.



“ One great thing about the First Amendment, and the freedom of speech and conscience that it preserves, is that although it does not guarantee that the nation makes the right decisions, it’s the best mechanism in the world to make that kind of rational and morally sound decision-making possible. I want to thank you all ... for all that you do in conjunction with Americans United ... in support of the principles that the Constitution holds dearly. ”

—The Rev. Barry W. Lynn

CELEBRATING BARRY LYNN & 70 YEARS OF AU

More than 400 Americans United members, activists, allies and friends gathered on Nov. 2, 2017, to mark the retirement of Americans United Executive Director Barry W. Lynn and the 70th anniversary of Americans United for Separation of Church and State.

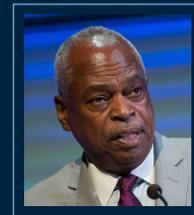
The gala was held in the National Geographic Society in Washington, D.C., and featured a lively program with comedian and social critic Lewis Black as master of ceremonies. The event also included laudatory remarks from leaders of several prominent AU allies; folk music from two of Barry’s favorite musicians and reflections from Barry on his 25 years of leading the charge to protect religious freedom.

Barry oversaw key victories and developments during his tenure at Americans United: helping to block a dangerous constitutional amendment in Congress that would have removed church-state separation from the First Amendment; defeating Alabama’s “Ten Commandments” judge Roy Moore in court; stopping the teaching of “intelligent design” creationism in public schools; launching Project Fair Play, a national campaign to protect the Johnson Amendment; and creating the Protect Thy Neighbor campaign to defend the rights of the LGBTQ community, women, religious minorities and others who face discrimination in the name of religion.

While Barry’s impact on church-state separation in America is profound, AU’s fight to protect religious freedom began decades before his arrival. AU’s founders established the organization’s mission in November 1947: “Its single and only purpose is to assure the maintenance of the American principle of separation of church and state upon which the Federal Constitution guarantees religious liberty to all the people and all churches of this Republic.”

In video about AU’s history that debuted during the gala, journalist and political commentator Bill Press reflected on AU’s past and present: “I know that Americans United has been around a long time, but I don’t think it’s ever been more essential than it is today. I don’t think it’s ever been more important to have an organization whose sole purpose is out there defending the separation of church and state, which I believe is one of the fundamental principles of this country but has never been so under attack as it is today.”

We’re looking forward to the next 70 years!



“

Whether testifying before Congress or in debate in hostile territory, Barry often played the role of a butt-kicking paladin, walking into difficult circumstances with ease – a Bible in one hand and the Constitution in the other, a G-rated version of Elmer Gantry.

”

—Wade Henderson, past president of the Leadership Conference on Civil and Human Rights



“

(Barry) has gone toe-to-toe with Pat Buchanan, Pat Robertson, Jerry Falwell – no idea or person has been too crazy for Barry to debate. Barry’s been taking on the Religious Right since before it was cool.

”

—Cecile Richards, president of Planned Parenthood

PROTECT NEIGHBOR

Religious freedom is a fundamental value that ensures all Americans the right to believe or not as they see fit – but it doesn't give anyone the right to use religion as a justification to harm others.

Americans United launched the Protect Thy Neighbor campaign in 2015 to combat attempts to use religion to discriminate against LGBTQ people, women, religious minorities and others. AU works at the federal level, in state legislatures, in the courts and in communities to ensure that religious freedom remains a shield that protects, not a sword that harms.

THE TRUMP ADMINISTRATION'S AGENDA

The Trump-Pence administration has catered to the policy agenda of religious fundamentalist leaders who are unwilling to accept advances in social equality and want to misuse religious freedom to undermine America's progress. AU's Protect Thy Neighbor project has fought back.

Birth Control Access: On Oct. 6, 2017, the administration announced new regulations that allow employers and universities to cite religious beliefs as justification to deny employees and students access to birth control in their health insurance plans. Religion is no excuse for employers or universities to dictate their employees' or students' health care choices. Taking away access to contraception – a core part of women's health care – is discrimination, plain and simple.

Americans United Fought Back: By the end of the month, AU and the National Women's Law Center filed the federal lawsuit *Shiraef v. Hargan* on behalf of five women at risk of losing birth control coverage. These women included Mary Shiraef and two other graduate students at the University of Notre Dame, as well as Alicia Baker of Indiana, whose health

insurance provider objected to covering birth control. Our lawsuit explained that the new rules were unconstitutional and discriminated against women on the basis of sex and religion.

In addition to the litigation, Americans United participated in the rulemaking process by submitting formal comments to the administration that outlined our objections to the new rule. We provided tools for our supporters to also submit comments explaining how birth control is vital to women's health, equality and economic security. AU members responded and AU joined allies on Dec. 5 to deliver more than a half-million comments in opposition to the rule.

Blueprint For Discrimination: The same day the birth control rule was announced, the Department of Justice released new "religious freedom guidance" that could allow businesses, individuals and taxpayer-funded organizations to use religion as a means to trump anti-discrimination laws. AU Executive Director Barry W. Lynn called out Attorney General Jeff Sessions' proposed guidance: "Religious freedom doesn't give anyone the right to use religion to



DO NO HARM ACT

In July, Americans United lauded the re-introduction of the Do No Harm Act, which was sponsored by U.S. Reps. Robert “Bobby” Scott (D-Va.) and Joseph Kennedy (D-Mass). The bill seeks to limit the misuse of the Religious Freedom Restoration Act (RFRA) of 1993. The Do No Harm Act would preserve RFRA’s power to protect religious freedom while clarifying that it may not be used to harm others. The bill is more important than ever in light of Attorney General Jeff Sessions’ “religious freedom guidance” issued in October that provided a blueprint for using RFRA to trump anti-discrimination laws.

AU’s efforts were key to getting this legislation introduced. We also helped lead a coalition of more than 70 organizations to urge members of the House of Representatives to cosponsor the Do No Harm Act; more than 100 members of Congress had signed by the year’s end.



“Access to contraception is crucial to me on many levels – intimately, for my career and for my personal health. It means I can decide if and when I have children. It also means I can entirely focus on the quality of my relationship, without fear of an unplanned pregnancy. It means I get to focus on my task at hand – working toward a Ph.D. – in equitable measure to my male colleagues. It has also improved my overall health.”

—Mary Shiraef, University of Notre Dame student

harm others. But today the Trump administration is giving the Religious Right exactly what it wants. The guidance is a roadmap for how to discriminate against most anyone, including women, LGBTQ people and religious minorities.”

Discrimination In Government-Funded Programs:

A few weeks later, the Department of Health and Human Services (HHS) announced it was accepting suggestions for how it could remove “barriers” and “affirmatively accommodate” the religious beliefs of faith-based organizations seeking to provide taxpayer-funded services. In other words, HHS invited religiously affiliated organizations to pick which church-state separation protections they would like the administration to strip from existing

rules and regulations. In particular, they appeared to be looking to remove protections that prohibit discrimination against the people they hire and serve – all while using the public’s money. On Nov. 24, Americans United submitted public comments explaining that it’s unconstitutional to give publicly funded organizations religious exemptions that allow them to discriminate. Through the Coalition Against Religious Discrimination, AU also organized a response from allies who urged HHS not to give new religious exemptions to faith-based organizations.

Americans United anticipates the Trump-Pence administration has more policies in the works that would allow religion to be used to discriminate and harm others. AU is ready to fight back.



AU IN COURT TO PROTECT THE LGBTQ COMMUNITY

Americans United continued to fight in courts around the country to stop religion from being used as justification to discriminate against others, especially the LGBTQ community.

OPEN TO ALL

The most high-profile case was *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, which the U.S. Supreme Court heard on Dec. 5. The Colorado bakery refused to bake a wedding cake for David Mullins and Charlie Craig, citing religious opposition to marriage equality as its reason for discriminating. AU joined David, Charlie and allies for a rally in front of the Supreme Court, urging the court to affirm that businesses must be open to all and can't use religion to violate civil rights laws.

In October, AU filed a friend-of-the-court brief with the Supreme Court in support of Colorado and its anti-discrimination laws that protect David, Charlie and others from discrimination. AU had made the same argument in the lower court, and we have filed similar amicus briefs in other cases involving LGBTQ discrimination, including *State of Washington v. Arlene's Flowers* (which was pending before the Supreme Court at year's end), *Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals* in Kentucky and *Klein v. Oregon Bureau of Labor and Industries* involving the bakery Sweet Cakes by Melissa.

TRANSGENDER RIGHTS

AU also told several federal courts that religion can't be used as a reason to discriminate against transgender people. In *G.G. v. Gloucester County School Board*, AU filed two amicus briefs in 2017 - including one with the Supreme Court - on behalf of Gavin Grimm, a Virginia high school student challenging his school district's refusal to let him use the boys' restroom in accordance with his gender identity. AU explained that federal civil rights laws protect Gavin and that religious beliefs can't dictate how government enforces the law, especially when those beliefs result in harm to others.

AU also rallied 76 faith leaders through our Faith Leaders United network and 13 religious and civil-rights organizations to join us in filing an amicus brief in *E.E.O.C. v. Harris Funeral Homes* in support of Aimee Stephens, a transgender employee who was fired from a Michigan funeral parlor after she began to dress according to her gender identity. AU and allies explained that an employer's religious beliefs do not confer a right to discriminate against employees on the basis of sexual orientation or gender identity.

MISSISSIPPI'S DISCRIMINATORY HB 1523

AU continued to oppose Mississippi House Bill 1523 - a law that allows a broad range of discrimination in the name of religion. AU and our supporters lobbied against the bill when it was proposed and adopted in 2016, and we supported plaintiffs who sued to stop it. In July 2017, AU filed an amicus brief in *Barber v. Bryant*, explaining that HB 1523 is harmful because it allows some people to use their religion to treat others as second-class citizens. Unfortunately, a federal appeals court dismissed the case, ruling that the plaintiffs hadn't shown that the law had harmed them because the lawsuit was brought before the law went into effect in October 2017. At year's end, the case was on appeal to the Supreme Court.

PROTECT NEIGHBOR

WEST VIRGINIA WIN: SETTLEMENT FOR SAME-SEX COUPLE

Amanda Abramovich and Samantha Brookover should have only happy memories of Feb. 3, 2016 – the day the high-school sweethearts applied for their marriage license. Instead, they remember the day with dread because a county clerk cited her personal religious beliefs as she harassed the couple, calling them an “abomination” and threatening that God would “deal” with them. Amanda and Samantha left the clerk’s office humiliated, angry and in tears.

“This year when we realized our anniversary was approaching, we got knots in our stomachs,” the couple said in April 2017 when AU and the LGBTQ advocacy organization Fairness West Virginia filed a federal lawsuit on their behalf. “This is the feeling we will have every year rather than the happiness of finally being legally married.”

AU filed *Brookover v. Gilmer County* on the women’s behalf because the clerk’s office violated the Constitution by treating same-sex couples differently than others in the name of religion. And we negotiated a settlement in which Gilmer County agreed to apologize to the couple and to issue a public statement regarding the wrongdoing by the County Clerk’s office. The county also promised to take steps to ensure that county officials and employees do not discriminate against anyone in the future, regardless of religious beliefs about sexual orientation or gender identity.



“
Consenting adults
should never be made
to feel embarrassed or
ashamed when marrying
the person they love.
It will be a comfort to
know that this behavior
will no longer be
allowed in the Gilmer
County Courthouse.

”
—Amanda Abramovich
and Samantha Brookover



JOHNSON AMENDMENT UNDER ATTACK



The Johnson Amendment is a federal law that for more than 60 years has protected the integrity of tax-exempt nonprofits, including houses of worship, by ensuring they don't endorse or oppose political

candidates. During his campaign, President Donald Trump promised to repeal the law and, at the Feb. 2, 2017, National Prayer Breakfast just weeks after taking office, he vowed "to get rid of and totally destroy the Johnson Amendment."

Trump plus a few members of Congress and Religious Right leaders – all seeking to boost their own political power – are among the minority of Americans who want to embroil houses of worship and nonprofits in divisive partisan politics, despite the inherent danger this would pose to the organizations' charitable missions. The majority of Americans – including Republicans, evangelical Christians and faith leaders – support the Johnson Amendment and want its protections to remain intact.

Nonetheless, Trump included a threat to undermine enforcement of the law in a "religious liberty" executive order on May 4, the National Day of Prayer. Republican members of Congress included language that would severely weaken the IRS' ability to enforce the Johnson Amendment in a House appropriations bill in July and by proposing in a House version of the Tax Cuts and Jobs Act to allow tax-exempt organizations to endorse or oppose candidates as part of their everyday activities as long as the endorsements didn't incur excessive costs.

Americans United, with its Project Fair Play campaign that has supported the Johnson Amendment for decades, was well-poised to counter these attacks. Throughout the year we worked with allies and mobilized AU's Faith Leaders United network to

lift up the voices of the public and faith leaders who want the Johnson Amendment's protections maintained. We joined allies in sending numerous letters to Congress to urge them to protect the current law.

Our chapters and supporters around the country also sprang into action, contacting members of Congress and even meeting with congressional staff to urge them to protect the Johnson Amendment. Members of Congress responded: Reps. Debbie Wasserman-Schultz (D-Fla.) and Barbara Lee (D-Texas) proposed an amendment to the House appropriations bill and Rep. John Lewis (D-Ga.) offered an amendment to the tax bill that would have stripped the harmful Johnson Amendment language from these bills.

Although these amendments were defeated, AU and our members continued to lobby Congress. Our efforts ultimately were successful: The Senate version of the tax bill did not include the House language undermining the Johnson Amendment, nor did the final version of the Tax Cuts and Jobs Act. A final version of the appropriations bill was not proposed or passed by year's end.

While we celebrate a year of foiling attempts to turn houses of worship into tools of political campaigns, Americans United realizes Trump and his political allies still have the Johnson Amendment in their sights. AU will remain vigilant in protecting the law.

“

Regardless of our political stripes and colors, no one wants our charities or houses of worship to be torn apart by partisan campaign politics.

”

—Rep. Debbie Wasserman Schultz (D-Fla.)

FAITH VOICES

In Support Of Keeping Houses Of Worship Nonpartisan



“

Repealing the Johnson Amendment effectively creates ‘Republican Churches’ and ‘Democrat Churches.’ In valuing diversity, I prefer to keep partisan politics out of the church.

”

—The Rev. Charles Smith,
Baptist Pastor, Madison, Ga.

FAITH VOICES

President Trump and his allies continued to misrepresent the Johnson Amendment, which protects houses of worship and faith leaders from being embroiled in divisive partisan campaigns while still maintaining their ability to speak out on social and political issues. To counter Trump’s false claim that religious organizations and leaders want to repeal the law, Americans United helped organize thousands of faith leaders from across America to speak out in support of the Johnson Amendment.

The Faith Voices initiative, which Americans United and allied organizations launched in May to amplify the voices of faith leaders, by year’s end had brought together more than 4,400 faith leaders from a wide

array of religious backgrounds to speak out in support of the Johnson Amendment’s protections. Through the www.faitH-voices.org website, faith leaders from every state in America signed a letter to Congress urging them to oppose any efforts to weaken or repeal the Johnson Amendment. AU also assisted faith leaders throughout the country in submitting op-eds to their local newspapers to explain the importance of the law.

On Aug. 16, AU organized faith leaders and allies to deliver the first round of signatures at the U.S. Capitol. In addition to visiting the offices of members of Congress, the faith leaders joined AU Faith Organizer Bill Mefford for a Facebook Live video to explain why they support the Johnson Amendment.

FIGHTING THE MUSLIM BAN

Donald Trump in December 2015 began to campaign for a “total and complete shutdown of Muslims entering the United States,” and he tried to follow through on this campaign promise within a week of his inauguration when he announced the first of three versions of his Muslim ban.

Americans United has been involved from the beginning to combat each iteration of the ban, which cruelly separates families and harms countless American Muslims. We repeatedly – and successfully – challenged the Muslim ban in court because it is unconstitutional and un-American to single out people for discrimination based solely on their religion.

With three versions of the ban, multiple lawsuits challenging it – including two brought by Americans United in conjunction with allies – and federal courts across the country issuing opinions, fighting the Muslim ban was a complex, yearlong campaign that is far from over. But Americans United remains committed to protecting religious freedom in the face of this blatant discrimination.

America is at its best when people of all religions feel welcome here. We all get to believe as we see fit in America. That’s our right under the Constitution, and our promise to one another.

AU’S INVOLVEMENT IN CHALLENGING THE MUSLIM BAN IN 2017:

JANUARY:

When Trump hastily issued the first version of his Muslim ban on Jan. 27, AU sprang into action: Attorney Bradley Girard volunteered at Dulles International Airport that weekend to assist the legal effort to help immigrants and travelers facing deportation.



By month’s end, AU joined allies to file the lawsuit *Universal Muslim Association of America (UMAA) v. Trump* on behalf of Yemeni parents who were granted asylum in the United States but were unable to get U.S. visas for two of their young children who were still stranded overseas. We also represented UMAA, whose Shi’a Muslim members were being deprived of access to religious scholars from Iran.

APRIL:

AU joined allies and faith leaders to file amicus briefs in *Hawaii v. Trump* and *International Refugee Assistance Project (IRAP) v. Trump* as both reached federal appeals courts. Both courts would later rule against the ban.

JUNE:

The U.S. Supreme Court agreed to hear arguments in two of the Muslim ban cases, *IRAP v. Trump* and *Hawaii v. Trump*. The court allowed the ban to take effect for people without ties to the United States.



FEBRUARY:

Within a week, AU attorneys wrote a friend-of-the-court brief and flew to Seattle for arguments in *Washington v. Trump*, the Muslim-ban challenge that resulted in the first nationwide order blocking the ban. We also filed an amicus brief in *Aziz v. Trump*, a Virginia-based case that also resulted in a temporary injunction against the ban.

MARCH:

Shortly after AU filed an amicus brief in another related case – *Pars Equality Center v. Trump* – the president issued Muslim Ban 2.0, which was as discriminatory as the first version. Days later, AU filed an amicus brief in *Hawaii v. Trump*, a new case that quickly resulted in a nationwide order blocking Muslim Ban 2.0.

“Allowing the ban to take even partial effect opens the door to discrimination based on religion – which is at odds with our laws, history, traditions and common sense,” said the Rev. Barry W. Lynn, AU’s executive director.



SEPTEMBER:

AU joined allies and faith leaders to file an amicus brief with the U.S. Supreme Court in *IRAP v. Trump* and *Hawaii v. Trump*. Days later, as the second Muslim ban was expiring, Trump issued a new, indefinite version.

OCTOBER:

AU and allies filed the first lawsuit against Muslim Ban 3.0, *Iranian Alliances Across Borders (IAAB) v. Trump*, on behalf of six people in the U.S. whose relatives are blocked from coming here, plus two organizations whose educational and cultural missions are hindered by the ban. We also filed two other lawsuits against the Trump administration, *Muslim Advocates v. Department of Homeland Security* and *Brennan Center for Justice v. Department of State*, demanding the release of information about how individuals can obtain waivers from the Muslim ban and about the administration's justifications for the ban. Federal courts blocked Muslim Ban 3.0 from going into effect in response to the *IAAB v. Trump* and *Hawaii v. Trump* cases.



NOVEMBER:

AU joined allies and faith leaders to file another amicus brief in *Hawaii v. Trump*.

DECEMBER:

The U.S. Supreme Court allowed Trump's Muslim Ban 3.0 to go into effect for the first time while the various legal challenges proceeded through the courts. By year's end, an appeals court had heard arguments in AU's case, *IAAB v. Trump*, and its opinion was expected in early 2018. Another federal appeals court had affirmed the lower court's decision in *Hawaii v. Trump* that the ban should be blocked. The Supreme Court was expected to hear at least one of the Muslim ban challenges in 2018.



“We stand with leaders from both parties, as well as countless other advocates and fair-minded Americans, who oppose the Muslim ban,” said AU Legal Director Richard B. Katskee. ***“We urge the U.S. Supreme Court to end this ban, a blemish on our long history of religious freedom.”***

FIGHTING THE MUSLIM BAN

THE MUSLIM BAN HARMS AMERICAN MUSLIMS

Iranian Alliances Across Borders (IAAB) v. Trump, the lawsuit Americans United and allies filed on behalf of six individuals and two organizations, explains how Trump's Muslim ban is hurting real people: cruelly separating them from their families, interfering with organizations' educational and cultural missions, and inflaming Islamophobic sentiment that endangers all American Muslims and Americans perceived to be Muslim.

Here are just a few of the stories of the individuals in our case (they are anonymous to protect them from additional harm):

An elderly woman in poor health – she's 79 and relies on a wheelchair – wants her Iranian adult son to come to the United States to help her and her 90-year-old husband. Even though her son's visa was approved more than seven years ago, the ban blocks him from coming. "I am afraid that I will never be able to see my son," the woman said. "I am afraid that he will not be able to come and be with his elderly parents. This causes me great pain and suffering on a daily basis."

Two American women are agonizing over whether they must give up their lives in the U.S. to be with their Iranian partners who are blocked from coming here by the Muslim ban, or whether they must indefinitely live apart from the men they love.

A married couple – lawful permanent U.S. residents who have made their lives here and work on behalf of the federal government – can't see the wife's Iranian mother because her visa wasn't processed before the Muslim ban went into effect.

“

We have both been distraught since finding out about the ban," said one woman. "If my fiancé's visa is not granted, we will be completely devastated. It will be very difficult for me to leave my job and the only home I have known. This will tear us apart.

”

—*"Jane Doe," an American woman separated from her fiancé*

CONFRONTING ANTI-MUSLIM BIAS



American Muslims kept cruelly separated from their families by Trump's Muslim bans weren't the only people harmed by his anti-Muslim rhetoric. American Muslims – and people perceived to be Muslim – were increasingly targeted by hateful speech, policies and even violence.

Americans United took action to stand with and support our Muslim neighbors. In March 2017, AU hosted a Facebook Live video discussion with Kristin Garrity Sekerci, a research fellow with Georgetown University's Bridge Initiative, a multi-year research project studying Islamophobia. Our video offered tips for learning more about Islam and how to be an ally to Muslim communities.

"I think the most important thing you can do and the best place to start is education, education, education," Sekerci said. "You're more likely to have more favorable views about Islam and Muslims if you know a Muslim personally."



AU recognized Pennsylvania high school senior Najja Walker-X with our inaugural Anne Hutchinson Religious Freedom Award for challenging xenophobia by designing T-shirts for his basketball team that read: “I am a Muslim, I am a refugee, I am an immigrant, I am an American, I am an Ace.”

Throughout the year, AU staff and supporters rallied with allies to speak out against the Muslim ban and other anti-Muslim policies; AU is an official endorser of the #NoMuslimBanEver campaign.

Another harmful consequence of Trump’s anti-Muslim speech was the anti-Sharia bills proposed by more than a dozen state legislatures in 2017. Even though the bills’ proponents claimed they wanted to protect the public from “foreign laws” being enforced in U.S. courts, these bills are a response to baseless claims that Sharia is infiltrating our legal system and even taking over entire American communities. They only serve to stoke anti-Muslim animus.

AU opposed these bills in legislatures across the country, explaining that judges already have the power to reject foreign laws where they conflict with U.S. law and that there is no sign the courts are failing in this duty. Only three states passed anti-Sharia bills in 2017: Arkansas, Montana and Texas.



Najja Walker-X
Courtesy Fox 29 TV Station

GOVERNMENT & RELIGION

PROMOTING INCLUSIVE INVOCATIONS

All Americans should feel welcome to attend and participate in government meetings, a key part of civic engagement. The U.S. Supreme Court has ruled that legislative governmental bodies – from town councils to Congress – can include invocations as part of their public meetings, but public officials can't create discriminatory invocation policies that exclude religious minorities or nonbelievers.

Americans United is representing nontheists in two federal lawsuits that challenge exclusionary invocation policies in Florida and Pennsylvania:

Williamson v. Brevard County:

A U.S. District Court in Florida in September 2017 ruled that the Brevard County Board of County Commissioners' policy of refusing to allow nontheists to offer invocations during public meetings was unconstitutional. "[T]he great promise of the Establishment Clause is that religion will not operate as an instrument of division in our nation," the court stated, quoting another court opinion. "Regrettably, religion has become such an instrument in Brevard County."

AU, the Freedom From Religion Foundation, the ACLU and the ACLU of Florida filed the lawsuit in 2015 after the nontheists were not only denied the opportunity to offer secular invocations, but the Brevard County board went a step further by enacting an invocation policy to specifically exclude atheists, agnostics, Humanists and other nontheists.

The plaintiffs in the case include David Williamson, Ronald Gordon, Chase Hansel and Keith Becher and the organizations Central Florida Freethought Community, Space Coast Freethought Association and Humanist Community of the Space Coast.

Fields v. Speaker of the Pennsylvania House of Representatives:

A federal court in April 2017 allowed this case to proceed. AU and American Atheists filed it on behalf of Pennsylvania nontheists who sought the opportunity to offer secular invocations during sessions of the Pennsylvania House of Representatives. Not only were they repeatedly denied, but, like the Brevard County Commissioners, the House altered its invocation policy in a manner intended to exclude nontheists.

The federal lawsuit was filed in 2016. The plaintiffs are AU Board President Neal Jones, Brian Fields, Richard Kiniry, Joshua Neiderhiser, Scott Rhoades, Paul Tucker and Deana Weaver and the organizations Pennsylvania Nonbelievers, Dillsburg Area Freethinkers, Lancaster Freethought Society and Philadelphia Ethical Society.



“

I'm very pleased with what I read in the decision. This was straight-up discrimination, in relegating us to second-class citizenship (by denying us our participating in the invocations. We weren't going to stand for it, and the judge agreed.

”

—David Williamson, plaintiff in *Williamson v. Brevard County*



“

The secular prayers we'd offer would not disparage any religion. Invocations are meant to unite, not divide. They're intended to solemnize a proceeding and to ask participants to be mindful of their responsibilities to the people as they make important decisions that impact us all.

”

—Brian Fields, plaintiff in *Fields v. Speaker of the Pa. House*



“ This ruling undermines the bedrock principle that no American should be forced to support a religion against his or her will. ”

—The Rev. Barry W. Lynn
AU Executive Director

GOVERNMENT SUPPORT OF RELIGION

The Fallout From *Trinity Lutheran Church v. Comer*:

The U.S. Supreme Court on June 26, 2017, issued a troubling opinion in *Trinity Lutheran Church of Columbia v. Comer*: In a 7-2 decision, the justices ruled that the church was eligible to apply for a taxpayer-funded grant to resurface its preschool playground. AU had filed a friend-of-the-court brief in the case arguing that the Missouri Constitution’s no-aid clause protected the religious freedom of taxpayers by ensuring public money could not be used for houses of worship.

“The religious freedom protections enshrined in state constitutions are worth more than resurfacing a playground,” said AU Executive Director Barry W. Lynn. **“Taxpayer-funded religion is bad for churches, communities and citizens. Americans United will continue to fight to buttress the church-state wall because that’s the only thing that can ensure true religious freedom for everyone.”**

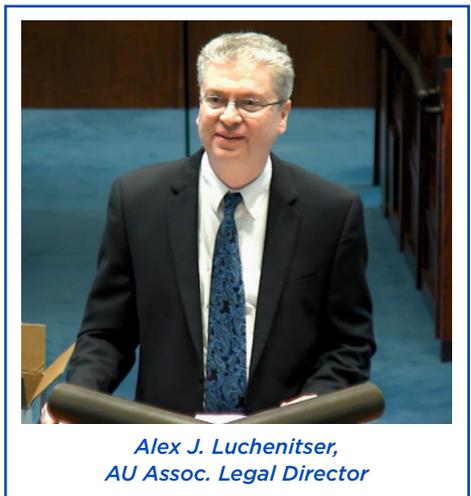
Americans United immediately began working to ensure that the Supreme Court’s decision was not interpreted too broadly. In multiple lawsuits and friend-of-the-court briefs, AU explained that the court’s decision did not extend to allowing public funds to be used for explicitly religious purposes. Those cases, which have decisions expected in 2018, included:

***Caplan v. Town of Acton*:**

The Massachusetts Supreme Judicial Court in September heard oral argument in this case. It was filed in 2016 by AU and the Venable law firm on behalf of 13 Massachusetts taxpayers who objected to Acton officials granting \$100,000 in taxpayer-funded historic preservation grants to restore a church’s stained-glass windows that include religious imagery and to prepare a master plan to renovate the church and two church-owned buildings.

***ACLU of New Jersey v. Hendricks*:**

The New Jersey Supreme Court in October heard oral argument in this case filed by AU, the ACLU and the ACLU of New Jersey on behalf of three New Jersey taxpayers (including AU Delaware Valley Chapter member Gloria Schor Andersen) and the Unitarian Universalist Legislative Ministry of New Jersey. The plaintiffs oppose the state’s decision in 2013 to award \$11 million in taxpayer-funded grants to two institutions that are dedicated to religious training and engage in discrimination.



Alex J. Luchenitser,
AU Assoc. Legal Director

***FFRF v. Morris County Board of Chosen Freeholders*:**

AU Associate Legal Director Alex J. Luchenitser in October presented oral argument to the New Jersey Supreme Court in support of David Steketee, a Morris County resident, and the Freedom From Religion Foundation. Steketee and FFRF object to the county’s governing body awarding more than \$4.5 million in tax money to a dozen active churches through a historical preservation program. AU, joined by the ACLU and the ACLU of New Jersey, in July 2017 filed a friend-of-the-court brief in the case.

PROTECTING PUBLIC SCHOOLS

In Congress, in the state legislatures and in the courts, Americans United continued to be a bulwark against attempts to introduce coercive religious practices in public schools.

PROTECTING PUBLIC SCHOOLS

Supporting strong, secular public schools has been central to the mission of Americans United since our founding. Public schools, which educate more than 90 percent of American schoolchildren, must remain inclusive and welcoming to students who have a diversity of beliefs. No parents should have to worry about their children receiving religious education that is contrary to their beliefs, and no taxpayers should be forced to pay for religious education through private school vouchers.

ATTACKING EVOLUTION:

Bills were introduced in 2017 in Indiana, Oklahoma, South Dakota and Texas that were aimed at promoting creationism in public-school science classrooms by encouraging the “controversies” or “strengths and weaknesses” of evolution to be taught. AU, our supporters and our allies pushed back against the false notion that evolution is controversial to scientists and urged legislators to defeat these and any bills that undermine sound science education. The bills failed to pass in all four states.

PROSELYTIZING IN SCHOOLS:

In Louisiana, AU repeatedly contacted the Bossier Parish public schools to correct a multitude of violations of students’ religious freedom, including widespread proselytizing, opening school events such as graduations and football games with prayers, holding school events in churches, distributing religious material in schools and teaching creationism. The school district refused to respond to our requests and, at the year’s end, AU was preparing to file a federal lawsuit on behalf of several Bossier parents. Meanwhile, our lawsuit continued against Heritage Academy, an Arizona public charter school that was teaching a Christianity-infused curriculum.

ATHLETIC PROGRAMS:

Bossier Parish, La., wasn’t the only place where AU challenged attempts by coaches or school officials to infuse public school athletic programs with religion. In Washington state, AU supported the Bremerton School District’s right to prevent a football coach from leading students in prayer on the football field immediately following games. After the coach sued, AU filed a friend-of-the-court brief in January in support of the district, and AU Legal Fellow Andrew Nellis participated in oral argument in June to explain that the coach was violating students’ constitutional rights. A federal appeals court in August affirmed the district’s ability to protect its students’ rights.

In December, AU filed a friend-of-the-court brief in support of the Florida High School Athletic Association, which was sued by a private Christian high school participating in state-sponsored football games. The private school wants to broadcast prayers over a public-address system as part of the games’ opening ceremonies and argues that it was not enough that its team was permitted to pray on-field without use of the state-owned public-address system.





OPPOSING PRIVATE SCHOOL VOUCHERS

Betsy DeVos: The Trump administration's attacks on religious freedom also extended to America's public schools. To help fulfill his campaign promise of diverting \$20 billion in federal money to vouchers and other so-called "school choice" programs, President Trump nominated Betsy DeVos to be the secretary of education. For more than a decade AU has tracked the Michigan billionaire's attempts to divert public funds to private, mostly religious schools through voucher schemes. Strong opposition from AU, our supporters and allies – including members of the National Coalition for Public Education (NCPE) that AU co-chairs – nearly scuttled DeVos' appointment: Vice President Mike Pence had to cast a tie-breaking Senate vote to force through her confirmation, the first time ever for a Cabinet appointment.

Education Budget: Trump and DeVos tried to make a down payment on their voucher promise when they proposed a federal budget that would have slashed overall education funding while diverting \$250 million toward private school vouchers and another \$1 billion toward Title I portability, a stepping stone to vouchers. AU and NCPE strongly condemned the plan and urged our supporters to contact their members of Congress to oppose any attempts to fund voucher schemes. AU also had a strong presence on social media during congressional hearings when DeVos testified about the budget, noting her refusal to promise that any private schools receiving federal funds through vouchers would be required to provide the same civil rights protections for students with disabilities, LGBTQ students and others that are required of public schools.

Federally Funded Vouchers: AU and allies were successful in preventing Trump and DeVos from creating any new federally funded voucher programs in 2017. Congress did reauthorize the only existing federally funded voucher program in Washington, D.C., over the objections of AU, NCPE and our allies – including most of D.C.'s federal and local representatives. Through NCPE we also joined military organizations in voicing our opposition to

any congressional attempts to divert federal money that supports public schools serving military families into private school vouchers programs for military-connected children.

DeVos Priorities: In November, Americans United submitted comments to the Department of Education to oppose DeVos' proposed strategic plan that establishes "educational choice" – which includes private school vouchers – as the top department priority. We explained that public money should fund public schools and that taxpayers can't afford to fund two education systems – one public and one private. Throughout the year, AU highlighted the numerous new studies showing negative impacts of voucher programs, including that they not only are ineffective at improving students' academic performance, but often harm student achievement instead.

In The States: While working to defeat federally funded private school vouchers, AU's Legislative Department also tracked numerous voucher schemes, many in the form of education savings accounts and tuition tax credit programs. AU directed its focus on the states where voucher proposals seemed the most likely to advance, namely Arizona, Arkansas, Florida, Missouri, New Hampshire, North Carolina, Tennessee, Texas and Virginia. We sent letters to numerous state legislators and governors and mobilized AU members to contact their representatives and urge them to oppose voucher programs in their states. These efforts helped to quash voucher plans in all of these states except for Arizona, Florida and North Carolina.

AU's Legal Department also continued to fight state voucher programs in the courts. A lawsuit we filed in 2011 with the ACLU on behalf of Douglas County, Colo., taxpayers who opposed a voucher program there was approaching a resolution at year's end, thanks to residents who voted in a new, anti-voucher school board that pledged to end the program and the litigation – which was going AU's way in the courts. In Montana, we filed a friend-of-the-court brief in November in support of the state's Department of Revenue, which is preventing a voucher program from funding private religious schools.

WHO WE ARE

Americans United for Separation of Church and State represents more than 120,000 individual members and supporters in all 50 states. Our activists come from all walks of life and span the theological and philosophical spectrum. As a nonpartisan organization, Americans United welcomes supporters from all political points of view.

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

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In fiscal year 2017, 1,864 households supported AU through the *Madison Society*, our monthly giving program. We thank them for their generous ongoing support.

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The following foundations, funds and trusts also provided Americans United with financial support during fiscal year 2017.

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STATEMENT OF FINANCIAL POSITION, SEPT. 30, 2017

ASSETS

Current Assets

| | |
|---------------------------|-------------------|
| Cash and Cash Equivalents | \$696,861 |
| Investments | 10,023,670 |
| Bequests Receivable | 259,298 |
| Interest Receivable | 43,229 |
| Other Receivables | 252 |
| Inventory | 3,693 |
| Prepaid Expenses | 84,260 |
| Deposits | 46,124 |
| Total Current Assets | <u>11,157,387</u> |

Property and Equipment

| | |
|---------------------------------|----------------|
| Net of Accumulated Depreciation | <u>988,538</u> |
|---------------------------------|----------------|

Other Assets

| | |
|--|------------------|
| Cash and cash equivalents - restricted for Remainder Trust | 7,279 |
| Investments - restricted for Remainder Trust | 254,814 |
| Deposits | 85,505 |
| Finance Lease Right of Use Assets | 61,556 |
| Operating Lease Right of Use Assets | 4,841,786 |
| Total Other Assets | <u>5,250,940</u> |

Total Assets \$17,396,865

LIABILITIES AND NET ASSETS

Current Liabilities

| | |
|------------------------------|------------------|
| Accounts Payable | 109,799 |
| Accrued Expenses | 381,837 |
| Accrued Pension | 1,005,129 |
| Deferred Revenue | 169,840 |
| Deferred Rent | 79,082 |
| Finance Lease Obligations | 15,060 |
| Charitable Annuities Payable | 150,657 |
| Operating Lease Liability | 479,877 |
| Total Current Liabilities | <u>2,391,281</u> |

Long-Term Liabilities

| | |
|------------------------------|------------------|
| Deferred Rent | 1,129,688 |
| Finance Lease Obligations | 47,614 |
| Charitable Annuities Payable | 594,859 |
| Remainder Trust Payable | 146,897 |
| Operating Lease Liability | 4,361,909 |
| Total Long-Term Liabilities | <u>6,280,967</u> |

Total Liabilities 8,672,248

Net Assets

| | |
|--------------------------------|------------------|
| Unrestricted | 966,163 |
| Unrestricted, Board designated | 7,643,258 |
| Temporarily Restricted | 115,196 |
| Total Net Assets | <u>8,724,617</u> |

Total Liabilities and Net Assets \$17,396,865

- Audited -

STATEMENT OF ACTIVITIES, YEAR ENDED SEPT. 30, 2017

REVENUES, GAINS AND OTHER SUPPORT

| | |
|--|-------------------------|
| Contributions | \$4,533,222 |
| Bequests | 1,027,104 |
| Realized and Unrealized Gains on Investments | 710,166 |
| Trust and Foundation Grants | 515,429 |
| Investment Income, Net of Expenses | 424,157 |
| Legal Settlement | 54,959 |
| Voices United | 36,717 |
| Other Revenue | 15,768 |
| Donated Services | 15,000 |
| Contributions - Chapters | 8,870 |
| Gift Annuity Income | 6,520 |
| Sales of Literature | 3,054 |
| Contributions - Local Churches | 580 |
| Change in Value of Split Interest Agreement | (43,436) |
| Loss on Disposal of Property and Equipment | (61,717) |
| Total Revenues, Gains and Other Support | <u>7,246,393</u> |

EXPENSES

Program Services:

| | |
|--|-------------------------|
| Educational and Publication Division | 1,788,586 |
| Field Services Division | 1,371,091 |
| Legal Division | 1,591,589 |
| Trustee and National Advisory Council Meetings | 65,688 |
| Total Program Services | <u>4,816,954</u> |

Supporting Services:

| | |
|----------------------------------|-------------------------|
| Management and General | 1,022,398 |
| Fundraising | 1,337,352 |
| Total Supporting Services | <u>2,359,750</u> |

Total Expenses 7,176,704

Change in Net Assets before other items 69,689

Other Items

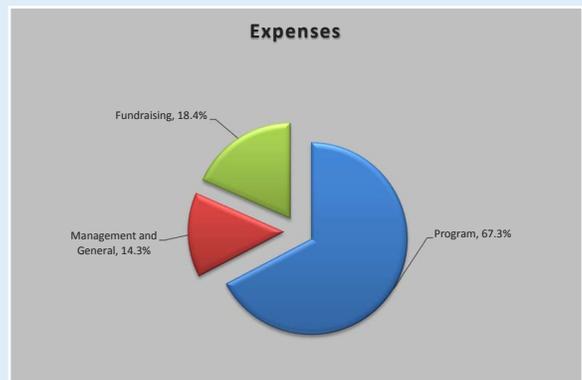
Minimum Pension Liability adjustment 247,094

Change in Net Assets 316,783

Net Assets at Beginning of Year 8,407,834

Net Assets At End Of Year **\$8,724,617**

- Audited -



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Become a Member: Membership in Americans United, a tax-exempt organization, is \$35 per year and entitles you to a one-year subscription of *Church & State*, AU's monthly membership magazine. You'll also receive pressing updates and action alerts on church-state issues, and, most importantly, you'll have the satisfaction of knowing that you are protecting America's first, and most precious, freedom – religious liberty! www.au.org/become-a-member

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