

# FREEDOM FROM RELIGION *foundation*

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Sent via email to [ashley.hines@alhouse.gov](mailto:ashley.hines@alhouse.gov), committee clerk

April 12, 2017

The Honorable Allen Treadaway  
Chairman, House Public Safety and Homeland Security Committee  
Alabama Legislature  
11 South Union Street  
Montgomery, AL 36130

Re: Unconstitutional bill to authorize a church police force

Dear Chairman Treadaway and members of the Public Safety and Homeland Security Committee:

I am writing on behalf of the Freedom From Religion Foundation, a national non-profit organization that works to protect the constitutional principle of separation between state and church, to object to a bill this committee is considering. FFRF has more than 27,000 members nationally, including members and a state chapter in Alabama.

It is our understanding that yesterday the Senate passed SB 193 and that this committee is now considering it. This bill will permit Briarwood Presbyterian Church to employ a police force. The precise contours of this arrangement are not at all clear, partly because the legislature has failed to think through the implications of a church police squad.

First of all, there is no need for this bill. We understand that currently the church hires police “all the time” but that it claims it “would be so much easier to have someone on staff.”<sup>1</sup> It might be marginally easier on the church, but it is neither wise nor constitutionally permissible. The government cannot delegate its law enforcement authority to a church. *See, e.g., Larkin v. Grendel’s Den, Inc.*, 459 U.S. 116 (1982); *Bd. of Educ. of Kiryas Joel Vill. Sch. Dist. v. Grumet*, 512 U.S. 687 (1994).

Secondly, the legislature does not appear to have thought through all the implications of this bill. What happens when other churches want police forces? What about other religions? What happens when a mosque asks for a police force—likely, given the rise of bias crimes against Muslims? The state cannot play favorites between religious sects. It cannot refuse to grant for one church or mosque what it granted for another.

Thirdly, this law authorizes a dangerous precedent, but it also puts police officers on this church force in an impossible situation. They will be employed by a religious organization that actively promotes religious law as explained in the bible. Thus, officers are given a divided loyalty. They

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<sup>1</sup> Greg Garrison, “Briarwood Presbyterian Church asks for its own police department,” *AL.com* February 17, 2017 available at [http://www.al.com/living/index.ssf/2017/02/briarwood\\_presbyterian\\_church\\_2.html](http://www.al.com/living/index.ssf/2017/02/briarwood_presbyterian_church_2.html)

can only be empowered to uphold and enforce our secular law, but their employer promotes religious law. What happens, as is inevitable, when those two clash? For the officers, the temptation to “enforce the legal observation of [religion] by law” will be great and this was, as Madison noted in the debate to propose what would become the First Amendment, one of the principle evils that amendment guards against.<sup>2</sup>

Suppose the pastor asks for a police escort to visit parishioners who’ve been derelict in church attendance? The secular government could be seen as coercing church attendance. Suppose a church elder asks an officer to inform a female churchgoer that her dress is inappropriate? The officer is now enforcing a religious rule. In both cases, the state has violated the First Amendment rights of private citizens. There are countless examples where individual church members might be complying with secular laws but not adhering to the church’s version of god’s law. Should the officers bend to the will of their employer, they’ll be violating the constitutional rights of citizens.

Church congregations and leadership frequently splinter, leading to litigious property disputes that courts may have to abstain from adjudicating.<sup>3</sup> Not only will the police be likely to take sides in the dispute (which, again, the government may not do), but police involvement will quite literally give one side of the dispute the force of law. What happens when the pastor asks the police to bar certain people from entering the church as trespassers? James Madison and the founders feared the force of the state unified with a particular side in a religious schism: “What mischiefs may not be dreaded, should this enemy to the public quiet be armed with the force of a law?”<sup>4</sup>

What happens if Briarwood is hit with the same type of scandal plaguing religious institutions around the country: child rape and molestation? Churches already go to great lengths to cover up these crimes and none have had a police force to help them. Transparency, especially when it comes to crime and even drug crime involving minors, is already a problem at this church.<sup>5</sup>

Incidentally, Pastor Reeder has answered these questions. For the man employing these police, God’s law is supreme and must be obeyed even if that means disobeying secular law:



**Harry L. Reeder III** @HarryLReeder3 · 11 Jul 2012

"We must obey God rather than man" Acts4- When man's **law** contradicts God's **Law** civil disobedience is not simply permissible it is required

<sup>2</sup> *Annals of Congress. The Debates and Proceedings in the Congress of the United States.* “History of Congress.” 42 vols. Washington, D.C.: Gales & Seaton, 1834—56, available at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions53.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions53.html)

<sup>3</sup> See, e.g., *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church*, 344 U.S. 94, 110 (1952). Courts can adjudicate property disputes subject to “neutral principles of law” by examining legal documents that can relate to any not-for-profit organization, such as deeds, corporate charters, trust documents, and state statutes. *Jones v. Wolf*, 443 U.S. 595 (1979), however, the right to use and occupy a church (as in *Kedroff*) often depends on questions of religious discipline, religious faith, ecclesiastical rule, or the authority of the church hierarchy, and courts cannot adjudicate such matters.

<sup>4</sup> James Madison, “Memorial and Remonstrance against Religious Assessments,” June 20, 1785, available at [http://press-pubs.uchicago.edu/founders/documents/amendI\\_religions43.html](http://press-pubs.uchicago.edu/founders/documents/amendI_religions43.html)

<sup>5</sup> See, e.g., John Archibald, “**Drug bust at Briarwood Christian High School shrouded in secrecy**,” *AL.com*, April 17, 2015, available at [http://www.al.com/opinion/index.ssf/2015/04/drug\\_bust\\_at\\_briarwood\\_christi.html](http://www.al.com/opinion/index.ssf/2015/04/drug_bust_at_briarwood_christi.html).

Elsewhere, the pastor has written, Christians “cannot submit to the laws of men if they contradict and cause [them] to disobey the Law of God. The long standing premise as to the supremacy of God’s Law over man’s law is repeatedly affirmed in the [Bible].”<sup>6</sup>

Reeder is also vehemently opposed to gay marriage, noting that this failure to obey God’s law will have “obvious” and “drastic implications,” and likening the United States to Sodom, Gomorrah, and the cities of the plains: “That judgment if not by Divine edict is inevitable by Divinely ordained consequences for those who engage in high-handed rebellion against God’s law. Those nations who knowingly break God’s law will inevitably be broken by God’s law.”<sup>7</sup>

Reeder is also against women serving in military combat units.<sup>8</sup> Will this new law allow him and his church to discriminate against officers hired to uphold the secular law? What about discrimination against other religions and against LGBTQ citizens? What happens when Reeder’s ideas of “God’s law” conflict with the teachings of another religious sect? How will the state resolve the dispute if both sects seek to resolve the disagreement using their own police forces? A question like that should sound outrageous in America, but Alabama is flirting with upending one of the founding principles of our secular nation.

If we misunderstand this law and instead, the church will be in even greater control of the police force and those officers will be charged with enforcing religious law, the problem is even worse. There are historical and modern analogs for religious police forces, but none inspire public confidence and all undermine American values. Secular governments, like every government at every level in this country, cannot give organized religion a license and weapons to enforce their idea of the law. **Iran** has employed various religious police forces since its revolution. Also known as the “morality police,” they “enforce[e] Iran’s Islamic code of conduct in public.”<sup>9</sup>

In **Saudi Arabia**, the Committee for the Promotion of Virtue and the Prevention of Vice enforces sharia law in public places.<sup>10</sup> According to Pew, there are 17 countries with such police forces worldwide.<sup>11</sup> The list is not one Alabama ought to join and includes: **Iran, Saudi Arabia, Somalia, Sudan, Egypt, Malaysia, Indonesia, and Pakistan**, among others.

None of these modern forces are Christian, but the pages of history are stained with the blood of those whom religious zealots have beaten, tortured, and killed in the name of enforcing their religious law. Our founders sought to move away from this violence by relegating government

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<sup>6</sup> Harry Reeder, “Kim Davis – State Criminal? Church Discipline?” September 8, 2015, *available at* <http://inperspective.crossapps.org/page/blog/pageid/299201/id/2312/>

<sup>7</sup> Harry Reeder, “Some Obvious Yet Drastic Implications of the Current Campaign to Legalize Same-Sex Marriage,” April 10, 2014, *available at* <http://inperspective.crossapps.org/page/blog/pageid/299201/id/2300/>

<sup>8</sup> Harry Reeder, “The New Mandate of Allowing Women in All Combat Units – Part 1,” December 14, 2015, *available at* <http://inperspective.crossapps.org/page/blog/pageid/299201/id/2314/>

<sup>9</sup> “Who are Islamic ‘morality police?’” *BBC News*, (April 22, 2016) *available at* <http://www.bbc.com/news/world-middle-east-36101150>

<sup>10</sup> *Id.*

<sup>11</sup> Angelina E. Theodorou, Religious police found in nearly one-in-ten countries worldwide, *Pew Research Center*, March 19, 2014, *available at* <http://www.pewresearch.org/fact-tank/2014/03/19/religious-police-found-in-nearly-one-in-ten-countries-worldwide/>

and religion to separate spheres. Authorizing a church police force is precisely the unconstitutional unification of religious zeal and secular power they sought to avoid.

Briarwood claims in its press release, “ultimately the church proclaims that its trust is in the Lord of Glory who sovereignly cares and provides for His people.”<sup>12</sup> Let them trust in their god and leave law enforcement to our secular government.

This bill, apparently written by Briarwood’s lawyer, is ill conceived and will have far-reaching effects which have not been fully considered and which this committee is duty-bound to investigate. This committee should vote it down.

Sincerely,



Andrew L. Seidel  
Staff Attorney  
Freedom From Religion Foundation

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<sup>12</sup> Briarwood Presbyterian Church, February 1, 2017 press release, available at [https://briarwood.org/wp-content/uploads/2017/03/PRESS-RELEASE\\_2-1-17.pdf](https://briarwood.org/wp-content/uploads/2017/03/PRESS-RELEASE_2-1-17.pdf)