



## MEMORANDUM

TO: Winston J. Leavell

FROM: Randall C. Marshall, Legal Director, ACLU of Alabama  
Daniel Mach, Director Heather L. Weaver, Senior Staff Attorney  
ACLU Program on Freedom of Religion and Belief

RE: Creation of Church Police Force, SB 193 and HB 180  
Alabama Church Protection Act, HB 36

DATE: March 16, 2017

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We write to express our belief that these bills violate the First Amendment of the U.S. Constitution and, if enacted, would not survive a legal challenge.

Vesting state police powers in a church police force violates the Establishment Clause of the First Amendment. *See Larkin v. Grendel's Den*, 459 U.S. 116 (1982) (vesting in the governing bodies of churches the power to veto applications for liquor licenses within a 500-foot radius of the church violates the Establishment Clause). Indeed, allocating any quintessential governmental power to a religious institution plainly violates the Establishment Clause. *See Board of Educ. of Kiryas Joel Village School Dist. v. Grumet*, 512 U.S. 687 (1994) (statute creating special school district for religious enclave incorporated as a village violates the Establishment Clause). Simply put, SB 193 and HB 180 would not survive a legal challenge.

Similarly, the state development and dissemination of a curriculum for members of church protection programs, to be administered by local law enforcement agencies to churches, and then providing civil and criminal immunity for church participants in the program, violates the Establishment Clause.

These bills unnecessarily carve out special programs for religious organizations and inextricably intertwine state authority and power with church operations. We urge the legislature not to pass these unconstitutional bills.