
**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

CLAIRE FITZMAURICE & OTHERS,

Plaintiffs-Appellees,

v.

CITY OF QUINCY & ANOTHER,

Defendants-Appellants,

On Appeal from a Decision of the
Superior Court in Norfolk County

**BRIEF OF INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
AND PROFESSIONAL FIRE FIGHTERS OF MASSACHUSETTS
AS *AMICI CURIAE* IN SUPPORT OF APPELLANTS**

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CORPORATE DISCLOSURE STATEMENT

Amici curiae are labor organizations under section 501(c)(5) of the Internal Revenue Code. *Amici* have no corporate parents and no publicly held corporation owns any stake in these organizations.

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APPELLATE PROCEDURE RULE 17(C)(5) DECLARATION

Pursuant to Appellate Rule 17(c)(5), *amici curiae* declare that: (a) no party or party's counsel authored this brief in whole or in part; (b) no party or party's counsel contributed money that was intended to fund the preparation or submission of this brief; (c) no person or entity other than *amici curiae*, their members, or their counsel contributed money to fund preparation or submission of this brief; and (d) neither *amici curiae* nor their counsel have represented one of the parties to the present appeal in another proceeding involving similar issues or were party or represented a party in a proceeding or legal transaction that is at issue in the present appeal.

INTERESTS OF *AMICI CURIAE*

Amici curiae are two organizations dedicated to representing and promoting the interests of professional firefighters in Massachusetts and across the country. They submit this brief to give a full picture of the longstanding legacy of St. Florian within the firefighting profession, both to correct the Superior Court's troubling diminishment of that legacy and to urge this Court to ensure that the people of Massachusetts may celebrate the courage and sacrifice of the fire service by honoring the memory of this central figure in the firefighting profession.

The **International Association of Fire Fighters (IAFF)** is a 501(c)(5) labor organization with headquarters in Washington, D.C. and Ottawa, Ontario. Led by General President Edward A. Kelly, it represents more than 365,000 fire fighters and emergency medical workers. Established in 1918, the IAFF has been the driving force behind nearly every positive advancement in fire and emergency services. Its mission includes improving the health, safety, and working conditions of its members across two nations.

The **Professional Fire Fighters of Massachusetts (PFFM)**, an affiliate organization of the IAFF, represents 13,000 paid, professional fire fighters across the Commonwealth. Led by its President Richard MacKinnon, the PFFM's objectives include placing Massachusetts fire fighters on a higher plane of skill and efficiency, promoting and protecting legislation favorable to the interests of its members, and assisting fire fighters in securing adequate compensation and fair pensions.

SUMMARY OF THE ARGUMENT

The City of Quincy has chosen to do an admirable thing: It will publicly honor the courage, commitment, and sacrifice of its first responders through the beauty of art. It has chosen, even more appropriately, to honor those public servants by displaying artwork that holds a particular and longstanding meaning within their professions.¹ For the firefighting community, there is perhaps no better image for this project than St. Florian. For centuries, firefighters the world over have honored Florian's memory as a pioneering and heroic firefighter; his legacy is woven into the very fabric of the firefighting community today. He is, of course, also venerated in the Catholic Church as a saint. But that is not why fire departments, nearly universally, remember him today—and it certainly is not why Quincy found his image a fitting choice to honor the men and women of its own fire service.

The Superior Court, however, trivialized Florian's firefighting legacy by opining that, at the end of the day, any public imagery honoring him really is about religious belief. The court has also done a great disservice to the people of Quincy and their first responders by concluding that this means the statue must never be allowed to stand. And all of this rests on a gross mischaracterization of Article 3 of the Massachusetts Declaration of Rights. That provision ensures the vital right to religious equality by preventing the government from using its power to subordinate one religion beneath another. Nobody—not this Court, not the legislature, and not

¹ *Amici* address here the particular legacy of St. Florian and his importance to the firefighting community, although as the City demonstrates, similar arguments apply to the image of St. Michael and his legacy for police officers. *See* Appellants Br. 16–20.

the general public—has ever understood this promise of equal treatment to require “[t]he complete obliteration of all vestiges of religious tradition from our public life.” *Colo v. Treasurer & Receiver Gen.*, 378 Mass. 550, 561 (1979). But the lower court’s theory would do exactly that. It found that displaying an image of Florian— notwithstanding his unmistakable, and unmistakably *secular*, importance to the firefighting community—somehow “subordinat[es]” non-Catholics simply because he also happens to be a Catholic saint. II.App.329.

The Superior Court’s theory cannot be squared with Massachusetts history, with this Court’s longstanding view of Article 3, or with the multitude of religiously relevant imagery that proliferates around the Commonwealth. It would mark out Massachusetts as uniquely hostile to what are otherwise common displays of public art like this. And it would promise a flood of litigation over scores of previously uncontroversial monuments. Article 3 does not require that result, and this Court should reverse it now.

ARGUMENT

I. The Florian statue reflects a longstanding tradition honoring his legend in the firefighting community—not an effort to promote religious views.

The Superior Court erred from the first step in its analysis, when it suggested that the choice to display a statue of St. Florian is one “motivated wholly by religious considerations” and which “cannot be separated from religious symbolism.” II.App.326–27 (quotation omitted). Florian, to be sure, is venerated as a Catholic saint. But that isn’t why the City of Quincy is putting him on its public safety building. Rather, that choice reflects a centuries-old tradition that honors Florian—

entirely apart from his significance in the Catholic Church—as a symbol of the courage, selflessness, and sacrifice of firefighters around the world. The lower court badly erred in trivializing that legacy.

Many of the particular details of Florian’s life appear to be lost to history but central aspects are widely shared within the firefighting community. Born likely around 250 A.D. in present-day Austria, Florian is remembered especially for his service as a Roman soldier and a pioneering firefighter. *See* Fernando Lanzi & Gioia Lanzi, *Saints and their Symbols* 86 (2004); *About IFFD*, International Firefighters Day, bit.ly/4IUCraj (last visited Mar. 16, 2026); *Saint Florian: The Patron Saint of Fire Fighters*, 3 *Fire & Rescue Int’l Mag.* no. 5, 2015, at 63, <https://bit.ly/4mzvGv5>. As his story is commonly told, Florian was tasked specifically with organizing fire brigades for the Roman army, and he personally trained an elite, highly successful, and widely recognized group of firefighters. *See Saint Florian: The Patron Saint of Fire Fighters, supra*, at 63; Camila Martinez-Granata, *The Maltese vs. Florian Cross: Which One is Correct?*, *FireRescue1* (Mar. 10, 2017), <https://bit.ly/4tD24iJ>. Popular legend further holds that Florian himself exhibited a rare (some believe miraculous) ability to protect against fires, including one tale that he saved a village from ruin by singlehandedly extinguishing an enormous fire. *Saint Florian: Saint of Fire and Flood*, *Reliquarian* (July 27, 2013), <https://bit.ly/423plhR>; David Hedrick, *International Firefighters Day*, *Fire Fighters Ass’n of Mo.* (May 15, 2021), <https://bit.ly/4bK8Yve>. Florian ultimately died for his Christian faith and he later became a saint in the Catholic Church. Lanzi & Lanzi, *supra*, at 86.

Over time, Florian’s legacy grew and “earned him great devotion in medieval society, which lived in constant fear of fire and the threat of urban conflagration.” *Saint Florian: Saint of Fire and Flood, supra*. Because of his heroics, Florian is honored in the Catholic Church as the patron saint of firefighters, and he is commonly depicted in religious artwork and elsewhere in soldier’s armor with a bucket of water and burning building. *See* Lanzi & Lanzi, *supra*, at 86; *Saint Florian: Saint of Fire and Flood, supra*; *see also, e.g.,* Casper, *Saint Florian*, (woodcut ca. 1460) *in St. Florian*, The MET: The Met Collection, <https://bit.ly/40Tzi15> (15th century woodcut of Florian fighting a fire).

Today, Florian’s legend is part of the cultural fabric of firefighting. Indeed, the rounded, eight-pointed cross that Americans recognize as *the* universal symbol of firefighters—routinely incorporated into fire service insignia across the country—is widely believed to be a symbol of St. Florian. *See* Daniel Demers, *St. Florian, the Firefighter, and The Firefighters’ Cross*, Catholic Stand (Nov. 23, 2019), <https://bit.ly/4sCCVVn>; *Saint Florian: Saint of Fire and Flood, supra*. International Firefighter’s Day is celebrated annually on May 4th, the feast of St. Florian. *About IFFD, supra*. Businesses in the fire protection industry use Florian’s name to signal

fire-service-specific brands.² Firefighting unions do much the same.³ And retailers of fire-service-related gifts are replete with Florian paraphernalia.⁴

In this context, the City of Quincy’s choice to honor the commitment and sacrifice of its firefighters with a statue of St. Florian is neither surprising nor unusual. Florian imagery adorns fire stations around the world.⁵ The exterior of a fire station in Los Angeles, for example, features an enormous mural of Florian extinguishing a fire. Craig Baker, *Saint Florian*, Hist. Marker Database (Dec. 28, 2024), bit.ly/3Pyvlwo. A nearby plaque notes that Florian imagery is “still used by *all* Fire Departments today.” *Id.* (emphasis added). Other fire departments pay

² See, e.g., Florian Global LLC, <https://bit.ly/4bzCO6P> (last visited Apr. 13, 2026) (firefighting consulting and training services); Florian Fire Protection, bit.ly/4dddBjY (last visited Apr. 13, 2026) (fire safety equipment).

³ See, e.g., Boston Fire Fighters Local 718, bit.ly/4bxmTG8 (last visited Apr. 13, 2026) (union headquartered in Florian Hall); *2026 St. Florian Scholarship Application Now Open*, IAFF Local 42 (Apr. 8, 2026), <https://bit.ly/48dl1jz> (union-sponsored “St. Florian Scholarship” for firefighters’ families).

⁴ See, e.g., Boston Firefighters Local 718: Local 718 Clothing, <https://bit.ly/4bDD191> (last visited Apr. 13, 2026) (“Sons of Florian” apparel); Shop IAFF: IAFF Official Online Store, <https://bit.ly/3QF7kUE> (last visited Apr. 15, 2026) (Florian commemorative coins).

⁵ See, e.g., *Lviv’s First Centralized Fire Station*, Forgotten Galicia, bit.ly/4uOn4nX (last visited Apr. 13, 2026) (Liviv, Ukraine); Przemyslaw Bociaga, *How a Roman Legionnaire Became the Patron Saint of Firefighters*, 3 Seas Europe (May 4, 2023), <https://bit.ly/4cwVDYB> (Laski, Poland); see also *Patron Saint Florian*, Fire Department Museum Vienna: Hearonymous Audioguide, <https://bit.ly/4sFza1q>, in *Feuerwehrmuseum Wien*, Museums Guide: Museums, <https://bit.ly/4vcTuca> (last visited Apr. 13, 2026) (Vienna, Austria).

tribute to the Florian legend on their websites.⁶ And the National Museum of American History exhibits a painting of Florian that formerly adorned a firetruck. “*Saint Florian*” *Engine Panel Painting*, Nat’l Museum of Am. Hist, bit.ly/4c9aLva (last visited Apr. 13, 2026).

The fire service—across the United States and around the world (including IAFF and PFFM members)—has not collectively chosen to honor the memory of Florian *because* he is a saint in the Catholic Church. It cannot be seriously suggested that these many different men and women, from vastly different walks of life, across thousands of miles and hundreds of years, have joined together to honor St. Florian in a singular effort to promote the Catholic faith. The bond they share transcends their individual faith (whatever it might be): They share a dedication to the profession of firefighting, not to the Catholic Church. Nor, as the Superior Court suggested, does the fire service’s commemoration of Florian become somehow “religious” merely because it is “consistent with Christian iconography” of him as well. II.App.326. All depictions of Florian are consistent because he is always

⁶ See, e.g., *Fire Service Traditions: Saint Florian*, City of Gainesville, <https://bit.ly/4rU3Pqp> (last visited Apr. 13, 2026); *Saint Florian, the Patron Saint of the Fire Service*, Leawood Fire Department, <https://bit.ly/4cxkAmK> (last visited Apr. 13, 2026); *Saint Florian*, Muskogee Fire & Rescue, *Saint Florian*, <https://bit.ly/41QJmIJ> (last visited Apr. 13, 2026); Anne Arundel Cnty. Volunteer Firefighters Ass’n, <https://bit.ly/4vkFME4> (last visited Apr. 13, 2026).

depicted *as a legendary firefighter*. Indeed, there is nothing visibly religious about Quincy's Florian statue at all.⁷

Added up, there is a clear and simple explanation for why the City of Quincy has chosen Florian as the figure to celebrate, honor, and support its firefighters. It is because Florian is *the leading figure* to celebrate, honor, and support firefighters worldwide. The people of Quincy cannot be denied the opportunity to honor the courage and sacrifice of their first responders in this most fitting way merely because that symbol might hold meaning for a particular religion as well.

II. Article 3 has never been understood to forbid public symbols that carry religious significance, which adorn public spaces across Massachusetts.

The Superior Court not only badly misapprehended the nature of the City's Florian statue; it also grossly misconstrued the scope of the Massachusetts Constitution. Public monuments that bear some religious significance have never been thought to raise a constitutional problem under Article 3. Indeed, the concerns that animated that provision had nothing to do with the display of religiously relevant images, and this Court long ago rejected "the hermetic separation of church and State" that the lower court tries to impose here. *Colo*, 378 Mass. at 560 (quotation omitted).

⁷ On this score, the best the Superior Court could come up with is that the statue is "religious-looking" because "Florian is depicted as a larger-than-life figure extinguishing a burning building with water from a single vessel." II.App.332. But the statue, it must be remembered, is a piece of *art*. It is hardly remarkable that an artist might use her proverbial license to portray a legendary figure in this way. The district court's assumption that any public art which is overly romantic or "larger than life" is constitutionally suspect suggests a dreary view of the public square indeed.

In the nearly two centuries since that provision was amended in 1833, images much like the Florian statue Quincy seeks to erect at its newly constructed fire department headquarters have proliferated—and been accepted—in cities and towns across the Commonwealth. This Court should not reverse course now, upending that longstanding tradition, inviting a wave of lawsuits, and casting Massachusetts as a stark outlier on questions like these.

A. Article 3 had nothing to do with concerns over religiously influenced imagery in the public square.

As amended in 1833, Article 3 promises all religions “equal[] protection under the law” and guarantees that none will be “subordinat[ed]” to another. Art. 3, as amended by Am. Art. 11. Contrary to the Superior Court’s description, that provision did not mark out some free-floating and ill-defined “line of separation between the state and religion.” II.App.329. And the lower court’s central theory—that public artwork which holds some meaning “to one religion” thereby “subordinates the religions of all other[s]”—defies any fair reading of Article 3 and what it actually did. II.App.329–30.

Both the lower court and Appellees allude to the fact that the present form of Article 3 was adopted to end a vexing series of problems for religious freedom in the early days of the Commonwealth. *See* II.App.329; Appellees Br. 46. But both quickly pass by—and obscure—what those problems actually were by painting them with a hopelessly broad brush. *See, e.g.*, II.App.329 (“government support for one religion”); Appellees Br. 47 (“us[ing] civil authority to elevate one faith over others”). In truth, Article 3 was adopted to address the very serious, and at the time

very *concrete*, problem of direct, compulsory, and entrenched institutional support for one preferred church over the rest. No one could read that measure as having anything to say about whether religiously relevant artwork may appear in public. Nor can a reasonable reading support the idea that Quincy may not honor its community of firefighters with a statue universally recognized as a symbol of the risks endured by first responders and the courage they display.

Put succinctly, the present form of Article 3 was adopted to end a particular problem: compulsory taxation for the support of the Congregational Church. *See* Art. 3, as amended by Am. Art. 11; John Witte, Jr. & Justin Latterell, *The Last American Establishment: Massachusetts, 1780-1833*, in *Disestablishment and Religious Dissent* 399, 405–11 (Carl H. Esbeck & Jonathan J. Den Hartog eds., 2019). As adopted in its original form in 1780, Article 3 was loaded with “quasi-statutory” language requiring Massachusetts towns to collect taxes to support local Congregationalist churches. John D. Cushing, *Notes on Disestablishment in Massachusetts, 1780–1833*, 26 *Wm. & Mary Q.* 169, 173 (1969). Although Article 3 generally affirmed the principle of equal treatment between Christian denominations, that exhortation stood in contrast to the tax system it implemented.⁸ That taxation scheme was the most hotly debated issue at the 1779–80 constitutional

⁸ That system represented something of a *regression* from the colonial government’s own commitment to religious liberty. While the colonial government had collected similar taxes, it at least exempted conscientious dissenters. *See id.* at 169, 173. But Article 3, rather than exempting objectors, “merely gave them the privilege of paying their taxes to their own pastors.” Samuel Eliot Morison, *The Struggle over the Adoption of the Constitution of Massachusetts, 1780*, *Mass. Hist. Soc’y*, May 1917, at 353, 371.

convention. *See id.* at 368–69. And it became “the only part of the proposed constitution that was specifically named, explained, and defended” in the address delegates sent to the voters. Jacob C. Meyer, *Church and State in Massachusetts from 1740–1833*, 108–09 (1930).

Article 3 and its compulsory religious tax went into effect—but it soon became clear that it could not last. Following its adoption, a “torrent of objections” flooded the public square. *See* John Witte, Jr., “*A Most Mild and Equitable Establishment of Religion*”: *John Adams and the Massachusetts Experiment*, 41 *J. Church & State* 213, 242 (1999). Some observed that the tax was incompatible with the promises of equality elsewhere in the Declaration of Rights. *See id.* at 242–44. Others saw the tax as unnecessary, or even a hindrance, to its purpose of preserving public morality. *See id.* at 243. Still others thought the tax was a slippery slope to even *more* “odious” forms of religious coercion, such as the enforcement of religious maxims through law. *See id.* at 243–44.

The scheme turned out to be unworkable as well. The provision allowing non-Congregationalists to contribute to a minister of their choosing withered under stingy judicial interpretation. *See* Cushing, *supra*, at 173–85 (collecting cases); *see also*, e.g., *Washburn v. Fourth Parish of W. Springfield*, 1 *Mass.* 32, 35 (1804) (parson ineligible to receive funds because he was not “ordained over any particular parish or society”); *Kendall v. Inhabitants of Kingston*, 5 *Mass.* 524, 531–32 (1809) (parson ineligible because he worked for two different congregations). And the onerous process of obtaining a charter of incorporation to enable those contributions further disenfranchised minority religions. *See Barnes v. Inhabitants of First Parish in*

Falmouth, 6 Mass. 401 (1810); *see also* Cushing, *supra*, at 181 (noting some denominations opted not to seek charters as a matter of principle). New denominations seeking recognition often “had to wage a long and expensive lawsuit to obtain recognition as a religious sect.” Morison, *supra* n.9, at 371.

Thus, by the early 19th century, despite Article 3’s nominal guarantee of non-subordination, a tangible “subordination of sects existed in fact.” *Id.*⁹ Support for the tax system “eroded.” Witte, Jr. & Latterell, *supra*, at 415. Religious dissenters grew in number and power, *see id.*, and at the same time an internal split within the Congregationalist denomination meant that even those the tax was originally intended to benefit found it to be more trouble than it was worth (since neither faction wanted to fund the other), *see* Meyer, *supra*, at 195–99, 230–32.

In 1833, Article 11 ended the tax. That change was significant in its impact but far more modest in its scope than the Superior Court would suggest. It pointedly excised the “quasi-statutory” elements of Article 3, ending compulsory taxation for the support of churches. Cushing, *supra*, at 173; *see* Am. Art. 11. But it certainly did not draw some stark “line of separation between the state and religion” in all matters. II.App.329. Indeed, its ratifiers still reaffirmed the general principle that “the public worship of God and instructions in piety, religion and morality, promote the happiness and prosperity of a people and the security of a republican government.” Am. Art. 11. Nor, therefore, did the newly amended Article 3 become

⁹ Beyond the tax system itself, the legislature was also called to respond to denials of basic freedoms for churches outside of the officially supported church. *See, e.g.*, Appellants Br. 40–41 (discussing examples relating to freedom to ordain ministers, control church property, and voluntarily associate).

the definitive word on exactly what relationships of cooperation or support between state and religion might be allowed, as the Superior Court might suggest. *See* Witte, Jr. & Latterell, *supra*, at 419; *see also, e.g.*, Am. Arts. 18, 46, 103 (limiting, in various ways, funds that could be provided to religious organizations).

At bottom, the framers of today’s Article 3 were concerned with *actual* and *direct* actions that subordinated the rights of one denomination to those of ones the government preferred, not the Superior Court’s more exotic theory of a rigid division between the public and all things that look or seem religious. As explained below, Quincy’s plan to dedicate a Florian statue to its firefighters and other first responders does not remotely touch upon the problems that this provision actually seeks to address.

B. Courts have never understood Article 3 to outlaw monuments like these, which proliferate across the Commonwealth.

Consistent with its “distinct, identifiable history,” *Barron v. Kolenda*, 491 Mass. 408, 416 (2023), Article 3 has never been understood by this Court to outlaw public artwork that bears religious significance. In fact, in the nearly two centuries that Article 3 has existed in its current form, such artwork has proliferated across the Commonwealth, none of which has been thought to raise a constitutional problem. The “long history” of this practice “and its acceptance as an uncontroversial part of . . . State tradition” contradict any suggestion displays like these be prohibited now. *Colo*, 378 Mass. at 557. This is particularly true for Quincy’s Florian statue, which depicts a historical figure with a well-established, universal, and *secular*

meaning to a diverse group of public servants, notwithstanding its additional religious significance to some people.

This Court has long recognized that achieving “the goals of nonestablishment and religious freedom” does not require “[t]he complete obliteration of all vestiges of religious tradition from our public life.” *Colo*, 378 Mass. at 561. That demand would fly in the face of Article 3 itself, which invokes God’s “providence” and which plainly anticipates some permissible connection between public acts and religious belief. *See* Art. 3 as amended by Am. Art. 11. In fact, just a few decades after Article 3 was amended, this Court upheld a Sunday closing law against a similar theory embraced by the Superior Court here. *See Commonwealth v. Has*, 122 Mass. 40 (1877). Even though Sunday is “a day of peculiar sanctity” for some religions, the law, this Court held, did not subordinate other religions because it did not “impose[] upon [any]one any religious ceremony or attendance upon any form of worship.” *Id.* at 42.

The same theory has held for more than a century. In *Colo*, this Court upheld the practice of public funding for religious chaplains in the state legislature. *Colo*, 378 Mass. at 561. Legislative prayer, the Court explained, does not “subordinate” other religions both because it involves no attempt to “indoctrinat[e]” a particular faith, and because that practice is part of a “long tradition.” *Id.* at 559. More recently still, this Court (in a case brought under Article 2) has rejected the “esoteric” claim that a person is religiously harmed by the presence of the words “under God” in the Pledge of Allegiance, even if he does “not share all the values” they represent. *Doe v. Acton-Boxborough Regional Sch. Dist.*, 468 Mass. 64, 80 (2014). And, tellingly,

neither the lower court nor Appellees cite a single case in which this Court has struck down a religiously significant monument under Article 3.

In other words, public expressions of faith can sit, and long have sat, comfortably with Article 3. The actual experience of public life around the Commonwealth bears this out. Placing a Florian statue at the entrance to Quincy’s fire department headquarters would only be the latest in a long line of public displays, both new and old, that touch upon religion in one way or another.

The City here has identified numerous examples of prominent public displays that hold religious meaning.¹⁰ These only scratch the surface. There are many other examples of public imagery around the Commonwealth that is explicitly and unmistakably religious. Take the Ether Monument, installed in Boston Public Garden in 1868, which depicts the Biblical parable of the Good Samaritan and is inscribed with quotations from the Bible. *See Ether Monument*, Friends of the Pub. Garden, <https://bit.ly/4dTZcZY> (last visited Apr. 15, 2026); *Monument to Ether*, Historical Marker Database, <https://bit.ly/4mtaNI0> (last visited Apr. 15, 2026). Not far away, in Parkman Plaza, a trio of statues built in 1958 represent “Learning,” “Industry,” and “Religion.” *See Parkman Plaza and Sculptures*, CultureNOW, <https://bit.ly/41vsQNT> (last visited Apr. 15, 2026). In Cambridge, the public library includes a “monumental plaque [displaying] the Ten Commandments that a passerby

¹⁰ *See, e.g.*, Appellants Br. 43 (Boston city motto, drawn from the Book of Kings); *id.* at 21, 42 (John Adams Courthouse statues of Moses and “Religion”); *id.* at 21, 42 (State House statues of David and Quaker martyr Mary Dyer); *id.* at 42 (Boston Common monument to Pope John Paul II); *id.* at 42 (Boston Public Library murals on the “Triumph of Religion”); *id.* at 22 (Boston Public Garden statue of Unitarian clergyman William Ellery Channing).

is unable to miss.” Olivia Bye, *Escape the Library: Cambridge Public Library*, The Tufts Daily (Apr. 22, 2025), <https://bit.ly/4ce7nOv>. And in Plymouth, there stands an 81-foot-tall National Monument to the Forefathers—thought to be the “largest solid granite monument in the United States”—which displays “the heroic figure of ‘Faith’ with her right hand pointing toward heaven and her left hand clutching the Bible.” *National Monument to the Forefathers*, See Plymouth Massachusetts, <https://bit.ly/41lxi1O> (last visited Apr. 15, 2026).¹¹

The list multiplies when one considers artwork—like the statues here—that might bear religious meaning to some even as it holds quite different significance for most others. For example, an hour up the road from Quincy, in Gloucester, stands a statue of Joan of Arc—a Catholic saint, like Michael and Florian, who is honored by the City more broadly as a soldier and symbol of “courage” and “honor.” See *Joan of Arc Statue*, Discover Gloucester, <https://bit.ly/47tcR6u> (last visited Apr. 15, 2026). Or consider the “Hail to the Sunrise” monument in the Town of Charlemont’s Mohawk Park, which was erected to as “a monument to the Five Indian Nations of the Mohawk Trail” but whose depiction of a Mohawk man “with arms uplifted in

¹¹ Even these are hardly all. See, e.g., Ken Bresler, *Moses Sighted All Over Boston*, JewishBoston (May 14, 2021), <https://bit.ly/4sY61yl> (cataloguing “depictions and prominent mentions” of Moses around Boston); *The Man at the Wheel: The History of the Gloucester Fisherman’s Memorial*, Discover Gloucester, <https://bit.ly/41A7Aqu> (last visited Apr. 15, 2026) (fishing memorial inscribed with a quote from Psalms); *Living Our Values*, Bridgewater State Univ., <https://bit.ly/4tcft0W> (last visited Apr. 15, 2026) (state university motto from the Gospel of Mark); *Menorah Lighting 2025*, City of Everett, <https://bit.ly/3Q4K8yM> (last visited Apr. 15, 2026) (municipal Chanukah display); *Lexington to Host Diwali Celebration and Light Show in the Center Oct. 15*, Lex250 (Oct. 14, 2025), <https://bit.ly/4rUtSxT> (municipal Diwali celebration).

supplication to the Great Spirit” symbolizes something very different for indigenous religious believers. *See Hail to the Sunrise Monument*, Western Massachusetts Scenic Byways, <https://bit.ly/4mnKCwo> (last visited Apr. 15, 2026).

More recently, in 2023, Boston unveiled the 1965 Freedom Plaza, which honors numerous religious leaders who fought for civil rights. *See The Embrace and the 1965 Freedom Plaza*, City of Boston (July 30, 2025), <https://bit.ly/4vhvDYz>. Its most prominent feature is a monument commemorating *Reverend* Dr. Martin Luther King Jr.—not only a civil rights leader, of course, but indeed a prominent Baptist pastor. *Id.*; *see also Our Heroes*, Embrace Boston, <https://bit.ly/4v2naZt> (last visited Apr. 15, 2026) (honoring, among others, Episcopal priest Rev. James P. Bredeen, Methodist pastor Rev. Gil Caldwell, Baptist minister Rev. Dr. Michael E. Haynes, and Unitarian Universalist clergyman Rev. James J. Reeb).¹²

This long and active tradition is not, as the lower court suggested, a vestige of “petty bigotries” or some passing exception where the Commonwealth’s leaders have “at times failed to uphold the ideals” of the Declaration of Rights. II.App.329. Quite the opposite. These many public displays represent nearly two centuries of lived experience in communities across Massachusetts. These displays celebrate

¹² Again, there are many more examples. *See, e.g., Richard Cardinal Cushing*, Smithsonian, <https://bit.ly/41vuhff> (last visited Apr. 15, 2026) (bust of Catholic Cardinal); *Southie History Lesson: Father Joseph Laporte*, Caught in Southie (June 16, 2020), <https://bit.ly/4v17GVC> (statue of Catholic priest); *Phillips Brooks*, Smithsonian, <https://bit.ly/41vNNrU> (last visited Apr. 15, 2026) (statue of Episcopal Bishop); *John Bridge Monument*, Cambridge Mass., <https://bit.ly/4c9poP3> (last visited Apr. 15, 2026) (statue of Puritan minister); *Adin Ballou Memorial*, Smithsonian, <https://bit.ly/4bzunZg> (last visited Apr. 15, 2026) (statue of Christian Socialist minister).

things as diverse as the Civil Rights movement, the Commonwealth's earliest civic leaders, the indigenous community, the fishing industry, the discovery of anesthesia, and the visit of a Pope. They speak to the great diversity of people and events that make a community.

And like all public art, these displays are “accessible to everyone and afford[] opportunities to visually connect spaces, promote walkable communities, and [create] a sense of place.” *Public Art*, Historic Quincy, <https://bit.ly/4bD7uEl> (last visited Apr. 15, 2026). The mere fact that these monuments might have religious importance for some does not mean that they “subordinate” others. This is no more obvious than in this case. Quincy's Florian statue is displayed where firefighters work and gather to honor that diverse group of people not because they share some common *faith* but because they share a common *life of public service* through their work as firefighters and first responders. No person is religiously harmed or “subordinated” merely by gazing upon that statue, which—standing at the very home of Quincy's fire service—focuses the mind on the sacrifice, courage, and public dedication of these men and women, not on any group's religious beliefs. Honoring these public servants through the fire service's long and universal tradition remembering the legendary heroism of Florian does not become some act of religious indoctrination merely because he is also a saint to the Catholic church.

The alternative view would be absurd. It would demand that communities refuse to commemorate important people and important ideals merely because they also happen to be religious. In a state *founded* by people motivated by their faith to build a new republic, that would be a bizarre result indeed. And it would suggest

that cities and towns across Massachusetts need to be scrubbed of the possibly hundreds or thousands of messages that the people have, for over two centuries, refused to censor in this way.

If one accepts the premise that displaying a statue of Florian is “subordination” simply because of his sainthood, then it is nearly impossible to see where that line would be drawn. II.App.330. What of Boston’s new “larger than life” statue of Martin Luther King, Jr.? Would it be different if he were holding a Bible?¹³ Could a social services building include an image of Mother Teresa, dressed like the nun that she was, helping the poor? Must her Rosary be hidden? What about a monument to Holocaust victims with a message from Hebrew scripture?

Appellees, for their part, seem unbothered by the prospect that their position implicitly thrusts every monument with a religious valence into a constitutional gray area whose fact-bound lines will only be drawn through serial litigation. *See* Appellees Br. 29–32. That might be a fine outcome for a plaintiff’s lawyer, but it certainly is not for this Court. Massachusetts law has never before—and does not now—require such a result. Put simply, the long understanding of that law plainly allows Quincy to place a Florian statue at the entrance to its fire department headquarters to honor its firefighters and first responders.

¹³ *See, e.g., Martin Luther King Jr Statue*, Clark County Nevada, <https://bit.ly/3OpRMU6> (last visited Apr. 15, 2026).

C. The lower court’s misreading of Article 3 would make Massachusetts an anomaly on questions like these.

The Superior Court’s misreading of Article 3 is also out of step with how public monuments are treated by courts elsewhere, including in states with constitutional provisions much like Article 3. This Court should not distort its law and render its approach to such questions an outlier across the country.

First, this Court should not inject the much-derided and increasingly disfavored *Lemon v. Kurtzman* framework into its approach here. As the City well details, doing so would do serious damage to Massachusetts law and would stand at odds with the U.S. Supreme Court’s decades-long move *away* from that ill-fated approach. Appellants Br. 47–51. The Supreme Court long ago abandoned any *Lemon*-based analysis of questions like this one specifically because that “abstract,” “ahistorical,” and “chao[ti]c” approach simply does not work for assessing the permissibility of religious symbols in public. *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 534 (2022); *accord Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 51 (2019).

Even when *Lemon* might have seemed good law in other areas, it caused nothing but difficulty for monuments cases. As early as 1989, four justices hesitated to “advocat[e], let alone adopt[]” *Lemon* in the “difficult area” of judging religiously significant displays. *County of Allegheny v. ACLU, Greater Pittsburgh Chapter*, 492 U.S. 573, 655 (1989) (Kennedy, J., concurring in part). In 2005, the Court discarded *Lemon* as “not useful” when analyzing a “passive monument” in *Van Orden v. Perry*, 545 U.S. 677, 686 (2005). And in 2019, the Court declared the test

simply inapplicable to cases involving “words or symbols with religious associations” in *American Legion v. American Humanist Association*, 588 U.S. 20, 51 (2019). The Court observed that monuments often suggest “multiple purposes” and carry competing “meanings”—and the *Lemon* test is incapable of reliably sifting through them to sort the permissible from the prohibited. *Am. Legion*, 588 U.S. at 53–54. A few years later, the Court abandoned the project of *Lemon* altogether, as contradictory results in “materially identical cases” created an unpredictable “minefield for legislators.” *Kennedy*, 597 U.S. at 534 (quotation omitted). This Court should exercise the same caution and not inject that very “chaos” into its own law. *Id.* (quotation omitted).

Second, even under an approach like *Lemon*’s, the Superior Court’s decision is an outlier. Other states, even when invoking *Lemon* to interpret their own constitutions, have emphasized that the analysis cannot turn on whether a monument “was [or] still is a religious symbol.” *Eugene Sand & Gravel, Inc. v. City of Eugene*, 558 P.2d 338, 341–42 (Or. 1976) (en banc). As the Oregon Supreme Court wrote in upholding a “large cross” erected to honor veterans, the question cannot be whether the monument “is a religious symbol” but must instead be whether the government displayed it *as* a testament to that religion. *Id.* at 346. Or consider a decision of the Colorado Supreme Court upholding a Ten Commandments monument in a public park. Similar to Article 3, Colorado’s constitution promises that no “preference” may be given to “any religious denomination or mode of worship,” Colo. Const. art. II, § 4. Yet, the Colorado Supreme Court explained, even under an analysis similar to *Lemon*, the constitutionality of the display did not turn simply on whether it

“includes a message of religious value” to some people. *State v. Freedom from Religion Found.*, 898 P.2d 1013, 1026 (Colo. 1995) (en banc). Rather, given the Ten Commandments’ broader cultural significance, the monument did not “objectively” “convey a message” that excluded people from the political community based on their religious beliefs. *Id.* at 1026 & n.22. “[W]e are not,” the court explained, “to engage in an exercise intended to require government to prefer non-believers over believers.” *Id.* at 1026.

Several other states have refused to ban monuments based merely on their religious significance under similar approaches. In California, for example, a menorah in a public holiday display was found to show no “preference for a religion” in part because it celebrated a “historical event.” *Okrand v. City of Los Angeles*, 254 Cal. Rptr. 913, 922 (Cal. Ct. App. 1989). Similarly, the Wisconsin Supreme Court allowed a public display to include a crèche depicting the Holy Family. *King v. Village of Waunakee*, 517 N.W.2d 671, 683 (Wis. 1994). In a single sentence, the court said the display—despite its significance to Christians—simply gave “no ‘preference’” to “‘any religious establishments’ or modes of worship.” *Id.* (quoting Wis. Const. Art. 1 § 18). The Sixth Circuit applied *Lemon* to find that a monument did not impermissibly prefer one religion over another under the Tennessee State Constitution, even though it “carrie[d] strong Buddhist connotations” and “qualifie[d] as a religious symbol.” *Brooks v. City of Oak Ridge*, 222 F.3d 259, 264, 267 (6th Cir. 2000). And in Washington State, whose establishment clause analogue was interpreted to forbid public money from being spent with a “religious purpose” a Ten Commandments display passed muster despite its significance as a religious

text. *Card v. City of Everett*, 386 F. Supp. 2d 1171, 1178 (W.D. Wash. 2005) (quoting *Malyon v. Pierce Cnty.*, 935 P.2d 1272, 1282 (Wash. 1997)). Of course, there are others. See, e.g., *Eugene Sand & Gravel*, 558 P.2d at 345 (collecting cases upholding religious displays).

These many opinions sharply contrast the analysis of the Superior Court and further underscore the serious errors of that approach. They also further underscore the otherwise obvious conclusion that the City of Quincy may recognize its heroic public servants by erecting a statue of Florian—a legendary firefighter esteemed by the entire fire service community for his *secular* heroics—notwithstanding his religious connotations for some people. This Court should correct the lower court’s error, which not only contradicts previously understood notions of Massachusetts law but which is fundamentally at odds with how these same questions are addressed in other states around the country.

CONCLUSION

Fire departments the world over have, for hundreds of years, held up Florian as a symbol of their profession. Indeed, Florian holds a particularly strong and *secular* meaning for the great many public servants who work as firefighters, including for the members of IAFF and PFFM. This broad and diverse firefighting community—composed of people of all faiths, all ethnicities, and all backgrounds—does not universally honor Florian to promote his Catholic sainthood. It honors him to remember his legendary courage, strength, and sacrifice *as a firefighter*, and to honor those same qualities of the men and women in the fire service today. Article

3 has never been understood to deny communities the ability to honor their citizens in this way and this Court should not change course now.

The Superior Court's decision is radically out of step with the meaning of Article 3, with the approaches taken to similar provisions in other jurisdictions around the country, and with two centuries of experience in Massachusetts where symbols like these have proliferated across the Commonwealth. This Court should reverse to reject that ahistorical and utterly unworkable theory and refuse to open the pandora's box it entails.¹⁴

¹⁴ *Amici* thank David Jordan, Jack McEnery, and Dovid Rimmer, students in Notre Dame Law School's Religious Liberty Clinic, for their contributions to this brief.

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CERTIFICATE OF COMPLIANCE

I hereby certify that, to the best of my knowledge:

1. This Brief complies with the rules of court that pertain to the filing of briefs, including the requirements of Mass. R. App. P. 16(a)(13), 16(c), 18, 20, and 21.

2. This Brief has been prepared in a proportional font using Microsoft Word with 14-point Times New Roman and the portions of the brief subject to length limitation, as provided in mass. R. App. P. 20(a), contain 6,556 words based on the word count provided by the software.

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CERTIFICATE OF SERVICE

Pursuant to Massachusetts Rules of Appellate Procedure 13(e), I hereby certify that on April 15, 2026, the foregoing Brief of International Association of Fire Fighters and Professional Fire Fighters of Massachusetts as *Amici Curiae* in Support of Appellants was filed with the Supreme Judicial Court for the Commonwealth in Case No. SJC-13877 and served on all registered individuals via the Court's electronic filing vendor, as well as via email on the following individuals:

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