

SJC-13877

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

CLAIRE FITZMAURICE, ET AL,
Plaintiff-Appellees

v.

CITY OF QUINCY, ET AL,
Defendant-Appellants

On appeal from a decision of the
Norfolk County Superior Court

**BRIEF OF *AMICUS CURIAE*
NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS
IN SUPPORT OF APPELLANTS**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to S.J.C. Rule 1:21, the National Association of Police Organizations states that it is a nonprofit corporation and has no parent corporation. No publicly held corporation owns 10% or more of its stock.

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INTEREST OF AMICUS CURIAE¹

The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. It was organized for the purpose of advancing the interests of America's law enforcement officers. Founded in 1978, NAPO is the strongest unified voice supporting law enforcement in the country. It represents over 1,000 police units and associations, over 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective law enforcement. In Massachusetts its membership includes approximately 8,000 officers. NAPO often appears in cases as *amicus curiae* in cases of special importance.

¹ In accordance with Rule 17(c)(5), counsel for *amicus curiae* certifies that this brief was not authored in whole or in part by counsel for any party and that no person or entity other than *amicus curiae* or its counsel has made monetary contribution towards the preparation or submission of this brief. Counsel further certifies that neither the *amicus curiae* nor its counsel has represented any party to this appeal in another proceeding involving similar issues, and that neither the *amicus curiae* nor its counsel was a party to, or represented a party in, any proceeding or legal transaction that is at issue in this appeal.

INTRODUCTION

Michael is a significant symbol for police officers because he embodies the highest virtues of their profession and serves as a model for those who uphold them. Quincy decided to install a statue of Michael on the facade of its public safety building for the secular purpose of boosting morale and honoring the officers who work there. That decision does not violate art. 3, even under the plaintiffs' own proposed framework. The Court should reverse.

ARGUMENT

I. Michael is a professional symbol reflecting core law-enforcement values.

Michael is widely recognized as a symbol of the police profession. For centuries, he has been depicted as a “defender” and “protector,” often portrayed as a “warrior” standing triumphantly over evil. Marie von der Lippe & Alexandros Tsakos, *The Archangel Michael Beyond Orthodoxies* 3–4 (Bloomsbury Academic 2025). Given this history, it’s unsurprising that police officers, who confront inherent dangers while upholding the law and protecting the public, have adopted Michael as a symbol of their profession. As the President of the Quincy Police Patrol Officers Association

explained, “Michael the Archangel represents what we do and how we do it.” App. II at 310.

Although Michael’s origins are religious, his significance extends far beyond that context. He is the archetype of core law-enforcement virtues: justice, courage, leadership, and defense of the innocent.² Scholars note that, in modern contexts, invocations of Michael “[m]ost often” take place “outside the framework of church, dogma, orthodoxy, and orthopraxis.” Von der Lippe & Tsakos, *supra*, at 2. For the police, he serves as a model of their profession.

Scholarship, though limited, has examined how Michael functions in law-enforcement contexts as an element of their collective professional identity.³ For example, a study of a Brazilian special police unit working in a particularly dangerous region found

² Ronald Henderson, *Who is the Patron Saint for Police Officers?*, MILITARY MODELING (Nov. 20, 2024), <https://www.militarymodelling.com/blog/who-is-the-patron-saint-for-police-officers/>.

³ See, e.g., James M. Gallagher, *The Presentation of Things Past: An Explorative Case Study of Storytelling and Sensemaking in Policing*, 204 (2019), <https://repository.library.northeastern.edu/files/neu:m044f0943/fulltext.pdf> (noting that future scholarship should include studies about the “iconography of policing,” and specifically “representations of St. Michael”).

that officers need assurance of “the nobility of their cause” and the “legitimacy of their actions,” especially in the context of using necessary force against violent criminals. Carmen Pires Migueles & Marco Tulio Fundao Zanini, *The Volitional Nature of Motivation and Cultural Creativity*, 16 Cad. EBAPE.BR 355, 361 (2018). In that context, Michael became a unifying symbol that “forg[ed] the group’s identity” and provided a metaphor for confronting crime while also embodying the virtues central to their mission. *Id.* at 363–64.

In the United States, Michael is used within police culture by officers of varied religious backgrounds. Many officers wear his portrait as tattoos,⁴ App. II at 138–42, and carry images of him among their personal effects,⁵ linking the symbolism to their work: “He’s a protector, and that’s what we do. We protect and try to help

⁴ See also Cameron Clark, YORK DAILY RECORD, *Photos: A Deep Dive into the Tattoo of York County Law Enforcement Officers* (Jun. 18, 2019), <https://www.ydr.com/picture-gallery/news/2019/06/18/photo-s-a-deep-dive-into-the-tattoos-of-york-law-enforcement-police-department-pa/1436644001/>

⁵ Dryw Keltz, *St. Michael: How to Display the Patron Saint of Police Officers*, POLICE1 (Feb. 28, 2025), <https://www.police1.com/off-duty/st-michael-how-to-display-the-patron-saint-of-police-officers>.

out.” *Id.* at 141. The symbol also appears in formal awards honoring officers who exemplify professional rather than religious virtues. *See, e.g.*, App. II at 147 (describing a society named for Michael as comprised of officers demonstrating “bravery, honor and moral character . . . [and] serving selflessly . . . their communities”), 160 (“[T]he St. Michael Award is presented to a service member making significant societal contributions through humanitarian acts of kindness on and off the job.”).

Michael also functions as a source of comfort and encouragement. After the deaths of two officers in Bristol, Connecticut, a statue of Michael was installed outside the police station. The police chief explained that Michael is “very significant, very meaningful to us.”⁶ Similar displays have appeared outside the police stations in other cities, such as Odessa, Texas,⁷ and New

⁶ *See* Heidi Voight, *Silent Salute: Saint Michael Statue Helps Bristol Heal*, NBC CT (Nov. 11, 2022), <https://www.nbcconnecticut.com/news/local/silent-salute-saint-michael-statue-helps-bristol-heal/2913941/>.

⁷ CITY OF ODESSA, *Fallen Heroes*, <https://www.odessa-tx.gov/429/Fallen-Heroes>.

York City.⁸ His name also appears in settings dedicated to officer care and recovery, such as Chicago’s Saint Michael’s House, a treatment facility “dedicated exclusively to the care of law enforcement officers.” App. II at 165.

Michael’s adoption as an icon in the military provides a close parallel, underscoring that he functions as an occupational archetype in other coercive institutions. As in policing, he is “akin to [a] mascot[]” for those “across religious lines” who “want to see themselves as ‘the good guys.’”⁹ There are also “plenty of nonreligious soldiers who will carry a St. Michael image into battle without a second thought.” *Supra* n.9. He appears in war

⁸ Melissa Klein, *Retired Detective Brings Sculpture to 32nd Precinct to Provide Comfort*, N.Y. POST (Jan. 29, 2022), <https://nypost.com/2022/01/29/retired-detective-adds-sculpture-to-tributes-for-cops/>

⁹ Maggie Phillips, *The Army’s Favorite Saint*, TABLET MAGAZINE (Aug. 30, 2021), <https://www.tabletmag.com/sections/community/articles/saint-michael-military-icon>.

memorials,¹⁰ military awards,¹¹ and even on a Navy destroyer.¹² Michael's adoption as a symbol in the military shows that he is a professional metaphor—the model soldier—with significance that extends beyond the religious context in which he originated.

Within law enforcement, Michael operates as a shared professional symbol, used to express and reinforce core aspects of policing, such as protection, courage, and the legitimacy of lawful authority. Although this figure has religious origins, his meaning in policing is defined by these professional uses. It is not surprising that a police department such as Quincy's would display his image on the facade of its building. This context informs the proper application of art. 3 and the Court's analysis under that provision.

¹⁰ ASSOCIATION FOR PUBLIC ART, *Pennsylvania Railroad War Memorial*, <https://www.associationforpublicart.org/artwork/pennsylvania-railroad-war-memorial/>.

¹¹ U.S. ARMY, *Army North Hosts 2nd Annual St. Michael Medallion Luncheon*, https://www.army.mil/article/113037/army_north_hosts_2nd_annual_st_michaels_medallion_luncheon; ARMY AVIATION ASSOCIATION OF AMERICA, *Order of Saint Michael Award*, https://www.quad-a.org/Public/Public/Awards/Order_of_Saint_Michael.aspx

¹² U.S. NAVY, *USS Michael Monsoor*, <https://www.surfpac.navy.mil/Warships/USS-Michael-Monsoor-DDG-1001/About/>.

II. Installing a statue of Michael on Quincy's public safety building does not offend art. 3.

Article 3 of the Massachusetts Declaration of Rights provides that “all religious sects and denominations . . . shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.” Art. 3, *as amended by* Am. Art. 11. Quincy and the plaintiffs offer competing approaches for interpreting art. 3. Amicus does not address that broader doctrinal question and instead focuses on a narrower point: Michael's role as a symbol of the police profession. In that context, Quincy's display is constitutional, even under the plaintiffs' proposed framework.

For starters, art. 3 has never required the “hermetic separation of church and State,” sought by the plaintiffs. *Colo v. Treasurer & Receiver General*, 378 Mass. 550, 560 (1979). As courts have recognized in the First Amendment context, a sacred text or symbol is not categorically barred from being constitutionally integrated into a governmental display serving a secular purpose. *Skoros v. City of New York*, 437 F.3d 1, 22 (2d Cir. 2006) (quoting *McCreary County v. ACLU*, 545 U.S. 844, 874 (2005)). Rather, the

critical inquiry is whether the symbol has been “sufficiently integrated” into a secular scheme such that it does not convey an essentially religious message in context. *Id.* That means government displays can include figures with religious associations where, in context, the display serves a secular purpose.

The Supreme Court has similarly recognized that symbols with religious origins may acquire a distinct secular meaning when used in civil or governmental contexts. *See Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 38–39 (2019). This reflects the broader principle that the constitutional inquiry turns on how a symbol functions in context, not solely on its historical or theological origins.

As discussed above, Michael has been sufficiently integrated into professional police culture, where his significance is defined primarily by his role as a symbol of police values, including bravery, justice, and protection of the innocent. Accordingly, Quincy’s decision to depict Michael on its public safety building, which houses the police department, does not violate art. 3 under the plaintiffs’ proposed framework.

The plaintiffs urge the Court to apply the test first articulated in *Lemon v. Kurtzman*, 403 U.S. 602 (1971), which they contend was applied in *Colo.* See Red Br. 29. Under that test, the Court asks whether there is a secular purpose, whether the challenged practice advances or inhibits religion, and whether the practice avoids excessive government entanglement with religion. *Colo.*, 378 Mass. at 558. None of these factors supports the conclusion that Quincy’s decision violates art. 3.

First, the purpose of the statue is not to promote religion. Quincy’s mayor selected the statue because of Michael’s “status in police . . . communities worldwide.” App. II at 225. He explained that his decision “has nothing to do with Catholic sainthood, but rather was an effort to boost morale and to symbolize the values of truth, justice, and the prevalence of good over evil.” *Id.* He further stated that he would not have selected the statue absent Michael’s professional significance to the police, an understanding he developed through his work as mayor with law enforcement officers. *Id.* He chose the statue because it “would honor, inspire,

and encourage First Responders and ensure their lifesaving work would remain maximally effective.” *Id.* at 225–26.

The Superior Court’s conclusion that there is “no discernible secular purpose” for the statue of Michael, App. II at 332, overlooks Michael’s established meaning within the police profession. Although his significance derives in part from religious symbolism, that fact does not transform Quincy’s purpose of honoring and encouraging officers into an impermissible religious one. *Am. Atheists v. Port Auth. of N.Y. & N.J.*, 760 F.3d 227, 239 (2d Cir. 2014). Quincy has a secular purpose for the statue’s placement on the public safety building.

Nor is the statue’s effect primarily to advance religion. Under this prong, the Court considers the perspective of an “objective observer” who is “acquainted with” the government’s decision-making process. *See Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000). The constitutionality of a government action does not turn on the “subjective feelings of the plaintiffs as to whether a religious endorsement has occurred.” *Freedom from Religion Found. v. Hanover Sch. Dist.*, 626 F.3d 1, 11 (1st Cir. 2010). Here,

an objective observer acquainted with the mayor's decisionmaking process and the backdrop of Michael's significance as a professional symbol of police officers, would understand that the statue of Michael (installed on Quincy's public safety building) is intended to encourage and inspire the officers who work there.

Finally, no excessive entanglement is present. Excessive entanglement arises where the government becomes pervasively involved in the administration, supervision, or regulation of religious activity. *See Att'y Gen. v. Bailey*, 367 Mass. 378, 379 (1982). The statue requires no ongoing supervision of religious practice, no financial support for religious institutions, and no administrative coordination with any religious authority. It is maintained solely as part of a secular municipal display that honors police officers. Accordingly, Quincy's decision does not create the kind of continuing entanglement between government and religion that art. 3 prohibits.

The plaintiffs cannot show that, even under their proposed framework, Quincy's statue of Michael violates art. 3. The relief they seek is sweeping. Under their theory, the government could

never display a symbol with secular significance if that symbol also has religious origins or associations. The Constitution does not require that kind of separation. *See Colo*, 378 Mass. at 561.

CONCLUSION

Michael is a widely recognized symbol of the police profession. Quincy's statue of Michael on its public safety building does not violate art. 3. Accordingly, the Court should reverse.

Respectfully submitted,

April 14, 2026

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CERTIFICATE OF COMPLIANCE

I certify that, to the best of my knowledge, this brief complies with the Court's rules pertaining to the filing of amicus briefs including Mass. R. App. P. 17 and 20. This brief has been prepared in a proportional font using Microsoft Word with 14-point Century Schoolbook-style font, and the portions of the brief subject to length limitation, as provided in Mass. R. App. P. 20(a)(2)(C), contains 1,765 non-excluded words based on the word count provided by that software.

April 14, 2026

/s/ Richard P. Driscoll

CERTIFICATE OF SERVICE

I certify that a copy of this amicus brief is being served on counsel of record through the Court's electronic filing system including:

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