
COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SJC-13877

CLAIRE FITZMAURICE & OTHERS,

Plaintiffs-Appellees,

v.

CITY OF QUINCY & ANOTHER,

Defendants-Appellants.

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

***AMICI BRIEF OF THE NATIONAL FRATERNAL ORDER OF POLICE
AND THE MASSACHUSETTS FRATERNAL ORDER OF POLICE IN
SUPPORT OF DEFENDANTS-APPELLANTS***

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Judicial Court Rule 1:21, neither the National Fraternal Order of Police nor the Massachusetts Fraternal Order of Police has a parent corporation, and no publicly held corporation owns any stake in any of these organizations.

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Cases—Continued: Page(s)

McDuffy v. Sec’y of Exec. Off. of Educ.,
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Skoros v. City of New York,
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Constitutional Provisions—Continued: Page(s)

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Other Authorities:

1 Richardson, J., *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (1899).....13

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BOS. POLICE DEP’T, <https://tinyurl.com/umj82vu3>22

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Knap, Patty, *St. Michael the Archangel Stands Vigil for Fallen Police Officers*, NAT’L CATH. REG. (Feb. 10, 2022), <https://tinyurl.com/2k3tmtk2>28

Lucas, Rachel, *Blessed St. Michael Medals to Protect Our Police*, CATHOLIC365 (Aug. 22, 2016), <https://tinyurl.com/2uw48svj>29

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Other Authorities—Continued:	<u>Page(s)</u>
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<i>St. Florian’s Brigade Is First Affiliate of iWomen in the Nation</i> , FIRE ENGINEERING (Nov. 16, 2016), https://tinyurl.com/npu6n9j5	31
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<i>What’s in a Symbol</i> , THE CHAPMAN SOC’Y AT THE UNIV. OF FLA. COLL. OF MED., https://tinyurl.com/2nmu3dd3	23

Other Authorities—Continued:

Page(s)

Williams, Robert F., *State Courts Adopting Federal Constitutional Doctrine:
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APPELLATE PROCEDURE RULE 17(C)(5) DECLARATION

Pursuant to Appellate Procedure Rule 17(c)(5), the National Fraternal Order of Police and the Massachusetts Fraternal Order of Police 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 counsel—contributed money that was intended to fund the preparation or submission of this Brief; and (d) neither *amici* nor their counsel represent or have represented any of the parties to the present appeal in another proceeding involving similar issues, or were a party or represented a party in a proceeding or legal transaction that is at issue in the present appeal.

INTERESTS OF *AMICI CURIAE*

The National Fraternal Order of Police is the world’s largest organization of sworn law enforcement officers, encompassing more than 378,000 members with more than 2,100 state and local lodges. The Massachusetts Fraternal Order of Police, an affiliate of the National Fraternal Order of Police, is a statewide nonprofit membership organization dedicated to helping law enforcement officers of all religious backgrounds and creeds protect and serve the Commonwealth. Both Orders represent law enforcement personnel of a multitude of faiths, as well as secular personnel, at every level and in all facets of their crime-prevention activities. It is the duty of both Orders to protect law enforcement officers and to represent their interests, values, and beliefs. There are no groups more qualified to speak to the issues presented in this case—namely, whether it is permissible for the City of Quincy to honor and inspire its police officers through use of a figure historically associated with the profession. It is with these interests in mind that the Orders file this *Amici Curiae* Brief in support of the statues of Saint Michael and Saint Florian.

SUMMARY OF ARGUMENT

The Mayor of Quincy decided to include on the City's new headquarters for its fire and police departments a statue of Saint Florian and a statue of Saint Michael. The symbol of Saint Florian holds a special place in the hearts and minds of firefighters across the Commonwealth and the country, as Saint Florian represents the values of valor, self-sacrifice, and protection. *See Br. at 26.* Likewise, the statue of Saint Michael holds a special place in the hearts and minds of Massachusetts' and the Nation's police, as Saint Michael represents the guardian who stands between a community and a threat and symbolizes safety, strength, and perseverance. *See id.* First responders of all stripes, religious creeds, and political affiliations—and not just Catholics or Christians—cherish both saints for their symbolic importance to the profession. *See Br. at 30.*

Despite the saints' broad appeal, a small group of Quincy residents filed a lawsuit against the City for honoring its first responders. But no law stands in the way of the statues. The Federal Constitution does not stand in the way of the statues. *See Br. at 12.* Nor does the Massachusetts Constitution stand in the way of the statues. *See Br. at 16.* Rather, the Commonwealth's Constitution concerns itself with the subordination of one religious sect over another and not with the funding of symbolic art reflecting the unique, storied culture of the City's fire and police departments. *See Br. at 18.*

A ruling by this Court against the City of Quincy could call into question the symbolism with religious connotations that pervades the police stations, fire stations, and emergency services throughout the Commonwealth. Siding with the small group of Quincy residents would result in the uprooting of memorials, the renaming of meeting halls, the tarnishing of badges, and the marring of plaques from Salisbury to Nantucket. *See Br.* at 23. The Constitution of Massachusetts requires no such ruling. Instead, the Commonwealth’s Charter permits the people of Quincy and its Mayor to erect symbolically important statues that honor the State’s first responders.

Rather than force the statues of Saint Michael and Saint Florian to sit in a storage facility because some might find the art objectionable, this Court should acknowledge the reality that the proposed statues unify rather than divide the community; serve as powerful, tangible, and visible symbols designed to commemorate collective history; and act as focal points for reflection, education, and cultural identity. *See Br.* at 33. Neither the Federal Constitution nor the Massachusetts Constitution mandates removal. The statues should stand.

ARGUMENT

I. The Federal Constitution Does Not Stand In The Way Of The Statues But Rather Offers Historical Support.

The First Amendment of the Federal Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. Const. amend. I. The People ratified the First Amendment’s

Establishment Clause and the Free Exercise Clause to “assure the fullest possible scope of religious liberty and tolerance for all.” *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 305 (1963) (Goldberg, J., concurring). The People did not ratify the First Amendment’s Religion Clauses to prohibit the display of religiously inspired cherished symbols on public grounds. *See Am. Legion v. Am. Humanist Ass’n*, 588 U.S. 29, 31 (2019).

Arguments to the contrary rely on the Establishment Clause. The People adopted the Establishment Clause for the specific purpose of prohibiting the establishment of a religion. Such an establishment occurs when the government exerts control over doctrine and church personnel, mandates attendance at religious events, provides funding to a preferred denomination, and grants the church a monopoly over a civic function. *See Shurtleff v. City of Boston*, 596 U.S. 243, 286 (2022) (Gorsuch, J., concurring). Crucial to any judicial inquiry into a claim under the Establishment Clause is whether the challenged state action “accords with history and faithfully reflects the understanding of the Founding Fathers.” *Town of Greece v. Galloway*, 572 U.S. 565, 577 (2014) (internal citation omitted).

Consistent with this understanding of the Establishment Clause, the Supreme Court has upheld numerous religiously inspired symbols displayed on public grounds. *See, e.g., Am. Legion*, 588 U.S. at 30 (upholding a 32-foot cross erected at a WWI memorial despite it being “undoubtedly a Christian symbol” because “the

symbol took on an added secular meaning when used in World War I memorials”); *Van Orden v. Perry*, 545 U.S. 677, 691-92 (2005) (allowing the display of the Ten Commandments outside of a State Capitol because “[t]he inclusion of the Ten Commandments monument . . . has a dual significance, partaking of both religion and government.”); *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984) (upholding a Christmas display that included a crèche).

That religious symbolism commonly appeared in government custom and tradition during the Founding Era underpins many of the Supreme Court’s decisions in this area. *See Town of Greece*, 572 U.S. at 587 (noting that the same Congress that approved the Establishment Clause also approved the appointment of chaplains to open its Sessions with a Christian prayer); *see also* 1 J. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789-1897* at 64 (1899) (George Washington recommended “a day of public thanksgiving and prayer” for the “Supreme Being[’s]” role in “the foundations and successes of our young Nation” in his 1789 Thanksgiving Day Proclamation.); U.S. Const. art. VII (dating the Constitution as following “the Year of Our Lord”). Although Massachusetts was just one of the thirteen States that ratified the Federal Constitution, the People’s understanding of the Federal Constitution’s Religion Clauses shines light on what Bay Staters intended when they adopted the Commonwealth’s Constitution in 1780. *See Att’y Gen. v. Desilets*, 418 Mass. 316, 332-33 (1994). In other words, the

People’s understanding “at the time of the Constitution’s adoption or shortly thereafter, have [] probative value as indications of the contemporary understanding of the [Commonwealth’s] Constitution in 1780.” *McDuffy v. Sec’y of Exec. Off. of Educ.*, 415 Mass. 545, 600 (1993).

II. State Courts May Interpret Their Own Constitutions Differently From And More Protectively Than The Federal Constitution, But The Federal Constitution Provides A Helpful Historical Backdrop.

It is not uncommon for state courts to interpret their own state constitutions the same way that the United States Supreme Court has interpreted a similar provision in the Federal Constitution. *See* Robert F. Williams, *State Courts Adopting Federal Constitutional Doctrine: Case-by-Case Adoptionism or Prospective Lockstepping?*, 46 Wm. & Mary L. Rev. 1499, 1501 (2005). No doubt the Federal Constitution provides a helpful historical backdrop when it comes to interpreting a state constitutional provision. *See Commonwealth v. Upton*, 394 Mass. 363, 371 (1985). But States need not interpret their own constitutions in lockstep with the Federal Constitution. *See Commonwealth v. Wilkins*, 243 Mass. 356, 360-61 (1923). By lockstepping, state courts risk ignoring their state’s unique history and tradition.

State constitutional analysis should be conducted separately and apart from any federal analysis, even where the state and federal provisions mirror one another. *See generally* Jeffrey S. Sutton, *51 Imperfect Solutions: States and the Making of*

American Constitutional Law (2018). A separate and distinct analysis is especially important because state courts have a freer hand in “allowing local conditions and traditions to affect their interpretation of a constitutional guarantee.” *People v. McKnight*, 446 P.3d 397, 407 (Colo. 2019).

This Court has emphasized that it is the final arbiter regarding the interpretation of the Massachusetts Constitution, and that this Court possesses “the inherent authority” to declare that the Massachusetts Constitution affords broader protection to display statues with religious connotations than does the Federal Constitution. *Libertarian Ass’n of Mass. v. Sec’y of the Commonwealth*, 462 Mass. 538, 558-59 (2012); *Magazu v. Dep’t of Child. & Fams.*, 473 Mass. 430, 441-42 (2016). A separate and distinct analysis of the Massachusetts Constitution coupled with the historical backdrop of the Federal Constitution makes it clear that the proposed statues of Saint Michael and Saint Florian are constitutional under the Commonwealth’s Charter.

III. The Massachusetts Constitution Does Not Stand In The Way Of The Statues.

The Massachusetts Constitution contains several provisions pertaining to religious liberty. Those Religion Clauses include: Articles 2 and 3 of the Declaration of the Rights and Articles of Amendment 11 and 46. Although some of these provisions resemble the Federal Constitution’s provisions, this Court has made clear

that it “should not necessarily follow the reasoning adopted by the Supreme Court of the United States under the First Amendment.” *Desilets*, 418 Mass. at 321.

This Court has emphasized that “the scope of protection afforded the right to freely exercise one’s religion under the Massachusetts Constitution is greater than that afforded by the United States Constitution.” *Rasheed v. Comm’r of Corr.*, 446 Mass. 463, 467 (2006). For instance, this Court rejected the test the federal Supreme Court adopted to evaluate religious exemption claims in *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990), which according to this Court “weakened First Amendment protection for religious conduct.” *Desilets*, 418 Mass. at 321.

Further underscoring the difference between the Massachusetts Constitution and the Federal Constitution is that the Massachusetts Constitution contains no Establishment Clause. Rather, the Massachusetts Constitution, by way of Article 3 of the Massachusetts Declaration of Rights, prohibits denominational subordination.

Article 3 provides that “all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, 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.” Mass. Const. art. 3, as amended by art. 11 of the Amendments. The text of Article 3 is focused on (1) the equal protection of the law for people of different denominations, religions, and

sects, and (2) the prohibition of legal subordination of one religious sect over another. Article 3 is not focused on the funding of symbolic art on public property that reflects the unique, storied culture of the City of Quincy’s fire and police departments simply because the art might carry religious connotations in the eyes of some.

The anti-aid amendment of Article 46 Section 2 further supports this reading of Article 3 of the Massachusetts Declaration of Rights. That provision states “no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society.” Mass. Const. art. 46, § 2. This Court has ruled that Article 46, Section 2 is focused on prohibiting direct aid to private, religious schools and institutions. *Commonwealth v. Sch. Comm. of Springfield*, 382 Mass. 665, 675, 683 (1981). That provision has the well-documented, narrow aim of prohibiting state support for one religion or denomination over another. The fact that the drafters of the provision did not pen a broader prohibition squarely fits in with the overall tenor of the Religion Clauses of the Massachusetts Constitution.

All in all, the Religion Clauses of the Massachusetts Constitution depart from the First Amendment in two important ways: they (1) provide greater protection for free exercise of religion and (2) specifically prohibit religious favoritism of one denomination over another. Neither of these concerns is relevant to the statues at

issue. The Massachusetts Constitution does not stop the people of Quincy from erecting the statues of Saint Michael and Saint Florian, as the statues have nothing to do with religious subordination. Neither statue prefers one denomination over another but rather appeals to first responders of all stripes.

IV. The Massachusetts Constitution Safeguards The Right Of The People Of Quincy To Erect The Statues Of Saint Michael And Saint Florian.

Rather than pose any theoretical hurdle, the Massachusetts Constitution in fact safeguards the right of the people of Quincy to erect the statues. After all, one of the “intention[s]” of the Massachusetts Constitution is to “reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters.” Mass. Const. art. 89, § 1. The People of Quincy decided through their mayor to erect the statues of Saint Michael and Saint Florian to honor their first responders. That decision is constitutionally vested with them.

The group of residents that brought this lawsuit see it differently, but the Massachusetts Constitution does not promise to shield citizens from anything they might find unsettling. It promises equal treatment under the law for people of many beliefs, even when civic space reflects traditions they do not share. The Massachusetts Constitution was written to secure that kind of pluralism, which

distinguishes between legal subordination and symbolic presence. The People of Quincy enjoy the right to decide whether to have symbolic presence in public space.

This interpretation of the Massachusetts Constitution draws support from sister states. Several state courts have rejected state constitutional challenges to statues and religious symbols erected on public land or displayed on government property. *See King v. Vill. of Waunakee*, 517 N.W.2d 671, 672 (Wis. 1994) (permitting under the Wisconsin Constitution the Village of Waunakee to display, at a cost of \$500 per year, a nativity scene in a public park during the Christmas holiday season); *Oliver v. State Tax Comm'n of Mo.*, 37 S.W.3d 243, 244 (Mo. 2001) (allowing under the Missouri Constitution a tax form to bear the words “so help me God”); *Eugene Sand & Gravel, Inc. v. City of Eugene*, 558 P.2d 338 (Or. 1976) (permitting under the Oregon Constitution the display of a large cross in a public park); *State v. Freedom From Religion Found., Inc.*, 898 P.2d 1013, 1014 (Colo. 1995) (permitting under the Colorado Constitution the display of the Ten Commandments in a public park).

Courts have also rejected constitutional challenges to non-Christian, non-Catholic religious symbols displayed on public property, demonstrating that religious symbolism is important to all walks of faith. *See Okrand v. City of Los Angeles*, 254 Cal. Rptr. 913, 914 (Cal. Ct. App. 1989) (permitting display of a Jewish menorah in a city hall rotunda); *Chabad of Mid-Hudson Valley v. City of*

Poughkeepsie, 907 A.D.3d 693, 694 (N.Y. App. Div. 2010) (same); *Skoros v. City of New York*, 437 F.3d 1, 2 (2d Cir. 2006) (permitting the display of Islamic crescents and stars alongside Jewish menorahs in public school); *Brooks v. City of Oak Ridge*, 222 F.3d 259, 260 (6th Cir. 2000) (permitting the display of a Japanese Friendship Bell with Buddhist significance in a public park).

The case of *State ex rel. Singelmann v. Morrison*, 57 So. 2d 238 (La. 1952) provides this Court with a helpful frame of reference. There, plaintiff brought an action under Louisiana’s Constitution against the “Mayor and Commissioner of Public Property of the City of New Orleans, to compel the removal of a statue . . . erected on public property to St. Frances Xavier, Mother Cabrini.” *Id.* at 240. The Louisiana court examined numerous examples of religious statues on public grounds throughout Louisiana and other states. *See id.* Against that backdrop, the court analyzed the statue of Mother Cabrini. The statue was erected

in honor and recognition of the outstanding services rendered [by Mother Cabrini] to the community in the field of child care, and for her effort and sacrifices during the Yellow Fever epidemics of 1897 and 1905, when she assisted the authorities and made personal visits to the homes of the sick and afflicted, and because she established and helped maintain an orphanage in the City of New Orleans.

Id. at 244. On that basis and because “[i]t is traditional for American municipalities to erect monuments at public expense and on public property in honor of, and in memoriam to, those who have contributed to the public welfare and interest, either militarily, scientifically, socially or morally,” the court held that the statues did not

violate the State's Constitution. *Id.* at 246. The outcome may have differed if "the statue to Mother Cabrini were erected as a shrine for the dissemination or propagation of the Catholic Faith, or a subterfuge for a place of worship, [in which case,] it might well violate the constitutional provisions invoked by the complainants." *Id.* at 244.

The logic undergirding the court's analysis in *Singelmann* is applicable here. The statues of Saint Michael and Saint Florian, two widely-recognized and cherished symbols associated with first responders, honor and celebrate Quincy's firefighters and police officers. The people of Quincy have the right under the Massachusetts Constitution to decide that their local government display its support for those that serve and protect the public. And as reflected in the motion of Quincy's Fire and Police Unions to intervene in this case as defendants, Quincy's first responders also want these statues erected.

The erection of these statues shows no semblance of religious subordination or favoritism. For this Court to prohibit these statues would not only run contrary to the text and purpose of the Religion Clauses of the Massachusetts Constitution but would also rob the people of Quincy of a special opportunity to honor their firefighters and police officers.

V. Religious Symbolism Permeates Throughout The Day-To-Day Life Of Massachusetts' First Responders.

Religious symbolism permeates the day-to-day life of Massachusetts' first responders. And a ruling by this Court against the City of Quincy would call into question the religious symbolism that pervades the police stations, fire stations, and emergency services throughout the Commonwealth.

Start with the badge of the Boston Police Department. That badge bears the Latin motto, "Sicut patribus sit deus nobis," which is a translation of 1 Kings 8:57, "God be with us as He was with our fathers." BOS. POLICE DEP'T, <https://tinyurl.com/umj82vu3> (last visited Mar. 30, 2026). Under Plaintiffs' theory, the Boston Police Department must remove the Latin motto from the badge given its religiosity.



Consider next the Star of Life, which is displayed prominently on ambulances across the State. See *Watertown Fire Dep't, Emergency Med. Servs.*, CITY OF WATERTOWN, MASS., <https://tinyurl.com/bdhe7cwr> (last visited Mar. 30, 2026). The center of the Star of Life features the Rod of Asclepius, which is a serpent-entwined staff wielded by the Greek god Asclepius. According to modern-day Hellenism, Asclepius is the revered deity of healing, and neo-paganists still worship Asclepius and other Greek gods in the modern era. See *What's in a Symbol*, THE CHAPMAN SOC'Y AT THE UNIV. OF FLA. COLL. OF MED., <https://tinyurl.com/2nmu3dd3> (last visited Mar. 30, 2026); see also Ian Harvey, *The Ancient Greek Practice of Hellenism Lives on as a Modern Religion*, VINTAGE NEWS (Feb. 22, 2017), <https://tinyurl.com/33hazxbk>. Under Plaintiffs' theory, paramedics across the Commonwealth must strip the Star of Life from ambulances and uniforms.



Move on to the Massachusetts Fallen Firefighters Memorial, which is located at the State Capitol. The Memorial features a 10-foot statue of firefighters on top of a marble Maltese Cross, honoring the sacrifice and spirit of the profession and representing courage, honor, and dedication. *See Massachusetts Fallen Firefighters Memorial*, NAT'L FALLEN FIREFIGHTERS FOUND., <https://tinyurl.com/bdeyevpj> (last visited Apr. 9, 2026). The Maltese Cross emerged during the Crusades, specifically tied to the Knights Hospitaller, a Catholic military order founded in Jerusalem. *See The Story of the Maltese Cross*, DALL. FIRE MUSEUM, <https://tinyurl.com/mukawte6> (last visited Apr. 9, 2026). The cross is, fundamentally, a symbol of faith. Under Plaintiffs' theory, the Memorial must fall given the religiosity of its Maltese base.



Turn also to the Massachusetts Army National Guard's shoulder sleeve insignia, which features an armored arm bent at the elbow. *See Massachusetts National Guard Shoulder Sleeve Insignia*, INST. OF HERALDRY,

<https://tinyurl.com/v45a36ye> (last visited Apr. 9, 2026). The armored arm bent at the elbow represents the “arm of God,” signifying “God is on our side.” Sharon Lawrence McDonald, *The Bedford Flag Unfurled* 1, 1 (2000). Under Plaintiffs’ theory, the Massachusetts Army National Guard must change their insignia and remove the arm of God.



Plaintiffs advance a theory of Article 3 that prohibits the religious symbolism that permeates the values, symbols, and practices of Massachusetts’ first responders. No longer would the Boston police officers be able to adorn the Latin phrase “Sicut patribus sit deus nobis.” Nor could the State’s ambulances display the Star of Life. Likewise, the Maltese Cross would have to be removed in front of the State Capitol. The People that drafted and ratified Article 3 did not have such intentions as is clear from the language and history of the Commonwealth’s Charter.

VI. Saint Michael And Saint Florian Hold An Especially Important Place In The Hearts And Minds Of Massachusetts' First Responders.

Saint Michael and Saint Florian hold an especially important place in the hearts and minds of Massachusetts' first responders of all walks of faith. Consider the story of the nine-year-old native of Mashpee, Massachusetts, Caoimhe Assad. After hearing about the death of a police lieutenant with the Marco Island Police Department, Caoimhe sent medals depicting Saint Michael to every officer in the Marco Island Police Department. *See* Lance Shearer, *Protecting the Protectors: Cape Cod Girl Donates Medals to MIPD*, MARCO EAGLE (Apr. 28, 2020, 1:37 PM), <https://tinyurl.com/2j686t8z>. She raised money for the Saint Michael medals by collecting aluminum cans and holding a bake sale. *See id.* Her fundraising efforts resulted in more than 1,000 medals, and she donated those medals to police departments in Falmouth, Weymouth, and Barnstable, as well as in Marco Island. *See id.*





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Beyond Massachusetts, Saint Michael also holds a special place in the hearts of police across the Nation and the world. When an officer falls in the line of duty, a bronze statue of Saint Michael may be erected outside the precinct to offer solace to the survivors and honor the fallen. A 900-pound statue has stood outside the 34th precinct stationhouse in New York City. *See* Patty Knap, *St. Michael the Archangel Stands Vigil for Fallen Police Officers*, NAT'L CATH. REG. (Feb. 10, 2022), <https://tinyurl.com/2k3tmtk2>. The Chicago police have a ministry dedicated to Saint Michael. *See* *Meet Your Department Chaplains*, CHI. POLICE CHAPLAINS MINISTRY,

¹ All photos of Caoimhe Assad used in this Brief appear in public newspaper articles.

<https://tinyurl.com/bdbthj7m> (last visited Apr. 9, 2026). And the New South Wales Police Department recognizes Saint Michael as its patron saint and holds a national police remembrance day in the Saint’s and in the fallen’s honor. See N.S.W. Police Force, *National Police Remembrance Day: 29 September 2014*, <https://tinyurl.com/4jtu9xxj> (last visited Apr. 9, 2026).

The import of Saint Michael extends to non-Catholic police officers. The story of federal marshal Jason Parnell proves as much. Jason, even though not a Catholic, “does not go anywhere without his medal featuring St. Michael the Archangel.” Dave Hrbacek, *Minnesotan’s St. Michael Project Brings Police Officers Spiritual Support*, CRUX (Oct. 23, 2022), <https://tinyurl.com/4jxp327e>. Despite being a non-Catholic, Jason—like many non-Catholic and even secular law enforcement officers—“believes in the protective powers of the patron saint of law enforcement officers.” *Id.*; see also Rachel Lucas, *Blessed St. Michael Medals to Protect Our Police*, CATHOLIC365 (Aug. 22, 2016), <https://tinyurl.com/2uw48svj> (noting that “even non-Catholics feel the power and reality of St. Michael”).

Similar to Massachusetts’ police, Massachusetts’ firefighters have woven the veneration and imagery of Saint Florian into their everyday life. Their front-and-center institutional homage to Saint Florian is the naming and continual use of Florian Hall in Boston’s Dorchester neighborhood. Boston Firefighters Local 718, International Association of Fire Fighters, AFL-CIO convenes at Florian Hall

every month for union meetings. BOS. FIREFIGHTERS LOCAL 718, <https://tinyurl.com/4us82sfm> (last visited Apr. 9, 2026). The Professional Fire Fighters of Massachusetts (PFFM), which represents firefighters across the State, also situates state-level firefighter gatherings at Florian Hall. PROF. FIREFIGHTERS OF MASS., <https://tinyurl.com/4fmnc5ar> (last visited Apr. 9, 2026). And Boston Firefighter Credit Union likewise calls Florian Hall home. BOS. FIREFIGHTER CREDIT UNION, <https://tinyurl.com/2kkb7b4w> (last visited Apr. 9, 2026).





Saint Florian also holds a special place in the hearts of firefighters, regardless of their faith or denomination, across the Nation and the world. Firefighters founded the Saint Florian Center in Indianapolis, Indiana to provide enrichment programming to children. SAINT FLORIAN CTR., <https://tinyurl.com/mw5a3cks> (last visited Apr. 9, 2026). Members of the Howard County of Maryland Department of Fire and Rescue Services established Saint Florian’s Brigade to support and facilitate the participation of women in fire and emergency services. *St. Florian’s Brigade Is First Affiliate of iWomen in the Nation*, FIRE ENGINEERING (Nov. 16, 2016), <https://tinyurl.com/npu6n9j5>. And Operation Florian, based in the United Kingdom, “was established in 1995 as a UK fire and rescue service humanitarian charity and works to promote the protection of life amongst communities in need worldwide.” OPERATION FLORIAN, <https://tinyurl.com/36wcuw6h> (last visited Apr. 9, 2026).

The importance of Saint Michael to Massachusetts police and Saint Florian to Massachusetts firefighters explains why the Quincy Police and Firefighter unions asked to intervene in this lawsuit, as the proposed statues of both saints symbolize the importance of honoring first responders, veterans, and their families as well as building appreciation and respect for their work.

VII. The Proposed Statues Of Saint Michael And Saint Florian Unify The Community Rather Than Divide It.

Statues often serve as powerful, tangible, and visible symbols designed to unify communities, honor shared values, and commemorate collective history, as they act as focal points for reflection, education, and cultural identity. *See Public Art, AMS. FOR THE ARTS*, <https://tinyurl.com/5n82edfj> (last visited Apr. 9, 2026). Studies document that statues link historical traditions to modern urban life, generating belonging and social bonds that connect residents across time and identity as well as reinforcing community health and civic capacity. *See Jill Sonke et al., Relationships Between Arts Participation, Social Cohesion, and Well-Being: An Integrative Review of Evidence*, 13 *Pub. Health* 1, 2 (May 8, 2025), <https://tinyurl.com/3dmjeha8>. And that is the case with the proposed statues of Saint Michael and Saint Florian.

The proposed statues of Saint Michael and Saint Florian act as unifying symbols for the Quincy community by fostering shared identity and by highlighting the sacrifices that first responders make every single day. As Chris Walker, the

mayor's chief of staff, stated during a city council meeting: "the depictions of Michael and Florian transcend any religious connotation, [as] these are historic, symbolic protectors of our first responders." Litsa Pappas, *Community Conflicted Over Two Proposed Statues Outside New Quincy Public Safety Building*, BOSTON 25 NEWS (Feb. 24, 2025, 10:13 PM), <https://tinyurl.com/57ndtjff>. Viewed through the context of history and tradition, there is no question that the proposed statues of Saint Michael and Saint Florian are unifying and not divisive.

To be sure, not all statues unify. Some statues may have been erected to honor exclusionary and divisive narratives. But the proposed statues of Saint Michael and Saint Florian are far from exclusionary and divisive. If deemed otherwise, courts across the Commonwealth will have little choice but to strip the public square of any vocabulary or symbols that honor sacrifice and service by referencing things beyond the state. This Court should not force the statues of Saint Michael and Saint Florian to sit in a storage facility because some might find the benign art objectionable.

CONCLUSION

This Court should let the statues stand, reverse and remand for a judgment of dismissal, or at minimum, vacate the preliminary injunction.

Dated: April 10, 2026

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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-style font, and the portions of the Brief subject to length limitation, as provided in Mass. R. App. P. 20(a), contain 4841 words based upon the word count provided by that software.

Dated: April 10, 2026

/s/ Michael Heidler

Michael Heidler

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2026, I served the *Amici* Brief by the Electronic Filing System and by email on all counsel of record, including:

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