

February 24, 2025

**Via Email**

Mayor Thomas P. Koch and Members of the Quincy City Council  
1305 Hancock Street  
Quincy, MA 02169

Re: Significant Concerns Regarding the Plan to Erect Statues of  
Saints Michael and Florian outside of the Quincy Public Safety  
Building

Dear Mayor Koch and Councilors:

We write on behalf of the American Civil Liberties Union of Massachusetts (“ACLUM”). Our state and federal constitutions mandate that government actions can neither promote religion nor interfere with its free exercise. Both of these requirements are equally important to protect religious liberty. As an organization dedicated to protecting civil rights and civil liberties in the Commonwealth, ACLUM advocates for the right of all individuals to freely practice their religion without government interference.<sup>1</sup> ACLUM also advocates for the separation of church and state, a principle which is among our nation’s oldest traditions. Indeed, our state and federal constitutions recognize that to “make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary,’ the government must not align itself with any one of them.” *Lee v. Weisman*, 505 U.S. 577, 608 (1992) (Blackman, J., concurring) (internal citation omitted).

It is in light of this fundamental constitutional principle that we write to express our deep concern over the plan to erect two ten-foot-tall bronze statues depicting Saint Michael and Saint Florian in front of the City’s new public safety building. This display would violate the constitutions of Massachusetts and the United States and fails to reflect and respect the pluralism of the Quincy community. Such a failure would be particularly acute at a public safety building, where all Quincy residents should feel safe, welcomed, and equally respected by their government.

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<sup>1</sup> See, e.g., Letter to Mashpee Select Board, May 10, 2022, available at [https://www.aclum.org/sites/default/files/field\\_documents/aclum\\_-\\_mashpee\\_select\\_board\\_-\\_free\\_speech\\_and\\_religion\\_and\\_pledge\\_of\\_allegiance\\_-\\_may\\_10\\_2022.pdf](https://www.aclum.org/sites/default/files/field_documents/aclum_-_mashpee_select_board_-_free_speech_and_religion_and_pledge_of_allegiance_-_may_10_2022.pdf) (defending resident’s right not to participate in the Pledge of Allegiance based on their religious beliefs).

## **The Massachusetts Constitution**

Erection of the statues would plainly violate the Massachusetts Constitution. Under Article II of the Massachusetts Declaration of Rights, the standard for judging the constitutionality of a challenged governmental action requires consideration of four factors: (1) whether the action has a secular purpose; (2) whether its primary effect “neither advances nor inhibits religion”; (3) whether it avoids “excessive government entanglement” with religion; and (4) whether it has “divisive political potential.” *Colo v. Treasurer & Receiver Gen.*, 378 Mass. 550, 558 (1979) (quoting *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971)).<sup>2</sup> The proposed statues fail each factor of this test.

First, the purpose of the statues is plainly religious. Although Mayor Koch has attempted to justify the statues as symbolizing the “universal concept” of good versus evil,<sup>3</sup> saints are specific to certain sects of Christianity. They are neither ubiquitous nor secular. Additionally, Mayor Koch has “emphasized the centrality of the figures to officers and firefighters, many of whom he said carry medallions and prayer cards bearing the saints’ images.”<sup>4</sup> ACLUM strongly supports each person’s right to exercise their own religion, including to venerate saints if they choose. However, the issue here is whether a government entity may impose religious symbols upon all who work in, visit, or pass by the public safety building. And the answer to that question is, resoundingly, “no.”

Second, placing larger-than-life statues of Catholic saints in front of a public building unequivocally advances one religion to the exclusion of all others. It conveys the message that Quincy is a Catholic community and that non-Catholics do not belong or are less valued. It is especially troubling to send this kind of message at the public safety building, where all Quincy residents should feel safe and welcomed to speak with and seek assistance from their public safety officials.

Finally, the statues both entangle Quincy with religion and “risk threatening ‘civic harmony,’ by making the ‘question of religion’ a political one.” *Caplan v. Town of Acton*, 479 Mass. 69, 93 (2018) (quoting *Bloom v. School Comm. of Springfield*, 376 Mass. 35, 39 (1978)). In considering the constitutionality of a municipal grant to fund restoration of a stained-glass window glass window featuring explicit religious imagery, the Supreme Judicial Court concluded that such government action “pose[d]

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<sup>2</sup> Although the U.S. Supreme Court has overruled the *Lemon* test with respect to the U.S. Constitution, see *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 534 (2022), the Supreme Judicial Court of Massachusetts has not overruled the *Lemon* test with respect to the Massachusetts Declaration of Rights.

<sup>3</sup> See Peter Blandino, ‘Clearly and primarily religious’: ACLU reacts to statues on Quincy public safety building, Patriot Ledger (Feb. 21, 2025), <https://www.patriotledger.com/story/news/local/2025/02/21/quincy-ma-police-fire-station-catholic-saint-statues-aclu-response-regious-icons/79406413007/>.

<sup>4</sup> *Id.*

an inevitable risk” of becoming “politically divisive” in the community. *Id.* at 93-94 (quoting *Bloom*, 376 Mass. at 39). That is certainly the case here, as evidenced by the community discord already engendered by the proposal.<sup>5</sup>

### **The United States Constitution**

Erection of the statues would also violate the United States Constitution. The “First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.” *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968). When the government selects a single religion’s symbols to honor, this not only endorses a preferred religion, but also communicates the unmistakable “message to non-adherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.” *McCreary County v. ACLU of Ky.*, 545 U.S. 844, 860 (2005) (internal quotations omitted).

In assessing whether religious expression by the government violates the Establishment Clause, the question is whether that expression “fits within” and is “consistent with” a broader, historical tradition. *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565, 577 (2014); *see also Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 535 (2022) (“[t]he Establishment Clause must be interpreted by ‘reference to historical practices and understandings’”). For example, “[t]he opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country” and is therefore permissible under the First Amendment, *Marsh v. Chambers*, 463 U.S. 783, 786 (1983), so long as such invocations do not “denigrate, proselytize, or betray an impermissible government purpose,” *Galloway*, 572 U.S. at 585. By contrast, placement of the Ten Commandments in public schools has no such historical analogue and is accordingly unconstitutional. *See Roake v. Brumley*, 2024 WL 4746342, at \*6 (M.D. La. Nov. 12, 2024) (enjoining statute requiring that the Ten Commandments be posted in every public-school classroom in Louisiana where “the historical evidence showed that the instances of using the Ten Commandments in public schools were too ‘scattered’ to amount to ‘convincing evidence that it was common’ at the time of the Founding or incorporation of the First Amendment to utilize the Decalogue in public-school education”).

There is no longstanding tradition of placing statues of religious figures in front of public safety buildings. Although we are unaware of even a single supporting example, even if Quincy could identify a few, this would not render the statues

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<sup>5</sup> Molly Farrar, *Quincy mayor defends \$850,000 patron saint statues at public safety building*, Boston.com (Feb. 18, 2025), <https://www.boston.com/news/local-news/2025/02/18/quincy-mayor-defends-850000-patron-saint-statues-at-public-safety-building/> (noting an online petition with over 1,000 signatures calling on Quincy to cancel the commission of the statues).

constitutional. Under the Supreme Court’s “history and tradition” analysis, the tradition at issue must be of an “unambiguous and unbroken” nature. *Marsh*, 463 U.S. at 792; *cf. N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 46 (2022) (“we doubt that *three* colonial regulations could suffice to show a tradition”) (emphasis in original). That is not the case here. Quincy cannot “affirmatively prove” that its erection of the statues in front of a public building is “part of the historical tradition” because no such tradition exists. *See Bruen*, 597 U.S. at 19. As a result, the statues would also violate the Establishment Clause.

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Under both the Massachusetts and U.S. Constitutions, the government has a fundamental obligation to remain neutral between different religious teachings. “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Trump v. Hawaii*, 585 U.S. 667, 699 (2018); *Larson v. Valente*, 456 U.S. 228, 244 (1982). The proposed statues would violate this constitutional requirement, placing a governmental stamp of approval on one faith to the exclusion of all others. Such favoritism violates the law, and it violates the trust of Quincy’s residents that their government will treat them with equal dignity regardless of their faith or creed.

Finally, we note that the contemplated statue of Saint Michael is not only troubling for all of the reasons above, but also because it depicts a figure stepping on the neck of a demon. Such violent imagery is particularly abhorrent in light of the murder of George Floyd and other acts of police brutality throughout this country. As one City Councilor who is himself a retired Quincy Police Lieutenant already noted, this image “made me think of brutal force and I don’t want citizens to connect this statue with the way our Officers treat anyone.”<sup>6</sup> This looming figure will subvert the very purpose of the public safety building, as it will only provoke fear and mistrust of law enforcement.

In light of these concerns, we urge Mayor Koch and the City Council to cancel the plans to erect these statues. Thank you for your consideration.

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<sup>6</sup> Peter Blandino, *Quincy public safety headquarters statutes cause concern: ‘Made me think of brutal force’*, Patriot Ledger (Feb. 10, 2025), <https://www.patriotledger.com/story/news/local/2025/02/10/quincy-ma-new-police-station-st-michael-statues-city-councilor-daniel-minton-reaction-thomas-koch/78373605007/>

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Sincerely,



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cc: City Clerk Nicole Crispo, via email