

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT

CLAIRE FITZMAURICE, et al.,

Plaintiffs,

v.

C.A. No. _____

CITY OF QUINCY and THOMAS P.
KOCH, *in his official capacity as Mayor of
Quincy,*

Defendants.

**MEMORANDUM IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

The City of Quincy and Mayor Thomas P. Koch intend to install two statues of Catholic saints—Saint Michael the Archangel and Saint Florian—on the façade of the City’s new public safety building. This plan was made without the input, knowledge, or consent of Quincy residents. The purpose of the public safety building is to provide all people in Quincy with critical safety and municipal services, and it is crucial that all residents feel safe, welcomed, and equally protected in that space to access these services, regardless of their religious beliefs. But affixing two 10-foot-tall bronze statues of Catholic saints on the face of the building visibly and prominently conveys the message that Quincy residents who do not subscribe to the religious tradition of the saint statues, namely Catholicism, are outsiders in their own community and should not expect the same quality of services and treatment as those who do. This planned religious display fails to reflect and respect the pluralism of the Quincy community and violates Article 3 of the Massachusetts Declaration of Rights, which 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.”

It recently came to light that, in 2023, Mayor Thomas P. Koch—without seeking approval from the City Council or notifying the public—commissioned and paid a sculptor to create these religious statues. The City now intends to erect the statues upon completion of the outstanding work to the front of the building. The City’s attorney has stated that he expects the statues to be installed around Labor Day, although he also acknowledged that installation could happen earlier. Moreover, transportation of the statues from Italy could occur at any time and may involve additional payment of City funds. Absent a preliminary order enjoining the City from the impending installation of the statues of Catholic saints and spending of taxpayer funds in connection with transporting, storing, and/or installing the statues, Defendants will violate Plaintiffs’ constitutional rights, for which they will have no adequate remedy at law.

Plaintiffs therefore file this motion for a preliminary injunction to prevent the imminent installation of the statues of Saint Michael the Archangel and Saint Florian on Quincy’s new public safety building and to preclude Defendants from further expending public funds in support of this unconstitutional plan.

FACTUAL BACKGROUND

Approval and Construction of the Public Safety Building

In 2017, Quincy’s City Council approved \$500,000 to design a new public safety building to replace the City’s police station. Ex. 1 to Declaration of Attorney Rachel E. Davidson in Support of Plaintiffs’ Motion for Preliminary Injunction (“Davidson Decl.”).¹ The building will be

¹ All exhibits are attached to the Declaration of Attorney Rachel E. Davidson in Support of Plaintiffs’ Motion for Preliminary Injunction. A table detailing the exhibits is included as Appendix A to this Memorandum.

approximately 122,000 square feet in size, four stories tall, and will house the City's information technology department, police department, emergency operations center, and fire department administrative offices. *See* Ex. 2 & 3. The building will be located on Sea Street near the intersection of Sea Street and Southern Artery, both of which are main thoroughfares in Quincy. *See* Ex. 1. For some residents, driving past the building is the most direct route to access the downtown area of Quincy. *See, e.g.,* Ex. 24 (Fitzmaurice Decl.) ¶ 11. For others, they are likely to drive past the building several times per week in the course of their day-to-day lives. *See, e.g.,* Ex. 31 (Roche-Cotter Decl.) ¶ 11.

The new public safety building will house many necessary services for the residents of Quincy. Residents looking to obtain fire permits or records will need to do so at the fire department administrative offices on the first floor, and residents who must file or obtain accident reports or police reports will need to do so at the police department on the first floor. Quincy City Council Meeting, Feb. 24, 2025 (hereinafter "City Council Video"), at 22:10, <https://youtu.be/OtvL1EeiWTY?si=W17KI-ZPXrdJh7tH> (statement of Chief of Police Mark Kennedy). The first floor also will have private rooms adjacent to the lobby that will be used for residents who need to file police reports, meeting with police officers, and speaking with mental health counselors. *Id.* at 23:25. In addition, the second floor will house meeting and training rooms where free classes for the community will be held, including self-defense and pepper spray training, citizens' police academy, youth academy, and "a litany of other classes." *Id.* at 22:45. Finally, there may be a prescription drop box in the new public safety building, as there is one currently located in the police station. At a Quincy City Council meeting on February 24, 2025, Chief of Police Mark Kennedy touted the public accessibility and usability of the building, stating

that “community access to police and fire service is going to be like nothing we’ve ever had in this City before.” *Id.* at 22:10.

In November 2019, the City Council approved an additional \$32 million to acquire five pieces of land and to pay for the architect’s fees, environmental studies, and permitting for the public safety building. *See* Ex. 1. In April 2021, the City Council approved an additional \$120 million for construction of the building, including \$90 million for the building itself; \$10 million for furniture and equipment; \$10 million for nearby infrastructure and utility improvements; and \$10 million for contingencies. *Id.* In November 2022, due to cost overruns, the City Council approved an additional \$23 million for construction of the building. *Id.* The building is slated to open in October 2025. *Id.*

***The Public First Learns of Quincy’s Plan
to Erect Statues of Saints on the Front of the Public Safety Building***

The decision to commission and install the Catholic saint statues on the public safety building was made by Mayor Thomas P. Koch. *See* Ex. 4. Many aspects of the building were discussed at length during public meetings. However, at no point during any of the numerous City Council meetings during which funding for the public safety building was discussed or voted on was the public notified of the plan to install statues of Catholic saints in front of the building. Nor was the potential for public art of any kind—patron saints or otherwise—contemplated by or included in public plans or drawings of the building from the time of the building’s approval until February 2025. Renderings of the building published in news articles between the project’s inception and February 2025 also did not include the statues. *See, e.g.,* Ex. 5 & 6. Rather, the public first learned of the of the proposed statues for the public safety building was on February 8, 2025, via a *Patriot Ledger* news article (the “February 8 Article”) reporting that Mayor Koch had commissioned two, ten-foot-tall bronze statues of Catholic saints. *See* Ex. 7 (“February 8

Article”). According to the February 8 Article, Koch claimed that the statues were not shown to the City Council when it approved funding for the public safety building at various points between 2017 and 2022 because “large projects like this one sometimes ‘evolve’ and the idea ‘wasn’t on the table’ when councilors cast their votes.” *Id.*

The statues, which will adorn the façade of the new public safety building, will depict Saint Michael the Archangel and Saint Florian, designated in the Catholic faith as the patron saints of police and firefighters respectively. *Id.* The two religious statues will be displayed by themselves on the building, and there are no other statues currently contemplated or given space or prominence on the building. *See* Compl. ¶ 30. Images provided of the statues show that Saint Michael will be depicted with the wings of an archangel, standing on the head and neck of a demon. Compl. ¶ 31. The statue of Saint Florian will depict him pouring water on a burning building from a vessel. *Id.* Sculptor Sergey Eylanbekov has been commissioned to create the statues. *See* Ex. 7. Neither Mayor Koch nor any City official issued a public Request for Proposals regarding the creation or installation of the statues.

The total cost for the statues is reported to be \$850,000. The first payment to Mr. Eylanbekov was made in July 2023 in the amount of \$250,000. At least seven additional payments have been made since: \$100,000.00 in February 2024; \$85,000.00 in March 2024; \$20,417.72 in April 2024; \$100,000 in June 2024; \$200,000 in August 2024; \$77,961.03 in October 2024; and \$78,000.00 in November 2024. Additionally, \$150,000.00 was reimbursed to the City in September 2024. *See* Ex. 8. No public records have been produced regarding from whom this money was reimbursed or for what purpose.

According to the February 8 Article, of the nine members of the City Council, two had no prior knowledge of the religious statue plans, one “had heard something about it but didn’t

participate in the plans,” one was previously aware of the plan, and five did not respond to requests for comment. Ex. 7. While it appears that most City Councilors were not aware of the commissioned statues prior to the February 8 Article, Ward 1 Councilor Dave McCarthy, whose district hosts the new headquarters, was informed of the plans “a long time ago.” *Id.* Councilor McCarthy has stated his belief that the statues “will bless our first responders” and his hope that the first responders “might say a little prayer before they go out on duty.” *Id.* As the statues were neither discussed in public meetings nor subject to a public procurement process nor otherwise disclosed to the public prior to February 8, it is unclear how or by whom Councilor McCarthy and some other the members of the City Council were made aware of the plan in advance of the February 8 Article.

After the plan to affix the statues on the public safety building was revealed on February 8, the City Council discussed the matter at its February 24, 2025, meeting. Although Mayor Koch did not attend this meeting, he was represented by his Chief of Staff. At the meeting, Mayor Koch’s Chief of Staff confirmed that the City Council, as a body, had not been previously notified about the statues and was just now “finding out about this with the [rest of] the public.” City Council Video at 58:00. He contended that “the process for these statues begins and ends, and appropriately so, under the Mayor’s discretion. [The City Council], as we’ve all discussed, had no role in the procurement process for these statues.” *Id.* at 33:55. He also stated that the decision to commission the statues “was ultimately and only the Mayor’s decision.” *Id.* at 57:32.

The Planned Statues Have Caused Serious Political Division in the Quincy Community

Quincy is a religiously diverse community. Among other faiths, Quincy residents practice Judaism, Islam, Unitarian Universalism, Buddhism, and an array of Christian denominations and

branches. Moreover, other Quincy residents identify as spiritual, atheist, nonreligious, Humanist, or are religious but do not practice with a particular religious organization.

The City's plan to erect the religious statues has sparked political division in the Quincy community. While it is typically the case that only five to ten residents attend City Council meetings in Quincy, on February 24, 2025, over two hundred people attended the Quincy City Council meeting to hear more about the statues, although there was no opportunity during this meeting for public comment or residents to submit questions about the plan. *See* Ex. 4. Nevertheless, at the meeting, City Councilor James Devine acknowledged that "the statues [are] clearly contentious for everyone" and that "a bunch of" constituents reached out to him to express their concerns about the statues. Indeed, hundreds of Quincy residents and at least one City Councilor have publicly expressed opposition to the statues. *See id.* "Ward 5 Councilor Dan Minton, a retired Quincy police lieutenant who spent 40 years on the department, wrote on Facebook that the image of St. Michael 'may not translate to contemporary times,'" and was "'unwelcoming' and embodying an 'us-versus-them' mentality which contradicts the department's mission of helping citizens." Ex. 9. A Quincy resident also started a petition to stop the installation of the statues. *See* Ex. 10.

Furthermore, on April 4, 2025, nineteen faith leaders from the Quincy Interfaith Network issued a public statement expressing "grave concerns" about the religious statues. *See* Ex. 11. The Quincy Interfaith Network "aims to gather and lift up the voice and witness of people of faith and conviction in the public sphere to promote justice, inclusion, and interfaith community action." *Id.* The signatories to the statement included members of the Roman Catholic, Jewish, Unitarian Universalism, Presbyterian, Lutheran, Methodist, and Nazarene faiths. *Id.* They noted that because Quincy is a "diverse city . . . composed of many people of faith and those who do not identify with

any religious tradition[,] [n]o single religious tradition should be elevated in a publicly funded facility. Erecting these statues sends a message that there are insiders and outsiders in this community. We are confident this is not the message our City or our first responders want to send.” *Id.*

The City Proceeds with Plans to Install the Statues

The statues are being constructed by the sculptor in Italy and will be transported to Boston by sea. *See* Ex. 14 at 20. The amounts paid to the artist, \$700,000, and the subcontractor, \$70,000, do not include the cost of transporting the statues from Italy to Quincy or the cost of any temporary storage of the statues that may be required if they cannot be installed immediately upon arrival. *Id.* at 10. These expenses are the sole responsibility of the City. *Id.* It is not clear whether the City has already allocated or paid out funds for these purposes.

Moreover, there are several additional expenses associated with the statues, including statue supports (\$38,035.13), *see* Ex. 15 at 1, and cast stone accents (\$22,668.91), *see* Ex. 16 at 1. It is likewise unclear whether these expenses have already been paid. It is also not clear whether there are additional expenses associated with the installation of the statues and whether those funds, if any, have already been allocated or spent. As of April 2025, at least \$761,378.75 in public funds diverted to the statues have been paid. *See* Ex. 8.

According to a lawyer for the City, shipping of the statues from Italy to Boston is anticipated to occur sometime this August. *See* Ex. 17. He noted that he expects the statues will be available for installation sometime around or after Labor Day, although he noted that the installation could occur sooner. *See id.* (noting that the City “should be quiet on the ‘affixing front’ through the end of June at least.”).

To Plaintiffs' knowledge, neither the City Council nor Mayor Koch, nor any other City official has acted to halt the installation of the statues. In response to public outcry over the statues, Mayor Koch and two city councilors proposed a new commission to review future plans for public art in the city. *See* Ex. 12. However, "Chris Walker, Koch's chief of staff, said installation of the saint statues will not be put on hold until the new commission can review them." Ex. 13. Based on public statements by the Mayor and his Chief of Staff, as well as communications with a lawyer for the City, the plans to affix the statues to the building are moving forward.

Plaintiffs Object to the Statues

Plaintiffs are fifteen residents of Quincy, twelve of whom own residences and pay property taxes to the City. Plaintiffs are diverse in their religious beliefs and practices. Some Plaintiffs are Catholic, Jewish, Unitarian Universalist, or Episcopalian. *See, e.g.*, Ex. 38 (Geraghty Decl.) ¶ 4; Ex. 33 (LeClair Decl.) ¶ 4; Ex. 24 (Fitzmaurice Decl.) ¶ 4; Ex. 27 (Conevery Bolton Valencius Decl.) ¶ 4. Other Plaintiffs are atheist, Humanist, spiritual, or do not participate in a particular religious organization. *See, e.g.*, Ex. 31 (Roche-Cotter Decl.) ¶ 5; Ex. 34 (Hooks Decl.) ¶ 4; Ex. 25 (Tarantino Decl.) ¶ 4. The Plaintiffs oppose the statues on the basis of their religious beliefs or non-faith beliefs. *See, e.g.*, Ex. 25 (Tarantino Decl.) ¶ 7; Ex. 26 (Rosenthol Decl.) ¶ 6; Ex. 24 (Fitzmaurice Decl.) ¶¶ 7-8. Further, Plaintiffs all have significant interaction with the new public safety building. Most drive by the building on a regular basis and one Plaintiff can see the building from her apartment. *See, e.g.*, Ex. 29 (DiGravio Decl.) ¶ 8; Ex. 30 (Reich Decl.) ¶ 11; Ex. 32 (Cotter Decl.) ¶ 11; Ex. 28 (Matthew Valencius Decl.) ¶ 10. Most Plaintiffs have visited the police department in the past and anticipate that they may need to visit the new public safety building once it is open. *See, e.g.*, Ex. 24 (Fitzmaurice Decl.) ¶ 11; Ex. 27 (Conevery Bolton Valencius Decl.); Ex. 38 (Geraghty Decl.) ¶ 10. In support of this motion, each Plaintiff has submitted a

declaration stating the nature of their objections to the statues, their religious backgrounds, and their anticipated interactions with the new public safety building. *See* Exs. 24-38; Compl. ¶¶ 3-17.

ARGUMENT

When addressing a request for preliminary injunctive relief, courts evaluate: (1) the plaintiff's reasonable likelihood of success on the merits; (2) the potential for irreparable harm to the plaintiff if the injunction is denied; (3) the balance of relevant harms; and (4) the public interest. *Siemens Bldg. Techs., Inc. v. Div. a/Capital Asset Mgmt.*, 439 Mass. 759, 762 (2003). Here, all four factors weigh in favor of Plaintiffs.

I. PLAINTIFFS HAVE A STRONG LIKELIHOOD OF SUCCESS ON THE MERITS

For almost 200 years, Article 3 of the Massachusetts Declaration of Rights has enshrined in the Massachusetts Constitution a deep respect for religious pluralism and a promise of religious liberty and equality for all. As amended in 1833, Article 3 provides in relevant part 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.” The 1833 amendment arose after decades of lawsuits, religious strife, and political battles, leading the Commonwealth's residents to vote overwhelmingly—by a ten-to-one margin—to remove religious favoritism from the Massachusetts Constitution and to put an end to this perennial source of conflict. Ex. 18 at 143–44.

Article 3's prohibition against religious favoritism is especially important when assessing the constitutionality of permanent religious displays on government property, which tend to monopolize the space and endure for all time. Here, Defendants are planning not only to display the religious statues on City property, but also to permanently affix them to the façade of the main

entrance of a City facility that is intended to be used by all Quincy residents. The religious statues will, therefore, become a substantial and enduring part of the structure itself.

In assessing whether a government action violates this provision, Massachusetts courts consider (1) whether the practice has a “secular . . . purpose”; (2) whether the primary effect of the challenged practice neither advances nor inhibits religion; (3) whether it causes “excessive government entanglement with religion”; and (4) “whether the challenged practice has a divisive political potential.” *Colo v. Treas. & Receiver Gen.*, 378 Mass. 550, 558 (1979) (quotations omitted).² Quincy’s planned installation of the statues of Saints Michael and Florian cannot survive this constitutional inquiry.

A. The installation of the statues does not serve a predominantly secular purpose.

Saints Michael and Florian are in no way primarily secular symbols. On the contrary, they are fundamentally religious. Saints in general, and patron saints specifically, are prominent among certain sects of Christianity, especially Catholicism.³ Ex. 19. The word “saint” comes from the Latin *sanctus*, meaning holy.⁴ In the Catholic Church, “[s]aints are persons in heaven (officially canonized or not), who lived heroically virtuous lives, offered their life for others, or were martyred for the faith, and who are worthy of imitation,” and “[p]atron saints are chosen as special protectors or guardians over areas of life.” Ex. 20; Compl. ¶ 41. Becoming a saint is a religious function, not a secular honor: Patron saints are recognized by the Catholic Church for various causes so that the

² In adopting these criteria, the Supreme Judicial Court was “aided by” the U.S. Supreme Court’s three-prong test set forth in *Lemon v. Kurtzman*, 403 U.S. 602, 612-13 (1971), while adding a fourth consideration—political divisiveness. *Colo*, 378 Mass. at 55. Although the U.S. Supreme Court recently abandoned the *Lemon* test, see *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 534 (2022), the *Colo* test remains the law with respect to Article 3 under Supreme Judicial Court precedent.

³ The depiction and veneration of saints varies within and between Christian denominations. For example, many Protestant denominations reject the veneration of saints.

⁴ “Saint,” Oxford English Dictionary Online, <https://www.oed.com/dictionary/saint> (last visited May 6, 2025).

faithful can seek their intercession through prayer. *See* Ex. 21 at 308–09 (explaining that Catholics “ask the Saints and Angels to use their power and favor with God to obtain for us from him what we stand in need of”). Saint Michael, in particular, holds an important role in Catholicism. One of the archangels mentioned in scripture, Saint Michael is considered the leader of God’s heavenly army, the protector of the Church, and the chief adversary of Satan. Ex. 22. Unlike humans, who must be canonized to become saints, Saint Michael the Archangel is recognized as a saint because of his holiness and proximity to God. *Id.* In Catholicism, he is considered the patron saint of police not because of any secular symbolism but because of his powerful role in Christian tradition as a “defender of faith, protector of souls, and a symbol of divine justice.” *Id.*

Similarly, Saint Florian’s link to firefighting stems from the saint’s hagiography—the religious biography of his deeds and holiness—namely, that he saved a town from fire through divine intervention. Ex. 23. He is recognized as a saint not for any civic or professional accomplishment, but because he was martyred for his faith. After refusing to enforce proscriptions against Christians in the territory that he oversaw as a commander in the Roman army, Saint Florian was put to death by drowning. *Id.*

Mayor Koch has asserted that the statues “connect to the uses of the building.” Ex. 7. But the City could have selected any number of secular statue designs to do so; that Mayor Koch intentionally selected religious iconography speaks to the City’s improper purpose. To the extent the Catholic saints “connect” the exterior of the building to its interior services at all, they do so only *because* the saints and imagery depicted by the statues are religious. Any “connection” relies directly on the statues’ theological symbolism and importance as taught in Catholic doctrine pertaining to sainthood, holiness, martyrdom, and divine intercession. Their installation on a government building thus necessarily serves a primarily religious, not secular, purpose—to

promote to all who pass by or enter the building the religious beliefs that the saints represent. *Cf. Caplan v. Town of Acton*, 479 Mass. 69, 87 (2018) (explaining that Court has previously held statute unconstitutional under Article 18 provision where the Court “could infer from [the] statutory scheme no other purpose than to aid private [religious] schools in ‘carrying out their essential function’” (quoting *Bloom v. Sch. Comm. of Springfield*, 376 Mass. 35, 42 (1978))).

B. The statues will have the primary effect of advancing religion.

Given the obvious religious significance of the images of St. Michael and St. Florian, it is not surprising that members of the Quincy community have perceived the statues as conveying a religious message. For instance, Councilor McCarthy stated that the statues “might help” first responders by “bless[ing] them” and first responders “might say a little prayer before they go out on duty.” Ex. 7. Councilor Devine noted that these statues are “patron saints” as opposed to merely secular symbols. City Council Video at 1:24:44. And, noting that saints are “meaningful symbols” that “many of our Roman Catholic neighbors” “rely on in times of crisis and when in need of protection,” faith leaders from the Quincy Interfaith Network explained in their statement opposing the City’s plan to install the statues that the statues “will send[] a message that there are insiders and outsiders in this community.” On its face, this message of religious favoritism constitutes “the subordination” of all “sect[s] or denomination[s] to another,” here Catholicism, and also demonstrates unequal “protection of the law” for the disfavored faiths. Thus, under the plain text of Article 3, Defendants’ conduct has the effect of impermissibly advancing religion.

The Supreme Judicial Court’s ruling in *Colo* is illustrative. There, the Court considered the Massachusetts legislature’s practice of paying chaplains to deliver opening prayers before each session. 378 Mass. at 550. *Colo*’s applications of the purpose, effect, and entanglement criteria are brief and partially tied to the fact that—unlike Defendants’ conduct here—the challenged invocation practice enjoyed a unique, historically “uncontroversial” pedigree. *Id.* at 557. But the

Court’s discussion of the plaintiffs’ federal equal protection claim offers more pertinent insight into practices that elevate one faith, to the exclusion of all others. In *Colo*, although the then-current chaplains were Catholic, clergy from any faith were eligible to apply and be hired for the position. *Id.* at 557. In fact, as the Court noted, “[v]isiting ministers of various faiths, usually at the request of members of the Legislature, occasionally g[a]ve the opening prayer,” *id.* at 551, and “not all legislative chaplains in Massachusetts have been Roman Catholic.” *Id.* at 557. Had the chaplain positions in *Colo* excluded clergy of all religions but Catholicism, the Court’s equal protection and Article 3 analyses likely would have produced a different result because such religious favoritism offends basic notions of religious equality and neutrality.

Here, the City’s challenged conduct will inherently uplift the religious doctrine of one faith while excluding all other religions for as long as the building remains standing.⁵ The City intends to dedicate a uniquely prominent space—the facade above the grand entryway of its public safety building—to statues depicting Catholic saints. All visitors to the building, including employees, individuals seeking to use the building’s public facilities or meeting space, and individuals involuntarily brought to the building for detention and confinement—will be confronted with them. There is no plan to periodically rotate statues of various religious or secular figures in the same location. Nor could there be. The behemoth statues of St. Michael and St. Florian will be cast in bronze and permanently affixed to the building, at a total cost of nearly \$1,000,000, setting the imprimatur of the City on one creed while subordinating all others.

⁵ The building is anticipated to be a fixture in Quincy “for the next hundred years.” City Council Video at 13:50.

C. The statues entangle the government with religion.

The erection of permanent statues portraying religious iconography from one specific denomination also impermissibly entangles the government with religion. The Supreme Judicial Court has recognized the extent to which aesthetic choices regarding religious art and design are necessarily “interwoven with religious doctrine.” *Caplan*, 479 Mass. at 93; *see also Soc’y of Jesus of New England v. Bos. Landmarks Comm’n*, 409 Mass. 38, 42 (1990) (noting that the interior design of a church “is so freighted with religious meaning that it must be considered part and parcel of [a religious order’s] religious worship”). Such is the case here. First, the City and the Mayor decided which religious icons were deserving of special attention. Then, the City and the Mayor necessarily made or approved aesthetic choices regarding the manner in which to depict Saint Florian, Saint Michael, and the demonic figure crushed under Saint Michael’s foot. The decisions relating to the design of the Saint Michael statue, in particular, have prompted objections. *See, e.g.*, Ex. 24 (Fitzmaurice Decl.) ¶ 8; Ex. 35 (Salvatore Balsamo Decl.) ¶ 7. In so doing, the City and the Mayor have placed a permanent and prominent imprimatur on specific conceptions of both the saints and the demon, which are not universally held by all Catholics, let alone all Christians or people who follow other faiths or no faith at all.

Where, as here, government officials choose certain religious figures to venerate, approve the design of image of those religious icons, and then place those symbol-laden statues on government property for permanent, public consumption—thereby demonstrating a permanent, government preference for both the religious individuals and the specific iconography—they become excessively entangled with theological matters that, under Article 3, are reserved to people of faith and faith communities. *Cf. Colo*, 378 Mass. at 559 (holding that, because the prayers offered by the chaplains were “brief, the content unsupervised by the state, and attendance

completely voluntary,” there was “no evidence [of] a great degree of government entanglement with religion”).

D. The religious statues are politically divisive.

Finally, the religious statues are politically divisive. They “risk threatening ‘civic harmony,’ by making the ‘question of religion’ a political one.” *Caplan*, 479 Mass. at 93 (quoting *Bloom*, 376 Mass. at 39). For example, in considering the constitutionality of a municipal grant to fund the restoration of a stained-glass window featuring explicit religious imagery, the Supreme Judicial Court concluded that the “[g]rants for the renovation of churches—using funds that could potentially have been dedicated to open space, soccer fields, low-income housing, or other historic preservation projects . . . pose an inevitable risk of making ‘the irritating question of religion’ a politically divisive one in a 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 and complaints that the \$850,000 in diverted public funds could have been better spent on other needed municipal improvements. *See, e.g.*, Ex. 10 (Change.org petition stating “[t]he cost of almost \$1 million is a reckless misuse of our taxes.”).

As discussed above, on February 24, 2025, more than two hundred people attended the Quincy City Council meeting to hear discussion about the statues. Many Quincy residents, as well as at least one city councilor, have voiced opposition to the statues, and a resident of Quincy has started an online petition against their installation. Nineteen representatives of seven different religious traditions issued a public statement expressing “grave concerns” about the statues, stating that “[n]o single religious tradition should be elevated in a publicly funded facility. Erecting these statues sends a message that there are insiders and outsiders in this community.” Ex. 11. The issue of the statues has been so divisive that Mayor Koch and two city councilors proposed a new commission to review future proposals. *See* Ex. 13.

Avoidance of such divisiveness is a central concern of Article 3. *See Caplan*, 479 Mass. at 76–77. Indeed, Article 3 was amended in 1833 to guarantee equal protection for “all religious sects and denominations” “[a]fter decades of ‘lawsuits, bad feeling, and petty persecution’” *Id.* at 76. Yet the City has indicated its intention to install the statues anyway. Because the statues send the viscerally divisive message that certain faiths and non-believers do not enjoy the same status in Quincy as others, this Court should enjoin their installation.

II. THE OTHER PRELIMINARY INJUNCTION FACTORS WEIGH HEAVILY IN PLAINTIFFS’ FAVOR

The remaining three factors—the potential for irreparable harm to the plaintiffs if the injunction is denied, the balance of relevant harms, and consideration of the public interest—also favor preliminary injunctive relief.

First, violations of constitutional rights are intrinsically irreparable. *See, e.g., T & D Video, Inc. v. City of Revere*, 423 Mass. 577, 582 (1996). What is more, the statues are prominently placed on what will be a widely used City building located on a main thoroughfare in the heart of Quincy. *See, e.g.,* Ex. 34 (Hooks Decl.) ¶¶ 8, 9; Ex. 26 (Rosenthol Decl.) ¶¶ 6, 8. Plaintiffs and other members of the Quincy community will have to regularly confront these unwanted religious displays by the government and will be constantly subjected to the message that they are outsiders, a harm that has no remedy in law. *See, e.g.,* Ex. 30 (Reich Decl.) ¶ 8 (“The statues make me feel like I don’t count because I am not Catholic.”); Ex. 34 (Hooks Decl.) ¶ 7 (“[A]s a resident of Quincy, I feel deeply alienated by the City’s decision to elevate one faith tradition over others. If the statues were erected, I would feel less welcome in my own city and neighborhood and would feel uncomfortable entering the public safety building or using any of the services there.”); Ex. 26 (Rosenthol Decl.) ¶ 6 (“Judaism does not recognize saints, and the planned installation of these statues makes me feel excluded from the ‘in-group’ of the government’s preferred religion. I feel

as though the statues indicate that government officials will protect their own people and that does not include me.”). Furthermore, once the public funds are spent to pay for, transport, and install the statues, those expenditures cannot be undone and thus will result in additional irreparable harm.

Second, the balance of harms tips in Plaintiffs’ favor. Any harm that the City will suffer as the result of granting this preliminary injunction does not exceed that which Plaintiffs will suffer by being denied their constitutionally protected rights. The statues are not essential components of the building and any delay incurred as a result of this lawsuit should not hinder the planned opening of the building in October. The statues are due to be affixed to the building at the end of construction and enjoining their installation is unlikely to cause any other delay in the completion of the building. In the unlikely event that Plaintiffs are unsuccessful in their claim, the statues could always be affixed to the building later.

Third, a preliminary injunction “would ‘promote[] the public interest’” by ensuring that the objectives “reflected in” Article 3 are met. *Caplan*, 479 Mass. at 95 (quoting *LeClair v. Town of Norwell*, 430 Mass. 328, 332 (1999)). At a minimum, a preliminary injunction would not adversely affect the public interest but maintain the status quo—*i.e.*, the public safety building would not have statues of saints installed on the building façade. And the preliminary injunction may have the additional benefit of preventing misuse of government funds on the installation of these statues. As discussed above, even if the City ultimately prevails on the merits, a delay for the duration of a preliminary injunction would not prevent the public safety headquarters from opening as scheduled. A mere delay in erecting the statues would inflict no harm on the public.

CONCLUSION

For the reasons stated above, Plaintiffs respectfully request that this Court preliminarily enjoin Defendants from installing the statues of Saint Michael and Saint Florian on the façade of

the public safety headquarters and to enjoin Defendants from further expending public funds in connection with the statues until the Court can issue a final ruling on the merits.

Dated: May 27, 2025

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CERTIFICATE OF SERVICE

I, Alexandra Arnold, hereby certify that I caused this Memorandum to be served on counsel for all parties by email on May 27, 2025.

/s/ Alexandra Arnold

APPENDIX A

**EXHIBITS IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION¹**

EX. NO.	TITLE & ACCOMPANYING EXHIBITS
1	Peter Blandino, <i>How the new Quincy public safety building construction is going and when it'll be done</i> , PATRIOT LEDGER (Feb. 15, 2025), https://www.patriotledger.com/story/news/2024/02/15/quincy-ma-public-safety-building-police-station-open-october-2025-budet-cost-overrun-fire-ems/72536700007/ (last visited May 14, 2025)
2	<i>Quincy Public Safety/Municipal Complex Project Info</i> , KBA Architects, https://www.kba-architects.com/projects/public-safety/quincy-public-safety-municipal-complex/ (last visited May 14, 2025)
3	Mary Whitfill, <i>Quincy mayor requests additional \$120 million for new police station</i> , PATRIOT LEDGER (Feb. 9, 2021), https://www.patriotledger.com/story/news/2021/02/09/additional-120-million-requested-new-quincy-police-station/4444907001/ (last visited May 14, 2025)
4	Peter Blandino, <i>What brings 200 angry residents and uniformed officers to city hall. What the mayor says</i> , PATRIOT LEDGER (Feb. 25, 2025), https://www.patriotledger.com/story/news/2025/02/25/saints-mayor-thomas-tom-koch-quincy-ma-religion-church-state-st-michael-florian-police-fire/80146584007/ (last visited May 14, 2025)
5	Mary Whitfill, <i>Quincy councilors question price tag of new police station</i> , PATRIOT LEDGER (Mar. 16, 2021), https://www.patriotledger.com/story/news/2021/03/16/quincy-city-councilors-look-cut-spending-new-police-station/4717199001/ (last visited May 14, 2025)
6	Johanna Seltz, <i>Quincy council approves \$23 million more for public safety building</i> , BOSTON GLOBE (Nov. 30, 2022), https://www.bostonglobe.com/2022/11/30/metro/quincy-council-approves-23-million-more-public-safety-building/ (last visited May 14, 2025)
7	Peter Blandino, <i>10-foot-tall bronze statues of saints to adorn new Quincy police headquarters. What they cost</i> , PATRIOT LEDGER (Feb. 8, 2025), https://www.patriotledger.com/story/news/2025/02/08/saints-statues-new-police-fire-station-quincy-ma-st-michael-st-florian/78258726007/ (last visited May 14, 2025)

¹ All exhibits are attached to the Declaration of Attorney Rachel E. Davidson in Support of Plaintiffs' Motion for Preliminary Injunction.

8	Suffolk Statue Payments, provided by the City of Quincy on April 15, 2025, in response to a public records request
9	Peter Blandino, <i>Quincy City Councilors react to saint statues on public safety building: Who's saying what</i> , PATRIOT LEDGER (Feb. 14, 2025), https://www.patriotledger.com/story/news/local/2025/02/14/quincy-ma-police-headquarters-statues-st-michael-city-councilors-opinions/78529927007/ (last visited May 14, 2025)
10	Claire Fitzmaurice, <i>Stop the creation of two religious statues for the new Public Safety Headquarters</i> , Change.org, https://www.change.org/p/stop-the-creation-of-two-religious-statues-for-the-new-public-safety-headquarters (last visited May 14, 2025)
11	Quincy Interfaith Network Statement Regarding Religious Statues at New Public Safety Building (Apr. 4, 2025), https://www.facebook.com/QUINCY.INTERFAITH.NETWORK/ (last visited May 14, 2025)
12	City Council Meeting Agenda, May 5, 2025 at 7 (Proposed Ordinance titled Establishing a Public Art & Place Making Program), https://cms7files1.revize.com/quincyma2024/Agendas%20&%20Minutes/City%20Council/City%20Council/Agendas/Council_2025_05_05.pdf (last visited May 14, 2025)
13	Peter Blandino, <i>New Quincy arts commission great idea or perhaps too little, too late? Depends who you ask</i> , PATRIOT LEDGER (May 5, 2025), https://www.patriotledger.com/story/news/2025/05/02/saint-statues-quincy-ma-public-art-commission-mayor-koch-appointees/83408439007/ (last visited May 14, 2025)
14	Prime Contract Change Order No. 015, dated July 14, 2023, between Suffolk Construction Company, Inc. and City of Quincy MA (MAYOR'S OFFICE) from Suffolk Construction Company, Inc.
15	Prime PCO No. 357, dated February 5, 2025, to City of Quincy MA (MAYOR'S OFFICE) from Suffolk Construction Company, Inc.
16	Prime PCO No. 324, dated December 3, 2024, to City of Quincy MA (MAYOR'S OFFICE) from Suffolk Construction Company, Inc.
17	Email to Rachel E. Davidson from James Timmins, City Solicitor of Quincy, dated May 15, 2025
18	Excerpt from Steven K. Green, <i>The Second Disestablishment</i> (2010)
19	Richard Gribble, <i>Saints in the Christian Tradition: Unraveling the Canonization Process</i> , 6 STUDIES IN CHRISTIAN-JEWISH RELATIONS 2 (2011), available at http://ejournals.bc.edu/ojs/index.php/scjr .

20	United States Conference of Catholic Bishops (USCCB), <i>Saints</i> , https://www.usccb.org/offices/public-affairs/saints (last accessed May 7, 2025)
21	Excerpt from Henry Gibson, <i>Catechism Made Easy: Being a Familiar Explanation of the Catechism of Christian Doctrine</i> 308–09 (1882)
22	Catholic Online, “St. Michael the Archangel,” https://www.catholic.org/saints/saint.php?saint_id=308 (last accessed May 7, 2025)
23	Catholic Online, “St. Florian,” https://www.catholic.org/saints/saint.php?saint_id=149 (last accessed May 7, 2025)
24	Declaration of Plaintiff Claire Fitzmaurice
25	Declaration of Plaintiff Jay Tarantino
26	Declaration of Plaintiff Gilana Rosenthol
27	Declaration of Plaintiff Conevery Bolton Valencius
28	Declaration of Plaintiff Matthew Valencius
29	Declaration of Plaintiff Lucille DiGravio
30	Declaration of Plaintiff David Reich
31	Declaration of Plaintiff Cynthia Roche-Cotter
32	Declaration of Plaintiff Michael Cotter
33	Declaration of Plaintiff Sheryl LeClair
34	Declaration of Plaintiff Cody Hooks
35	Declaration of Plaintiff Salvatore Balsamo
36	Declaration of Plaintiff Marianne Balsamo
37	Declaration of Plaintiff Martha Plotkin
38	Declaration of Plaintiff Kathleen Geraghty