
No. 25-1131

IN THE
Supreme Court of the United States

MISSIONARIES OF SAINT JOHN THE BAPTIST, INC.,
Petitioner,

— v. —

JOEL FREDERIC, ET UX.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF KENTUCKY

**BRIEF OF MONSIGNOR CHARLES M. MANGAN AS
AMICUS CURIAE IN SUPPORT OF PETITIONER**

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IDENTITY AND INTEREST OF *AMICUS CURIAE*¹

Monsignor Charles M. Mangan is a Catholic priest and seminary professor with advanced academic expertise in Mariology as a theological discipline focused on the Blessed Virgin Mary, Marian devotion, and the importance of the Blessed Virgin Mary in the Catholic Church and the exercise of Catholics' religious observances and faith. Monsignor Mangan is also an expert on the significance of devotional Marian grottos as sacred spaces for Catholics who wish to practice their faith in their parishes, schools, public venues, and private backyards.

Monsignor Mangan has no interest in the outcome of this case. Given Monsignor Mangan's expertise, he seeks only to explain the historical, cultural, and religious context of Marian devotion and the construction of grottos honoring the Blessed Virgin Mary—similar to the grotto that Petitioner Missionaries of Saint John the Baptist wishes to build—within the Catholic Church. Monsignor Mangan also wishes to contribute to the Court's understanding of the significance of Marian devotion and grottos for Catholics as devotional practices that should be protected by the First Amendment.

¹ Counsel of record for all parties, and the respondents themselves, received notice at least 10 days prior to the due date of *amicus*' intent to file this brief. No party's counsel authored this brief in whole or part; no party, counsel for a party, or any person other than *amicus curiae* or their counsel made a monetary contribution toward the preparation and submission of this brief.

SUMMARY OF THE ARGUMENT

We never give more honor to Jesus than when we honor His Mother, and we honor her simply and solely to honor Him all the more perfectly.

Attributed to St. Louis de Montfort, this simple declaration encapsulates the Catholic Church's devotion to the Blessed Virgin Mary, not only by words, but by devotional practices and use of sacred spaces to honor Our Lady. Thus, Catholics of all nationalities, stripes, and ages have turned to constructing grottos of the Blessed Virgin Mary to properly honor her and create spaces where Catholics can pray, discern, and honor the Lord Jesus Christ and His Mother. Much like the millions of Catholics who practice Marian devotion, the Petitioners in this case, the Missionaries of Saint John the Baptist, wanted to build a Marian grotto honoring the Virgin Mary and her apparition in Lourdes on its property. *See Pet.* at 5-6.

By accepting the petition for writ of certiorari and examining and addressing the legal issues in this matter, this case offers the Court a critical opportunity to explicitly acknowledge the centrality and importance of Marian devotion and its corresponding practices to the Catholic faith, and how such devotion is practiced by Catholics particularly through the construction, maintenance, and preservation of Marian grottos in Catholic churches and other spaces where Catholics worship and practice their religious devotion and faith through action.

The brief seeks to dispel any notion that Marian devotion or the construction and use of grottos honoring the Virgin Mary are merely accessories to Catholic religious practice, the prohibition of which is not inherently inconsistent with Catholic beliefs. *See Frederic v. City of Park Hills Bd. of Adjustment*, 2023 WL 8286391, at *6 (Ky. Ct. App. Dec. 1, 2023), *aff'd on other grounds sub nom. Missionaries of Saint John the Baptist, Inc. v. Frederic*, 727 S.W.3d 400 (Ky. 2025).

To do so, the brief first provides an overview of the broad protections afforded by the Free Exercise Clause of the First Amendment to religious practices, particularly Catholic practices and devotions that federal courts have deemed to be religious beliefs protected by the U.S. Constitution and congressional statute. The brief then traces the historical and cultural development and critical importance of the Blessed Virgin Mary and devotional practices focused on her significantly important role in Catholicism. Equally important, the brief explains that the construction of Marian grottos—as part of Catholic devotion to the Blessed Virgin Mary—is within the nucleus and core of Catholic religious life and practice. In doing so, the brief argues that devotion and prayer to the Blessed Virgin Mary are intrinsic to Catholic religious practice, thereby rendering Marian grottos of utmost importance to Catholicism.

The Court should thus grant the Missionaries of Saint John the Baptist's petition for review and, regardless of the ultimate outcome of the case, explicitly confirm the centrality and importance of Marian devotions to Catholics and how the First

Amendment broadly protects such devotional practices, including the construction and use of Marian grottos.

ARGUMENT**I. THE CONSTITUTION BROADLY PROTECTS RELIGIOUS FREEDOM AND PRACTICE, INCLUDING CATHOLIC RELIGIOUS DEVOTIONS AND BELIEFS.**

Catholics and their religious and faith-based practices and devotions are clearly and broadly protected by the First Amendment of the United States Constitution.

A. The Free Exercise Clause, together with the RFRA and RLUIPA, protects religious practices of Americans of all faiths.

The Free Exercise Clause of the First Amendment, which has been applied to the States through the Fourteenth Amendment, *see Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940), provides that “Congress shall make no law respecting an establishment of religion, or *prohibiting the free exercise thereof*.” U.S. Const. amend. I (emphasis added).

The First Amendment’s Free Exercise Clause protects the exercise of religious beliefs against restraint by the government. *See Sch. Dist. of Abington Twp., Pa. v. Schempp*, 374 U.S. 203, 222-23 (1963). This meant that courts applied strict scrutiny to any government action that impinged on religious freedom. *See, e.g., Wisconsin v. Yoder*, 406 U.S. 205 (1972); *Sherbert v. Verner*, 374 U.S. 398 (1963).

In 1993, after a Supreme Court decision holding that neutral, generally applicable laws that incidentally burden religious freedom do not violate

the First Amendment (see *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872, 874, 890 (1990)), Congress passed the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*, to restore the strict scrutiny standard for government action that substantially burdens religious exercise, even incidentally, and “provide very broad protection for religious liberty.” *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 693 (2014). See also Ky. Rev. Stat. § 446.350.

Particularly, RFRA “provides that ‘[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability,’ unless the government ‘demonstrates that application of the burden to the person—(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.’” *Holt v. Hobbs*, 574 U.S. 352, 357 (2015) (alteration in original) (quoting 42 U.S.C. § 2000bb-1(a), (b)). This is a very high standard that effectively “provide[s] greater protection for religious exercise than is available under the First Amendment.” *Id.*

This broad protection of religious liberty extends to land use and property rights. RFRA’s sister statute, the Religious Land Use and Institutionalized Persons Act (RLUIPA), prohibits the government from imposing or implementing a land use regulation in a manner that “imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or

institution (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc(a)(1).

Both the RFRA and RLUIPA define “religious exercise” as “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc-5(7). *See also* 42 U.S.C. § 2000bb-2(4). “This broad definition evinces Congress’s intent to expand the concept of religious exercise that was used by courts in identifying ‘exercise of religion.’” *Adkins v. Kaspar*, 393 F.3d 559, 567 (5th Cir. 2004).

So, whether a certain religious practice is deemed mandatory or required by a religion or faith-based group is irrelevant to the First Amendment’s promised protections. “Many cherished religious practices are performed devoutly by adherents who nonetheless do not or cannot insist that those practices are mandated.” *Leviton v. Ashcroft*, 281 F.3d 1313, 1320 (D.C. Cir. 2002). The Constitution protects these sincere religious practices all the same. *See, e.g., Frazee v. Illinois Dep’t of Employment Sec.*, 489 U.S. 829, 834 (1989) (“[W]e reject the notion that to claim the protection of the Free Exercise Clause, one must be responding to the commands of a particular religious organization.”). As this Court recently held, the Free Exercise Clause “protects not only the right to harbor religious beliefs inwardly and secretly” but also “the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through ‘the performance of (or abstention from) physical acts.’”

Kennedy v. Bremerton Sch. Dist., 597 U.S. 507, 524 (2022) (quoting *Smith*, 494 U.S. at 877).

In sum, “Congress enacted RLUIPA and its sister statute” RFRA “to provide very broad protection” for religious exercise. *Holt*, 574 U.S. at 356. These statutes are consistent with the Free Exercise Clause of the First Amendment guaranteeing that no law shall “prohibit[] the free exercise” of religious beliefs. U.S. Const. amend. I.

B. Catholic practices and devotions are the very types of religious beliefs traditionally protected by the First Amendment.

The Free Exercise Clause—together with RLUIPA and RFRA—extends its protections without “differentiat[ing] among bona fide faiths,” conferring “no privileged status on any particular religious sect, and singles out no bona fide faith for disadvantageous treatment.” *Cutter v. Wilkinson*, 544 U.S. 709, 723-24 (2005). So, the First Amendment’s protections obviously extend to Catholic practices in furtherance of the faith.

Federal courts have acknowledged that Catholic beliefs, devotions, and practices are protected by the First Amendment. These protected beliefs and practices include those that have been at the heart of seminal cases which have shaped the country’s understanding of the comprehensive protections the First Amendment offers each American. *See, e.g., Fulton v. City of Philadelphia*, 593 U.S. 522, 526-30, 542-43 (2021) (acknowledging Catholic religious belief about marriage as a sacred bond between a man and a woman which informed a Catholic foster

care services provider’s decisions on who to certify as eligible couples); *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 16-21 (2020) (executive order capping attendance of houses of worship while allowing other businesses to operate without similar restrictions was against the Free Exercise Clause); *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 668 (2020) (acknowledging the Catholic belief “that deliberately avoiding reproduction through medical means is immoral” (quotes omitted)). *See also Catholic Healthcare Int’l, Inc. v. Genoa Charter Twp., Michigan*, 82 F.4th 442, 449-51 (6th Cir. 2023) (town’s demand that Catholic religious organization obtain a special land use permit to maintain outdoor Stations of the Cross prayer trail and prohibition of organized gatherings on organization’s property likely violated RLUIPA); *Chalifoux v. New Caney Indep. Sch. Dist.*, 976 F. Supp. 659, 670-71 (S.D. Tex. 1997) (wearing Catholic rosaries as necklaces in public schools was protected by the Free Exercise Clause, despite defendant’s inaccurate claim that the “act of wearing rosaries . . . is neither a requirement of orthodox Catholicism nor a common Catholic practice”).

The Court is thus no stranger to wrestling with the tension brought about by conduct that inhibits, in some way, sincere religious beliefs and practices by Catholics. And in many of these cases, the Court—and the federal courts below it—have explicitly defended the “First Amendment’s terms and long-settled rules.” *Roman Catholic Diocese of Brooklyn*, 592 U.S. at 23 (Gorsuch, J., concurring).

II. MARIAN DEVOTION AND PRACTICES HONORING THE VIRGIN MARY SUCH AS THE CONSTRUCTION AND USE OF GROTTOES ARE CENTRAL TO CATHOLICISM.

A. Marian devotion is within the core of Catholic beliefs.

From the moment when we were called to the See of Peter, we have constantly striven to enhance devotion to the Blessed Virgin Mary.

As illustrated by Pope Paul VI's unequivocal statement from the introduction of *Marialis Cultus* (1974), Marian devotion is "deeply rooted in orthodox Catholic beliefs." See *Chalifoux*, 976 F. Supp. at 670 (explaining that the rosary² is "central to orthodox Catholicism"). Indeed, such a strong devotion to Our Lady and the use of objects to celebrate and honor the Blessed Virgin Mary "is unique among all Christian denominations." *Id.*

² As is well-known, rosaries are used to pray the "Rosary of the Virgin Mary" which is described as "clearly Marian in character" and "is at heart a Christocentric prayer." Pope John Paul II, Apostolic Letter *Rosarium Virginis Mariae* to the Bishops, Clergy and Faithful on the Most Holy Rosary, ¶1 (2002). See also *Polish Nat'l Catholic Church of the Holy Mother of the Rosary v. Diocese of Buffalo*, 171 N.Y.S. 401, 403 (Sup. Ct. 1918) ("[T]he devotion of the Rosary was instituted by St. Dominic in the year 1215, and for centuries has become and has been recognized as a devotion by the Roman Catholic Church throughout the world, and that in 1275 this devotion of the Rosary was made a part of the liturgy of the Roman Catholic Church").

Marian devotion is defined traditionally as the Catholic practice of venerating the Blessed Virgin Mary as the Mother of God and the spiritual mother of all peoples. “Mary was the first Christian.” Monsignor Charles M. Mangan, *How Can I Attain Heaven?*, Servants of the Pierced Hearts of Jesus (2006), <https://tinyurl.com/mr3a8nrh>. So, devotional practices to the Mother of God are central to the Catholic faith. The Church has always placed a special emphasis on the Blessed Virgin Mary’s status as the “Virgin Mother of God,” “free from all sin,” who “hear[s] the prayers” of all Catholics as “the mother of all His members.” Pope Pius XII, *Mystici Corporis Christi*, ¶ 110 (1943). Indeed, the foundation of Catholic belief on Mary’s freedom from original sin is rooted in Holy Scripture itself. Monsignor Charles M. Mangan, *Feast of Immaculate Conception recognizes Mary’s sinless nature*, Catholic Review (November 23, 2021), <https://tinyurl.com/57c67bnd> (discussing Genesis 3:15, Luke 1:28).

There are many forms of Marian devotion. These devotions include the Angelus, a devotion that consists of prayers prayed throughout certain times of the day commemorating the Incarnation and the Angel Gabriel’s declaration to Mary that she would conceive a Son by the power of the Holy Spirit. See Emilie Griffin, *The Angelus*, AMERICA MAGAZINE, March 3, 2003.³

Praying the Rosary of the Virgin Mary is another practice that honors Our Lady. See Pope

³ Available at: <https://shorturl.at/SQwWP> (last accessed April 24, 2026).

John Paul II, *Rosarium Virginis Mariae*, ¶ 5 (“The Rosary belongs among the finest and most praiseworthy traditions of Christian contemplation”).

Marian Consecration, a form of devotion particularly spread by St. Louis de Montfort, consists of a person formally entrusting oneself to the Blessed Virgin Mary and her intercessions to Jesus Christ. See J. Patrick Gaffney, *St. Louis Mary Grignion de Montfort and the Marian Consecration*, 35 MARIAN STUDIES J. 14, 111-12 (1984).⁴

All forms of devotion to the Blessed Virgin Mary are of utmost importance to Catholicism because Catholics believe that Marian devotion “takes its origin and effectiveness from Christ, finds its complete expression in Christ, and leads through Christ in the Spirit to the Father.” Pope Paul VI, *Marialis Cultus*, introduction. In short, the Virgin Mary leads all Catholics to Jesus Christ: “Indeed every authentic development of Christian worship is necessarily followed by a fitting increase of veneration for the Mother of the Lord.” *Id.* So, “[m]any forms of piety toward the Mother of God developed that help bring us closer to her Son.”⁵

As Pope Paul VI further explains, “[i]n the sphere of worship this devotion necessarily reflects God’s redemptive plan, in which a special form of

⁴ Available at: <https://shorturl.at/EMQxd> (last accessed April 24, 2026).

⁵ United States Conference of Catholic Bishops (USCCB), *Mary*, available at: <https://shorturl.at/uRJem> (last accessed April 24, 2026).

eneration is appropriate to the singular place which Mary occupies in that plan.” Pope Paul VI, *Marialis Cultus*, introduction.

Thus, the “Church honors her as the Mother of God, looks to her as a model of perfect discipleship, and asks for her prayers to God on our behalf.”⁶

B. Marian devotion is deeply rooted in Catholic religious beliefs, starting from the founding of Catholicism to today.

Catholic devotion to the Virgin Mary is deeply and historically rooted in Catholicism, starting in the Early Church and continuing to the current age.

“If one studies the history of Christian worship, in fact, one notes that both in the East and in the West the highest and purest expressions of devotion to the Blessed Virgin have sprung from the liturgy or have been incorporated into it.” Pope Paul VI, *Marialis Cultus*, Part One, Section One ¶ 15. “Throughout the centuries, the Church has turned to the Blessed Virgin in order to come closer to Christ.”⁷

From the start, Marian devotion is rooted in Holy Scripture. The Gospels illustrate Mary as the Church’s mother through Jesus’s words on the cross: “Woman, behold your son”; and to the beloved disciple Jesus said, “behold your mother.” John 19:26-27. The Catholic Church has always interpreted this Scripture passage as confirming Mary’s role as the Mother of the Church. *See* Pope

⁶ USCCB, *supra*.

⁷ USCCB, *supra*.

John Paul II, *Redemptoris Mater* (1987), Part I, ¶¶ 24, 47.

Given the centrality and importance of Mary in the birth of the Church, Catholics believe that “Mary belongs indissolubly to the mystery of Christ, and she belongs also to the mystery of the Church from the beginning, from the day of the Church’s birth.” *Id.* ¶ 27. So, “from generation to generation, in the midst of all the nations of the earth,” Catholics are urged to “find the one ‘who believed that there would be a fulfillment of what was spoken to her from the Lord,’” the Blessed Virgin Mary. *Id.* (quoting Luke 1:45).

Truly, each generation of Catholics has carried with them this important devotion to Mary in forms and practices that have persisted through time.

From the beginning, “the fathers of the Church lavished praise upon the Ever-Virgin, using an array of vivid and informative titles to describe the sinless Mother of God: ‘Lily Among Thorns’; ‘Land Wholly Intact’; ‘Immaculate’; ‘Always Blessed’; ‘Free from All Contagion of Sin’; ‘Unfading Tree’; ‘Fountain Ever Clear’; ‘the One and Only Daughter Not of Death but of Life’; ‘Offspring Not of Wrath but of Grace’; ‘Unimpaired and Ever Unimpaired’; ‘Holy and Stranger to All Stain of Sin’; ‘More Comely than Comeliness Itself’; ‘More Holy than Sanctity’; ‘Alone, Holy Who, Excepting God, Is Higher Than All’; ‘By Nature More Beautiful, More Graceful and More Holy than the Cherubim and Seraphim Themselves and the Whole Hosts of Angels.’” Monsignor Mangan, *Feast of Immaculate Conception, supra*. To that end, St. Peter Chrysologus, “bishop and doctor,”

“penned these words” about the Blessed Virgin Mary “about 1,600 years ago: ‘The Virgin is truly blessed, for she possessed the splendor of virginity and achieved the dignity of motherhood. . . . She is truly blessed, for she received the glory of the divine Son and is queen of all chastity.’” Monsignor Charles M. Mangan, *Our Lady of the Rosary*, THE ARLINGTON CATHOLIC HERALD, October 6, 2021.⁸

The honorable title *Theotokos* (Mother of God) was already widespread in the third century, evidenced by the use of that title in the oldest known Marian prayer called *Sub tuum praesidium* (Under Your Protection) dated around 250 A.D. See Pope John Paul II, *We Can Count on Mary’s Intercession*, L’OSSERVATORE ROMANO, November 12, 1997, at ¶ 1.⁹

The title “Mother of the Church” was used all the way back in the 1100s in theological writings. See David Jenuwine, *The Blessed Sacrament and the Blessed Virgin Mary, Mother of all Peoples* (January 28, 2019; Updated: May 29, 2020), <https://shorturl.at/8hcbJ>; Matthew Mauriello, *Mary, Mother of the Church*, Fairfield County Catholic (January 1996).¹⁰

Today, the Catechism of the Catholic Church proclaims that Mary is “the most excellent fruit of

⁸ Available at: <https://tinyurl.com/bdfr6upf> (last accessed April 24, 2026).

⁹ Available at: <https://shorturl.at/rI8pu> (last accessed April 24, 2026).

¹⁰ Available at: <https://shorturl.at/KT9Yc> (last accessed April 24, 2026).

redemption,” “truly ‘Mother of God,’” the “handmaid of the Lord,” and the “new Eve, mother of the living” because of her obedience to God’s will. Catechism of the Catholic Church (CCC) ¶¶ 508-11 (Ascension ed. 2022).

As well, throughout the centuries, many Catholics believe in Mary’s continued supernatural presence within the life of the Church and the faithful. This Catholic belief present throughout the centuries is equally integral to Catholic religious practice and has further informed the development of Marian devotion. Marian apparitions are the most well-known events that have prompted conversions and new forms of devotion to the Blessed Virgin Mary. The Catholic Church holds that the first Marian apparition happened in 40 A.D. in Spain, where Mary appeared to the Apostle James during his missionary journey. *See* Alejandro Bermudez, *Why Our Lady of the Pillar is the patroness of Spain and the Americas*, EWTN News (October 12, 2021), <https://shorturl.at/6KpOY>. Since then, much more recent examples of Marian apparitions include the apparitions of Our Lady of Guadalupe in 1531, Our Lady of Lourdes in 1858, and Our Lady of Fatima in 1917. *See* Annelise Jolley, *A liberatory look at Marian apparitions*, U.S. Catholic (December 10, 2024), <https://shorturl.at/ICESY>. Today, Marian devotions focused on these apparitions are part and parcel of the dynamic religious practices of Catholics who believe in the Blessed Virgin Mary’s apparitions in these “places of crisis, violence, and transformation” that need Our Lady’s intercession and guidance. *Id.*

At bottom, Catholics believe that “the Virgin is more powerful than all others as a means for uniting mankind with Christ.” Pope Pius X, *Ad Diem Illum Laetissimum*, ¶ 8 (1904). So, the Blessed Virgin Mary is a central figure in Catholicism and has inspired millions of Catholics throughout the ages to devote themselves to honor Our Lady, request her intercession, and follow the Blessed Virgin Mary’s “sure[]” and “direct road” “for uniting all mankind in Christ and obtaining through Him the perfect adoption of sons, that we may be holy and immaculate in the sight of God.” *Id.* ¶ 5.

C. The construction, use, and preservation of Marian grottos like the one at issue in this case are important to the Catholic faith.

In line with the importance of the Blessed Virgin Mary and Marian devotion in Catholic practice, the construction, use, and preservation of Marian grottos as spaces for prayer and devotion—much like what Petitioners are attempting to build before this litigation commenced (Pet. at 5-6)—are equally important to Catholics.

Marian grottos are shrines or caves dedicated to the Blessed Virgin Mary, usually replicating Our Lady’s apparitions at Lourdes, France in 1858, which itself is a Catholic Marian shrine and pilgrimage site. See Cynthia A. Kiigemagi, *Our Lady of the Island: Our Lady of Lourdes Grotto Reproduction and Use in Two Newfoundland Communities*, 1-4 (Nov. 2022) (Ph.D. dissertation, Memorial University of Newfoundland), <https://hdl.handle.net/20.500.14783/12054>.

In Lourdes, particularly, Catholics believe that “Our Blessed Lady told St. Marie Bernadette Soubirous (1844-79) within the cave at Massabielle near Lourdes, France in 1858, [that] she is the Immaculate Conception.” Monsignor Mangan, *Feast of Immaculate Conception, supra*.

Marian grottos are seen everywhere in the world—a testament to Catholics’ devotion and love for the Blessed Virgin Mary that crosses national boundaries and generations. See, e.g., Jenara Kocks Burgess, *The story of a grotto, a small town, and the intercession of our Lady*, North Texas Catholic (June 29, 2017), <https://tinyurl.com/wz4ux9r9>; Jean Pierre Fava, *The fascinating story of the Marian National Shrine and Our Lady of the Grotto of Mellieha, in Malta*, Aleteia (May 26, 2020), <https://shorturl.at/ZYqTM>; Howard Chua-Eoan, *Cocktails & Carnage: Finding Mary of Manaoag, Roads & Kingdoms* (Aug. 15, 2013), <https://tinyurl.com/mszsus9m>.

These grottos are important in the Catholic tradition as dedicated sacred spaces for prayer, discernment, reflection, and honoring the Virgin Mary through Marian devotion, prayer, and respectful emulation of her “fidelity to her Divine Son [which] is the balm that every soul would well imitate.” Monsignor Charles M. Mangan, *Our Lady’s Example*, THE ARLINGTON CATHOLIC HERALD, March 18, 2015.¹¹

¹¹ Available at: <https://shorturl.at/yZlKm> (last accessed April 24, 2026).

Marian grottos are places of solace, allowing visitors to accomplish and practice their daily devotions and prayers to the Blessed Virgin Mary through quiet contemplation—whether in publicly accessible grottos in parishes or universities, or simple backyard shrines for personal use. *See, e.g.*, Joni Moths Mueller, *A sacred space*, *We Are Marquette* (Oct. 15, 2018), <https://shorturl.at/dmM9U>; Michelle McDaniel, *How to create your own Marian garden*, *North Texas Catholic* (October 7, 2021), <https://shorturl.at/HMZTy>. These grottos “become spiritual sensory thresholds or doorways where devotees can approach Mary through the agency of the material world.” Kiigemagi, *supra*, at 12.

As one academic observes, “[i]nsight into Marian devotion is vital for understanding Catholic religious observances,” particularly the “construction” of Marian grottos. *Id.* at 3. “Mary’s image can move the individual to spiritual contemplation and/or political action” and, as such, “[s]tatues of the Virgin Mary and other objects of devotion represent a material medium in connection with the holy family.” *Id.* The grottos “tie communities to a global spiritual narrative concerning Marian piety.” *Id.* at 11.

Marian grottos are therefore understood to be prominent markers of Catholics’ faith in the Lord Jesus Christ and acknowledgement of Mary’s unique role in what Catholics believe to be God’s salvation history and her attributes as the Mother of God. CCC ¶ 411 (preservation from sin), ¶¶ 484, 490 (Annunciation), ¶¶ 496-98, 502-07 (perpetual virginity); ¶¶ 490-93 (Immaculate Conception); ¶ 966 (Assumption); ¶¶ 969-70 (mediatrix of grace).

Indeed, the construction and opening of grottos to the public are always causes for celebration in Catholic parishes and communities in which the grottos are located. *See, e.g.*, Hannah Heil, *St. John Neumann dedicates Marian grotto*, *The Catholic Times* (May 15, 2024), <https://shorturl.at/j1eca>; Robert Fastiggi, *Honor thy Mother: Six U.S. shrines dedicated to the Virgin Mary* (May 7, 2024), <https://tinyurl.com/54rr45km>.

Intrinsically, therefore, Marian grottos—as public, physical, and sacred spaces for Catholics—are central to Catholic practices and beliefs as they “serve as a special and sacred place of devotion, inspiration and prayer” for all Catholics in the communities and parishes in which these grottos are constructed. Mueller, *supra*. They are undeniably a part of the long-standing, rich Marian devotion that Catholics faithfully practice honoring the Blessed Virgin Mary.

III. THE COURT SHOULD RECOGNIZE AND CONFIRM THE IMPORTANCE OF MARIAN DEVOTION AS PRACTICED BY CATHOLICS.

The important, critical nature of Marian devotion and grottos honoring the Blessed Virgin Mary for Catholics and organizations like the Petitioner in this case is undeniable. Marian devotion and the building of grottos for Our Lady are Catholic devotional practices. They should be protected by the Free Exercise Clause of the First Amendment.

Yet, as the history of this case has explicitly shown, courts may still mistake Marian devotion as merely incidental to the Catholic faith. So, laws that

may burden such devotional practices are “not inherently inconsistent with [Catholics’] religious beliefs.” *Frederic*, 2023 WL 8286391, at *7. And while the Kentucky Supreme Court shied away from such a pronouncement, it also avoided explicit acknowledgement that Marian devotion and the construction of Marian grottos were important, central, and long-standing Catholic beliefs that should be generally protected by the Free Exercise Clause. *See Missionaries of Saint John the Baptist, Inc. v. Frederic*, 727 S.W.3d 400, 416 (Ky. 2025) (disagreeing with the lower court insofar as it applied a different standard that led it to conclude that the zoning ordinance was not inherently inconsistent with Catholic religious beliefs).

This Court should thus grant the petition for writ of certiorari and make clear that Marian devotion—much like the other Catholic beliefs that have been at issue before this Court and other federal courts—is a long-standing and historical Catholic devotional practice entitled to the Free Exercise Clause’s protections.

Without the Supreme Court weighing in on this issue, there is a substantial risk that future courts will disregard these devotional practices or wrongly treat them as merely ancillary to the Catholic faith. These outcomes contradict prior, well-established Supreme Court precedent applied to other protected Catholic practices and should thus be remedied by granting the petition. *See* U.S. Sup. Ct. R. 10 (petitions for writ of certiorari are granted “for compelling reasons” including when a lower court “has decided an important question of federal law that has not been, but should be, settled by this

Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court”).

The Supreme Court should thus grant the petition to set the record straight about the centrality, value, and importance of Marian devotion and the devotional practices within it, including the construction of Marian grottos.

CONCLUSION

The Court should grant the petition for writ of certiorari and, regardless of the ultimate outcome of the case given the parties’ arguments and positions, make clear that Marian devotion and the construction of grottos honoring the Blessed Virgin Mary—particularly when adjacent to churches or in public spaces—are important, well-established religious beliefs that Catholics value and cherish as uniquely Catholic practices. These practices should be protected by the First Amendment.

Respectfully submitted,

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