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High school football players are seen in this illustration photo. (CNS photo/Jonathan Ernst, Reu

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Carol Zimmermann

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WASHINGTON — The Supreme Court announced Jan. 14 that it would hear an appeal from a former high school football coach in Washington state who says his rights to freedom of speech and religion were violated when he was fired in 2015 for praying on the football field after team games.

Joseph Kennedy, former assistant coach at Bremerton High School, outside of Seattle, is asking the court to reverse a lower court decision in 2017 that sided with the school district. The decision said Kennedy had acted as a public official by praying with athletes who wished to join him in prayer in view of other students and

parents.

Kennedy first appealed his case to the Supreme Court in 2019. The justices chose not to consider it but didn't rule it out completely. Justice Samuel Alito, joined by Justices Clarence Thomas, Neil Gorsuch and Brett Kavanaugh, wrote in a separate concurrence that the time wasn't right to review the case because it had "unresolved factual questions."

First Liberty, a law firm specializing in religious freedom cases, is representing Kennedy, described on its website as "Coach Joe." It also asks for support for Team Kennedy, saying it's "game on" now at the Supreme Court and it includes a photo of Kennedy in front of the court with a football.

It is not clear if the court will hear oral arguments in this case in April or next term.

Kennedy, who said he made a personal commitment to thank God after each game, win or lose, since he started coaching in 2008, made it a point to kneel by the sideline after the game by himself for quiet prayer. Eventually he was joined in this practice by many of the team members.

One player's parent said their son, an atheist, felt like he had to join in prayer or face potential loss of playing time.

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School district officials told Kennedy to stop the postgame prayers in keeping in line with the Constitution's establishment clause prohibiting the government from favoring one religion over another.

Kennedy asked the school to just give him 15 seconds to kneel on the field for silent prayer when the players were off the field, which the school district officials denied, calling it a violation of policy.

Instead, the school district offered to give the coach a private space to pray or said it would allow him to pray after the crowd had left the stadium.

A description of the case from scotusblog.com, a website about the Supreme Court, said Kennedy's announcement that he would not comply prompted a large group of supporters — including parents, a state legislator, and members of both teams — to

join him at the 50-yard line after a game in October 2015.

After that, the school district placed Kennedy on paid administrative leave. During a performance review, the head football coach said Kennedy shouldn't be rehired because he violated the school district's policy.

Kennedy did not seek to be rehired for the coaching position and instead filed a lawsuit in federal District Court claiming the school district violated his First Amendment rights.

The lower court sided with the school district, which led Kennedy to the Supreme Court in 2019 and again last year, pleading his case, which has gained some national attention.

He told the justices the ruling against him by the U.S. Court of Appeals for the 9th Circuit put the religious expression of hundreds of thousands of teachers "on the verge of extinction" and that its "chilling effects elsewhere around the country are palpable."

Kennedy's lawyers argued that the Supreme Court has long held that teachers and students do not have to give up First Amendment protections while at school.

The Bremerton school district, represented by Americans United for Separation of Church and State, urged the court not to take up the case, saying Kennedy's appeal distorted or ignored facts.

In its brief, it said the school district "faced a stark choice: Either let its employee dictate how school events would be run — even if that threatened the safety and religious freedom of the students -- or take the steps necessary to curb the practice."

The case has friend-of-the-court briefs from 24 states, several religious groups and two former pro football players.

John Bursch, senior counsel and vice president of Alliance Defending Freedom, a religious liberty firm, praised the court's decision to take up this case. In a Jan. 14 statement, he said that if the lower court's opinion remained intact, its "overt hostility to personal religious practice would drum the faithful out of public life."

"We look forward to the Supreme Court considering the arguments in this case and affirming the constitutionally protected freedom of public officials to prayerfully

practice their faith during working hours," he said.