



*(Coach Kennedy on the Bremerton High School football field.*

*Photo credit: First Liberty Institute. May be republished.*

*Access full resolution photos at [CoachKennedyFacts.com](http://CoachKennedyFacts.com) under "Photos and Videos.")*

## **Football Coach Seeks *En Banc* Rehearing Following Extreme, Far-Reaching Opinion by Three-Judge Appeals Panel**

*First Liberty attorneys say future of private prayer hangs in the balance*

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**SEATTLE, Wash.**—Attorneys for First Liberty Institute today filed a petition on behalf of their client, football coach Joe Kennedy, requesting an *en banc* rehearing of Coach Kennedy's case by the U.S. Court of Appeals for the Ninth Circuit. If granted, eleven active Ninth Circuit judges—including the chief judge—would hear Coach Kennedy's case and issue a decision.

"An *en banc* rehearing by the Ninth Circuit is necessary, given the extreme, far-reaching opinion issued by the three-judge panel," Mike Berry, Deputy General Counsel for First Liberty. "If the current decision stands, a teacher could be fired for wearing a yarmulke to school. A coach could be fired for bowing his head in prayer when a player is hurt."

In August, a three-judge panel of the Ninth Circuit held that a school district in Washington state could ban Coach Kennedy from silently praying alone for 15 to 30 seconds following a football game.

"Banning coaches from praying just because they can be seen is wrong and contradicts the Constitution," said Kelly Shackelford, President and CEO of First Liberty. "We hope the Ninth Circuit will recognize the significance of this case. The future of private prayer hangs in the balance."

Coach Kennedy's case has received national attention and support from political and religious leaders, including [President Trump](#) and [Franklin Graham](#).

To learn more about the case, visit [CoachKennedyFacts.com](http://CoachKennedyFacts.com).

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**About First Liberty Institute**

[First Liberty Institute](#) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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