



(Coach Kennedy on the Bremerton High School football field.

Photo credit: First Liberty Institute. May be republished.

Access full resolution photos at CoachKennedyFacts.com under “Photos and Videos.”)

Comeback: Coach Kennedy Returns to Ninth Circuit Seeking Reversal of Decision Preventing Football Coach from Taking a Knee

First Liberty attorneys ask court to again review school district’s decision to not rehire coach because of his silent 15-second prayer in light of Supreme Court instruction

Seattle, WA—First Liberty Institute and Kirkland & Ellis LLP filed an opening brief on behalf of football Coach Joe Kennedy in his appeal to the U.S. Court of Appeals for the Ninth Circuit. In 2015, the Bremerton (WA) School District suspended the longtime football coach for the season and then refused to rehire him because he took a knee in brief, silent, personal prayer after football games. In March, a federal district court ruled against Coach Kennedy.

You can read the brief [here](#).

“Banning all coaches from praying just because they can be seen is wrong and contradicts the Constitution,” said Hiram Sasser, Executive General Counsel at First Liberty. “Coach Kennedy has been denied the freedom to coach for nearly five years, but he’s never been a quitter. We must protect the right of every American to engage in private religious expression, including praying in public, without fear of getting fired.”

In January 2019, the Supreme Court of the United States declined to review the case at that time and instead allowed Coach Kennedy’s case to continue through the court system. In a separate statement written by Justice Alito and joined by Justices Thomas, Gorsuch, and Kavanaugh, the justices explained that the Court needed more information in order to resolve the matter. As the four justices wrote, “the Ninth Circuit’s understanding of the free speech rights of public school

teachers is troubling and may justify review in the future.” The case then returned to the district court for further review where, in January, district court judge Ronald Leighton granted the Bremerton (WA) School District’s motion for summary judgment.

In its brief, attorneys for Coach Kennedy argue, “Discovery has shown that Coach Kennedy’s ‘fleeting’ (the District’s words, not Coach Kennedy’s) personal prayer was directed to God, not others, and did not pose a risk of coercing student involvement in religion. In concluding otherwise, the district court improperly constrained the ability of public-school employees to exercise their Constitutional rights simply because they happen to be in view of students or on school property. In this very case, four justices on the Supreme Court cautioned against such a ‘remarkable’ restriction on the rights of ‘public school teachers and coaches.’”

Coach Kennedy’s case received national attention and support from political and religious leaders including President Trump and Franklin Graham, hall of fame football coach Bobby Bowden, and former NFL players Steve Largent, and Chad Hennings. In January, President Trump invited Coach Kennedy to the Oval Office as he announced new actions to protect religious freedom in America’s public schools.

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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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