

Kennedy v. Bremerton School District

U.S. Supreme Court Case Number: 21-418

FACTS OF THE CASE

Coach Joe Kennedy, an eighteen-year Marine veteran, was an assistant coach for the Bremerton High School varsity football team in Washington state. [E.R.112](#). Before he even coached his first game, the Marine-turned-football coach made a commitment to God that he would give thanks at the conclusion of each game for what the players had accomplished and for the opportunity to be part of their lives through football. [E.R.113-115](#). After the final whistle of games, as players cleared the field, Kennedy would pause, kneel, and offer a brief, quiet, personal prayer lasting between 15-30 seconds. [App.3-4](#).

Initially, Kennedy prayed quietly and alone. [App.4](#). After several games, some students took notice of Kennedy's post-game prayers and asked if they could join him. [E.R.113](#). He told them, "[t]his is a free country" and "[y]ou can do what you want." *Id.* Over time, and if students gathered, Kennedy began offering short motivational speeches to players, ending with a brief prayer. [E.R.114](#). Sometimes no players gathered, and Kennedy prayed alone. [E.R.113](#).

Kennedy's prayers went apparently unnoticed by school officials for seven years. [App.5](#). No students, coaches, or parents had complained about them. [E.R.128](#). When the practice came to school officials' attention, Bremerton School District conducted a fact-finding investigation. [E.R.299](#). The district recognized that students had participated voluntarily in Kennedy's post-game religious expression and that Kennedy had "not actively encouraged, or required, participation." [E.R.299](#). However, the District said that Kennedy must keep his prayers "physically separate from any student activity." [E.R.301](#).

In compliance with the district's directive, Kennedy immediately ceased praying with BHS students. [App.6](#). Kennedy, through counsel, sent a letter to the district formally requesting a religious accommodation under Title VII to kneel to say a brief personal prayer on the field after football games concluded. [E.R. 258-63](#). The district acknowledged that Kennedy's religious exercise was "fleeting," [E.R. 99](#), and that the only issue now in play was whether Kennedy had a "right to conduct a personal, private prayer," [E.R. 267](#). However, the district denied Kennedy's request for accommodation. [E.R.98-100](#). Instead, the district issued a sweeping new ban prohibiting Kennedy, or *any* other employee, from engaging in *any* "demonstrative religious activity," either silently or audibly. [E.R.100](#). The only "accommodation" the district offered was for Kennedy to pray in a "private location within the school building, athletic facility[,] or press box." [E.R. 100](#).

After the district's denial of Kennedy's request for an accommodation, Kennedy—unwilling to break his commitment to God—kneelt alone to offer a brief, silent prayer at the 50-yard line after the next football game. [App.224](#). After this game, the district said Kennedy's actions "moved closer to what we want," but are "still unconstitutional." [E.R.44](#). After the next football game, Coach Kennedy again knelt to say a brief, silent prayer. [App.181](#). Two days after the game, the district placed Coach Kennedy on administrative leave and barred him from coaching for "kneel[ing] on the field and pray[ing]" following the previous two football games. [E.R.318](#); [E.R.102-05](#).

WHY THIS CASE MATTERS

- The school district fired Coach Kennedy for taking a knee and praying a silent, 15-30 second prayer. They wouldn't have fired him for taking that time to make a personal phone call or tie his shoes. Punishing him for one but not the other is explicit religious discrimination.
- Banning a coach from praying, just because he can be seen by the public, is wrong and violates the Constitution. No American should be forced to choose between their faith and the job they love.
- Coach Kennedy has fought—first as a U.S. Marine, then as a coach—to ensure that every American has the right to engage in individual religious expression without fear of getting fired.

WHY WE FILED A LAWSUIT

- To do as the school district demands—to stop praying or hide in a press box—would send a message that prayer is wrong and something that should be hidden. Coach Kennedy can't, and won't, send that message.

WHAT WE HOPE HAPPENS NEXT

- For almost seven long years, Coach Kennedy has been banned from coaching the game and players he loves. All we are asking—and all we have ever asked—is for Coach Kennedy to be allowed to pray alone at the 50-yard-line at the end of games.

COUNSEL INFORMATION

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