



Written by [Raven Clabough](#) on August 29, 2017

## Ninth Circuit Court Rules Against Praying Football Coach

While most of America and the mainstream media were preoccupied with the events in Charlottesville last week, the Ninth Circuit Court of Appeals quietly issued an unconstitutional ruling against a Bremerton, Washington, high-school football coach named Joe Kennedy, who is in legal trouble for praying publicly on his school's football field.



A three-judge panel for the U.S. Ninth Circuit Court of Appeals, possibly the most liberal and overreaching court in the country, ruled against Coach Kennedy for his practice of kneeling at the 50-yard line immediately after every football game and engaging in a brief prayer. Kennedy has been doing this since his first season as coach in 2008, and though his prayers were initially done alone, after just a few games some of the members of his football team began to join him voluntarily. Eventually, members of the opposing team would even join in the aftergame prayers.

Coach Kennedy became a popular mentor to the young boys. *The Blaze* reports, "He began giving short motivational speeches at midfield after the games. Students, coaches and other attendees from both teams were invited to participate." His speeches often included religious content, but they always took place after the games and were attended voluntarily, without mandate.

When the Bremerton School District officials learned that Kennedy had also begun leading pre-game prayers in the locker room, they told him to discontinue this behavior, and that any motivational speeches given by him must be secular in nature.

Furthermore, the school officials stated that any religious activity involving students must be completely student-initiated, and that Kennedy's act of taking a knee on the 50-yard line amounted to initiating religious action and encouraging his players to do the same.

Kennedy initially adhered to the district's instructions by making sure his speeches were secular and waiting until the stadium was completely empty before praying on the 50-yard line. But after a few weeks, he asked his attorney to send the district a letter to allow him a religious accommodation under the Civil Rights Act of 1964 so that he might continue his post-game prayer at the 50-yard line. The letter informed the district that he would resume his post-game prayers at the school's October 16, 2015 game.

On October 16, immediately following the game, Coach Kennedy did as he had said he would and knelt



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to pray. In a mass show of support from the local community following Kennedy's battle with the school district, coaches and players from the opposing team, as well as fans and members of the local media, took a knee with him to pray.

This continued several more times before the school district officials placed Kennedy on administrative leave for violating their directives. With the help of the First Liberty Institute, Kennedy brought a lawsuit against the district in response. "Whether you are liberal or conservative, whether you are a person of devout faith or no faith at all, we should all seek to defend the right to free speech," said First Liberty senior counsel Michael Berry last year. "It's central to our American identity as a diverse, pluralistic society, where we foster the free exchange of ideas."

However, the Ninth Circuit Court of Appeals did not uphold Kennedy's First Amendment rights. In fact, the court ruled that his behavior was not constitutionally protected because he acted "as a public employee, not as a private citizen."

Despite the continuous show of support Kennedy has received from the community, the court ruled that his behavior "can promote disunity along religious lines, and risks alienating valued community members from an environment that must be open and welcoming to all."

The atheistic organization Americans United for Separation of Church & State celebrated the court's ruling. "Students and families have the right to decide whether and how to practice their faith," the group said.

Conservative pundit Ben Shapiro noted the hypocrisy of the Left here, referencing a story from earlier this year involving a school in California where kindergarteners were taught about transgenderism and exposed to a transgender reveal ceremony without parental notification or permission:

A five-year-old can be taught by their teacher without parental permission that he is a she, but a 15-year-old cannot have the option of praying at the 50-yard line with a coach. That's an agenda folks — that's not about protecting the innocence of children. It's about depriving them of certain types of choice that they don't like and giving them the types of choice they do like. And when I say types of choice, I mean screwing them up permanently in many cases because it is important to promulgate a leftist view of social politics. That's scary stuff.

As *Townhall* has observed, cases that come before the Ninth Circuit Court of Appeals are overturned 80 percent of the time, so there is some hope that this disturbing ruling will not remain in place.

Image of Coach Kennedy praying with players: [Screenshot from Facebook video](#)



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