

## Student Handout

### *Kennedy v. Bremerton*

#### Facts of the Case

- Joseph Kennedy, a high school football coach, often gave motivational speeches to his players after games. Sometimes the speeches had religious content.
- His employer, the Bremerton School District, warned him that his religious speeches violated the establishment clause under the First Amendment.
- Kennedy instead began to kneel midfield and quietly pray by himself for about 30 seconds. Sometimes, players from both teams would join in on the prayers.
- The school district told Kennedy he could pray, but that his prayers needed to be “nondemonstrative” (so no one could tell he was praying) or out of sight of students.
- Kennedy continued his after-game prayers on the football field. The school district placed him on administrative leave.

#### Arguments Made in Lower Courts

Take a look at the arguments each side made in the lower courts. This could help you think about arguments and questions you might use.

##### Attorneys for Kennedy

- Kennedy never demanded that students join him in prayer.
- Kennedy’s quiet, post-game prayers were not government speech just because he was “on duty.”
- The school district wrongfully restricted his private religious practice and should have remained neutral.

##### Attorneys for Bremerton School District

- The school district properly restricted his speech because he was on duty at a school-sponsored event.
- Kennedy’s rights to free speech and to free exercise of religion were not violated because his prayers were not private.
- Kennedy’s prayers after games gave the impression that the school endorsed his prayers.

#### Question Before the Court

*Did the school district violate Kennedy’s rights to free speech and free exercise of his religion when it placed him on leave?*

#### To Prepare for the Case

**Attorneys for Kennedy:** You believe the school district violated Kennedy’s rights to free speech and free exercise of his religion. Create arguments to convince the justices that the school district wrongfully restricted Kennedy’s post-game prayer.

**Attorneys for Bremerton School District:** You believe the school district did *not* violate Kennedy’s rights to free speech and free exercise of his religion. Create arguments to convince the justices that the school district rightfully restricted Kennedy’s post-game prayer.

**Justices of the U.S. Supreme Court:** Create at least three questions to ask each side to help you determine the case.

