

US Supreme Court rules in favor of public school officials pressuring students to participate in Christian prayer

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Yesterday the US Supreme Court handed down a decision in favor of a football coach who held disruptive, provocative religious ceremonies at the 50-yard line after high school football games, during which he would surround himself with kneeling students.

The Supreme Court's decision, which comes on the heels of the decision Friday abolishing the constitutional right to abortion, is a direct assault on the separation of church and state.

The decision was issued by the far-right bloc consisting of Neil Gorsuch, Amy Coney Barrett, Brett Kavanaugh, Samuel Alito, John Roberts and Clarence Thomas. The remaining three justices—Sonia Sotomayor, Stephen Breyer and Elena Kagan—filed a dissenting opinion.

The lawsuit in question was filed by Joseph Kennedy, who was hired in 2008 by the Bremerton School District in the suburbs of Seattle, Washington, to serve as a part-time assistant coach for the varsity football team at Bremerton High School and as head coach for the junior varsity team.

The Seattle area in particular has a national reputation for cultural and religious tolerance. Documents filed in *amicus* (friend of court) briefs in the Supreme Court in advance of yesterday's decision indicate that Kitsap County, where the district is located, is home to "Baha'is, Buddhists, Hindus, Jews, Muslims, Sikhs, Zoroastrians, and many denominations of Christians," as well as "numerous residents who are religiously unaffiliated." The county has 5,000 public school students, together with more than 300 teachers and 400 non-teaching personnel.

The school district's written policy, like many throughout the US, provides that "religious services, programs or assemblies shall not be conducted in school facilities during school hours or in connection with any school sponsored or school related activity." The policy requires secular neutrality: School officials cannot endorse or denounce any particular religion while acting in their official capacities.

Kennedy, while acting in his official capacity, developed a practice of forming Christian prayer circles at the 50-yard line after football games in flagrant violation of this policy. At the

center of the circle, surrounded by kneeling students, Kennedy would hold a football helmet in the air and lead the students in prayer in full view of the assembled parents and as well as the students of the opposing team.

Students playing for the team were pressured to participate in these religious ceremonies led by Kennedy. As the dissenting justices noted in their written opinion, "several parents reached out to the District saying that their children had participated in Kennedy's prayers solely to avoid separating themselves from the rest of the team."

Kennedy was in a position of authority over the students and had the power to make decisions that affected their participation in the sport. Meanwhile, it is well understood that juveniles do not have the same powers of resistance as adults when it comes to pressure from people in positions of authority, making the students subjected to these "prayer circles" especially vulnerable.

Having formed a religious cult of sorts around himself, Kennedy evidently developed into a sort of local rallying point for Christian fundamentalists. Before one game, "Kennedy made multiple media appearances to publicize his plans to pray at the 50-yard line, leading to an article in the *Seattle News* and a local television broadcast about the upcoming homecoming game."

At that game, Kennedy's prayer circle was joined by staff and students from the opposing team. "Television news cameras surrounded the group" while members of the public "rushed the field to join Kennedy, jumping fences to access the field and knocking over student band members."

The school district attempted to take steps to address the problem, correctly believing that under well-established American constitutional law, the district could not be seen as officially endorsing any particular religion. The district made patient efforts to accommodate the coach by offering to move his prayer sessions to a secluded and private area. But the coach arrogantly and stridently refused to stop the practice, leaving the district no choice but to ultimately suspend him—fearing that if they did not, the district could be rightfully sued by parents who were opposed to their children being pressured to

participate in religious ceremonies.

The coach, backed by religious fundamentalists and doubtless emboldened by a long string of reactionary decisions by the Supreme Court, sued the district for reinstatement, claiming that his “religious liberty” had been violated. The Supreme Court rewarded him yesterday with a decision in his favor, provocatively claiming that he was “fired for praying.”

The Establishment Clause of the First Amendment, part of the 1791 Bill of Rights, prohibits state and local governments from adopting laws “respecting an establishment of religion.” In the words of Thomas Jefferson, this clause was designed to erect a “wall of separation” between the government and religion.

The Supreme Court itself has long acknowledged that this clause “commands a separation of church and state,” meaning that the government cannot sponsor, provide financial support for, or actively promote religious activity or any particular religion.

This is especially true of the public school system. In public schools, the government has at its mercy masses of young people who are vulnerable to pressure and whose attendance is required by law, and where government officials have the power to discipline and punish students for not following their instructions. Meanwhile, students tend to trust and admire their teachers, whom they are encouraged to see as role models and reliable sources of knowledge.

The convergence of these factors has made the schools a frequent target of religious fundamentalists over the last century and a frequent battleground for litigation over the Establishment Clause. In an earlier period, the Supreme Court frequently beat back right-wing efforts to convert the public schools into facilities for religious indoctrination. As the Supreme Court wrote in 1948, the government cannot use “its public school system to aid any or all religious faiths or sects in the dissemination of their doctrines and ideals.”

In a protracted process over the recent decades, the Supreme Court has eroded and weakened these protections, frequently invoking the “religious liberty” of Christian fundamentalists to impose their views on others.

Under the tendentious and upside-down reasoning that the Supreme Court has invoked in these recent cases, the freedom from religious discrimination becomes the “freedom” of religious zealots and provocateurs to discriminate and impose their religion on others. In an infamous case in 2018, for example, the Supreme Court upheld the “religious liberty” of an anti-gay bigot to refuse to bake a wedding cake for a gay couple.

As a result of yesterday’s decision, in the words of the dissenting justices, the protections provided by the Establishment Clause in this area have been rendered “nearly toothless.”

Yesterday’s decision, heavy-handed and ham-fisted like all of the writings emanating from this bloc of would-be inquisitors, is one of a rapid series of wrecking-ball strikes

directed at the whole edifice of democratic reforms recognized by the Supreme Court over the last century.

Like pirates who have commandeered a ship and hoisted the Jolly Roger, this bloc functions as a political gang attacking democratic rights across the board and overthrowing the Supreme Court’s own traditions, history and precedent.

Half of this six-justice bloc—Gorsuch, Barrett and Kavanaugh—are appointees of a president who attempted to violently overthrow the government in January of last year. A further two—Alito and Roberts—were appointed by a president who was installed after the Supreme Court interfered in an election and stopped the counting of votes in 2000. And the most senior member of the gang, the notoriously corrupt Clarence Thomas, has used his position on the Supreme Court to shield his wife, a fascistic operative and agitator who was closely tied to Trump’s January 6 conspiracy.

On Thursday of last week, the same six-justice bloc declared that a New York state law restricting the issuance of permits to carry a concealed weapon was “unconstitutional.” With the Rittenhouse murders and the January 6 coup attempt in the background, together with a spate of school shootings, this ruling was handed down with a wink to the violent right-wing extremist and fascist militias organized around Trump.

On the same day, the Supreme Court handed down a decision that prevents victims of police misconduct from filing lawsuits, in cases where the police fail to give the victim a *Miranda* warning.

On Friday of last week, the Supreme Court abolished the constitutional right to abortion, a historic and brutal assault on democratic rights. The same week, the Supreme Court handed down a decision essentially forcing the state of Maine to fund private religious schools.

Together with the decision Monday, these last three decisions are an open invitation for Christian fundamentalists to use the repressive apparatus of the state to enforce compliance with their doctrines.

All together, these decisions reflect a political establishment and social order that is more and more openly hostile to democratic forms of rule while it mobilizes all available forces of reaction and repression in the face of a mounting threat from below.



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