

Supreme Court is a Danger to Separation of Church and State

The Supreme Court is poised to deal yet another blow to Americans' freedom of and from religion, and may forbid public school districts from taking measures to protect students who are pressured into participating in Christian prayer. The GOP has long pushed to codify privileges for Christians into U.S. law — and school prayer is high on its wishlist — despite the fundamental separation of church and state guaranteed by the Constitution.

Agreeing to take the case is an aggressive political move

High school students in Washington state's Bremerton School District felt repeatedly pressured to pray at the 50-yard line with their football coach, Joseph Kennedy, who conducted group prayers at every game. The Bremerton School District took appropriate and necessary action to protect the religious rights of its students enshrined in the Constitution. At multiple points, the school district offered Kennedy a private space for prayer where students wouldn't feel coerced into participating, but he refused and insisted that he was entitled to pray out loud, with students, in the center of the field. He was put on leave by the district and his contract was not renewed. Kennedy sued, and both the district court and the Ninth Circuit ruled for the school district, under well-settled precedent.

The separation of church and state, the religious freedoms of public school students, and our constitutional rights are all at stake in this case. Kennedy threatens long-standing legal principles. School-sponsored religion violates the Establishment Clause of the Constitution and tells religious minorities in the audience "that they are outsiders, not full members of the political community."¹ No student should have to be made to feel like an outsider by the institution that is charged with nurturing them. Decisions about whether, when, and how to pray should be made by students and their families — not teachers, coaches, or school officials.

Taking up the case gives the Court the opportunity to allow government-sponsored Christian prayers in public schools. A ruling for the petitioner would be a radical departure from the accepted standard supported by both liberal and conservative Justices for decades. A broader ruling could upend long standing precedent on government speech and apply to all government employees.

We need to expand the Court to protect the separation of church and state and ensure that religious minorities are protected

The Court's desire to undermine the foundational American principle separating church and state and create a Christian-privileged nation did not start and will not end with Kennedy. Already in the 2021 term, the radical Court forced public school districts in Maine to fund tuition at private religious high schools in *Carson v. Makin*. Next term, it will hear a case that could dismantle state anti-discrimination statutes protecting LGBTQ+ people under the pretense of protecting Christian speech (*303 Creative v. Elenis*). We cannot allow the Court to privilege one religion above others, discriminate against the religious liberties of public school students, and create a nation with no meaningful separation between church and state. We must expand the Court today to stop our country's highest judicial authority from imposing an extremist religious agenda.

¹ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)).