

Congress of the United States
House of Representatives
Washington, DC 20515

October 27, 2015

Aaron Leavell
Superintendent, Bremerton School District
134 Marion Avenue N.
Bremerton, WA 98312

John Polm
Principal, Bremerton High School
1500 13th St.
Bremerton, WA 98337

Dear Superintendent Leavell and Principal Polm,

We write to express our concern over reports that the Bremerton School District views Coach Joseph Kennedy's tradition of quietly praying at the fifty yard line after the conclusion of school football games as unlawful under the Establishment Clause of the United States Constitution.

Among the most basic rights that Americans enjoy are the free exercise of religion, free speech, and the freedom of association. The Establishment Clause exists to ensure that the government cannot affirmatively impose or elevate one religion over another. However, it does not prohibit the government from referencing religion altogether, nor does it require that government officials proactively scrub all references of religion from the public square. Rather, the Establishment Clause ensures both that the government does not show preference to a certain religion, and that the government does not take away an individual's ability to exercise religion.

The Supreme Court recently stated, "It is an elemental First Amendment principle that government may not coerce its citizens to support or participate in any religion or its exercise." *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014). The Court went on to state that "an Establishment Clause violation is not made out any time a person experiences a sense of affront from the expression of contrary views . . ." *Id.*

These guiding principles from the Court were written in the context of a challenge to a small town's practice of opening legislative sessions with prayer. The challengers did not like that most of the prayers offered were Christian in nature, even though participation was voluntary and anyone was welcome to offer a prayer. However, the Court rejected the feeble argument that a reasonable observer would believe that the government was favoring Christianity over other religions. The content of what was volunteered was irrelevant, so long as all were welcome.


These crucial principles are no less applicable here. The Supreme Court has made clear that the voluntary observance of a brief prayer at the beginning of a legislative session—a tradition that is also embraced by both the United States Senate and House of Representatives—does not in and of itself present an Establishment Clause problem. Likewise, the mere act of a single individual kneeling alone after the conclusion of a game to quietly pray coerces no one, even when that individual is a school employee. That others may choose to join him of their own free will is irrelevant, and an exercise of their own constitutional freedoms.

The District acknowledged in its letter to Coach Kennedy's legal counsel that he "is free to engage in religious activity, including prayer, even while on duty, so long as doing so does not interfere with

performance of his job duties, and does not constitute District endorsement of religion.” We would urge you to also consider the fact that Coach Kennedy’s personal actions are not only non-coercive, but also admirable and respectable as they represent his commitment to the welfare of the young men on his team.


The Establishment Clause does not require quarantining private, non-coercive religious expression to private quarters or off-duty hours. Thank you for your service to the students and families of Bremerton.

Sincerely,


J. RANDY FORBES (VA-04)
Member of Congress
Co-Chair, Congressional Prayer Caucus


JAMES LANKFORD (OK)
United States Senator
Co-Chair, Congressional Prayer Caucus


JAMES M. INHOFE (OK)
United States Senator


STEVE DAINES (MT)
United States Senator



DAN NEWHOUSE (WA-04)
Member of Congress


ROBERT ADERHOLT (AL-04)
Member of Congress

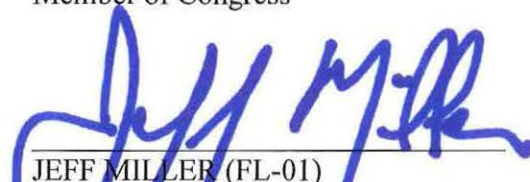

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Member of Congress

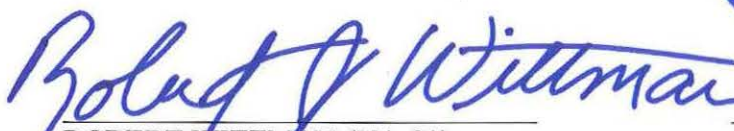

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Member of Congress


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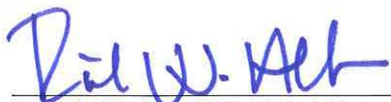

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GLENN “GT” THOMPSON (PA-05)
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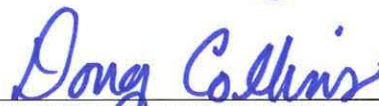
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Member of Congress



DOUG COLLINS (GA-09)
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WALTER JONES (NC-03)
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DAVID ROUZER (NC-07)
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JODY HICE (GA-10)
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B. MARK WALKER (NC-06)
Member of Congress



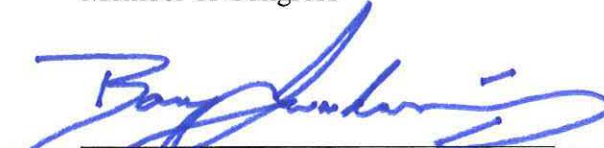
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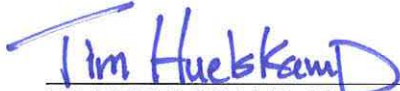
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TRENT KELLY (MS-01)
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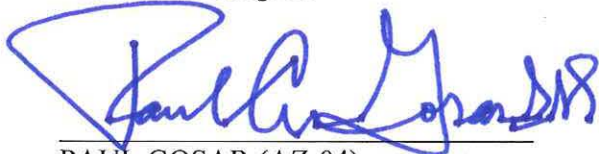
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Member of Congress



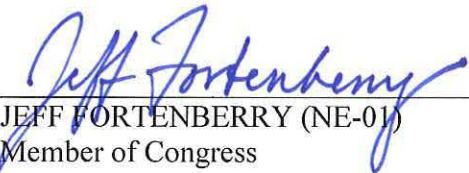
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RYAN ZINKE (MT)
Member of Congress



JEFF FORTENBERRY (NE-01)
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