

Coach Fired for Praying Will Benefit From This

The open expression of Christian viewpoints and your faith is under attack. A high school football coach in Bremerton, Washington, was fired for silently praying on one knee after every football game.

And in Boston, it is perfectly acceptable to burn a U.S. flag and to raise the Communist China flag to celebrate Mao's bloody revolution but raising a "Christian" flag is forbidden.

On Jan. 18, I presented oral argument at the Supreme Court in *Shurtleff v. City of Boston* that will impact both cases and will set national precedent.

In *Shurtleff*, I argued that Boston violated the Constitution by censoring a private flag raising in a public forum open to "all applicants," merely because the application referred to the flag as "Christian." We represent Boston resident Hal Shurtleff and his civic organization, Camp Constitution.

Shurtleff and Camp Constitution asked the city in 2017 for a permit to celebrate Constitution Day and to raise the Christian flag on one of Boston City Hall's public forum flagpoles to recognize the Christian contributions to Boston and the Commonwealth.

After 12 years with 284 flag-raising approvals, no denials and usually no review, one word caught the attention of a Boston official—the word "Christian" *on the application*. The flag itself was not the problem. Had it been called anything but Christian, the same flag would have flown for an hour without incident.

Boston's written and advertised policy does not limit the flagpoles to certain subject matters or speakers. All

viewpoints are welcome—except religious viewpoints. In fact, the policy places religion in the same category as speech deemed inappropriate, offensive, supporting prejudice or discrimination.

During oral argument, the high court appeared to reject Boston's argument that it could discriminate against Christian viewpoints in its "public forums" open to "all applicants." The court will release its opinion by June 2022.

After reviewing the briefs for our Shurtleff case, the Friday before my oral argument, the high court announced it will take up the case of Kennedy v. Bremerton School District, in which *the school district, like Boston, discriminated against religious speech and fired the coach.*

In 2008, Coach Joe Kennedy promised God he would pray and give thanks after each game he coached, regardless of the outcome. He would simply drop to one knee and "offer a silent or quiet prayer of thanksgiving for player safety, sportsmanship, and spirited competition." He did this for years without any complaints, and members of the community and players often joined him.

In 2015, the district ordered Kennedy to stop, stating his practice violated the Establishment Clause. This is the same false argument Boston used to unlawfully discriminate against Camp Constitution in our case. The Bremerton School District fired him.

In 2019, the Supreme Court declined to review the coach's case, but four justices signaled that the court would be open to hearing the case, writing, "The 9th Circuit's understanding of the free speech rights of public-school teachers is troubling and may justify review in the future."

Coach Kennedy returned to the Supreme Court in September 2021, and on Jan. 14, 2022, the court agreed to take up the case.

The precedent that will be set by the Supreme Court in our *Shurtleff v. City of Boston* case could impact generations for decades and will certainly impact the fate of Coach Kennedy.

“You are the light of the world. A city set on a hill cannot be hidden. Nor do people light a lamp and put it under a basket, but on a stand, and it gives light to all in the house” (Matt. 5:14-15, ESV). {eo}

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